

FARMLAND PRESERVATION, INC.  
MINUTES – FEBRUARY 20, 2024

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

Others: Daniel Grenier, Supervisor Liaison

APPROVAL OF MINUTES: Mr. Heinze

Mr. Blank moved, Mr. Steadman seconded and it was unanimously carried to approve the Minutes of January 16, 2024 as written.

TREASURER'S REPORT: Mr. Bankoske

Attorney Review of Farmland Presentation, Inc. Documents – The attorney is working on a document review, and the By-Laws, a sample lease, Amendments to the By-Laws, discussion on the Investment Policy Statement, and Conflict Statement have been provided to the attorney. Preliminary thoughts from the attorney are expected this Friday. It was decided to have the documents reviewed at this time since many of the documents are very old, and the attorney will consider if they are in compliance with all State laws and requirements.

There was an invoice for the envelopes and stamps used for mailing the letters to neighbors. Mr. Blank stated there was also an invoice for the sign from Shaw Signs.

COMMUNITY OUTREACH: Mr. Carney

Letters to Neighbors (results Leedom, Farmview I) – The biennial letter was sent to neighbors telling about the history of Farmland Preservation and informing them of

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the Board's expectations of neighbors; and there have been some good results.

A neighbor was throwing yard waste on the Farmland side of the fence on Farmland I, and that was cleaned up by that neighbor. Mr. Blank and Mr. Carney visited a neighbor who borders Leedom who had received the letter who was concerned that there was a hole in the fence, and that children were getting through and being disruptive. The fence was inspected with the neighbor, and there was no hole, and the neighbor was satisfied.

Mr. Carney stated he received a call from a neighbor where work was being done behind their home limbing up the trees, and wanted to get a better understanding of the work being done.

FPI Summary for Social Media, LMT, Newsletter and Website – A summary had been written about Farmland Preservation, Inc. for social media and the LMT Newsletter, and the Township has indicated that they will take care of that; and something should be seen on social media and in the LMT Newsletter in the future. Since there is already a write-up about Farmland Preservation, Inc. on the Township Website, nothing is being changed there.

Mr. Grenier stated he will try to provide a draft of the next Township Newsletter so the Board can see what has been proposed in case the Board has any edits or comments.

APPROVAL OF COLAVITA REQUEST ON LEEDOM TO TRANSFER 1 ACRE: Mr. Carney

The request is for the transfer of one acre from the current Lessor, Sam and Tim Stewart of Charlann Farms, to Bob Colavita and the Christmas tree farm. At the December gathering Mr. Carney had a discussion with Mr. Colavita about how Christmas tree farms in our area have changed; and when they first came to this area, there were four farms where families could pick out trees and cut them down, but now this is the only farm where this still exists. This creates a supply/demand issue as they only allow a certain number of trees to be taken from the farm each year. Mr. Colavita, Jr. stated that their strategy has to change; and they either need to shut down at least a portion of the farm and allow the trees to grow or they need to haul in more trees from out of state. He stated this makes it less of an experience where people come and cut down their own trees. They indicated that they would be interested in having more property that they would be able to plant on; and that they would

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be able to plant hundreds of trees on one acre, although that portion of the farm would not be open for several years so that the trees could grow and become more mature. Mr. Carney stated since the Stewarts were present at that gathering as well, this was discussed.

When Mr. Carney and Mr. Steadman met with the Stewarts for their annual meeting with them to go over a number of topics, this was again discussed; and the Stewarts indicated that they were open to this since it would mean so much to the Colavitas. Mr. Tim Stewart met with Mr. Carney and Mr. Colavita on the property and a potential acre was identified. A slide was shown (see attachment) of the area proposed. Mr. Tim Stewart's request was that he have 120' of access at all times so that he can bring his sprayer through. The area proposed extends off of two the Christmas Tree farm's parcels that the Colavitas already have trees on. This area has been marked on the site if anyone wants to look at it. If the Board agrees to the transfer of one acre from Charlann to Bob Colavita, the Stewarts will plow that portion of the field to get it ready for Mr. Colavita to be able to plant in April. It is anticipated that this area would not be touched for eight to ten years while the trees mature that customers could pick from. It was noted the location may not be exactly as shown on the slide.

Mr. Carney discussed this with the Bucks County Conservation District and they had no problem with this and added that Christmas trees are a lot less erosive than the row planting that takes place with crops on an annual basis. Mr. Carney stated all parties are in agreement with the proposal provided the Board is in favor of it.

Mr. Steadman stated this is a good change, and the two farmers are in favor of it, and the Board should be as well. Administratively there will be a need to have an Addendum to the Charlann Farm Lease and the Colavita Lease detailing this change.

Mr. Grenier asked if this Christmas tree use is an allowable as an agricultural use for Farmland Preservation, and Mr. Carney said that it was. Mr. Grenier asked if this is "cut-your-own"; and Mr. Carney stated while the Colavita Farm is called "cut-your-own," hired help actually goes out with the purchaser who tags the tree they want and it is cut by the hired help. Mr. Grenier asked if there is a parking situation and do they have a place to stage everything so that they are not impeding other residents. Mr. Carney stated with this change, it is adding on only about 14% onto the current tree inventory. They also bring in a lot of trees from out of state that are put in the barn that can be purchased. There is sufficient parking, and there should be no concern adding on this one acre.

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Mr. Bankoske stated Mr. Colavita already leases land from Farmland Preservation and this is just adding one acre to the already-existing lease.

Mr. Carney stated if the Board is in favor of this, he would like to let the Stewarts and the Colavitas know that while paperwork still needs to be completed, they can get started on the plowing and planting process.

Mr. Steadman moved, Mr. Carney seconded and it was unanimously carried that the Board approve one acre be transferred from the current lease of Leedom that the Stewarts have to the Colavita Christmas Tree Farm, and that they be given the go-ahead for the preparation of the soil for that to happen. In tandem with that the leases will be changed to reflect this transfer.

Mr. Steadman stated we all thank Charlann Farms for agreeing to this since they have the lease through December 31, 2029, and they were under no obligation to forego an acre of that crop land; but they were willing to support their neighbor and fellow farmer by agreeing to this transfer and even willing to do plowing.

REVIEW OF LEASES: Mr. Steadman

Two leases will end on December 31, 2024 those being the Bridle Estates parcel leased by Doug Wright as well as the Heather Ridge parcel leased by Tom McGowan. Those were five-year leases maturing at the end of this year. The leases on the six parcels leased by Charlann Farms were ten-year leases when they were renewed in 2020 so they expire on December 31, 2029. While the Colavitas had asked for ten years in 2018, it was not the Board's standard protocol to do that at that time, although that has since changed; and that lease was a five-plus-five lease, of which the first five-year period expired on December 31, 2023, and now runs for another five years expiring on December 31, 2028. As the one-acre transfer is folded into the Colavita lease, the term of that modified lease should be discussed.

Mr. Doug Wright is selling his 50 acres that he farms, and his lease from Farmland on the adjacent parcel will end at the end of this year. Charlann has expressed interest in farming this Farmland parcel. Interest has also been expressed by the Tanners who Farmland does not have leases with at this time; however, Mr. Wright does deal with them, and he has approached them about leasing the Bridle Estates parcel.

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There have been no discussions at this point between the Tanners and the Farmland Board. The Bridle Estates Farmland parcel is 39 1/3 acres, 100% cropland with no woods. A tenant will be needed for this parcel starting in 2025.

Mr. Steadman stated we should meet with Mr. Colavita to understand how he wants the additional acre folded into his lease. Mr. Steadman stated he does not feel Mr. Colavita will want to have a five-year lease since he does not intend to touch the newly planted trees for seven to ten years. He expects that a ten-year lease will be requested, and he asked if there should be one lease for the new one acre with a static lease on the other seven acres. Alternatively, all eight acres, could be folded into a common lease with a common expiration date. Mr. Blank stated the Board should also consider what we want added to the lease as well.

Mr. Bankoske asked if the Board should consider a motion to approve discussion and negotiations with Mr. Colavita to re-negotiate and roll together the one acre plus the existing lease into one new lease for a ten-year lease. Mr. Steadman stated that any new terms would then come back to the Board once the discussions with Colavita take place. Mr. Heinze asked why a motion is necessary since the Board just approved the one-acre transfer; and by default, of that approval, the Board will have to negotiate the lease. The Board agreed that a motion was not required. Mr. Carney and Mr. Steadman will meet with Mr. Colavita.

Mr. Blank asked what needs to be done with the Stewarts' Leedom's lease from which the one acre is being removed. Mr. Steadman stated we will be revising that lease from 58.2 acres to 57.2 acres, and the timing and the rates would remain the same. He feels that could be done with just a letter Addendum. Mr. Steadman will review the Leedom lease and discuss it with the Board. Mr. Steadman stated this would be the same process as when we carved out 250 square feet from the Charlann Farm lease at Makefield Brook to accommodate the honey bee lease.

FARMER REQUESTS ON LEEDOM: Mr. Carney

Driveway Widening – Stewarts – Mr. Carney stated the Stewarts discussed the location where they come in and out of the farm area with their equipment and trucks where there are two telephone poles with a chain going across which is approximately 14' wide with stone and some macadam; and they asked if that

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could be widened so that they could get the trucks in, turn them around, and then pull back out onto Dolington. He stated it is an issue because of the way it is facing and because the area is wet and they do not have room to move. Mr. Carney went to the site, and he does not feel it would be a difficult job. He stated there is a ditch with a culvert pipe in it, and we would need to get the ditch cleared out, put in another piece of culvert pipe, and have some modified and stone put over the top that would help support their trucks coming in and out.

Mr. Carney stated he has discussed this with Mr. Steadman, and it is felt that we should start discussing this with the Township staff to look at this on the site to get their opinion. He stated he feels the Township probably has some equipment that could help us do a portion of this job if not all of it. He stated if the Township cannot help or can only do a portion of the job, the Board would then need to get an estimate on what it would cost to do something like this. Mr. Carney stated it does seem to be a hardship for them to get their equipment in and out safely.

Mr. Bankoske asked if this driveway is at the Leedom property, and Mr. Carney agreed. He stated they are asking for it to be extended. Mr. Steadman stated it is on the curve of Dolington. He added he feels it is a legitimate concern because it is a safety issue pulling in and out of there on that curve as cars go too fast on Dolington. Mr. Carney stated they are looking to be able to take off with a little bit of speed when they come out of there, and Mr. Stewart stated it is difficult to try to keep the tires off of the neighbor's property at this point. Mr. Carney stated Mr. Tim Stewart showed how far they would like it taken out if possible; but that if it was too expensive, and they could just add 8', anything that they could do would be helpful.

Mr. Grenier stated while he is not sure where this is located, this area of Dolington is a State road so any widening of access points onto Dolington may require a Highway Occupancy Permit from the State. He added that if they are dealing with a culvert and doing a culvert replacement, it may require a Permit from the DEP. Mr. Blank asked Mr. Grenier if he thought Mr. Fuller would be familiar with all of that. Mr. Grenier stated he may not be entirely, and he may put that question to the Township engineer for clarification. Mr. Grenier stated this is also an area being looked at because of the flooding that we have had.

Mr. Bankoske stated the area where flooding occurred is across the street from 850 Dolington Road, 18940; and this is a different area from the area Mr. Grenier was referring to.

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Tree Limbing – Colavita – Mr. Carney stated Mr. Colavita had asked about tree limbing, and there are a number of trees which are overhanging the Colavita property and shading the Christmas tree farm in a couple of areas. The Colavitas do go out with a ladder and trim what they can safely; however, these limbs are outside of and higher than they can reach. They asked to have some branches trimmed off, and Mr. Carney feels this could be a half days' worth of work. Mr. Carney stated he advised Mr. Colavita that the Board would discuss this, and perhaps it could be on the winter project list for 2024/2025; but that it would probably not get done in the immediate future because we have already filled all of our allotted time with Corcoran for this year. Mr. Carney stated he will add this project to the list of projects to be discussed for the winter projects for next winter.

DRIVEWAY GATE ON CLEARVIEW: Mr. Steadman

A split rail fence in the shape of an "L" running parallel to Woodside Road and the driveway going into the Clearview parcel has been installed. The purpose is to try to cut down on trespassers going back into that parcel. There are two steel I-beam posts 60' into the parcel at the end of the split rail fence. The gate has not yet been installed, but the project is proceeding. The Stewarts and the Township are in favor of this project. The agreement is that Farmland will pay the out-of-pocket costs (estimated to be up to \$1,000), and the Township is doing the labor. The fence is 100% on Township property, but the Township-owned driveway gives access to the farm field.

FARMLAND PRESERVATION SIGNS: Mr. Blank

Haupt Sign, Longshore – The replacement sign is a double-sided sign from Shaw Signs in Doylestown and is ready to be installed. Mr. Blank will contact Mr. Fuller to coordinate installing the new sign.

Bent FPI Post, Leedom – There is a bent post on the Leedom sign just past the curve where our driveway is on Leedom. Mr. Fuller will be shown this as well to see what can be done.

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NEXT STEPS ON NEIGHBORS' USE OF OR DUMPING ON OUR PROPERTIES

Heather Ridge (1546, 1500 Wexford Court) – Mr. Steadman  
Heather Ridge (1475 Heather Ridge Drive) – Mr. Blank  
Farmview I (1630 Fairfield Road) – Mr. Blank

Mr. Blank stated the above neighbors are either dumping on Farmland property or cutting grass on our property, and that he and Mr. Steadman have tried to make contact with them; but have been unable to speak to them despite leaving notes (in Mr. Steadman's case) at those properties.

Mr. Steadman stated he believes that the issue is a landscaper cutting the lawns of a number of these properties, cutting past the homeowners' line well into the buffer area and treating it like their lawn. Mr. Steadman stated he did reach one neighbor who was very cooperative. He added they were new neighbors who had just moved in, and there was a chance to educate them on Farmland Preservation. He stated for the others he left a note, but has not been able to make contact. He suggested that since grass is not being cut at this time, we wait until April and visit again. He stated he knocked on doors; and while cars were there, the people did not answer the door so he is suggesting reaching out again in the spring.

Mr. Blank agreed to do the same with his parcels before calling in Mr. Kirk, LMT Code Enforcement Officer. He added that he did get in touch with one of the neighbors on Fairfield Road, and he indicated that he did throw over bio-degradable material and felt that was not a problem; however, Mr. Blank advised him that is a problem, and the homeowner seemed agreeable. Mr. Blank will check back at that property.

OTHER BUSINESS: All

Mr. Carney stated he and Mr. Heinze have met about the naming of farm parcels, and they could present this at the next meeting. Mr. Blank agreed to put that on the next Agenda.

Mr. Steadman stated all deer Red Tags have been distributed to rostered hunters for the Makefield Brook parcel, and three of the five tags that we have for Clearview have been distributed. Mr. Steadman stated we have nine red tags for Leedom, and those have been delivered to BOWMA who takes responsibility for that property.



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Mr. Carney stated a few weeks ago he received a call on a Sunday from a Lower Makefield Township Police Officer since the Police had received a call from a neighbor about a hunter on Clearview. Mr. Carney stated it seemed that the neighbor did not know whether hunting was allowed to be there this time of year or not; and the Police went out, and there was no issue. Mr. Carney stated the Police asked if they could be provided a copy of the Board's roster, and he provided that to them. He also advised that they should reach out if they ever need anything from the Board. Mr. Carney stated the list has the License Plates, Hunting License Numbers, etc.

Mr. Steadman stated he believes that this is may be an annual occurrence as there is one neighbor who calls the Police whenever she sees a hunter, and this has been going on for a long time.

Mr. Grenier stated the Township has its own deer harvesting program with BOWMA. He stated he would be interested in seeing combined numbers to see how we are doing overall on deer harvesting throughout the Township between Farmland Preservation and the Township. He stated this year the Township had a property where there was some pushback during a meeting, and the Board agreed to pull that property from the roster.

Mr. Steadman stated BOWMA is asked each year to provide a report on the Red Tags which allow for harvesting of antlerless deer outside of the regular hunting season. He stated unfortunately their success has been pretty low. Mr. Steadman stated the Red Tag season ends in September when the regular archery season begins.

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. Carney and Mr. Steadman – Work on the leases for Colavita's one-acre addition and Charlann Farms giving up one acre.

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2. Mr. Blank – Put re-naming of the farm parcels on the upcoming Agenda.
3. Board members responsible for Heather Ridge (Mr. Blank) and Bridle Estates (Mr. Heinze) - Initiate discussions in the spring of expiring leases.
4. Mr. Grenier – Send draft of upcoming Newsletter to the Board
5. Mr. Carney – Discuss with Public Works widening of driveway on Leedom
6. Mr. Carney – Add tree limbing on Leedom to Corcoran’s list
7. Mr. Blank – Contact Mr. Fuller about the two signs
8. Mr. Blank – Put on next Agenda discussion of follow-up with neighbors dumping on Farmland properties
9. Mr. Steadman – Share deer harvest numbers with Mr. Grenier.

There being no further business, Mr. Heinze moved, Mr. Carney seconded and it was unanimously carried to adjourn the meeting at 6:55 p.m.

Respectfully Submitted,

George Heinze, Secretary