

FARMLAND PRESERVATION, INC.
MINUTES – MAY 21, 2024

The regular meeting of the Lower Makefield Farmland Preservation, Inc. (Farmland) Board of Directors (Board) was held remotely on May 21, 2024. Mr. Blank called the meeting to order at 6:00 p.m.

Those present:

Farmland Preservation, Inc.: Michael Blank, President
Dennis Steadman, Vice President
George Heinze, Secretary
Dan Bankoske, Treasurer
Sean Carney, Member

Absent: Daniel Grenier, Supervisor Liaison

APPROVAL OF MINUTES: Mr. Heinze

Mr. Steadman moved, Mr. Carney seconded and it was unanimously carried to approve the Minutes of March, 19, 2024.

TREASURER'S REPORT: Mr. Bankoske

Income/Expenses for March-May, 2024 – The \$10 rent check was received from Mr. Strnad. The attorney was paid \$2,742. for the document review. The adjustment to Mr. McGowan's Lease was in the amount of \$649. Tax returns have been filed, and Robert Small & Associates were paid \$4,200 for last year's return and the upcoming year bookkeeping and accounting. Everything has been posted to the portal. The Board might want to go through everything with Mr. Small this year.

Update on Attorney Review of Documents for Farmland Preservation, Inc. – Some new documents have been prepared as well as some updates to existing documents. These documents will be organized on the portal for the Board's review. Some documents only needed minor adjustments while others needed more meaningful changes. Once the documents are organized and reviewed by the Board, the Board can discuss if they want to have a meeting with the attorney to review these.

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UPDATE OF LEASES (Strnad, Colavita): Mr. Steadman

The Strnad Lease has been signed by both Parties, and the rent check has been paid.

There is an outstanding clause with regard to the Colavita Lease relating to the Escrow. Mr. Bankoske has been working to calculate the size of the Escrow account that was established several years ago in an earlier Lease that under prior management was merged in with other funds. A determination will be made as to what is appropriate for the new Lease which took effect the beginning of this year and will run through the end of 2033. Once this is resolved, the Lease will be sent to Mr. Colavita and the Board for review and questions. Mr. Bankoske stated he is being provided a number of statements from Vanguard which are no longer available on-line which he will review.

SPRING TOUR

Bond Farm (formerly known as Farmview 1): Stone Filter Berm – Mr. Blank
Mr. Fuller identified a stone filter berm at the bottom of the field, which was purposely built, where pooling of water occurs. Mr. Fuller indicated that unless there was a full clean-out including taking out trees and overgrown vegetation, taking out the old stone, and putting back in new stone, there was not much else that could be done other than cleaning it out a little bit which might allow more flow down to the retention basin. Mr. Tim Stewart is not that concerned about that area, but the Board has heard from neighbors about this in the past. This could be put on the list for Mr. Corcoran to take out some small trees and the undergrowth, and that might help. Mr. Steadman stated if the height of the stone is not lowered, he does not feel that would have a meaningful impact. Mr. Carney stated Corcoran does the basin work for the Township, and he could meet with Mr. Corcoran on site to see what he feels could be done without removing the stone to get water to the basin. Mr. Steadman asked if some adjustment needs to be done could that expense be shared with the Township since it is filtering it to the Township's basin. It was noted that it is on the Farmland property. Mr. Carney stated it may be that it is lower today than it was when it was built.

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The Nursery: Review of Field Contour and Drainage Issues – Mr. Steadman – The site was visited with Tim and Sam Stewart and there are existing contours that help manage the water flow. The Bucks County Conservation District was asked to make some recommendations, and this should be done after the field is planted and the crops start to grow. Potentially drainage improvements could involve the conduit that runs into the storm drainage system on the other side of Quarry Road. Mr. Blank stated he visited that site with Mr. Fuller, and the house that was built that is getting the water is in the way of the how the water runs. Mr. Fuller was not sure that much could be done about that. Mr. Blank stated they also went to the house facing Quarry Road next to the Farmland field and asked if they were getting water, and that property owner indicated while it does, the water rubs across their property and they are not concerned about it. The comment was made that the field was there before the homes.

Heather Ridge: Neighbors' Trespass – Mr. Steadman – Two properties were identified on Wexford Court which are mowing the grass beyond their back yard into the Farmland buffer; and a letter should be sent advising that they are cutting the grass without Farmland's permission, there is no trespassing onto Farmland property, Farmland is not giving up any rights to our property, and the boundary line is marked with the iron fence posts. Letters have been drafted, and the Township will be asked to mail them.

Mr. Blank stated the neighbor next to those two properties on Wexford Court, Mr. Micali, contacted the Township indicating that there is a dying/dead tree next to his property and had asked who was responsible for it. He also indicated that one of the Farmland posts is inside his fence. He admitted that he has his landscaper cut into the Farmland property the same as his neighbors do. The Board felt that he should get one of the letters as well. A sample of this letter will be kept in a folder so that it can be used in the future when this situation arises. POST MEETING NOTE: The same letter as discussed above was sent to Mr. Micali at 1542 Wexford Ct. Mr. Steadman has had conversations with 2 of the 3 neighbors and believes the understandings are clear and without conflict.

No Trespass Signs – All – Mr. Blank asked if the Board feels it would be worthwhile to install "No Trespassing" signs in certain areas. Mr. Steadman stated in areas where there have been issues it would make sense, and he noted the radio tower site. Mr. Steadman stated if a Police report had to be filed against someone who caused damage, our case may be stronger if the property were posted versus not posted. Mr. Carney stated a sign was posted at the radio tower site two years ago at the entranceway. Mr. Carney stated installing signs can be expensive; and while

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he feels certain people would not be deterred by a sign, he would like to know if it would make our case stronger if the site were posted and the Police had to be involved. Mr. Heinze stated he feels we should post all of our properties even if it does involve expense so that people cannot indicate that there were not aware that it was private property. There was discussion as to where signs could be posted. Mr. Carney stated he feels we would get negative feedback from neighbors if metal signs were to be affixed to the posts, and this would also involve a significant expense. He added he may feel differently if it is indicated that we would have a stronger case against trespassers if the property were posted. Mr. Steadman agreed investigate that as a legal issue. He added he would not want to put a “No Trespassing” sign in a neighbor’s back yard, although he would consider it along the roadways where there is not a fence. He agreed it could involve a significant expense.

LMFP, INC. COMMENTS ON WOODBURY GROVE PROPOSAL: Mr. Steadman/Mr. Blank

Comments from LMFP, Inc. were submitted to the Township about the proposed development on the Doug Wright Farm, but nothing has been heard back from the Township. It was indicated that the Board felt it was important to maintain efficient farmer access to the field since it will be landlocked by the new Residential neighborhood. It was also indicated that there should not be buildings, plantings, etc. that compromise the drainage. It was also indicated that the new residents should recognize that the farm fields were existing prior to the development of the new homes. Mr. Blank stated they also made a comment about whether it was possible we could get more land for the farmer.

Mr. Heinze stated previously it was indicated we should not reach out again to any farmers until there was feedback with regard to the Woodbury Grove proposal. He stated the Tanners are interested in farming the property and would be interested in a longer-term Lease. They had been cutting the hay and alfalfa on the property and had no problem getting their equipment to the farm. Mr. Heinze suggested that the Board meet off-line with regard to potential Leases since as of January, 2025, there will be a new tenant. Mr. Blank stated the Stewarts/Charlann Farms have also expressed an interest in this property. He stated some of our decision may be influenced by what the adjoining property owner, Mrs. Sharon Kimmel, does.

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FARMER REQUEST

Driveway Gate on Leedom – Mr. Carney - Mr. Carney went out with Mr. Majewski to stake the property. Mr. Carney stated a Township Permit was needed to be filled out in order to have the tillings dropped off that the Stewarts were going to spread to the size needed; and if we were going to expand the driveway, a PennDOT permit would also be needed. He had asked for guidance on that, but he heard nothing further from the Township. He stated he believes Mr. Grenier had direct contact with how this works, and possibly we could contact him as well. Mr. Blank will discuss this further with Mr. Carney after reviewing the e-mails.

MEETING FREQUENCY: Mr. Heinze

Mr. Heinze stated the Board normally does not meet in August, and in December there is a stakeholder event. He stated the rest of the year, the Board meets every month, and he suggested that the Board consider meeting every other month if we are not required to meet every month and on the off-months to put in a placeholder for working sessions/Executive Sessions during the same meeting time if necessary. He suggested that the Board have public meetings in January, March, May, July, September, and November; and meet with the stakeholders/farmers in December. He stated during February, April, June, and October, the Board could have a working session if necessary. He stated if this is agreed to, Ms. McVan would be advised to post this on the Township Website.

Mr. Blank stated there is nothing in the By-Laws that requires monthly meetings, and Mr. Bankoske agreed.

Mr. Heinze stated there are also discussions taking place about changes to how the meetings are going to be held going forward, and this would be a more succinct schedule.

Mr. Carney, Mr. Bankoske, and Mr. Steadman stated they would be in favor of Mr. Heinze's proposal. Mr. Steadman stated he would like to make sure that Mr. Bankoske is comfortable as Treasurer with meeting every other month, and Mr. Bankoske agreed he is adding that the Board often approves items via e-mail when necessary.

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Mr. Heinze moved, Mr. Carney seconded and it was unanimously carried that the proposal for meeting frequency of every other month be adopted by the Board on a trial basis for the rest of the year; and if it works, it can be formalized for 2025.

Mr. Heinze stated there will therefore be no meeting in June, and the Board's next meeting would be in July. Mr. Blank agreed to communicate this with Ms. McVan. Mr. Steadman stated the Website should be updated to reflect the 2024 schedule.

Mr. Steadman asked if it is the understanding that future Farmland meetings will be in public at the Township Building with a self-directed Zoom option for members who cannot attend. Mr. Blank stated he is not aware of a definite decision on that, and he will look into it. Mr. Steadman stated on the other Township Committee he is on, they are going in-person starting in May with a Zoom option for Committee members who are unable to attend in person. He stated the public comment would be in-person as well. There will not be the same Zoom system that we have now which is managed by a third party. Mr. Blank stated he will discuss that with Ms. McVan.

OTHER BUSINESS: All

Mr. Steadman showed the Farmland property now known as the Radio Towers. He showed the location of the new gate, which is on Township property and provides access to the Farmland property. The parcel owned by Nassau Tower Realty LLC was shown, and the Board has been notified that it is going up for Sherriff's sale due to lack of paying taxes. There is also a cell tower system which is operated by a third party who leases the space from the Township which receives revenue from that Lease. The abandoned radio station was also shown. The Township has asked an attorney about the status of the towers, but there are no answers yet. The 14 plus acres is zoned Residential. The gate has been damaged and was driven through by a vehicle. It is felt that it was most likely done by the organization that services the cell tower, and Mr. Kratzer has advised that he is reaching out to that organization about the gate to determine what should be done.

PUBLIC COMMENT: Mr. Blank

There was no one from the public wishing to make public comment at this time.

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REVIEW OF ACTION ITEMS: Mr. Heinze

1. Mr. Bankoske – Organize documents that have been revised or prepared based off of the attorney review and advise Board when that is available to be reviewed
2. Mr. Carney – Contact Mr. Corcoran about the Bond Farm stone filter berm as to whether there is something meaningful that could be done which could be added to the winter project list
3. Mr. Steadman – Drop off letters to Ms. McVan to be mailed to the homeowners on Wexford Court bordering Heather Ridge so they understand the rules regarding the border between their properties and the Farmland property and what they have been doing regarding mowing, etc.
4. Mr. Steadman – Follow up regarding whether there is any benefit/legal ramifications regarding “No Trespassing” signs, and the Board will make a decision in the future if it is appropriate to install more and at what locations
5. Mr. Blank – Communicate with Ms. McVan about the new meeting schedule and have it posted accordingly on the Website
6. Mr. Blank – Follow up with Mr. Carney and then with the Township about the Leedom driveway situation
7. Mr. Blank – Follow up with the Township on the format of our future meetings – Zoom versus in-person

There being no further business, Mr. Steadman moved, Mr. Heinze seconded and it was unanimously carried to adjourn the meeting at 7:08 p.m.

Respectfully Submitted,

George Heinze, Secretary