

## MIDDLETOWN

## Farm owner wants legal costs covered

*The township tried to condemn Josef Stone's farm to preserve it for open space.*

By CHRIS ENGLISH COURIER TIMES

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One of the longest-running legal dramas in Middletown history has ended with a ruling in the state Supreme Court against the township in its attempt to acquire the Stone Meadows Farm through condemnation.

The ruling reversed decisions from Bucks County and Commonwealth Court favoring the township. The state Supreme Court opinion stated the township did not make a strong enough case that it was trying to acquire the farm for recreation purposes, the allowable reason as stated in the Second Class Township Code.

In statements throughout the process, including to the Courier Times, township officials talked about acquiring the farm to preserve it from development, the decision said.

Josef Stone, part owner of the 175-acre farm on Route 413 near George School, lives there with his wife, Joyce, and two children. The other owners are his sister Francine Stone, who spends most of her time in England, and the estate of their father, Ezra Stone.

"I feel very relieved and vindicated," Josef Stone said of the state Supreme Court ruling that allows the family to keep its property. "Everything I said was, in fact, correct and true. I knew the township wasn't right and said so and continued to be steamrolled by the township. The whole thing was foolish."

Stone said he'll try to recover his costs for fighting the condemnation from the township and doesn't believe the matter will be completely resolved unless he's able to do that. He declined to say what his costs have been.

The condemnation was started in 2000.

"I've suffered some pretty substantial damages in time and money," Stone said. "It's taken a toll on me, my family, my resources and my wellbeing. It's not over yet, but I'm looking forward to it being over. [Township officials] wanted to live by the sword, and now they can die by the sword."

Supervisors Chairwoman Lisa Pflaumer said Stone should be careful about using such strong language.

"Comments like that do not deserve a response," Pflaumer said of Stone's sword reference. "But I'm sure the township will honor any law associated with reimbursement of fees. If I were him, I would be bitter as well. I believe the board is trying to make everything right and, hopefully, we can move forward from here."

None of the supervisors was on the board when condemnation was started eight years ago. Former supervisor Mel Kardos, the board member who made the motion for condemnation at the time, said one of his main intentions was to protect residents against the adverse effects of more development, like traffic and water runoff.

Had the township been able to acquire the farm, some deal might have been struck to make it part of the bordering Core Creek Park, a Bucks County park, Kardos said.

"One of the main things I was elected on was to preserve open space and we were able to do a lot of that during my tenure," he said. "We tried to come to some accommodation on the Stone Farm before moving to condemnation. I believed I was acting as I always did, in the best interest of the residents of the township. All we can do is our best to benefit the citizens. I don't think anyone could have foreseen how convoluted this became."

At the time the action was started, Kardos and others said condemnation was necessary because a proposed subdivision of the farm made them feel that development of at least part of the property was imminent. If the township were successful in the action, Stone and his family could continue living on the property and farming it, Kardos and others said at the time.

David Conn, the attorney representing the township for most of the case, though not when it started, said he wasn't shocked by the state Supreme Court decision.

"It ruled there wasn't enough evidence to support the township's position that there was a real recreational plan for the parcel," he said. "This doesn't surprise me all that much. Unlike the Commonwealth Court, the state Supreme Court is not obligated to take a case. Any time it takes one, it's a given there's an issue the judges want to look at. Most state courts, including ours, are looking very closely at condemnations."

Had the township been successful, it would have had to pay the Stones fair market value for the farm. While a township appraisal had valued it at \$6.25 million, Josef Stone always contended it was worth much more than that. In July, Pflaumer predicted that the township could end up paying as much as \$20 million or \$25 million for the farm if it were successful in the condemnation.

One possible source of that money would have been the \$41 million Middletown has in the bank from the sale of water and sewer systems. Paying for the farm would have seriously depleted that fund, Pflaumer said at the time.

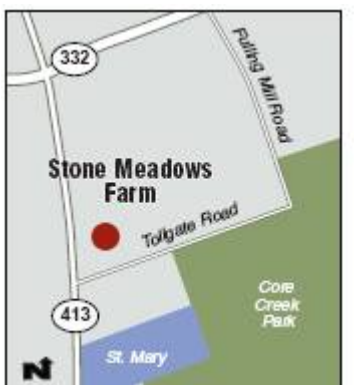
As of July, the township had spent \$57,978 on the litigation, finance director Betsy Reukauf said then. An updated figure was not available.

"I think the board that motioned for condemnation did it with the best of intentions because they feared possible development would impact storm water management in the area," Pflaumer said. "I won't chide them for making that decision. I think they had great intentions, but I don't think the action they took was the best option available to the township. I'm not one who favors condemnations unless it's very clear it would be in the interest of the safety and security of our residents, and I don't think that was the case here."

The Courier Times was unsuccessful in its attempts to reach Francine Stone for comment. She had withdrawn her objections to the condemnation several years ago, and her attorney, Gregg Adelman, declined to comment on the case since his client was no longer a party. He said he didn't know what Francine Stone wanted to do with her share.

The estate is owned by Josef Stone, Francine Stone and the estate of their father. Josef Stone said he believes that once all estate matters are settled, he will own half the farm and his sister half.

"All I wanted was for this to continue to be my home and not someone else's property," Josef Stone said.



DEBRA UNGERMAN / COURIER TIMES