

MIDDLETOWN

Losing bid to acquire farm will cost township \$164,000

But winning the court case and acquiring the farm might have cost between \$10 million and \$20 million, one supervisor estimated.

By CHRIS ENGLISH COURIER TIMES

Losing its bid to acquire the 175-acre Stone Meadows Farm by condemnation will cost Middletown about \$164,000.

Winning would have been much more expensive, some township supervisors said.

Had the township been successful, it would have ended up paying fair market value for the farm on Route 413, said Supervisor Jasper Caro. He estimated that the amount would have fallen somewhere between \$10 million and \$20 million.

"It would have taken a lot of what we have in savings [about \$41 million] and we use the interest from that money to help keep tax increases down," Caro said. "I think it's just good to put this behind us."

None of the five supervisors were on the board when the condemnation was started in 2000.

After a recent state Supreme Court decision went against the township and ended one of its longest running legal dramas, Middletown was required to pay the legal costs for two of the farm's owners, Josef Stone and the estate of his father, Ezra Stone, said township Manager Richard Gestrich.

For Josef Stone, those costs were \$46,202, and the estate's share was \$52,765, Gestrich added. Josef Stone's costs already have been paid, but attorney David Conn, who represents Middletown in the action, is double checking the estate figures to make sure they are correct, Gestrich said.

The farm's other owner is Josef Stone's sister, Francine, but the township is not required to pay her since she withdrew her objections to the condemnation, Gestrich added. The township has spent \$65,456 for its own legal fees and other costs connected to the condemnation, he said.

"I actually anticipated much higher fees associated with this for the two attorneys [for Josef Stone and the estate]," Gestrich said. "I thought we would end up paying at least \$100,000 apiece."

Supervisors Chairwoman Lisa Pflaumer agreed it could have turned out much worse for the township from a financial standpoint.

"Considering how long this whole thing went on, we were fortunate," she said.

Josef Stone and his attorney, Don Marshall, said a township approved subdivision of the farm was never recorded because of the condemnation. Stone said he won't consider the matter truly closed until that is done and title to the farm again rests with him and the other owners.

While the township never took possession of the farm, the title has been in the township's name since soon after the condemnation started, Marshall said. He said he's seeking a stipulation with the township that would vest title back with the Stones and the estate.

The subdivision gives about 50 acres and all the farm's buildings to Josef Stone, about 60 acres to his sister and the rest to the estate, said Marshall. Josef Stone has said that once the estate is settled, he will own half the farm and his sister the other half.

Josef Stone lives on the farm and works it along with his wife and two daughters. Francine Stone spends most of her time in England.

"It took all the way to the state Supreme Court for our position to finally be accepted that this condemnation was improper," Marshall said. "This has been extraordinarily unfortunate for everyone involved, with a lot of money spent for no purpose, in my opinion."





DEBRA UNGERMAN / COURIER TIMES