

FARMLAND PRESERVATION, INC.
MIINUTES – SEPTEMBER 17, 2024

The regular meeting of the Lower Makefield Farmland Preservation, Inc. (Farmland) Board of Directors (Board) was held in the Municipal Building on September 17, 2024. Mr. Blank called the meeting to order. He stated members of the public can contact any Board member if they have any questions, and their contact information is on the Website.

Those present:

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

Absent: Daniel Grenier, Supervisor Liaison

APPROVAL OF MINUTES: Mr. Heinze

Mr. Carney moved, Mr. Steadman seconded and it was unanimously carried to approve the Minutes of July 16, 2024.

TREASURER’S REPORT: Mr. Bankoske

Income/Expenses for August-September, 2024 – Additional rent amount of \$275 was received from Colavita which was a result of the Lease modification. Dumack Engineering was paid \$2,000 in July as a deposit on the Leedom driveway enlargement project. Corcoran Landscaping was paid \$1,175 for the buffer clearing.

Discuss Revised Corporate Documents – An updated set of documents should be ready for the Board to review shortly. The Board agreed this should be done during an Executive Session, and Mr. Blank will coordinate a date with the Board members.

UPDATE ON WRIGHT FARM DEVELOPMENT PLANS: Mr. Blank

Mr. Majewski indicated last week that nothing further has been heard back from the developers. PennDOT provided comments which the developers are reviewing with regard to the entranceway onto 332. There has been no response to the Farmland comments which had been provided.

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UPDATE ON LEEDOM DRIVEWAY ACCESS PROJECT: Mr. Blank

Plans from Heath Dumack were shared with the Board. The survey, concept lay-out, and engineering design are completed. Board approval is needed to start the Permitting process. Mr. Dumack advised they will do PennDOT and the Department of Environmental Protection first, and then LMT and the Conservation District. A representative from the Conservation District has been on site and indicated that there will be no issue and an Agricultural Exemption is a possibility. There may also be exemptions from some Permits if it is under 1,000 square feet. The Board was asked to provide comments to Mr. Blank over the next few days, and if necessary the Board could have a discussion with Mr. Dumack as a group.

If the Board approves proceeding with Permitting, about \$3,000 additional will need to be paid to Mr. Dumack at some point which is in addition to the \$2,000 that he has already been paid. The total cost of the project if there are no major revisions needed to the Plan as a result of the Permitting process, is approximately \$15,000.

Mr. Bankoske asked who will be doing the work, and Mr. Blank stated the Board has not yet chosen anyone at this point. There are two Bids which were received for the construction in the amount of approximately \$10,000 although they will probably need to be updated. Mr. Steadman suggested that before Mr. Dumack is asked to proceed with the Permitting, the document provided from Mr. Dumack be sent to the two contractors so that they can Bid on what we are asking to Permit. Mr. Carney stated the contractors should also be asked for a period of time that the Bid will be good for since the work will not be done until next year.

Mr. Steadman asked Mr. Blank if he has been working with Mr. Majewski on whether the Bid procedures fit the requirements. Mr. Blank stated Mr. Fuller provided the names of the pavers. Mr. Steadman noted that because Farmland as a non-profit is paying for this, we do not have to follow all of the Township procedures.

NEW LEASES FOR 2025

Heather Ridge – Mr. Blank – Mr. Tom McGowan will not be renewing for 2025. A decision needs to be made about access to the fields and then decide who will lease the property and how the buffers will be cut. Mr. Blank, Mr. Carney, Mr. Majewski, Mr. Fuller, and the Stewarts went to the property to discuss access. While there is a

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concrete bridge, it is in poor repair and will not be able to handle the weight of farm equipment. It has been learned that the Farmland property extends in such a way that equipment would not have to go on the Sterling Farm fields although it might involve going across the creek in wet weather. Mr. Bankoske cautioned using the term “creek” as that may not be what that is defined as and it could be more of an occasional drainage ditch. Mr. Blank agreed this could impact Permitting required if there is the need for some kind of span across this area.

Mr. Steadman stated Mr. McGowan has farmed this land for many years, and it is contiguous with his farm; but he has informed the Board that he is not renewing his Lease so a new farmer not connected directly to the parcel has to access it and would not be able to access it the same way Mr. McGowan did by going over his own fields.

Mr. Carney noted on the aerial view of the parcel that the black line from the road in to the left represented the route the farmers would take to access the upper parts of the parcel. It was felt previously that it was going to be necessary for the equipment to go down the uneven terrain to the cracked cement block which is not large enough or sturdy enough to support the equipment; however from being on site, they have found that if you continue on the black line past the trees and go right, if it is dry there the red line shows an option to go to the fields with no issue, and there are currently tractor tracks there so that path is currently being used. If the site were wet, there would be a ditch about knee high where water would collect shown in blue on the aerial; and a wooden pallet or mat would need to be put over it. Mr. Carney stated the Stewarts had discussed with Mr. Fuller that a metal plate could be put over it that would support the equipment. This would be a secondary route to the dry route which would be the preferred route shown in red.

Mr. Steadman stated the further you go to the left, the ground is higher, and going straight across is the highest ground that is still on the Farmland parcel. The property line does not follow the tree line. Previously the boundary was not as important because it was the same farmer farming them; however, now it will matter.

Mr. Carney stated after being on site, they all had significantly less concern about farming the Farmland property having clear access through the top field unless they were under conditions that were significantly wet. Mr. Carney stated because the crops that they plant are not for human consumption and do not have to be harvested at an exact time, they can wait until the conditions are dry. Mr. Heinze stated there would be time to determine a contingency plan if necessary to develop something proactively longer term, and Mr. Steadman agreed. Mr. Steadman stated the issue

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is at harvest time since at planting time, they are going in with lighter equipment, but at harvest time, they use heavier equipment. He added that the types of crops they plant can only be harvested when they are dry, and there have been wet autumns when corn can be left standing in the field until later in the year. He stated since the path being discussed is on Farmland property, he does not feel there is now an issue.

Mr. Heinze asked if there is something needed to be done to make sure no one goes the way other than the route being discussed since using the route involving the bridge/concrete slab could result in damage to equipment and the Board could be approached as to accountability. Mr. Steadman stated there is to be no trespassing on the property so the only entity that would be there would be the farmer, and farmers are very cautious with their equipment.

Mr. Blank stated he feels there is a need to re-confirm the boundary. Mr. Bankoske stated the property was surveyed in the past related to the Residential neighbors, but he feels another survey will need to be done for our parcel and where it borders Mr. McGowan's land. Mr. Bankoske stated he understood that Mr. McGowan had requested that Farmland install a fence and Mr. Blank stated that he is not in favor of that. Mr. Bankoske added the way the fields are currently planted, the contours, and how the fields are being planted will have to change both on Mr. McGowan's side and on the Farmland side. Mr. Blank stated we could stake it so that we know where the property line is. Mr. Steadman stated we have put up fences and fence posts/stakes where we border residences but we have not done it across open fields or woods, etc. Mr. Steadman stated he feels we could mark the corner pins with an iron stake and fluorescent paint. Mr. Steadman stated there are six corners between Mr. McGowan's property and the Farmland property. He stated he would not be in favor of Farmland agreeing to putting up a fence.

Mr. Blank moved to consult with a surveyor and get input on how best to approach this problem knowing that we want to minimize the expense and the markings made and get an estimate consistent with that. Mr. Heinze seconded, and the Motion carried unanimously.

Mr. Carney stated we recently had a good survey done for us in a timely manner at Farmview II (AKA Stackhouse II).

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Mr. Steadman stated the other issue at Heather Ridge is the need for a farming tenant by January 1. Charlann Farms has expressed interest, and the Board has a long and close relationship with them. The other farmer in the area that has expressed interest in the Wright Farm and the Kimmel Farm is Tanner. Brothers Dairy. Mr. Steadman asked if we should reach out to Tanner to see if they have an interest in this field that is now available so that we are being fair and equitable to Farmland Preservation, Charlann, and Tanner.

Mr. Blank stated he has been in touch with Tim Tanner; and when he came out to see Bridle Estates, it was agreed that we should take him to see Heather Ridge. Mr. Blank stated it is part of our fiduciary responsible to look at all avenues for rental of our property. He feels we should also take into consideration the aspect of a Lower Makefield farmer versus a farmer from outside of Lower Makefield. Mr. Blank stated he feels it would be good to have Mr. Tanner provide his input on how he would approach the access to the property.

Bridle Estates – Mr. Heinze – Mr. Heinze stated he had talked to the Tanners in April who had expressed an interest in this property, and he knows that other Board members have talked to Charlann Farms who also have an interest in the property. He asked about the process to be followed. He stated he would be willing to work with Mr. Steadman on this since he has more experience doing the leases. Mr. Steadman stated there is a standard lease. He stated we have had leases as short as five years and as long as ten years. There are insurance and liability requirements. The rate that was charged in 2019 could be shown, and the information could be provided to farmers to see if they would like to enter a bid. Mr. Steadman stated while he would not indicate a specific rate, he would suggest indicating that we would want a little more per acre per year in a five-year Lease than we would in a ten-year Lease. Mr. Steadman stated he will send Mr. Heinze our lease information for his review.

Mr. Blank noted that Mr. McGowan had been compensated for some acreage that he was unable to farm, and that tillable acreage was never officially changed. Mr. Bankoske stated while we could change that, another farmer may indicate that they could farm that part of the property. It was suggested to go with the old tillable acreage but discuss with the farmer whether they feel they could farm that parcel or not. Mr. Bankoske stated the written Lease includes that acreage,

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and a manual adjustment was done outside of the lease to remove that section for Mr. McGowan. Mr. Bankoske will provide specifics on this to Mr. Heinze and Mr. Steadman.

Mr. Carney asked if it could just be indicated that the bid should be on a ten-year Lease since that seems to be the preference of the Board and the farmers, and it would be an easier comparison compared to one farmer coming back with a bid on a five-year Lease and another come in with a ten-year Lease. Mr. Steadman stated the ten-year Lease has been the preference of Charlann and Colavita, but Mr. Wright and Mr. McGowan never expressed an interest in a ten-year Lease. He agreed the Board prefers a ten-year Lease, and he feels we would give preference to a ten-year Lease. He stated someone may want to pay a premium because they only want to make a five-year commitment, and he feels we should consider that. Mr. Heinze stated he feels the default is a ten-year Lease although if someone came back as part of the negotiation and wanted to reduce it to something other than that, we could consider that, but he feels we should standardize the Leases around ten years; and this was acceptable to the Board.

PARCEL ISSUES

Bridle Estates – Mr. Rizzuto’s Email – Mr. Heinze – When letters were sent in January to residents who border Farmland properties, the Rizzutos advised that there were deer stands/blinds on part of the property looking over 295 and they were not clear as to the rules. Once Mr. Heinze spoke to Mr. Rizzuto he understood everything and they discussed the issues related to people living close to our parcels. Mr. Rizzuto was going to contact the Police with regard to the hunting stands and get direction from them as to what he should do. They need to fence in their yard since they want to install a pool and will be having their property surveyed, and then Mr. Heinze will walk the property with Mr. Rizzuto. Mr. Heinze advised Mr. Rizzuto that most likely a Farmland fence will not be put up on the farmland side that goes parallel to the Rizzuto property. Most of the trees in that section are on the Rizzuto property, and the Board could decide that any branches going onto the Farmland property should be trimmed. Mr. Heinze also discussed with Mr. Rizzuto the Board’s buffer clearing policy.

Mr. Steadman stated this is adjacent to the Wright property and those buffers had not been maintained by Corcoran as Doug Wright had been mowing those

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buffers. Mr. Heinze stated since Mr. Wright will no longer be Leasing the property he assumes that we would follow our normal policy with regard to buffer clearing and that would have to be built in as part of Corcoran's process. Mr. Steadman stated the Agreement with Charlann is that they share the cost of that if they are the tenant, and he assumes that would be another term and condition of the Lease if there is a discussion with Tanner that they either have to take care of the buffers themselves or they share the cost of Farmland maintaining the buffer. Mr. Carney stated he feels the Board's preference is that there be a sharing of the cost of the buffer maintenance, and other Board members agreed.

Radio Tower – Damage to Entrance Chain – Mr. Steadman – A new fence and gate had been installed at the driveway access because people were driving their vehicles back into the fields causing damage. There was an issue with the chain across the driveway and it has been driven over at times and the PVC pipe that the chain passes through has been broken although it still serves a purpose as it is reflective. There have been problems with the locks, and Mr. Fuller has stated that this happens when there are a number of different people using the same locks such as the hunters, the farmer, and Verizon Wireless all have the combination. Mr. Fuller went to the property yesterday and there were four locks on the chain; and he has since addressed it so that there is one lock on one side which is the key lock and a lock on the other end of the chain which is a combination lock, and either one will allow you to open the chain and get in. This will be an on-going issue.

Mr. Heinze stated he feels that the chain needs to be made more taut. He stated because it sags so much he understands why someone might try to go over it. He stated it needs to be up high and taut. Mr. Steadman stated he believes Mr. Fuller has addressed that but he has not been there since then to confirm that. (Post meeting note – upon inspection the issue has been resolved). He added Mr. Fuller has always been very responsive when we have an issue and Charlann has been very good about not sharing the combination with hunters unless he has checked with someone to see if he can share it with a specific individual.

Makefield Brook – Dead Trees, 1361 Brentwood Road – Mr. Steadman – No dead trees were seen on Farmland property behind this property that represent any kind of risk to that property or the Farmland property. Mr. Steadman stated he has left multiple messages for the resident, but there has been no contact from them.

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Mr. Carney stated our contractor was also there the next day and did not see any dead trees causing damage to the property line or behind the Farmland property line.

Mr. Steadman stated this is a wooded area, and there may be an expectation that the woods are more managed than they are. It is common for trees to die in the wood and fall, and this is natural and not something that needs to be addressed.

OTHER BUSINESS: All

Mr. Carney stated there will not be an October meeting, but in November, he would like to discuss the winter project list. We pay for ten days of work over the winter, and Mr. Carney currently has four projects listed that have come up throughout the year which should take four to five days. He stated he has gone out to each of them with Mr. Corcoran so he can provide a scope of work. Mr. Corcoran would also like to go out with dirt and fill in some of the larger holes in the buffer areas that are causing issues for the mowers.

Mr. Carney stated he will contact Mr. Corcoran about the two additional potential buffer areas that he may need to begin cutting so that he can go out and look at them so Corcoran can provide an estimate so that when we are speaking with the potential tenants we can let them know the cost of the maintenance that needs to be done.

Mr. Steadman stated with regard to deer hunting on our properties, we have a roster of hunters and known and tagged deer stands for each of our properties where hunting is allowed. He stated the Red Tag Season is a special program when the Pennsylvania Game Commission allows the harvesting of antlerless deer outside of the ordinary hunting season. We apply for Red Tags on behalf of the farmer. This year the Game Commission changed their system, and between their new system and an error experienced on the Internet, there was great difficulty in getting the Red Tags. They were finally received on September 8th or 9th and the first segment of the Hunting Season ended on September 15th. He stated the second segment of the season will start after the regular hunting season is over in December, and it goes through February. The Red Tags will still be good for that period. Tags have been distributed to the hunters. Ordinary archery season starts this Saturday, September 21st, and our sanctioned hunters will most likely be on stands and actively hunting starting then. He stated anyone going out to the fields should

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be aware of that. He stated hunting is done dawn and dusk and generally not in the middle of the day. BOWMA was provided the Red Tags. They have permission to hunt Leedom's, and they are the only ones who have permission to hunt that property. BOWMA manages that, and they have their own roster and system.

REVIEW OF ACTION ITEMS: Mr. Heinze

1. Mr. Blank – Set up an Executive Session for review of revised corporate documents.
2. Mr. Blank - The engineering documents that have been developed for Leedom's will be distributed to the Board for review and feedback. Also send these to paving contractors for updated estimates.
3. Mr. Blank - Consult with a surveyor about a parcel survey of Heather Ridge and obtain an estimate so that the Board can decide if and when that needs to be done
4. Mr. Steadman – Forward current Leases for Heather Ridge and Bridle Estates to Mr. Blank and Mr. Heinze
5. Mr. Carney – Talk with Matt Corcoran about potential new buffer maintenance areas and estimates for those to be shared with any prospective farmers/tenants
6. Mr. Blank – Add to November Agenda discussion of winter projects for Corcoran

PUBLIC COMMENT

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

There being no further business, the meeting was adjourned.

Respectfully Submitted,

George Heinze, Secretary