

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

The regular meeting of the Lower Makefield Farmland Preservation, Inc. (Farmland) Board of Directors (Board) was held remotely on September 8, 2021. Mr. Blank called the meeting to order at 6:00 p.m.

Those present:

Farmland Preservation, Inc.: Michael Blank, President
Dennis Steadman, Vice President and Acting Secretary
Daniel Bankoske, Treasurer (joined meeting in progress)
Sean Carney, Member

Absent: James McCartney, Supervisor Liaison

APPROVAL OF MINUTES JULY 15, 2021 MEETING: Mr. Steadman

Mr. Blank moved, Mr. Carney seconded and it was unanimously carried to approve the Minutes of July 15, 2021 as written.

TELECON WITH JIM MAJEWSKI RE: DRAFT FARMLAND BUFFER ORDINANCE: Mr. Blank/
Mr. Steadman/Mr. Carney

Mr. Majewski had asked for input from the Board on a draft of a new Buffer Ordinance part of which had to do with farmland. The Board learned it would not pertain to existing farmland under the Board's purview. It would only apply to new land. There are only a few farms in the Township which could be developed bordering residential neighbors such that a buffer would be necessary. Included in the draft was standards that neighbors would have to achieve on their side of the fence regarding plantings. The farmland side would not be required to have plantings.

Having the buffer area completely void of trees would make the area much easier to maintain and much more cost effective. The discussion was productive, and there will be some fine-tuning of the draft. At least one Board member expressed some skepticism as to how the neighbors would react to a requirement for plantings on their side. Mr. Majewski was taking under advisement whether the final Ordinance would reflect these requirements pertaining to farmland borders. Farmland borders do not just refer to "preserved" farmland but to any farmland/agricultural area.

There was no one from the public wishing to speak on this matter.

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

TREE WORK @ 1636 BRENTWOOD ROAD (MAKEFIELD BROOK): Mr. Steadman

The homeowners are hiring a contractor to go onto the Farmland property, with the Board's approval, to remove the broken tree. That work is scheduled for September 21. The neighbors will let the Board know if there are any issues. The Board is waiting to get a Certificate of Insurance from the neighbors, and the neighbors agreed to provide it as the date for the work approaches. They are using a credible tree service which is commonly used throughout the area.

There was no one from the public wishing to speak on this matter.

PROPOSAL FOR LMFP GROUND RULES FOR TREE REMOVAL: Mr. Carney

This would be an opportunity to put in some ground rules for removal of trees that present potential damage to people or residences. The thought was put forward, for example, that if a tree is posing a risk to damage property and is touching or bordering a residential property line, the resident could make the decision for tree removal at their cost. (Not current policy, but topic for discussion.) Currently, tree removal by Farmland pertains solely to the dead and/or dying definition, but the discussion with Mr. Majewski opened this up to a few more iterations of how it could work. The tree at 2367 Trowbridge was noted which could be destructive if it fell; and while it does look healthy, there could be an argument for its removal. It was felt that the Board should consider re-defining the rule around some of the trees that have gotten very large over the years.

Mr. Steadman stated one of the terms that Mr. Majewski discussed was whether the tree represented a "risk" whether or not it was dead or dying. Mr. Carney stated our policy needs latitude for exercise of common sense. Mr. Blank asked if a tree was planted on the Farmland side in the buffer area, but touches the neighbor's property would the neighbor share in the cost of removal if it is not dead or dying. Mr. Carney stated he feels that it would be at the neighbor's expense if they want to have the tree removed if the Board deems their request reasonable. Mr. Carney stated he feels proactive removal of dead or dying trees that pose a risk is a lot less expensive than reactively removing a tree once it is on the ground.

Mr. Steadman stated if a tree is completely on one side of the fence, that tree is the responsibility of the property owner on which the tree is on; however, any part of that tree from the boundary line up to the sky that is hanging over the neighbor's property, can be trimmed by the property owner over which the tree is hanging. Although any trimming of an adjacent tree must take into consideration the health of the tree. According to the old "farm

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

rule,” if part of the trunk is on both sides of a property line, it is a “joint tree” or “boundary tree,” and both parties own it. Thus, both parties would need to agree to take it down and would share the cost of the removal. No one party could take it down without the concurrence of the other. He believes this would be applicable in this circumstance as well.

Mr. Blank asked if a neighbor has proactively contacted the Board stating that they would like to take down a tree, which is not dead or dying, but has gotten very tall and heavy and limbing is not an option and they are willing to pay for it, should the Board indicate that they would jointly pay for its removal. Mr. Carney stated he is not saying that the Board would volunteer to pay for half; but it would be a joint decision, and both parties would need to concur. He stated if there were an area of dispute where neither party wants to pay, it would be a shared cost if it is a joint tree.

Mr. Steadman stated he believes the Board should draft a written policy about what has been discussed tonight so that it is in the Record and By-Laws. If this is a policy of the Board, it would show that they are treating all of the neighbors the same and fairly. This could be approved at the next meeting. Mr. Carney agreed that would make it easier for the Board in the future when addressing these issues as this will continue to come up given the condition and aging of the buffers. Mr. Steadman agreed to prepare a draft to circulate to the Board.

There was no one from the public wishing to speak on this matter.

SPREADSHEET FOR CORCORAN LANDSCAPING WINTER JOBS: Mr. Carney

Mr. Carney will be meeting with Mr. Matt Corcoran tomorrow on a number of issues, and Mr. Corcoran will also be signing the Contract, which will then be scanned and put in the Board’s folder.

A spreadsheet entitled “Project List for Corcoran Landscaping Lower Makefield Farmland Preservation” was shown, and this is for the winter, 2021/2022 projects. Included in it are job numbers and classifications, which would be either yellow or green. There would not be “red” categories because those would be issues that need to be addressed immediately.

Two projects were listed showing the location, the farm, the contact person for that farm, and a brief job description. An additional field to be included would be type of contact. That is, either the Board was contacted by the neighbor, or by the Township as the neighbor reached out to the Township. The list will include approximate duration of the project. Project time

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

would be expressed as “less than” or “more than” an 8-hr. day. Mr. Carney stated a day for Mr. Corcoran is eight hours. The lists will be organized by farm. In October Mr. Corcoran will be provided the “Winter List.” The Board has purchased ten days of work from Mr. Corcoran.

Additional columns will be whether they were communicated to Mr. Corcoran and the date of communication. If a Board member adds anything to the list, a message should be sent to Teams about the item added or a Board member could contact Mr. Carney to let him know what should be added.

Last year the projects were ranked in order of importance, and they will plan the ten days that have been purchased for the winter.

Mr. Blank asked if the buffer maintenance by Corcoran fits into this or are only major jobs being listed on the spreadsheet. Mr. Carney stated at this point he is listing major jobs on the spreadsheet; however, at a prior meeting the properties were prioritized using red, yellow, and green, and where they are doing buffer maintenance if that farm comes up on the list, it would be incorporated. He stated last year they did Leedom and Stackhouse, and Heather Ridge may be the farm where they are looking at the fence line, and a job could be incorporated into that. With the spreadsheet the hope is to be able to consolidate and make Mr. Corcoran’s time as efficient as possible. Mr. Blank stated Farmview I should be looked at.

The Board agreed that the two projects shown on the spreadsheet are the projects that Mr. Corcoran will start on this winter.

There was no one from the public wishing to speak on this matter.

COMMUNITY DAY UPDATE: Mr. Blank

All of the farmers were offered the opportunity to participate in LMT’s Community Day with Farmland sponsoring the \$50 booth fee. Charlann Farms accepted the offer. While the weather was not cooperative and they did not get a lot of traffic, Charlann indicated they would consider this again, and sponsorship will be offered to all the farmers next year to increase community visibility and awareness of Farmland and to support local farming and farmers. There are multiple Farmland Preservation signs available if more farmers choose to participate next year.

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

Honeybee Display Next Year: Mr. Steadman

Dr. Strnad indicated that he would like to participate in Community Day next year and is willing to create a display that would be interesting and educational for children and adults.

Photos were shown of the two hives, both of which are thriving and are capable of honey production in their first year. Dr. Strnad hopes to harvest comb honey by the end of September.

Dr. Strnad invited one or two Board members to participate in the harvesting and packaging. Mr. Blank stated he would like to participate. One of the hunters who participates in the Red Tag program indicated that they are aware of the hives in the area, and they are not a problem for the hunters, and the hunters are not a problem for the hives.

Mr. Carney stated the home behind him recently changed hands, and he has noticed that there are two or three hives there. He stated if that homeowner and Dr. Strand would like to connect, he would be happy to make that connection.

There was no one from the public wishing to speak on this matter.

UPCOMING MEETINGS: Mr. Blank

The meeting to be held in October will be on Zoom; and it is anticipated that with COVID, there will be Zoom meetings for at least a few more months. This was acceptable to the Board.

There was no one from the public wishing to speak on this matter.

OTHER BUSINESS: All

Mr. Carney stated a letter was sent out a few months ago introducing Farmland to neighbors. When the next such letter is sent out, Mr. Carney would like to add discussion about the integrity of the fence line. Two fences on Leedom's have been snipped at the post of the furthest extent of the property line. He believes both were snipped so that the fence could be pulled back so that the neighbors could mow/maintain the area behind the fence. Although he recognizes that the homeowners want to keep the back of their property line neat, this could create liability issues. The next letter should indicate that if the integrity of the fence is broken

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

or compromised, the fence may have to be replaced at the homeowner's expense. Mr. Blank stated this is also a trespass issue. Mr. Steadman stated the Board needs to be consistent and cannot have the fence violated.

Mr. Carney agreed to draft language to be included in a future letter regarding fence integrity.

Mr. Carney stated with regard to Farmland properties being hunted, while the farmers leasing the property grant permission to people to hunt, he feels the Board should be made aware of those who have been given permission and be provided their contact information. He stated he walked across a hunting blind the other day, and finding out how it got there and who gave permission for that took several steps. Mr. Steadman stated in order for a hunter to get a Red Tag, he needs to be provided their information; and the Red Tag is for a specific property. The blind found by Mr. Carney was not for Red Tag use and such hunter information is not available for those hunting the regular season. Mr. Steadman stated they would need to get this information from the farmers leasing the property. Mr. Carney stated ultimately the Board could be seen as liable. Mr. Steadman stated there is an informal, gentleman's agreement policy that the farming tenant gives permission to the hunters; but the policy could be changed. For example, in order to hunt on Farmland property, permission could be required from both the farming tenant and Farmland. Mr. Carney stated in the instance he noted, the blind was set up just a few feet off a neighbor's property, that neighbor did not know it was there, and was not happy that it was there. While it is partially hidden by the crops, it could still be seen from the road; and once the crop is down, that blind has to be removed. It was considered when farmers give someone permission to hunt whether or not Farmland should be given the contact information.

Mr. Steadman stated Mr. McGowan does not grant permission to anyone to hunt Farmland property. He stated that while Mr. Colavita does allow hunting on the properties he leases, it involves only a few hunters, and his home adjoins the property, and he is comfortable having Mr. Colavita manage that. Mr. Carney stated given the potential community issues and liability, it would be good for the Farmland to know who is hunting the Farmland properties.

Mr. Carney stated he contacted Tim Stewart as to when they would be back out to mow the buffers, and it was indicated that they are having mower issues. Mr. Carney stated he tried to walk the buffer, but growth was over his head. Six months of the year, the buffer is not maintained because of dormancy. The first cutting took place on June 5. Mr. Carney stated during the active season, the farmers should be asked to cut the buffer every other month as he has received calls about the height of the growth near the fence line.

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

The requirement for the buffer being cut once every three months is not practical. Mr. Blank agreed about the height of buffers; and while he made requests that the buffers be cut on the farms he reviews, he does not believe it was followed through on.

Mr. Steadman stated the Lease indicates the “leasee shall maintain the Farmland buffer and mow same a minimum of four times per year,” not every three months. That means four times during the growing season. Thus, there should be four cuttings between May and October.

Mr. Carney stated they should continue to think about getting a full Board (1 vacant seat) so that it alleviates pressure from current directors. He stated if someone has questions or ideas about Farmland Preservation, they may be the right person to recruit. Mr. Blank stated when they asked Mr. McCartney if the Board could talk to potential Board members before they are appointed, Mr. McCartney suggested that the Board get more involved with recruiting. Mr. Carney stated another group of possible candidates may be the hunters on the list that they get from the farmers. Mr. Steadman stated Mr. Carney’s property bordered a Farmland property; and anytime directors meet Farmland neighbors, it would be an opportunity to get a sense of interest/desire to get involved.

Mr. Steadman agreed to speak to Mr. Stewart about getting a list of authorized hunters for the regular hunting season who are not Red Tag hunters. He will also get the names from Bob Colavita as to who hunts his properties.

REPLANTING OF EVERGREEN TREES AT 2033 TROWBRIDGE

Mr. Bankoske had sent a reminder to Mr. Patel that he had committed to doing the replanting this September, but has not heard back from Mr. Patel.

DEAD/DYING TREES ON HEATHER RIDGE DRIVE

Mr. Carney stated this is on the list for Corcoran. One large tree was removed, but there are more on the property that are questionable. It is obvious that this buffer area needs attention and all the work could be done at the same time. The neighbor was advised that he could trim back anything that came over the fence line onto his property.

Mr. Blank stated this Agenda topic has to do with the three trees that are on Heather Ridge Drive near Lindenhurst, which are bordering the sidewalk. The Board agrees that those should be taken down as did Mike Kirk, the Code Enforcement Officer, who looked at them.

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

BUFFER CLEAN-OUT FARMVIEW I (GREENBRIAR COURT)

This is on the list to be cleaned out and will be discussed with Matt Corcoran.

Mr. Carney went to Farmview I after the rain and looked at the back property line near the Patel property; and with the change this year of not planting that corner, the water from recent heavy rains found its way into the ground and there is no puddling. The water did not come down and run across Mr. Patel's driveway and did not wash anything out as has occurred in the past. He also checked the area where work was done by the road on Stackhouse, and the water is funneling down to where it is supposed to, and there was no erosion even after significant rain. The work done last year has paid off.

Mr. Bankoske joined the meeting at this time.

Mr. Bankoske stated at Farmview I, Tim and his crew spent a full day planting grass in the corner. Mr. Blank asked Mr. Bankoske to provide Tim feedback that the Board noticed how well this worked out. Mr. Blank stated the Township was to punch a hole in the berm into the retention basin for water run-off. Mr. Carney stated he did not see any water in the bottom of the basin.

TREASURER'S REPORT: Mr. Bankoske

There were no expenses since the last meeting.

UPDATE ON 2033 TROWBRIDGE (MR. PATEL): Mr. Bankoske

Mr. Patel was sent a reminder on August 31, but he has not responded back. Another reminder will be sent to Mr. Patel next weekend.

UPDATE ON 2367 TROWBRIDGE: Mr. Bankoske

A number of trees on Farmland property have branches hanging over this property. The property owner was advised they could cut anything from their property line going up.

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

There is also a large tree that is almost entirely on Farmland property; and while there are some large branches that are hanging over the property, there may be danger of the tree falling onto their house. While the tree is healthy, there is a risk associated with this tree. The property owner had a tree person look at it who agreed that it is healthy; however, looking at the slope of the land, if it were to fall, it would fall toward the house. The homeowners would like to take down the tree at their cost.

Mr. Blank stated the Board did discuss this earlier. Mr. Steadman stated if it represents a risk, he feels they should be able to take it down.

Mr. Blank moved, Mr. Steadman seconded and it was unanimously carried that the Board give the homeowners at 2367 Trowbridge Drive permission to have the tree removed at the homeowners' expense to be removed by a licensed and insured company.

UPDATE ON DEAD/DYING TREES ON HEATHER RIDGE DRIVE: Mr. Bankoske

These are on the spreadsheet for Corcoran to take care of. There is no urgency with these trees, and it would be a winter project with Corcoran.

UPDATE ON BUFFER CLEAN-OUT FARMVIEW I (GREENBRIAR COURT): Mr. Bankoske

Tim Stewart has indicated that this is a busy time and is asking for accommodation in getting to the buffers. Mr. Blank stated this was added to the list for Corcoran as it looked like it needed a more concerted clean-out similar to what was done at Leedom's and Stackhouse. Mr. Bankoske stated he agrees although he is not sure that is an imminent need. He noted Heather Ridge has a number of areas which would be put on par with the corner at Farmview I. Mr. Bankoske was asked to look at the spreadsheet as Mr. Carney will be discussing this with Mr. Corcoran tomorrow. Mr. Carney proposed that 1449 Heather Ridge be added to the list which could be part of a larger project in that buffer area. If that entire buffer area is not included, they should include this individual property as well as a few others which have gotten overgrown. Mr. Bankoske stated he and Mr. Carney went to 1449 Heather Ridge and took down a dying tree, and put it over the fence onto the Farmland buffer which Corcoran will clean up over the winter. There are a number of properties in this area where the neighbors are taking good care of the fence line, and this allowed Tim to keep it clean. There are other areas where there are certain old overgrown trees which do not allow the ability to have the buffer cleaned out. There may be six or more homes in the area that need more of a clean-out in the buffer area. Mr. Carney stated this has been added to the spreadsheet.

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

Mr. Blank stated at Farmview I it seems that besides the area off of Greenbriar Court, there are also areas that need work, and they should look at this with Mr. Corcoran as well. Mr. Carney noted an area the Township mows when they go back to the retention basin, mow the retention basin, cut through the back side of a homeowners' property, mow another retention basin, and then come back out. This was previously cut wider, and it is much narrower now.

Mr. Carney stated at Makefield Brook, the buffer on Brentwood Road has a situation with large, older trees with their limbs into the buffer making trimming difficult. He will review this before the next meeting as he feels this is a potential winter project. Mr. Carney agreed to add this and asked that he be provided a reference property number.

A date will be selected to walk each of these projects with Mr. Corcoran.

OTHER BUSINESS (Continued): All

Mr. Steadman stated it is the position of Farmland Preservation, Inc. that should any development be proposed for the Grey Nun property, owned by HRH Management Company, that the Board would like the Township to consider creating additional preserved farmland when and if that property is developed. Mr. Bankoske asked if this needs to be in the form of a Motion to pass onto the Board of Supervisors. Mr. Steadman stated this has been made clear at multiple meetings, but he feels it should be included in the Minutes every so often.

Mr. Blank showed a series of documents that the accountant, Robert Small, had provided the Board as policies they should consider adopting including a Whistle-Blower Policy, Document Retention and Destruction Policy, and Public Inspection Disclosure Policy and Procedures. These should be discussed by the Board at an upcoming Executive Session. One of the other documents suggested was the Conflict-of-Interest Statement, which is signed by the Board members and is done. Mr. Bankoske stated he is not sure that the Board had kept such formal Minutes at the time Mr. Small came in and discussed these topics; and they should check to see if those were ever formally adopted. They should be reviewed, discussed, and then be formally adopted by vote. Mr. Blank stated these would then be posted in the SharePoint site so that they are there permanently. These will be marked as "draft" at this time when scanned into SharePoint as they are provided for information only at this point in time.

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

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 8, 2021

REVIEW OF ACTION ITEMS: Mr. Blank

1. Mr. Steadman – Draft language around tree removal.
2. Mr. Carney – Draft language for a future letter regarding fence integrity.
3. Mr. Steadman – Speak to Sam and Bob about getting a list of authorized hunters including names, telephone numbers, e-mails, and general contact information.
4. Mr. Blank – Contact farmers about mowing more frequently during the growing season – specifically every other month will be suggested.
5. Mr. Bankoske – Give Tim feedback that the Board noticed that there is now less run-off on Farmview I after what he has done.
6. Mr. Bankoske – Communicate with the homeowners at 2367 Trowbridge that the Board is in favor of the removal of the tree.
7. Mr. Carney – Add in properties discussed this evening to the spreadsheet for work for Corcoran to do in the winter. It will involve some walk-throughs to fine tune this.
8. Mr. Blank – Scan the documents, which will be marked as “draft” that Bob Small, the accountant, sent to the Board. These will be put into SharePoint to be discussed at an upcoming Executive Session which will need to be scheduled.
9. Mr. Bankoske – Reach out again to the neighbor about the removal of the trees that were planted on Farmland property and report back to the Board.

There being no further business, Mr. Carney moved, Mr. Steadman seconded and it was unanimously carried to adjourn the meeting at 7:40 p.m.

Respectfully Submitted,

Dennis F. Steadman, Acting Secretary