



# BERKS COUNTY *agricultural land* PRESERVATION BOARD

Berks County Agricultural Center  
1238 County Welfare Road, Suite #260  
Leesport, PA 19533  
(610) 378-1844 Fax (610) 378-7983  
www.countyofberks.com/dept/deptofag

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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 November 18, 2020 Meeting

The Berks County Agricultural Land Preservation Board (Board) held a regular monthly meeting on Wednesday, November 18, 2020 at 7:30 PM via virtual platform “**Microsoft Teams**.” David Phillips, Chair, called the meeting to order. Board members present included James Coker, Robert Kopfer, Jeremy Meck, 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 October 28, 2020 meeting, as drafted. (J. Coker, R. Kopfer)

**Discussion:** None

**Vote:** Motion approved.

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

- T. Hildebrand reported a change for Docket #0336 listed under section H. since the report was initially distributed. This docket will not be included on the December 10<sup>th</sup> State Board meeting agenda as expected due to a title issue that will hopefully be resolved for its resubmission for the February 18, 2021 State Board meeting.

### **IV. OLD BUSINESS**

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

- T. Hildebrand reported that due to the recent increase in COVID-19 cases, the Secretary of Agriculture was notified that he may not attend Public events. The Board determined that due to these circumstances it would be prudent to delay a celebration until after vaccines are available and restrictions are loosened, which hopefully may be in the spring of 2021.
- The Board discussed the previous suggestion of having a *Reading Eagle* reporter or the County’s Public Relations Officer, Stephanie Weaver, produce one or a series of articles regarding the ACE Program reaching this milestone. T. Hildebrand will contact Stephanie and the *Reading Eagle*.

#### **B. Update: Subcommittee Meeting Schedule**

- T. Hildebrand suggested that the Subcommittee meet on December 4<sup>th</sup> because many of the members responded that they were available to attend the celebration. The Subcommittee members will meet virtually at 10 AM; Hildebrand will forward **Microsoft Teams** invitations before December 4<sup>th</sup>.

## V. NEW BUSINESS

### A. Conveyance Report

- Transferred – Concerns noted:
  - Settlement # 152.0 – A. Burkard-Sell is working with the Attorney to file a corrective deed, and therefore, she is not requesting action from the Board currently.
- Transfers - Resolved:
  - Settlements #660.0 and #72.0 – these incorrect transfers were resolved.

### B. Changes in the ACE Program Guidelines

- The Board recognized previously-approved changes to the ACE Program Guidelines: the addition of Act 33 language accepted by the Board on September 25, 2019; and, the Selection of Applications accepted by the Board on April 29, 2020.
- Proposed changes to the Land Evaluation Site Assessment (LESA) Ranking are:
  - To combine previously split Historic Qualities:
    1. Historic Qualities: Site or adjacent site has a historic barn or structure built before 1960 that is listed on the National Historic Register. Site or adjacent site is a Century or Bicentennial Farm. Site located within a city or town that has corporate status as a local government that is listed on the National Historic Register, i.e. Oley Township.
      - a. Yes = 5 points
      - b. No = 0 points
  - To split previously combined Scenic and Environmental Qualities:
    1. Scenic Qualities: Observed distance to Federal, State and County owned recreation area as defined in the Berks County Open Space and Recreation Plan.
      - a. Less than 1 mile = 5 points
      - b. 1 mile or more = 0 points
    2. Environmental Qualities: County recognized wildlife sanctuaries, as defined in the Berks County Open Space and Recreation Plan. Recognize recorded perpetual conservation easements intended for the protection of non-agricultural, wooded and wetland area located within the subject property or adjacent to the subject property for the purpose of long-term improvement of water quality. Recognize PA DEP streams classified as Exceptional Value (EV) and High Quality (HV) located within the subject property or adjacent to the subject property for the purpose of the long-term improvement of water quality.
      - a. Site or property adjacent to site = 5 points
      - b. Not on site or not on property adjacent or site = 0 points
  - D. Phillips questioned the weight that these proposed changes would carry within the LESA Ranking. Hildebrand stated that these factors are included in the Farmland Potential section, which is 20% of the score. Combining the Historic Qualities would be awarded 5 points or a weight of 1, while the Scenic Qualities and the Environmental Qualities would each be awarded 5 points or a weight of 1.

**Motion: A motion was made to approve the proposed changes to the Historic and Scenic & Environmental Qualities factors of the ACE Program Guidelines, as submitted. (J. Coker, L. Swartley)**

**Discussion:** C. Myers inquired if these factors were created by the Board or were these factors encouraged by the State. He also asked how much time it will take to rank the Environmental Qualities factors. Hildebrand explained that these factors have been included

in the LESA Ranking and are allowed by State regulation. The proposal is to combine two factors that have not benefited many applicants and split, and expand, two factors that would benefit more applicants. There is GIS data available to locate EV and HQ streams, however her concern is the time it may take to search for the properly recorded perpetual conservation easements.

**Vote: Motion approved.**

C. Proposed 2021 BCALPB Meeting Calendar

- The Board reviewed the proposed 2021 meeting calendar and was satisfied with the suggested dates.

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

- The Board will review two Appraisals, Dockets #2012 and #1615, listed under section K. in 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 #2012 and #1615. (R. Kopfer, S. Mohn)**

**Discussion: None.**

**Vote: Motion carried unanimously.**

**VI. EXECUTIVE DIRECTOR'S REPORT**

A. Easement Modification Request

- Settlement #153.0 landowners Larry and Janita Brubaker submitted a request to construct an addition of a 3,000 square foot 3-bay garage that will be attached to the existing house. This proposed addition to a personal structure is allowed within the curtilage of the property and is compliant with the deed of easement.

B. Board member reappointments

- At its November 12<sup>th</sup> meeting, the Board of Commissioners reappointed Dave Phillips as Chair of the Board for 2021 and reappointed Jim Coker for another three-year term.

**Motion: A motion was made to redirect the annual use of the total Interest Collected from the Berks County Clean and Green Rollback Tax Penalties from agricultural conservation easement purchases to monitoring, enforcement, and conservation planning. (J. Coker, L. Swartley)**

**Discussion: None.**

**Vote: Motion carried unanimously.**

**Motion: A motion was made to nominate James Coker as Vice Chair of the BCALPB for 2021. (C. Myers, R. Kopfer)**

**Discussion: None.**

**Vote: Motion carried unanimously.**

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

- J. Coker asked if the staff was made aware that the Hoover's are going to be modifying the building where their welding shop is located; Oley Township approved yesterday. Coker volunteered to visit the farm and inform the Hoover's to contact our office.

- D. Phillips asked when letters to Active Applicant interested in continuing their applications will be mailed. Hildebrand reported that A. Burkard-Sell will be mailing them in the next week or two. For convenience, the letters will include a self-addressed stamped envelope for the forms to be returned.
- Myers suggested that the Board's Subcommittee or some Board members, along with staff members, conduct frequent meetings with the Planning Commission's Director, with some of its Board and staff members beginning in early 2021. T. Hildebrand will contact D. Hunter, the Planning Commission's Executive Director, to schedule a meeting.

**Motion: A motion was made to adjourn the meeting at 9:00 PM.**

**(R. Kopfer, J. Meck)**

Respectfully submitted,

*Signature on file.*

Tami S. Hildebrand

Executive Director