



## 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, April 26, 2023

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

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

**The meeting was called to order at 1:04 p.m.**

**\*\*\*\*\*NOTE there will be an Executive Session immediately following the Board Meeting to discuss real estate**

**Pledge the Flag**

**Public Comment**

**Presentation – Cover Crop Workshop Summary**

**Attendees:**

### Directors

Larry Gelsinger, Larry Kehl, Commissioner Christian Leinbach, Joseph Rosenbaum, Glenn Seidel, Piper Sherburne

### Associates Directors

David Beane, Jim McCarthy, Geoff Price

### Cooperating Agencies

- ❖ Farm Service Agency – Vicky Behm, Jessica Gerhart
- ❖ Department of Environmental Protection (DEP) – Lauren Shaffer
- ❖ Berks County Farm Bureau – Larry Gelsinger

### Berks County Conservation District Staff

Dean Druckenmiller, Tammy Bartsch, Joshua Hanna

### Guests

Brenda Bierkamp, DMH Business Solutions

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

A motion was made to approve the minutes from the March 29, 2023, Board Meeting by J. Rosenbaum, seconded by C. Leinbach, motion carried, with no comment

### **Financial Statements and E&S Fee Report**

A presentation from Brenda Bierkamp, DMH Business Solutions, was given explaining how reports for grants and other programs are being presented.

A motion was made to formally approve how we handle grant funding to Generally Accepted Accounting Practices (GAAP) by C. Leinbach, seconded by L. Gelsinger, motion carried, with no comment

### **Approval of Payment of Bills**

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

### **Correspondence**

### **Cooperating Agency Reports**

### **Committee Reports**

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### Admin Tech

#### **Comp Hours Policy**

A motion was made to approve the revisions to bring the Comp Hours policy into compliance by G. Seidel, seconded by C. Leinbach, motion carried, with no comment

### RMC

#### **PACD salary study**

A motion was made to not support the study, it does not apply to us by J. Rosenbaum, seconded by C. Leinbach, motion carried, with no comment

### Workshop Conference Call – no meeting

### Dirt, Gravel Low Volume

A motion was made to approve the following three Dirt and Gravel projects:

- Bower Road Project in Ontelaunee Township in the amount of \$99,234.00
  - S Clearfield Road in Penn Township in the amount of \$34,316.00
  - Old Boyer Road in Pike Township in the amount of \$40,860.50
- By C. Leinbach, second by J. Rosenbaum, motion carried, with no comment

### Legislative Committee – Larry Kehl

### ACAP Committee – Dean Druckenmiller

Name	Amount
Joseph Phillips	\$ 271,000.00
Travis LaFaver	\$ 217,000.00
Barry Smith	\$ 500.00
John Zuchowski	\$ 3,300.00
Benjamin Masemore	\$ 200,000.00
Jason Newswanger	\$ 102,000.00
Steven Younker	\$ 60,000.00
Nelson Troutman	\$ 91,000.00
John Bicksler	\$ 167,000.00
Mark Lopez	\$ 89,000.00
Aherne Family Trust	\$ 31,000.00
Leon Burkholder	\$ 86,000.00
Steve Miller	\$ 39,000.00
Bradley Biehl	\$ 249,000.00
John Zerr and Sons	\$ 26,000.00

*A motion was made to approve the ACAP applications for Joseph Phillips, Travis LaFaver, Barry Smith, John Zuchowski, Benjamin Masemore, Jason Newswanger, Steven Younker, Nelson Troutman, John Bicksler, Mark Lopez, Aherne Family Trust, Leon Burkholder, Steve Miller, Bradley Biehl, John Zerr & Sons by C. Leinbach, seconded by J. Rosenbaum, motion was carried, with no comment.*

### Old Business

#### A SWAG Bus

#### B New Office Space / Floor Plan

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### New Business

#### PACD Update

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

- May 31, 2023 – Tech Roundtable Technology – discuss related topics relevant to conservation district work
- 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.

#### Signature Needed

**Action Item**

Commonwealth Financing Authority WRPP Final Payment Request in the amount of \$61,583.00

A motion was made to sign the Commonwealth Financing Authority WRPP Final Payment Request in the amount of \$61,583.00 by C. Leinbach, seconded by L. Gelsinger, motion carried, with no comment

#### 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 2<sup>nd</sup> 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
Michael Martin	Jefferson Twp	34,100 Broilers	38.9	CAO	114.03	2.99	Seidel

A motion was made to approve the Nutrient Management Plan Amendment for Michael Martin by J. Rosenbaum, seconded by L. Gelsinger, 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.*



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### Nutrient Management Plans (New)

Name	Municipality	Animal Type & Numbers	Acres	Plan Type	AEU	AEU/Acre	Reviewer
Leonard Martin	Upper Tulpehocken	80,000 Layers	121.8	CAO	250.4	3.98	Johanson

A motion was made to approve the Nutrient Management Plan of Leonard Martin by L. Gelsing, seconded by C. Leinbach, 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
Steve Mohn	OP/OW		Perry	Schuylkill	43	interested in cost share to fix gully in driveway, from crop field runoff
Steve Miller	OP/OW		Oley	Manatawny		ACAP
Leon Burkholder	OP/OW		Kutztown	Maiden	68	ACAP
Charles Zimmerman	OP/OW		Mohrsville	Schuylkill	575	ACAP
Bradley Biehl	OP/OW		Richmond	Maiden	230	ACAP
Jeremy Martin	OP/OW		Bethel	Crosskill		NFWF-MEB
Steve Younker	OP/OW		Bethel	Swatara		NFWF-MEB
Cleason Brubaker	OP/OW		Bethel	Crosskill		NFWF-MEB
Lynn Kline	OP/OW		Caernarvon	Conestoga		NFWF-MEB
Martin, Elvin	OP/OW		Bethel	Crosskill		NFWF-MEB
Kurtland Farms	OP/OW		Caernarvon	Conestoga		NFWF-MEB
Ronald Brown	OP/OW		Bethel	Swatara		NFWF-MEB
Doug Zeiset	OP/OW		Caernarvon	Conestoga		NFWF-MEB

A motion was made to approve the SC1 request forms of Steve Mohn, Leon Burkholder, Charles Zimmerman, Bradley Biehl, Jeremy Martin, Steve Younker, Cleason Brubaker, Lynn Kline, Elvin Martin, Kurtland Farms, Ronald Brown, Doug Zeiset by C. Leinbach, seconded by J. Rosenbaum, motion carried, with no comment

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### Urban Team Summary

- **March 2023**

# Of Projects this Month	Item	+ / - Compared to Last Month
29	102 Applications Received	+13
1	105 Applications Received	0
24	Plan Reviews	-1
29	Inspections (9 NOT)	-14
7	New Complaints	+3
13	E&S Plan Approvals Issued	+4
8	102 Permits Issued	+4
1	105 Permits Issued	0
3	PCSM Reviews	-1
<b>102 Projects Disturbed Acres</b>		
	<b>Project Acres</b>	<b>Disturbed Acres</b>
Total Disturbances	23.16	9.29
PennDOT 102 Projects	0.00	0.00

### Ag Team Summary

Conservation Plans

5 plans for a total planned acres of 1,524.42

BMP's

5 completed on 2 operations; one in the Crosskill and one in the Irish Creek

Nutrient Management Status Reviews

5 CAO; 4 CAFO-CAO

### Enforcement and Potential Enforcement Actions

- 60 Cherry Dr., District Twp (CM-06-00259): Glenn Mehlman. Wetland and Stream Encroachments. The responsible party is now implementing the restoration plan with DEP.
- Timberlake Subdivision, L. Heidelberg Twp (ESP-06-00071) PAG-0006-04-068R: Ch 102 PCSM & Permitting issues. The current permittee, Walter T. Greth, Greth Development Group, has closed his business. The site has remaining non-compliance activities that are not being resolved. The case may be subject to DEP referral later this year with continued inactivity.
- 242 Pilgert St., Longswamp Twp (CM-06-00244): Mr. Gallina. Wetland and Stream Encroachments. The compliance case was closed on September 13, 2022, once the requested corrective actions had been identified as completed.
- 313 Bowers Rd., Maxatawny Twp (CM-06-00394): Ethan & Anita Burkholder (Plain Sect Farmers). Floodway Encroachment. As of August 10, 2022, the case has been referred to DEP for enforcement.
- 102 Conrad Rd., Ruscombmanor Twp (CM-06-00469): Justin Xander. As of July 19<sup>th</sup>, the BCCD has contacted the local township to discuss cooperative compliance with the RP.
- 401 Madison St., Shillington Borough (CM-06-00303): Arthur Turaj. Floodway Encroachment. As of 8/10/2022, the case was referred to DEP for enforcement.
- Stone Rd., Tulpehocken Twp (CM-06-00239): Robert & Lester Moyer (Former Farmer). Wetland and Stream Encroachments. The site was officially referred to DEP on 12/29/2020. DEP is resolving the appropriate permit as of 12/15/2022.
- 437B Hoch Rd., Oley Twp (CM-06-00314): John and Kathleen Christie. Stream, Floodway, Pond Encroachments. The site wasn't officially referred to DEP. However, the RP is supposed to be working towards compliance with Todd Gipe, DEP. A second follow-up was made by BCCD to DEP on March 14<sup>th</sup>.
- 51 Berger Rd., Greenwich Twp, (CM-06-00327): Isaac Burkholder (Plain Sect Farmer). Stream, Wetland, Pond Encroachments. The site was officially referred to DEP on 12/29/2020. DEP waived the requested corrective action plan on 8/11/2022, and placed the site back into compliance.

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- 84 Fisher Mill Road, Oley Twp CM-06-00460: Amanda O'Driscoll & Ross Allen Striver. Manatawny Creek Obstruction. Case referred to Dam Safety Division on 9/13/2021. The BCCD followed up with DEP, Dam Safety Division, for an update on July 19<sup>th</sup>. Amanda O'Driscoll requested interaction by DEP on 1/3/2023.
- Longview Rd., Earl Twp (CM-06-00386): James Smith (Farmer). Stream, Floodway, Wetland Encroachments. An administrative order hearing occurred in 2021. The case is pursuing a full Consent Order by DEP. On 3/6/2023, DEP stated that they received a restoration plan and the Consent Order Agreement "may be signed soon."
- 225 Ammon Rd., Caernarvon Twp (CM-06-00390): Paul & Jean M. Dovin. Stream and Wetland Encroachments. On 3/8/2023, the BCCD reminded the Dovin's that the restoration plan was due to be completed by April 1, 2023. A site inspection will follow.
- 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.

### Reports

### Comments

**A motion was made to move into an Executive Session** at 2:23 pm was made by J. Rosenbaum, seconded by C. Leinbach, motion carried, with no comment.

**Returned to Board Meeting** at 2:37 pm

**A motion was made to adjourn** at 2:39 pm was made by J. Rosenbaum, seconded by C. Leinbach, motion carried, with no comment