



1238 County Welfare Road | Leesport, PA 19533 | 610/372-4657 | www.berkscd.com

Monthly Board Meeting Minutes

Mission Statement: "Dedicated to the encouragement and instruction of the wise stewardship of the soil and waters of Berks County, so that the present and future generations may have healthy land on which to live and work, and clean water for drinking and recreation."

Date Wednesday, May 31, 2023

Time 1:00 p.m.

Location Berks County Agricultural Center, 1238 County Welfare Road, Leesport, PA

The meeting was called to order at 1:00 p.m.

Pledge the Flag

Public Comment

Presentation – Jack Anton, Urban Resource Conservationist

Attendees:

Directors

Jason Bailey, Larry Gelsinger, Larry Kehl, Commissioner Christian Leinbach, Glenn Seidel, Piper Sherburne

Associates Directors

Geoff Price

Cooperating Agencies

- ❖ Farm Service Agency – Jessica Gerhart
- ❖ Department of Environmental Protection (DEP) – Lauren Shaffer
- ❖ Berks County Farm Bureau – Larry Gelsinger
- ❖ NRCS – Nick Ramsey
- ❖ Penn State – Sarah Frame

Berks County Conservation District Staff

Dean Druckenmiller, Tammy Bartsch, Joshua Hanna, Jack Anton

Guests

Elwood Blake

Approval of Minutes of Previous Board Meeting

A motion was made to approve the minutes from the April 26, 2023, Board Meeting by J. Bailey, seconded by L. Gelsinger, motion carried, with no comment

Approval of Payment of Bills

A motion to pay the bills was made by J. Bailey, seconded by L. Gelsinger, motion carried, with no comment

Correspondence

Cooperating Agency Reports

Committee Reports

Admin Tech - No meeting

RMC - No actionable items



Monthly Board Meeting Minutes

Workshop Conference Call

A motion was made to amend the amount from the meeting motion from \$11,700 to \$11,991.45 and to approve the minutes from the May 10, 2023 meeting by J. Bailey, seconded by L. Gelsinger, motion carried, with no comment

Dirt, Gravel Low Volume

A motion was made to approve the following four Low Volume Road Projects:

- Berks Road, Berks County in the amount of \$40,000.00
- Siegfried Road, Maxatawny Township in the amount of \$3,295.00
- Dry Hollow Road in Tulpehocken Township in the amount of \$88,386.00
- Pheasant Road in Bechtelsville in the amount of \$25,000.00

By L. Gelsinger, J. Bailey, motion carried, with no comment

Legislative Committee – *Larry Kehl*

ACAP Committee – *Dean Druckenmiller*

A recommendation was made by the ACAP committee that bid bonds will be required for all projects \$250,000.00 or higher.

A motion was made that bid bonds be required for all projects \$250,000.00 or higher by L. Gelsinger, seconded by J. Bailey, motion carried, with no comment

Old Business

A *SWAG Bus*

B *New Office Space / Floor Plan*

C *Affiliate Memberships*

New Business

PACD Update

2023 Spring Leadership Webinars – webinars are from Noon – 1:00 pm – registration required

- June 7, 2023 – Act 217: Conservation District Law – Review the history of conservation districts; PA Act 217; the powers of the conservation districts; the legal, governance and fiduciary responsibilities of the district boards.
- June 21, 2023 – State Conservation Commission & PA Department of Environmental Protection Overview – overviews of the SCC and DEP programs for conservation districts.
- June 28, 2023 – Applicable Laws for Conservation Districts – overview of Applicable Law and Policies for Conservation District Administration, including Sunshine Law, Ethics Act and Right to Know Law.

PACD Videoconferences

06/27/2023 10 am – 11 am PACD Legislative Committee

06/29/2023 10 am – 11 am PACD Conservation Committee

07/06/2023 10 am – 11 am PACD Education and Outreach Committee

07/13/2023 10 am – 11am PACD Ways and Means Committee

07/14/2023 1:30 pm – 2:30 pm PACD Operations Committee

07/19/2023 – 07/20/2023 PACD SCC Joint Annual Conference, Harrisburg, PA

10/26/2023 PACD South East Region Meeting, Henning’s Market, 9:30 am- 12:00 pm

COVID/COOP

A motion was made to suspend the policy by J. Bailey, seconded by L. Gelsinger, motion carried, with no comment



Monthly Board Meeting Minutes

Watershed Coordinator Grant Renewal

A motion was made to have the Secretary to the Board of Directors sign a Resolution for the renewal of the Watershed Coordinator Grant by J. Bailey, seconded by L. Gelsinger, motion carried, with no comment

Signature Needed

A motion was made to sign the Dirt, Gravel and Low Volume Road 5-year agreement by J. Bailey, seconded by G. Seidel, motion carried, with no comment

Return on Environment for Berks County – Steering Committee invite

Upcoming Events, Conferences, and Training:

- **04/26/2023 – 04/28/2023 Pennsylvania Land Conservation Conference 2023, DoubleTree, Reading**
- 04/27/2023 Legislative Breakfast, 7:30 am – 10:30 am
- **04/28/2023 High School Envirothon**
- 05/06/2023 2nd Annual Conservation Celebration, 11 am – 3 pm, the event is free
- **June 28, 2023 – Annual Lunch and Board Meeting – Kauffman’s BBQ Restaurant, Bethel**
- 06/28/2023 – 06/30/2023 Don Hartman Conservation Leadership School
- **07/31/2023 Annual Awards and Scholarship Dinner, Oley Fairgrounds, details to follow at a later date**

Nutrient Management Plans Amendments

Name	Municipality	Animal Type & Numbers	Acres	Plan Type	AEU	AEU/Acre	Reviewer
Dennis Musser	Bethel Twp	46,000 Broilers	9	CAO	97.31	10.81	Overstreet

A motion was made to approve the Nutrient Management Plan of Dennis Musser by L. Gelsinger, seconded by J. Bailey, motion carried, with no comment

The delegated conservation district shall approve, modify or disapprove any NMP within 90 days of receipt of the complete plan.

- *The district’s action on the plan requires a formal action of the board.*
- *If a NMP operation plan is disapproved, the NMP operation submitting the plan for the first time shall have 90 days after receipt of a written notice explaining specific reasons for the disapproval to resubmit a revised plan.*

SC-1 Requests

Name	OP/OW	Coop	Municipality	Watershed	Acres	Reason
Nevin Brubaker			Bethel	Crosskill		NFWF – MEB
Dean Kramer	OW	No	Upper	Tully		Planning
Oak Nut Farm	OW	Yes	Bethel	Ches. Bay	17	ACAP

A motion was made to approve the SC1 request forms of Nevin Brubaker, Dean Kramer and Oak Nut Farm by L. Gelsinger, seconded by J. Bailey, motion carried, with no comment

Monthly Board Meeting Minutes

Conservation Plans

Name	Municipality	Acres	Tract#	Planner
Davis Farm	Upper Tulpehocken	43	419	Seidel
Davis Farm	Upper Tulpehocken	12.2	12444	Seidel
James Younker	Richmond/Maiden Creek	85.4	2443	Seidel
James Younker	Richmond/Maiden Creek	15	2442	Seidel
James Younker	Richmond/Maiden Creek	3	13016	Seidel
James Younker	Richmond/Maiden Creek	222.5	2450	Seidel
John C. Zerr & Sons	Robeson	584	3687	Johanson
Brandon Wessner	Albany	54	4089	Hanna
Brandon Wessner	Albany	98	4088	Hanna
Brandon Weiss	Bern	69	1255	Hanna
Brandon Weiss	Centre	9.5	12003	Hanna
Brandon Weiss	Penn	23.7	11988	Hanna

A motion was made to concur with the Conservation Plans of Davis Farm (2); James Younker (4); John C. Zerr & Sons; Brandon Wessner (2) and Brandon Weiss (3) by L. Gelsing, seconded by J. Bailey, motion carried, with no comment.

"The Berks County Conservation District concurs with these plans, based on NRCS certification that the plans meet the standards and specifications of the Pennsylvania Field Office Technical Guide for NRCS-" OR AS APPROPRIATE".

ACAP Agreements

This a listing of the Operators who have agreed to the program requirements; the agreements were previously approved by the Board of Directors, no action is needed

Name	Municipality	ACAP Amount	Planner
Leon Burkholder	Kutztown	\$ 86,000	
Steve Miller	Oley	\$ 39,000	
Joel Phillips	Windsor	\$ 271,000	
Travis LaFaver	Tilden	\$ 271,000	
Nelson Troutman	Marion	\$ 90,028	

Urban Team Summary

- April 2023

# Of Projects this Month	Item	+ / - Compared to Last Month
25	102 Applications Received	+4
2	105 Applications Received	+1
26	Plan Reviews	+1
18	Inspections (9 NOT)	-14
10	New Complaints	+3
17	E&S Plan Approvals Issued	+4
8	102 Permits Issued	+0
5	105 Permits Issued	+4
3	PCSM Reviews	+0
102 Projects Disturbed Acres		
	Project Acres	Disturbed Acres
Total Disturbances	55.02	8.30
PennDOT 102 Projects	0.00	0.00

Monthly Board Meeting Minutes

Ag Team Summary

Complaints

3 Processed; 2 Compliance Required; 1 Not Valid; None Referred to DEP

BMP's

10 BMPS on 2 operations

Nutrient Management Status Reviews

Satisfactory:

1 Cao and 1 CAFO-VAO

Nutrient Management Plans Reviewed

1 CAO; 62.9 Acres

Nutrient Management Pan Updates/Amendments Reviewed

1 CAO; 38.1 Acres

102/105 Enforcement and Potential Enforcement Actions

- 401 Madison St., Shillington Borough (CM-06-00303): Arthur Turaj. Floodway Encroachment. As of May 11, 2023, DEP and BCCD met with Mr. Turaj's attorney. DEP requested a restoration plan be submitted by May 19, 2023.
- Longview Rd., Earl Twp (CM-06-00386): James Smith (Farmer). Stream, Floodway, Wetland Encroachments. As of April 14, 2023, the BCCD received a payment of \$1,427.00 worth of administrative costs generated from working on the Chapter 105 compliance and enforcement case from Mr. Smith. The restoration plan is moving forward now to implementation.
- Green Hills Estates, Robeson Township (PAI030616004). The homeowner downstream at 465 Green Hills Rd pond is constantly stained and sediment will not settle out. There is not a constant sediment discharge from the site but the soil types do not promote settling. DEP and PFBC are aware of the pond situation and have been in touch with the developer and homeowner. 2/13/23: Received a copy of a 60 Day Notice Letter from the property owner's attorney to the developer and contractor. DEP is working on a Consent Assessment of Civil Penalty (CACP) for non-compliance items on 4/12/22, 6/2/22 and 10/6/22. On 4/4/23 notice was provided by the developer, 2000 Perkiomen Ave, LLC, that a resolution has been agreed to with the downstream pond owner. Agreement is unknown at this time. On 4/10/23, DEP proposed a Consent Assessment of Civil Penalty ("CACP") in the amount of \$10,968.00. An agreement between the Pennsylvania Department of Environmental Protection ("DEP"), Nick & Les, Inc. ("Nick & Les"), Lyons and Hohl, Inc. ("Lyons and Hohl"), and 2000 Perkiomen Ave., LLC ("2000 Perkiomen"), for non-compliance items on 4/12/22, 6/2/22 and 10/6/22. The District requested \$967.77 in cost recovery.
- Bollinger Road/341 Hickory Road, Marion Twp (CM-06-00600) (Preserved Farm): Paul Sonnen, property owner, reported that Marion and Jackson Townships were discharging fill along the Tulpehocken Creek without his permission. The BCCD requested a site assessment plan from Marion and Jackson Townships by June 25, 2023.

Reports

Comments

A motion was made to adjourn at 1:54 pm by J.Bailey, seconded by L. Gelsinger, motion carried, with no comment

Respectfully submitted,

Tammy L. Bartsch

Secretary to the Board of Directors