

FARMLAND PRESERVATION, INC.
MINUTES – OCTOBER 17, 2023

The regular meeting of the Lower Makefield Farmland Preservation, Inc. (Farmland) Board of Directors (Board) was held remotely on October 17, 2023. 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

Others: John B. Lewis, Supervisor Liaison

Absent: Dan Bankoske, Farmland Preservation, Inc. Treasurer
Sean Carney, Farmland Preservation, Inc. Member

APPROVAL OF MINUTES: Mr. Heinze

Mr. Steadman moved, Mr. Blank seconded and it was unanimously carried to approve the Minutes of September 19, 2023 as written.

TREASURER'S REPORT: Mr. Blank

One check was sent to Corcoran Landscaping for routine maintenance of the buffer. A more complete report will be provided by Mr. Bankoske next month

PROPOSED WINTER SCHEDULE FOR BUFFER MAINTENANCE: Mr. Blank

This will be done by Corcoran Landscaping again this year. The proposed winter schedule is mostly set, and Mr. Carney will discuss the full schedule next month. Some jobs were on the list from Mr. Corcoran, Mr. Blank provided some work to be done at Longshore, and Heather Ridge to limb some trees. Mr. Steadman and Mr. Heinze were asked to advise Mr. Carney of any projects they have on their properties so they can be added to the schedule. Mr. Heinze noted some work that needs to be done at Stackhouse along the buffer at 1578 Brookfield Road, and he has advised Mr. Carney of this. Mr. Heinze added that at some point in the future, he and Mr. Carney will walk that site.

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Mr. Steadman stated a good job has been done cleaning up the buffers over the last few years, and the new approach Mr. Carney has taken with buffer maintenance is working well. He stated we have a good situation with Corcoran Landscaping to have work done in the winter at a discount. He asked that the Board consider doing some of the projects that would be done in the summer or fall in the winter when the work can be done for less money. Mr. Blank asked that this be discussed at the next meeting when Mr. Carney is present.

PREVENTING ADVERSE POSSESSIONS – Proposed Letters to:

Mr. Hirko (Longshore) and Survey – Mr. Blank/Mr. Carney
Dr. and Mrs. Patel, 1696 Susan Circle (Farmview II) – Mr. Blank
Mr. Worthington (Heather Ridge) – Mr. Bankoske
2029 Trowbridge (Heather Ridge) – Mr. Bankoske

Mr. Blank stated there is a Pennsylvania law that if someone is maintaining/using your property after a certain amount of time (21 years), they could claim that it is their property. Mr. Blank indicated that Mr. McGowan had advised that the owner of the Jug Hill Christmas tree farm on Taylorsville Road has been in court costing him tens of thousands of dollars trying to get his property back that someone else has been using. Mr. McGowan mentioned this in the context of the discussions about Mr. Heaney's property on Heather Ridge. Mr. Blank stated he created the above list of four on-going areas where potentially a letter could be sent advising that while they are on Farmland property, and the Board is allowing them to do this, at any time the Board could reclaim the land. He noted letters like this have been written to people in the past so there are templates for such a letter.

Mr. Steadman stated he would be in support of this if there is encroachment on Farmland property, and it is felt that it seems that they feel like they may be taking possession of it; however, he stated in the example it was indicated that they have our permission, and that is not always the case. He stated in some cases, they are on Farmland property without our permission; and we would be requesting them to remove their fence, etc. from our property. Mr. Blank stated he agrees. He added that in the case of Mr. Chance Worthington, they are cutting the lawn with the Board's permission, but he agrees that would not be true in all cases; and they do not have our permission.

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Mr. Blank stated the first property is on Longshore (Mr. Jeff Hirko), and Mr. Carney went to that property with some of the hunters where it was found that there were a lot of items in the woods behind Mr. Hirko's house which is felt to be Farmland property. Before a letter could be written, Mr. Blank stated a survey would be needed to make sure that we have solid ground as to where the Farmland property line is. It was discussed previously that we should get a survey of that area of the woods on Longshore.

Mr. Steadman asked if we are confident that there are not pins or markers there already. Mr. Blank stated while there are some stakes, it is not well marked. Mr. Steadman stated the Hirko property is surrounded on three sides by Farmland Preservation property with the frontage of the property on the road. He asked if we are proposing to survey the three boundary lines or the entire Farmland parcel. Mr. Blank stated he felt we would go into the woods where Mr. Hirko has some of his material stored and do that and come back toward Mr. Hirko's house as well.

Mr. Heinze stated he would be in support of the survey, but would ask that whoever is hired to survey it be asked to provide a quote for a limited survey as well as how much additional it would cost to do the whole property so that we have it for the record. Mr. Blank stated prior to that he would suggest that he and Mr. Carney go back to the property. Mr. Blank stated he believes that part of the north side at the corner of Dolington and Woodside is actually Township property. Mr. Steadman stated that is not impacted by this issue, and there is a separation. Mr. Steadman showed an aerial of the Hirko property, the Farmland property, and the parcel at the corner owned by the Township (see attached). Mr. Steadman stated we have granted permission to specific hunters to hunt on the Farmland Preservation property, and the purple x's shown are deer stands that he and Mr. Carney have tagged and have names associated with them so it is known which hunter is in which location. Mr. Steadman noted on the aerial the area surrounding the Hirko property. He stated if the surveyor is willing, it would be less expensive to do those three lines as opposed to the entire close to 40 acre parcel.

Mr. Heinze asked how well it is marked between the Lower Makefield property and the Farmland property, and Mr. Steadman stated there is nothing visible there. He stated there could be a demarcation of the boundary between the Township and Farmland property as part of the survey. Mr. Blank stated he feels they should survey the three lines shown on the aerial around the Hirko house and possibly include the LMT portion.

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Mr. Lewis was on the property and stated there are crops being grown on the Township property. Mr. Steadman stated that field has always been treated as one field minus the woods, and the Stewarts who farm it do not make a distinction between the corner where it is Township property and the preserved farmland. Mr. Steadman suggested that Mr. Blank send a text to Mr. Hirko when he and Mr. Carney plan to visit that property.

Mr. Blank stated the next property is on Farmview II at 1696 Susan Circle and is owned by Dr. and Mrs. Patel who had unknowingly planted trees on the Farmland property. The field was surveyed and marked, and the Patels moved the trees, but their landscaper is still cutting the entire area. Mr. Blank stated he feels they should be sent a letter indicating that while the Board understands they are maintaining this area, it is Farmland property.

Mr. Blank stated he feels the letters should be sent Certified Mail. Mr. Steadman stated he also feels a copy should be sent to Mr. Majewski at the Township. Mr. Lewis agreed it should be sent to Mr. Majewski and Mr. Kratzer.

Mr. Blank stated the next property relates to Chance Worthington/the sale of the Heaney property at Heather Ridge. There is a grass area off of Heather Ridge Drive which is too small to farm and drainage is not practical according to Mr. McGowan. Mr. Blank stated Mr. Worthington is trying to sell that property and has been maintaining it. Mr. Carney asked Mr. Corcoran for a quote. Mr. Blank stated Mr. McGowan had indicated that he would take care of that area. Mr. Blank stated no notice has yet been sent to Mr. Worthington that even though he is cutting it, it is Farmland property.

Mr. Steadman stated he believes that the concern over adverse possessions would involve very long-term time periods, and Mr. Worthington has only owned the property for under two years. He stated he does not feel there is the same need to notify Mr. Worthington as he is a short-term owner and will be selling it to a new buyer, and it may be more appropriate for the new property owner to be advised where the property line is. Mr. Steadman stated it would make sense for Mr. McGowan to maintain it for soil conservation purposes since this is a part of the field he farms and should be maintained in grass to hold the soil but not farm it. Mr. Blank stated the property may not sell for a long time, and Mr. Steadman stated it would not be a problem to send the letter.

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Mr. Heinze stated there had been a previous discussion about this property with regard to installation of public sewers and granting right-of-way so there is documentation that clearly shows it is Farmland property. Mr. Heinze stated when the property is sold, a survey will be needed, and that will clearly delineate what is property around the house and what is Farmland Preservation property so that there will something on record at the time of sale that will clearly document the boundaries.

Mr. Blank asked Mr. Steadman to follow up with Mr. Worthington to get a definitive answer as to whether he had the property surveyed or not. Mr. Steadman agreed to speak to Mr. Worthington about this. Mr. Steadman stated there is a difference between the cost of surveying the Worthington parcel that borders the Farmland property and surveying the Farmland property as that is a much larger parcel. He stated there are no other issues elsewhere so he does not feel it would be worth it to survey the Farmland parcel.

Mr. Blank stated that Farmland had Heather Ridge previously surveyed on the other side of the creek and the wooded area near Trowbridge and put in metal stakes although there was not a fence put in at that location.

Mr. Blank stated the next property is 1546 Wexford Court and Mr. McGowan had showed him where the homeowner had cut down trees that were at least boundary trees if not on the Farmland property, and is now mowing the lawn on the Farmland side of the boundary. Mr. Blank has offered to go out to the area with Mr. Bankoske to determine which property it is, and he would recommend a letter be sent to that property owner.

Mr. Steadman stated he feels that property should be advised that trees were cut down inappropriately and that they should not be mowing Farmland property.

BUFFER TREES – 1578 BROOKFIELD ROAD (STACKHOUSE): Mr. Heinze

Mr. Heinze met with the property owner after walking the Farmland side of the property with Mr. Carney. There are some dead pine trees that need to be cut, and that will be part of the winter projects. There are also a number of trees on the Farmland side of the fence line with the limbs extending over onto the homeowner's property. The homeowner has advised that it is time-consuming for him to clean up what is being dropped from the trees onto his property.

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Mr. Heinze stated he advised the homeowner that he has the right to trim anything that is leaning over onto his property line. The homeowner has indicated that he does not feel that he should incur the expense of doing that because it is a Farmland tree. Mr. Heinze stated the buffer itself is in good shape along the fence line. Mr. Heinze stated some of the branches that are hanging over the homeowner's property are fairly high so he would probably have to hire someone to trim those. Mr. Heinze stated the Board may want to consider having Mr. Corcoran trim some of the branches while he is there doing the winter projects provided it is not a big expense to the Board. Mr. Heinze stated some of the branches are 8' to 12' high.

Mr. Blank asked if any of the trees are dead or dying, and Mr. Heinze stated there are some in the buffer that may be diseased or dying which he feels we should take care of. He stated when they look at that area there may be some branches that could be taken down which would not be a big expense. He stated he would not want to set a precedent. Mr. Blank stated the Ordinance was changed, and we can only remove dead and dying vegetation so if the trees are in good shape, he does not feel we can touch them. Mr. Heinze stated he feels we have a responsibility to properly maintain our trees so they stay healthy. Mr. Heinze stated the homeowner did not indicate he wanted the trees removed, and he was talking about trimming limbs. Mr. Heinze stated if there are dead limbs or limbs that need to be trimmed in order to keep the trees healthy, he feels the Board has the right to do that.

Mr. Steadman stated he feels it is the homeowner's right and responsibility to trim any limbs that are hanging over their boundary line. He added he feels it would set a precedent if the Board were to start trimming limbs from our trees hanging over someone else's property. He stated he does not feel we would always take a harsh stance and we want to be a good neighbor. He stated as neighbors we may be able to come up with some kind of partnership, but he does not feel it is 100% the Board's responsibility. Mr. Heinze and Mr. Blank agreed with this position.

Mr. Heinze stated he will advise the homeowner that we will be taking care of the trees along the buffer that are appropriate for our normal procedures for handling dead/diseased trees as part of our winter projects. He and Mr. Carney will see if there is something else that could be done that would be at no additional expense.

"HOUPT FARM" SIGN ON LONGSHORE: Mr. Blank

A picture of the existing Hought sign was shown as well as the mock-up of the new, proposed sign. The mock-up includes all of the same information that is on the

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existing sign. Mr. Blank stated through a few sources he has found out that Mr. Houpt was not a farmer and the location where the sign is located was not his farm. Mr. Blank stated Mr. Houpt was active in Lower Makefield Farmland Preservation, and the sign was put up to honor him. He stated he would propose changing the sign from Houpt Farm and move his name up and keep the rest of the information the same as proposed similar to what was done with the sign to honor Buster Doan. Mr. Blank stated Mr. Tom McGowan and Mr. Doug Riblet advised that Mr. Houpt died while serving on the Farmland Preservation, Inc. Board, and this sign was installed in his honor. Mr. Blank stated he does not know why they called it "Houpt Farm."

Mr. Heinze stated he would prefer not getting into the history and would just swap out the sign which has been there for years. Mr. Blank stated he disagrees as he feels a mistake was made calling it "Houpt Farm," and it goes against the history of the farm. Mr. Heinze asked whose farm it was. Mr. Steadman stated the sign always confused him because he understood that there was no Houpt Farm in the history of LMT. He stated he agrees with changing the sign as Mr. Blank has suggested which is what was done for Mr. Doan who was also very active at the beginning of Farmland Preservation, Inc. He added that before changing it, he feels we have some obligation to go back into the 2003 Minutes when this would have been done to better understand what the reason was for the sign being worded that way. He stated he would be in favor of making the sign more appropriate.

Mr. Heinze stated if the main issue that is making the Board uncomfortable is the first line which reads "Houpt Farm," because it was not the Houpt Farm, he would agree to removing that line, putting the Farmland Preservation seal at the top and keep everything else the same. Mr. Blank stated that is what he is proposing, but he agrees with Mr. Steadman that we should look into this first, and he will research the Minutes from 2003 and talk to more of the farmers as to who was the owner of that farm to get a fuller history. The matter will be discussed again in November.

FUTURE COMMUNITY DAYS: Mr. Blank

Mr. Blank stated he has found that Parks & Recreation under Ms. Tierney will be re-looking at Community Day to see what direction they want to go. He stated he does not know if this is because there are too few people attending adding that Farmland Preservation, Inc. did not participate this year and the Stewarts did not have their booth there this year. Mr. Blank stated he offered the Boards assistance

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and input, but he has not heard back. Mr. Steadman stated we participated in 2022; and while it was successful and we reached some members of the community, it took a lot of effort; and in 2023 we were not sure it was worth all of that effort, and decided not to participate as well because no one was available on the day it was held.

OTHER BUSINESS: ALL

Mr. Steadman stated there was an issue at Clearview Estates on Woodside Road on the parcel owned by Farmland Preservation. There is a blacktop driveway into the field, and the driveway itself and 8' to 10' on either side of the driveway is Township property.

[Post Meeting Note: Correction, the Township property extends for about 35 yards east from the western boundary with the "Radio Towers" property. Thus, it is not "8 to 10 feet on either side of the driveway" as stated in the meeting. It is rather closer to 8 to 10 feet to the west of the driveway and about 75 to 80 feet to the east of the driveway.]

The driveway goes back along the bordering property and turns to the right. The driveway is access to the cell phone tower which the Township rents out. It borders the Farmland Preservation field, and there have been issues during the summer and fall with what are felt to be teenagers on ATVs and Jeeps driving in there and destroying crops. Mr. Steadman stated one of the hunters who has permission to hunt that property reported this week that there was a lot of trash that had been dumped on the property. The Township staff went out there this morning, and it was found that the teenagers or others who are going onto the property illegally went into the old radio studio that is on the adjacent property and dumped trash from the building out into the open.

Mr. Steadman stated he met with the Township on site this morning, and what was proposed was installing a gate across the driveway or a chain that would block vehicles. He stated there had been a chain there at the edge of the property; but it was deemed unsafe because when the farmer came in from Woodside Road, he would have to stop on Woodside Road on the hill which was not safe in order to open the chain. He stated the only way to do it safely is to chain off the driveway about 50' into the driveway so that the farmer has the opportunity to pull all the way off the road into the driveway. Mr. Steadman stated because it needs to be set back for the farmer's access, we also need a fence along the side of the driveway or the vandals could just drive around the gate and into the field.

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Mr. Steadman stated the Township recognizes that it is their property and that it is their responsibility. He advised the Township that Farmland Preservation may be willing to share in some of the expense and to cooperate with the design. The Township will work up an estimate of what it would cost to secure the area and provide a proposal to the Board. He stated the initial thought was that if the Township did the installation, Farmland Preservation could buy the materials although no commitment was made. Mr. Steadman stated we want to support the Stewarts in their continued leasing of that land. He added it is marginal land from a productivity perspective because the deer damage is so severe; and it is just on the edge of whether it is worth it to the Stewarts to plant, fertilize, and manage this parcel because of the low harvest. Their rent was reduced on that parcel because we want them to continue to farm it, and they cannot afford to have crop damage with vandals driving ATVs over their fields. Mr. Steadman will come back to the Board once the costs to secure the property are known.

Mr. Blank stated since Mr. McGowan has offered to cut the grass at Heather Ridge if and when it is needed, we might offer a reduction in his rent based on the acres that are not tillable.

Mr. Blank stated he learned that Mr. Stewart had discussions with the new owner of the Grey Nun property about farming, but there are shrubs and trees that would have to be removed on some of that land to make it practical for farming. Mr. Blank asked Mr. Stewart to keep the Board informed in case there is something that we might get together with them on.

Mr. Blank stated with the Torbert Farm being in the process of being sold and developed, Farmland Preservation would be interested in additional farmland if the Township were agreeable to providing to the developer Township Zoning which would provide for a certain number of houses in exchange for preserved farmland particularly along Route 332. He stated Route 332 would therefore have crops along it on that side as opposed to a row of back yards. He added that is how Farmland Preservation land was acquired, and it was donated by the developers who got Variances from the Township in exchange for setting aside preserved farmland.

Mr. Lewis stated the Township would be interested in that as well; however, the owners of the Torbert property are dealing with developers who have indicated they want full-sized lots; and under the current Zoning, they would not need any Variances to do that. Mr. Steadman stated he understands that the proposal that

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came to the Township did not require Variances, but sometimes plans do evolve and change; and he feels setting aside some more farmland would be appreciated by the community. Mr. Lewis stated he agrees. Mr. Blank stated he is encouraged that something could still happen, and he asked Mr. Lewis to keep indicating that Farmland Preservation would be willing to cooperate on this.

Mr. Blank stated there was some dumping of grass cuttings and sod thrown over the fence at Longshore. He went to the property and spoke to the mother of the homeowner who will discuss it with the homeowner who had a contractor come out and move a shed and threw the material on the Farmland side of the fence. Mr. Blank asked her to make sure it is removed, and he will follow up on that. Mr. Blank stated that it is the second house in from Woodside on Merrick Road.

PUBLIC COMMENT: Mr. Blank

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

REVIEW OF ACTION ITEMS: Mr. Heinze

1. Mr. Steadman – Follow up with Chance Worthington if there is a current survey of his property by Heather Ridge.
2. Mr. Bankoske – Confirm if it is 2029 Trowbridge or some other address with regard to mowing/tree removal. Whatever is learned will prompt the appropriate letter to go to the homeowner.

POST-MEETING NOTE: the correct address is 1546 Wexford Court

3. Mr. Blank – Research the Minutes from 2003 with regard to “Haupt Farm” so we can modify the sign appropriately before purchasing and re-installing.
4. Mr. Blank – Follow up on the issue with grass clippings on the Merrick Road property.
5. Mr. Blank – Follow up with Mr. Carney about the survey at the Hirko property at Longshore.

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6. Mr. Blank – Draft letters to the various properties with regard to making sure they understand that they are on Farmland properties.

There being no further business, Mr. Heinze moved, Mr. Steadman seconded and it was unanimously carried to adjourn the meeting at 7:10 p.m.

Respectfully Submitted,

George Heinze, Secretary

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MAKEFIELD TWP

LOWER
MAKEFIELD
FARMLAND
PRESERVATN
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Dolington Rd

HIRKO
JEFFREY
K HIRKO
KATHLEEN

DWARD
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