



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, June 28, 2023

**Time** 1:00 p.m.

**Location** Kauffman's BBQ Restaurant, 31 Gravel Pit Road, Bethel, PA

**The meeting was called to order at 1:05 p.m.**

**Pledge the Flag**

**Public Comment**

**Employee Semi-Annual Recognition**

**Attendees:**

**Directors**

Larry Gelsinger, Larry Kehl, Joseph Rosenbaum, Piper Sherburne

**Cooperating Agencies**

- ❖ Farm Service Agency – Jessica Gerhart, Victoria Behm
- ❖ Berks County Farm Bureau – Larry Gelsinger
- ❖ NRCS – Christine Ziegler-Ulsh
- ❖ Berks County Department of Ag – Kim Fies

**Berks County Conservation District Staff**

Jack Anton, Tammy Bartsch, Jolie Coates, Austin Crouthamel, Mason Crouthamel, Sam Day,

Dean Druckenmiller, Elijah Goheen, Joshua Hanna, Kent Himelright, Briana Johanson, Joshua Mengel,

Kaylee Olivas, Rita Seidel,

***Approval of Minutes of Previous Board Meeting***

A motion was made to approve the minutes from May 31, 2023, Board Meeting by J. Rosenbaum, seconded by L. Kehl, motion carried, with no comment

***Approval of Payment of Bills***

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

***Correspondence***

***Cooperating Agency Reports***

***Committee Reports***

***Admin Tech - No meeting***

***RMC – Dean Druckenmiller***

- **Don Hartman Conservation Leadership School (DHCLS)**  
The DHCLS was canceled this year, and only two students signed up.
  - Committee recommends a scholarship(s) totaling \$2,000 be awarded to students this year.
  - What would the Board like to do next year and the following years?

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The direction was given to take to the Admin Tech committee for guidance as to how to proceed and/or distribute funds; Admin Tech will review applicants and award scholarships.

After Admin Tech has made a recommendation, take it to the Board Meeting.

- **Clean Water fund Project Request Increase**

- Current project maximum request is \$5,000, committee discussed and would like to increase to \$10,000.

A motion was made to increase the Clean Water Fund Project request to \$10,000 by J. Rosenbaum, seconded by L. Kehl, motion carried, with no comment

**Workshop Conference Call** – no meeting in June, however, there will be a meeting on July 12, 2023, at 10:00 am.

**Dirt, Gravel Low Volume** - No meeting

**Legislative Committee** – Larry Kehl

**ACAP Committee** – Dean Druckenmiller

- **E&S Plan Review Fees**

A motion was made to waive E&S fees for ACAP-funded projects, only, by L. Gelsinger, seconded by L. Kehl, motion carried, with no comment

- **Recommendations for use of 3<sup>rd</sup> round of funds**

A motion was made to go ahead and allocate round 3 funding in round 2 for ACAP projects by J. Rosenbaum, seconded by L. Kehl, motion carried, with no comment

- **Committee reviewed the ACAP applications shown below, a motion is needed to approve the following:**

Name	Amount
Brad Biehl	\$ 249,000.00
Paul M. Lopez	\$ 89,000.00
Jason Newswanger	\$ 101,550.00
Steven Younker	\$ 60,000.00
John C. Zerr & Sons	\$ 31,000.00
John Zuchowski	\$ 3,300.00
A motion was made to approve the ACAP applications of Brad Biehl, Paul M. Lopez, Jason Newswanger, Steven Younker, John C. Zerr & Sons and John Zuchowski by J. Rosenbaum, seconded by L. Kehl, 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 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

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

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**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

### Agricultural Conservation Technical (ACT) Assistance Program Application

The ACT 5-year agreement is in draft form, there are not significant changes to the agreement; the application for funding will be completed electronically on or before July 31, 2023.

### Upcoming Events, Conferences, and Training:

- **06/28/2023 – Annual Lunch and Board Meeting – Kauffman’s BBQ Restaurant, Bethel**
- **07/31/2023 Annual Awards and Scholarship Dinner, Oley Fairgrounds, details to follow at a later date**

### Nutrient Management Plans - New

Name	Municipality	Animal Type & Numbers	Acres	Plan Type	AEU	AEU/Acre	Reviewer
Delbert Burkholder	Albany	39,200 Ducks	86.5	VAO/CAFO	80.87	0.93	Johanson
A motion was made to approve the Nutrient Management Plan of Delbert Burkholder by L. Gelsinger, seconded by J. Rosenbaum, 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.*

### Nutrient Management Plans - Amendments

Name	Municipality	Animal Type & Numbers	Acres	Plan Type	AEU	AEU/Acre	Reviewer
Kevin Brubaker	Jefferson	136,000 Broilers, 30 Beef	73.2	CAP/CAFO	258.43	4.43	Johanson
A motion was made to approve the Nutrient Management Plan of Delbert Burkholder by J. Rosenbaum, seconded by L. Gelsinger, motion carried, with no comment							

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- *The district’s action on the plan requires a formal action of the board.*
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### SC-1 Requests

Name	OP/OW	Coop	Municipality	Watershed	Acres	Reason
Jennifer Schmehl	Op/Ow	Yes	Bethel	Crosskill	12	NFWF-MEB
Larry Dean Martin	Op/Ow	Yes	Bethel	Swataea	96	ACAP
Giorgi Mushroom Co., Farm 3, Plant 1	Op/Ow	Yes	Tulpehocken	Tulpehocken	27.1	ACAP
Giorgi Mushroom Co., Farm 3, Plant 2	Op/Ow	Yes	Tulpehocken	Tulpehocken	24.2	ACAP
David Freyberger	Op/Ow	Yes	Alsace	Maiden	141	Ag Pres
Jonathan Bicksler	Op/Ow	Yes	Tulpehocken	Ches Bay	107	ACAP
Mervin Sadler	Op/Ow	Yes	Tulpehocken	Swatara	160	ACAP
Steve Weinstein	Op/Ow	Yes	Pike	Perkiomen	65	ACAP
Dave Uslar	Owner	Yes	Albany	Maiden	21.5	ACAP
Richard Geisinger	Op/Ow	Yes	Greenwich	Maiden	207	ACAP
Lee Gougler	Op/Ow	Yes	Tilden	Maiden	47	ACAP
Kurtland Farms	Op/Ow	Yes	Caernarvon	Conestoga	120	ACAP
Anthony Weaver	Op/Ow	Yes	Jefferson	Tulpehocken	100	ACAP
George Hess	Op/Ow	Yes	Perry	Schuylkill	400	Cons. Planning
John Kissling (Berger School Farm)	Op/Ow	Yes		Tulpehocken	100	ACAP

A motion was made to approve the SC-1 Requests for Jennifer Schmehl, Giorgi Mushroom (2), David Freyberger, Jonathan Bicksler, Mervn Sadler, Steve Weinstein, Dave Uslar, Richard Geisinger, Lee Gougler, Kurtland Farms, Anthony Weaver, George Hess, John Kissler (Berger School Farm) by L. Gelsiner, seconded by J. Rosenbaum, motion carried, with no comment

### Conservation Plans

Name	Municipality	Acres	Tract#	Planner
Ben Schueller	Bethel	84	12122	Overstreet
Ben Schueller	Jefferson	154	648	Overstreet

A motion was made to concur with the Conservation Plans of Ben Schueller (2 plans) by J. Rosenbaum, seconded by L. Gelsinger, 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".*

### Urban Team Summary

- May 2023

# Of Projects this Month	Item	+ / - Compared to Last Month
28	102 Applications Received	+3
3	105 Applications Received	+1
28	Plan Reviews	+2
21	Inspections (9 NOT)	-3
17	New Complaints	+7
14	E&S Plan Approvals Issued	-3
6	102 Permits Issued	-2
2	105 Permits Issued	-3
6	PCSM Reviews	+3
<b>102 Projects Disturbed Acres</b>		
	<b>Project Acres</b>	<b>Disturbed Acres</b>
Total Disturbances	94.08	10.05

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PennDOT 102 Projects	0	0

### 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 2:13 pm by L. Gelsinger, seconded by J. Rosenbaum, motion carried, with no comment

Respectfully submitted,

*Tammy L. Bartsch*

Secretary to the Board of Directors