

FARMLAND PRESERVATION, INC.
MINUTES – SEPTEMBER 20, 2022

The regular meeting of the Lower Makefield Farmland Preservation, Inc. (Farmland) Board of Directors (Board) was held remotely on September 20, 2022. 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

Others: Jim Majewski, Community Development Director (left meeting in progress)
Barbara Kirk, Township Solicitor (left meeting in progress)

Absent: James McCartney, Supervisor Liaison

APPROVAL OF MINUTES: Mr. Heinze

Mr. Heinze moved, Mr. Steadman seconded and it was unanimously carried to approve the Minutes of July 19, 2022 as written.

TREASURER'S REPORT: Mr. Bankoske

An invoice was paid for Corcoran Landscaping in the amount of \$1,175 for the latest cleaning of the buffer areas. There is an invoice from Apex Services for the fence work on Farmview II for \$7,197, and that payment will go out soon.

There had been discussion via e-mail about the status and strategy of the investments, and this will be discussed at the next meeting. Mr. Bankoske stated we are waiting for Fidelity to come back and indicate if they agree with keeping the same investment strategy that we have now; and that can be discussed at the next meeting as well.

DISCUSSION OF WORTHINGTON EASEMENT REQUEST, 1491 HEATHER RIDGE DRIVE:

Mr. Bankoske

There was a request from Mr. Chance Worthington regarding an easement across Farmland property. Ms. Kirk, the Township solicitor, and Mr. Jim Majewski were asked by the Board to join in on this discussion tonight.

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Mr. Chance Worthington and Mr. Tyler Shagen were present. Mr. Shagen stated the PDF document had been distributed to everyone. He stated they are looking to get public water and public sewage to 1491 Heather Ridge. He showed the Site Plan for the property noting the property line. He stated it is a flag pole lot, and they have limited space to work with given the driveway and the trees. There were preliminary discussions about going straight line from the house to the intersection of Ridgewood Lane and Heather Ridge Drive; but Mr. Shagen stated he does not feel that would be the best route to keep disturbance to the Farmland property to a minimum, and it was felt it would be better to take a route as close as they can to the tree line that goes up the driveway at 1491 Heather Ridge and as close as they can along the public right-of-way to where they need to access the public utilities.

Mr. Shagen showed in red the proposed sewage line. He stated the connection needs to be at the intersection of Ridgewood Lane and Heather Ridge Drive as that is the closest sewage main. The trench along the public right-of-way and up the side of the driveway would need to be about 12" wide and a minimum of 36" deep with a clean-out every 50' along the red line.

Mr. Shagen showed in blue the proposed public water line which would also come along the same path down to where they would put a meter pit which would be 2' by 4', 42" deep. The trench would also be 42" deep and would be 12" wide. PA American Water Company will determine the final location, and it will be between the road and the sidewalk or on the opposite side of the sidewalk from the road.

Mr. Shagen showed elevations for the sewage line, and noted the 4" clean-outs every 50'. He stated the pipe needs to be a minimum of 2'6" feet below the soil. He showed the connection to the sewage main under the road. He showed an elevation of the trench looking up the trench. These are the required connections and elevations per the Code.

Mr. Shagen showed the meter pit elevation which is the blue line on the Site Plan. He stated while PA American Water will verify the final location, they would try to keep it as close as possible to the public right-of-way. He stated they would trench out 36" deep along the blue line from the house down to the meter pit location which was shown as a blue square on the Plan. Once the meter pit is installed, PA American Water would come out and do the final connections to the water main at Heather Ridge Drive. He stated what is being shown are the standard connections by PA American Water. Mr. Worthington stated it will be a 15" diameter lid.

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Mr. Steadman asked how many linear feet of sewer line are on Farmland property under the red line scenario versus how many linear feet of sewer line would go across Farmland property under the straight line, original scenario as it seems to be twice as much with the red line scenario. Mr. Worthington stated they were trying to keep this on the outskirts of the Farmland, but he realizes that for the sewer it would be a “faster shot” to go straight across. He stated there are also a few trees closer to the road that they also wanted to avoid, and the straight shot for the sewage line would have the least impact to the Farmland property. Mr. Steadman asked if there would be any clean-outs on Farmland property under the straight-line scenario. Mr. Tyler stated it appears to be 160’ under the straight-line scenario so there would be at least two clean outs and probably three. Under the other scenario, it would be about 160’ along the public right-of-way and up the side of the driveway would be another 425’ to the property line. Mr. Steadman that would mean about 325’ of sewer line under Farmland property versus 160’ of sewer line so that there would be that many more clean outs and more length where something could go wrong.

Mr. Worthington stated he would be willing to meet with as many of the Board members who wish to on the property and then finalize the plan to establish what the Easement would be.

Mr. Blank stated he does not see the Farmland trees that run along Heather Ridge drawn on the Plan, and he would like to know how close our trees are to what they are proposing parallel to Heather Ridge. Mr. Shagen stated their proposal is designed to keep all of the trees and not harm them. Mr. Blank stated there is a concern about the roots of the trees impacting the sewer line. Mr. Worthington stated they are looking to find the least invasive, most comfortable path from the Board’s perspective, and they have shown the two alternatives. He stated there are big oak trees flanking the driveway, and if they were to stay on their own property, they would destroy those roots. Mr. Worthington stated for the sewage he would prefer the straight shot. He stated that would avoid the Farmland trees, and they would loop around the tree at Ridgewood. The developer’s property line was shown.

Mr. Bankoske asked if the clean-outs are raised or are they sunken in so that they would have to dig a couple inches to get to them. He stated if they are being run across the middle, he would be concerned about maintaining that land. Ms. Kirk stated under the Sewer Ordinances, the clean-outs have to be above ground since if they are below ground, dirt could infiltrate which makes having a clean-out moot. Mr. Majewski stated typically they are raised 6” above ground; and either route they take, they will have to take into account

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how mowing will be addressed. Mr. Steadman asked if it could be 2 ½" above the ground since that would not be an issue. He stated they could not run a mower over the field with a 6" pipe every 50'. Mr. Majewski stated typically they want it to be 6", and he will verify that.

Mr. Worthington stated typically he builds in Central Bucks County and has only connected to public sewer twice before. He noted one of the cross-section diagrams from Ebert Engineering which states, "clean-out to be located at right-of-way at every 50' interval for 4" PVC pipe and 100' intervals for 6" PVC pipe." Mr. Worthington stated he would be willing to pay the additional cost for the 6" if that is feasible pipe if that would result in just one clean-out in the middle of the Farmland property.

Ms. Kirk stated there is a Sewer Lateral Ordinance, and once the house is built before it can be sold there has to be an inspection from the lateral out to the street to make sure there is no blockage; and that is part of the reason why the clean-out has to be 6."

Ms. Kirk asked the width of the proposed Easement, and Mr. Worthington stated it is 10' wide. Ms. Kirk asked about temporary Construction Easements, and Mr. Shagen stated they will probably need about 15'. Ms. Kirk asked how long they would need the temporary Construction Easements, and Mr. Worthington stated he feels six weeks would be ample time. He stated they would not do it until they had all of the materials on hand.

Ms. Kirk asked if both lines would remain the responsibility of the property owner to maintain, and Mr. Worthington agreed. Ms. Kirk stated there would be no Dedication to any public entity, and Mr. Worthington stated there would not. He added that he understands that they would retain the lines until they get into the mains.

Ms. Kirk asked the anticipated compensation that they were going to pay Farmland, and Mr. Worthington stated they did not discuss exact numbers. He stated he does not know what is commonplace in this space. He stated he would anticipate that it would be in the range of \$5,000 to \$10,000 for the Easement. Ms. Kirk stated depending on the location of the sewer line, Farmland will have an issue with respect to maintaining the grassy area especially if there are clean-outs. Mr. Worthington stated he would not have a problem with having to maintain that section around the clean-outs. Mr. Steadman stated that is only until it is sold to the next owner. Ms. Kirk stated it could be made a restrictive covenant as opposed to just an easement.

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Mr. Steadman asked about Mr. Worthington's comment with regard to a 6" sewer line instead of a 4" sewer line so that the clean-out access would be every 100', and he asked if there is any reason that they could not do that. Ms. Kirk stated she is not aware of a reason why they could not do that especially if they are using Plans prepared by the Township's sewer engineer. She stated she would want to make sure that the Easement would require the 6" PVC pipe as set forth in the Plan.

Mr. Majewski asked if they are proposing it to be a gravity line or a force main line. Mr. Worthington stated he feels with the longer line they would need a pump tank. He stated if they were to take the straight shot, it would be close; and he would do a gravity line if it would work out, although he feels they are going to need a pump tank. Ms. Kirk asked if he is referring to a grinder pump, and Mr. Worthington agreed. Mr. Majewski stated that may not require as many clean-outs, and he will check into that and get back to everyone.

Mr. Heinze asked what can be done around the clean-outs so that those who have to mow will clearly know they are there and that they have to avoid them. He asked if they could have something a couple of feet around either side of it which clearly marks it. Mr. Worthington stated at his home he has things like this, and he puts small rectangular rocks around them. Mr. Heinze asked that they take this into consideration so there are not future problems.

Mr. Steadman asked which farmer rents this parcel, and Mr. Bankoske stated it is Sterling Farms (Tom McGowan). Mr. Bankoske stated the grass area that is being discussed is not currently farmed with a crop; and it is just grass, although that could change in the future as there has been discussion about this piece of land and what else it could be used for. He stated he feels taking it across the center could potentially be an issue.

Ms. Kirk asked if anyone has looked to see if there are any restrictions in the terms of the Lease as to the use of this land. Mr. Bankoske stated he believes the only restriction with respect to the Lease is that it is to be used for farming purposes. Ms. Kirk stated the terms of the Lease may indicate that the property owner cannot install something that would impede the tenant's ability to farm that area. Mr. Steadman stated he does not believe there is an issue, but he will double check that. Mr. Steadman stated there are restrictions in the Deed that it always be used for agricultural purposes, but he does not think it would restrict them from giving someone permission to put a sewer line underneath as long as it does not stop the land above it from being used for agriculture. Mr. Blank stated there is precedent as one of our fields has the gas line through it. He stated that is an Easement, and the gas line company maintains it.

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Mr. Blank stated in the paperwork at Closing there would be a Restrictive Covenant about this Easement, and he asked who would be responsible for enforcing this. Ms. Kirk stated it would be Recorded and the Board would be responsible to enforce it against the property owner.

Mr. Blank asked Mr. Worthington when they need a decision. Mr. Worthington asked if they could have a decision from the Board in thirty to forty-five days and then work out the details. Mr. Blank stated the Board meets the third Tuesday of every month. Mr. Worthington asked if they could make a decision by the end of October. He stated if this does not work, he will need to explore other alternatives as he knows that the facilities on the property are inadequate. He stated he is not sure whether he could remove the trees down one side of the driveway. He stated he has not looked into on-site sewers and would prefer not to have to do that.

Mr. Bankoske stated Mr. Majewski will research if a grinder pump would increase the length between clean-outs. Mr. Majewski stated he believes that a grinder pump and a force main do not need a clean-out although they may need something if they change direction and go at 90 degrees, and he will verify that. Mr. Bankoske stated the Board will look into the terms of the Lease.

Ms. Kirk left the meeting at this time.

FARMLAND PRESERVATION RECORDS: Mr. Majewski

There are old Farmland Preservation records including tax returns and audits from the 1990's being stored in the Township's Record room. Mr. Majewski asked the Board to consider how long these should be kept. Mr. Bankoske stated he would like to come into the Township to review these records and feels they should scan as much as possible so we can keep a digital copy and shred the paper.

Mr. Majewski left the meeting at this time.

UPDATE ON MISSING 1-295 FENCE ON MAKEFIELD BROOK: Mr. Steadman

The Township has reached out a few times, but there has been no action.

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UPDATE ON OPEN UTILITY BOX ON CLEARVIEW: Mr. Steadman

The property owner has been notified, and the Township was asked to reach out to that utility again, but so far there has been no action by the company which is responsible for the utilities of the tower lot. Mr. Carney asked if there is any concern about hunters coming into that area early in the morning or late at night. Mr. Steadman stated coming in on the driveway, you would miss the open box as it is about 2' off the driveway. He stated he has it surrounded with red tape and put a wooden pallet over it. He stated while it is ultimately a safety issue, he feels it is manageable. He stated since it has been there for a while, he believes anyone who has been going back there is probably aware of it.

HEATHER RIDGE: WILDFLOWERS: Mr. Bankoske

The property owner at 2037 Trowbridge Drive requested to plant wildflowers in the area within the trees – not in the grass buffer. The farmer did not have an issue with this provided it was not in the grass buffer. Mr. Bankoske stated he would caveat this with a requirement that these be native wildflowers and there be nothing invasive. Mr. Steadman stated he does not believe wildflowers will grow under the trees. Mr. Bankoske stated it is not that wide of a tree line at that location. Mr. Carney asked about access, and Mr. Bankoske stated they would just sprinkle seeds. Mr. Steadman asked if this will be memorialized in a letter indicating that it is contingent upon it not be in the grass and that they will not trespass into the area beyond the initial seeding. Mr. Blank stated the letter/e-mail should be kept in the Farmland records. Mr. Bankoske stated there had been previous discussion about buffers in general in the Township which Mr. Majewski was looking into, and there was mention about buffers and native wildflowers in buffers. He stated he would use similar language in the letter to the property owner about native wildflowers and minimal trespass.

BRIDLE ESTATES: TREE REMOVAL: Mr. Heinze

Mr. Corcoran will be removing the tree a week from today. Mr. Heinze will let the homeowner and the farmer know about the approximate time they will be there.

FARMVIEW II: FENCING & BAMBOO: Mr. Blank

The fencing is up. The fence line was moved closer to the neighbor's property which put it closer to the bamboo. Mr. Kirk is going to advise the homeowner that she needs to maintain the area between the bamboo barrier and the Farmland fence. Mr. Blank advised Mr. Kirk that it is within 10' of the Farmland fence, but Mr. Kirk was not going to force the homeowner to re-do it, take down more bamboo, or put in more barrier. Mr. Blank asked the Board if

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they want to press the issue or just watch how the homeowner does in keeping the area clean. Mr. Blank stated in some spots there is just 2' between the Farmland fence and her barrier. Mr. Bankoske stated he understands that she is letting active bamboo grow on her property beyond the barrier, and she is not trying to remove all the bamboo on her side of the property. Mr. Blank stated she had someone clean it out, but it was insufficient; and in order to get the fence up and have enough room, Mr. Corcoran had to clean out more. He stated there is not currently bamboo growing on the Farmland side; however on occasion shoots do come up. Mr. Bankoske stated from the barrier to her house, he understands that she is keeping the bamboo; and Mr. Blank agreed. Mr. Steadman asked if the homeowner has been generally cooperative when action was needed to be taken, and Mr. Blank stated she has not. Mr. Blank stated Mr. Kirk had talked to her in the past, and she spent a few thousand dollars to have some of the bamboo cut down initially and a barrier installed; but over time that has become insufficient. Mr. Blank stated it is an expense for the homeowner, and Mr. Kirk is sensitive to that. It was agreed that the Board will continue to keep a close eye on this, and take action as needed.

Mr. Blank stated the fencing is installed, and Mr. Corcoran cleaned out the property along Dolington that needed to be cleaned out to put in the fence. With regard to the first property on Susan Circle, the Board had agreed not to put up a fence. Mr. Carney cut off the metal survey posts and installed Rebar. Mr. Blank stated he does not believe the trees the Board asked them to move have been moved yet. Since it has been dry, it is probably not a good time to do that yet. Mr. Carney stated they were told to wait to move them until the fall when they would have a better chance of surviving. He stated he pulled the wooden and metal stakes out and drove 2' pieces of Rebar into the ground, spray painted the tops, tagged them with surveyor's tape, and took a picture of the coordinates so that they can be found if necessary with no problem. He stated he will take down one more further down once the trees are moved off of the Farmland property.

Mr. Blank stated he received a call from Mr. Miller about the installation of the fence behind his property on Dolington Road; and once he received an explanation, Mr. Miller had no problem. Mr. Miller also took down the deer stand at the Board's request.

Mr. Blank stated we will continue to maintain our side of the fences. Mr. Carney stated he talks to Mr. Corcoran once a month about any areas where there are issues, and Mr. Corcoran knows that the areas where he has cut need to be well maintained.

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FENCE REPAIRS: Mr. Blank

As part of the Farmview II fencing project, four other areas were added – three on Leedom and one on Longshore where the fence had been cut; and Apex has fixed those areas. Mr. Blank stated all of the homeowners were cooperative although there was one homeowner who Mr. Blank was unable to contact. Mr. Carney stated all of these homeowners had indicated that the fence had been already been cut when they purchased the property, and they had continued to utilize the cut in the fence to do some work there. He stated with the way that the buffers are now being kept, he does not feel the property owners will be going back there now that the fences have been repaired.

UPDATE ON COMMUNITY DAY: Mr. Steadman

Community Day was a success. The location for Farmland's tent was next to Charlann Farms' tent which was up in the food court area and not in the area down on the parking lot behind the pool where the other vendors were located. A lot of people came by and the bee hives and the bee suit were a draw and children were permitted to put on the beekeeper suit. The large map of the preserved Farmland provided by Mr. Majewski and some other information also displayed, and there were discussions with neighbors about Farmland Preservation. Mr. Steadman stated while it was a lot of work putting up the tent/displays, it was a productive day of community outreach and education. There were times when the Farmland tent was busier than the food court vendors. Mr. Blank stated a number of people asked if we sell the honey, and they were advised that we were not licensed to sell it. Mr. Steadman stated one individual suggested an area that could be considered as preserved land. Mr. Steadman was thanked for organizing this event. Mr. Heinze stated he feels we should continue with this event in the future.

PUBLIC COMMENT: Mr. Blank

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

REVIEW OF ACTION ITEMS: Mr. Heinze

1. All – Have a follow-up discussion on the Worthington proposal in order to provide an answer in October. This discussion could be off-line. Mr. Steadman stated there is another item that could be discussed during an Executive Session regarding a prospective

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acquisition of additional farmland. Mr. Carney asked if the Board could meet on the Worthington site prior to meeting on the site with the developer although he would be willing to go back there with the developer after the Board meets on the property. There was discussion about when the Board could meet on the property, and Mr. Steadman was asked to let the Board know when he is in the area.

2. Mr. Bankoske – Draft a letter/e-mail to the homeowner who is going to plant the wildflowers so they understand what they can and cannot do.
3. Mr. Blank – Keep the Board updated on the bamboo at Farmview II Mr. Carney stated Mr. Corcoran is often there, and he will ask him to keep watch on this area as it seems that it is going to be an issue so that the Board is advised if the bamboo starts to sprout on the Farmland side. He noted Mr. Corcoran is in this area six times a year.
4. Mr. Bankoske – Check lease for Heather Ridge if it contains a prohibition on anything restricting farming.
5. Mr. Steadman – check deeds for restrictions on placing a sewer or water line on Farmland properties.
6. Mr. Majewski – Determine rules on sewer cleanouts if a grinder pump is used.

There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully Submitted,

George Heinze, Secretary

