

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JANUARY 19, 2010

The meeting opened at 7:35 p.m. by Chairperson Brodhecker in the Freeholder Meeting Room at the Sussex County Administrative Center, One Spring Street, Newton, New Jersey. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended. Notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

ROLL CALL:

MEMBERS PRESENT: Jane Brodhecker, Chairperson
Warren Welsh, Vice Chairperson
Lori Day
Cece Pattison (8:40 p.m.)
Fred Hough
Jim Hunt
Joan Snook Smith

STAFF PRESENT: Donna Traylor, CADB Coordinator
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Dennis McConnell, Esq., County Counsel
Tom Brodhecker, Brodhecker Farm, LLC
Richard I. Clark, Esq., Attorney for Brodhecker Farm, LLC
Gary Pohorely, SADC
Dave Pierson, Hampton Township
George McGovern, Esq., Attorney for Hampton Township

REORGANIZATION:

Chairwoman Jane Brodhecker called for a nomination of a Chairperson and Vice Chairperson for the Sussex County Agriculture Development Board for 2010. A motion was made by Joan Snook Smith to nominate Jane Brodhecker as Chairperson for the SCADB for 2010. The motion was seconded by Lori Day. No other nominations were made. All were in favor. Motion carried.

A motion was made by Warren Welsh to nominate Lori Day as Vice Chairperson for the SCADB for 2010. The motion was seconded by Joan Snook Smith. No other nominations were made. All were in favor. Motion carried.

The Agenda was amended to Right to Farm, A.

RIGHT TO FARM:

The meeting was turned over to the Vice Chairperson, Lori Day. Lori Day turned the meeting over to Dennis McConnell, County Counsel. Donna explained that SCADB member Cece Pattison is attending another meeting and will participate in this portion of the meeting by conference call. The call was placed to Ms. Pattison.

A. BRODHECKER FARM LLC REQUEST FOR SITE SPECIFIC AMP, APPROVAL OF RESOLUTION:

Dennis McConnell advised Ms. Pattison that the Board was now working on the Right to Farm Resolution. He asked Ms. Pattison if she received a copy of the Resolution and she responded that she had. Mr. McConnell said they have a Resolution before the Board entitled, "Sussex County Agriculture Development Board Right to Farm Resolution Certifying Commercial Farm Operation and Recommending Site Specific Agriculture Management Practice for Brodhecker Farm LLC, Hampton Township."

Mr. McConnell said he is receipt of an e-mail from the law firm of Laddey, Clark and Ryan with regard to a submission that was made on October 13, 2009. This was after the deliberations with regard to testimony and evidence were closed. There was a two-page survey that was submitted to the Board and to Hampton Township, but it was subsequent to the hearing process. There is reference in the Resolution, A-1, which is a two-page survey of the applicant's farm market, prepared by Daniel Kent, Licensed Land Surveyor, showing current site conditions. Subsequent to that land survey being done and through conversations with the municipalities, the Brodheckers made revisions to it, but the revisions were made subsequent to the hearing process, as far as testimony and evidence was submitted. It is in the file, but he did not feel it was appropriate to put it in as an exhibit because it wasn't officially marked during the hearing process. However, the municipality and this Board have it and it does update the prior survey that was submitted.

Dennis McConnell thanked Donna for all her time and effort in putting the Resolution together. He said this was a large undertaking. At the last meeting the Resolution was thoroughly reviewed and each item was voted upon. For the record, Mr. McConnell said he was going to skip the preamble and go to the "Now, therefore" clauses. He read these into the record. Minor typos were corrected. Mr. McConnell asked for questions from those in attendance at the meeting and from Ms. Pattison on the conference call. Ms. Pattison pointed out a minor typo that was missed.

Dennis McConnell called for a motion as to the Resolution and the findings that were placed on the record with the corrections as noted.

MOTION:

A motion was made by Warren Welsh to accept the Right to Farm Resolution with the correction of the typos and the findings that were placed on the record. The motion seconded by Fred Hough. A roll call vote was taken. All were in favor. Motion carried.

Dennis McConnell thanked everyone for participating in the Right to Farm hearings. He said both entities were represented by able counsel and put forth excellent points. He thanked them for their assistance and cooperation.

Richard Clark also expressed his appreciation. The Board thanked Dennis McConnell for his help.

Vice Chairperson Lori Day turned the meeting back to Chairperson Jane Brodhecker.

MINUTES CORRECTION/APPROVAL:

The Minutes of July 20, 2009 were extremely length and had not been read by all of the Board members. Therefore they could not be voted upon this evening.

CORRESPONDENCE:

A. POCHUCK VALLEY FARM DIRECT EASEMENT, SADC, 12/9/09:

Correspondence was received from the SADC regarding the Vance property, Pochuck Valley Farm in Vernon Township. The Vance's contacted Donna at the end of June last year saying they were interested in farmland preservation, but the County had already expended its funds. Donna contacted the SADC and they are going to preserve the farm with Highlands funds. The SADC is going to begin the appraisal process.

The Vance's decided to take a two-acre, non-severable exception around the existing farm market. There will be one RDSO approved with the application and there are no non-agricultural uses. The letter also explains the protocol of Division of Premises.

B. FOOD DRIVE THANK YOU, DIV. OF SOCIAL SERVICES, 12/17/09:

A Thank You was received from the Division of Social Services to the Ag. Board for hosting and participating in the Food Drive during the months of October and November at the Sussex County Farmers Market and at the Lusscroft Farm Holiday Event.

C. DIVISION OF PREMISES, CUMBERLAND CADB, 12/30/09:

A letter was received from the Cumberland CADB regarding the SADC's unanimous approval of the Willis Division of Premises. The letter said the process was extremely onerous for both the CADB and the Willis family with the Willis' having to retain an attorney. The CCADB would like to avoid a repetition of the Willis process being applied to another farm owner from Cumberland County. They said they would be happy to assist the SADC in drafting new policies and operating standards in the consideration of division requests.

Discussion followed. The Board directed Donna to send out a letter of support to the Cumberland CADB.

D. FINAL APPROVAL 2010 COUNTY PIG, SADC, 12/31/09:

Final Approval was received from the SADC for the Sussex County 2010 Planning Incentive Grant Application. The County has about 37,000 acres that can now be considered as eligible parcels.

E. FEDERAL FARM & RANCH LAND FARMLAND APPLICATIONS, SADC, 1/6/10:

Correspondence was received from the SADC regarding the sign-up deadline for the Federal Farm and Ranch Land Protection Program. There is a list of criteria and restrictions attached to this funding. Donna said she that the Land Conservancy of New Jersey did a submittal for one of the ten farms from Sussex County's 2009 round since only one of them qualified under the Federal criteria.

F. SPRINGFEST POSTER CONTEST, L. WALLS, 12/09:

The Springfest Flower and Garden Show will be held on March 11-14. They are trying something new, a Springfest Poster Contest for students in kindergarten through grade six. For every two grades there will be a \$50 savings bond to the winner in each category. The judge will be Carol Decker.

G. HAUTAU #2 GREENLIGHT APPROVAL, SADC, 12/29/09:

Greenlight Approval was received for the Hautau #2 farm. Donna provided the SADC with copies of the two appraisal reports and the review appraiser's report. She is waiting for certification of the value.

H. SURVEY LETTER, B. MICHAEL PAUL, 1/10/10:

A letter was received from B. Michael Paul, one of the Farmland Preservation surveyors. Mr. Paul has been working with the County for 16 years and completed 73 farmland preservation program projects, encompassing 8,246 acres.

In the past, the CADBs evaluated bids and would make a recommendation to the Freeholder Board for contracts. Several years ago that changed. Now a committee of Planning and Engineering staff evaluates the proposals. Last year, the bids were only evaluated by one individual in Engineering. Donna was not aware of this until she saw the Resolution that was already on the Freeholder Agenda. The request for

quotations that went out had several pages of specifications, three pages of how a surveyor would be evaluated and the point criteria. Mr. Paul attached these to his letter. He was concerned about this because the Surveyor Rating Criteria was neither calculated nor used in the selection process. Donna said that Mr. Paul is not the only surveyor who had these concerns.

Discussion followed. The Board directed Donna to draft a letter to the Freeholders requesting that Donna be part of the selection of surveyors process.

I. EXAMPLE RIGHT TO FARM ORDINANCES:

Donna attended a Local Food and Sustainable Agriculture seminar in Burlington County and one of the speakers provided handouts of Right to Farm model ordinances. There was a model recommended by the State, a model from American Farmland Trust for Burlington County and additional examples for the establishment of a municipal agricultural advisement committees, farm labor housing and on-farm direct marketing. Donna provided copies of the handouts to the Board.

RIGHT TO FARM:

B. TOMMASO/PITTINGER ISSUE, GREEN TWP. UPDATE:

Lou Tommaso provided a Request for Voluntary Mediation to Dave Kimmel, SADC, regarding a matter involving the construction of a run-in shed. The application asks who the applicant would like to participate in the mediations. They are looking for a number of people at the municipal level, zoning officer, the mayor, the attorney, etc. and from the agricultural end, the County Ag. Agent, Donna and the CADB Chairperson. Jane Brodhecker said she did not think it would be appropriate for her to be involved in this mediation because the applicants are her customers and suggested that Lori Day participate. Lori said she was willing to participate. Donna added that the County Planning Director probably will participate also. Dave Kimmel is arranging a date for the mediation.

AG. AGENT'S REPORT:

Steve Komar had to leave the meeting due to illness.

Cece Pattison joined the meeting.

OLD BUSINESS:

A. UPDATES ON HIGHLANDS AGRITOURISM PROJECT, COMMERCIAL KITCHEN, FARMERS MARKET BUILDING:

Donna met with the Marketing Consultant, Union Green to outline a strategy plan for the year. There are two Travel and Tourism grants and one Highlands Agritourism Phase II grant. There are a few new things being planned: something to highlight local

food/local farmers and promotion of the County's new trademark, "Sussex County, New Jersey's Greenest County." A new event, a Harvest Dinner, is also being planned, potentially to be held at the Farmers Market Building at the Fairgrounds. This is to promote the harvest and our farmers by bringing in the restaurant tours and perhaps link them to the culinary students at the Technical School.

A marketing campaign is planned with Edible Jersey for Sussex County agritourism. Donna said it is a good magazine to highlight individual farms.

Donna reported that the Farmers Market Building is now heated. She said that right up to his last day as Freeholder, Glen Vetrano was working to make sure the heat was installed. Lori said that Donna should receive a lot more credit than she has for all her work for the Farmers Market Building.

A second grant was received for the Commercial Kitchen. Donna said there are people that want to use non New Jersey products. The goal was to get Sussex County farmers using Sussex County or New Jersey grown product to make value added products. Donna said she will meet with Steve Komar to plan the new season.

B. UPDATE ON SURVEYS, APPRAISALS, CLOSINGS, SADC CERTIFICATIONS, COUNTY REIMBURSEMENT FOR PLAN:

Greenlight approval and certification was received from the SADC on the Lewisburg #1, 2 and 3 farms in Wantage and the Peck farm in Lafayette. Traditionally, at this point the Resolutions of Support from the CADB, the Freeholder Board and municipality with information that there is funding available for preservation can be submitted. These farms have already been preserved. Donna submitted not only the Resolutions, but the recorded Deed of Easements, Closing Statements, Title Work, Surveys and other information, in hopes that it would expedite our reimbursement.

The appraisals have all come in. The bid letters went out at the end of December. All of the surveys are done. They have been reviewed by the Engineering Department and some revisions are being made. Donna also submitted paperwork to the State for reimbursement for the County Farmland Preservation Plan. The County is supposed to get 50% back, hopefully close to \$20,000.00.

There are eight farms still to be closed on with the State, for a total of 523 acres. There are 16 that are in County rounds, totaling 1,263 acres. About 24 farms have final approvals that are proceeding to closing. There are some problems with the six Foody farms and County Counsel is working to rectify that. The County is almost at 15,000 acres of preserved farmland.

NEW BUSINESS:

A. FINAL APPROVAL FOR 2009 COUNTY FP FUNDING ROUND APPLICATIONS:

Donna reported that the letters went out the end of December and the applicants were given until January 12 to send in their acceptance of the certified value. Out of ten farms, seven accepted the values and three declined. Donna prepared a Resolution for

final review and approval for seven farms in the 2009 County funding round. She had to make a correction to the lot numbers with the Crisman #1 farm.

The Resolution was prepared with the farms in the County's ranking order. The farms are: Crisman #2, Crisman #1, Crisman et al, Charles Gordon, Goldman, Greene and Kline. These are the seven that accepted their offers. The seven farms totaled \$3.2 million for 459.65 acres. There is just under \$2 million in County dollars. Only the first four farms can be funded. The reimbursement on the four farms (Lewisburg #1, 2 and 3 and Peck) should come to \$1,178,311.84. The County has already committed some of those funds to Bain and Manak, totaling \$425,933.00, leaving \$752,378.80. The fifth farm down the list is Goldman which is approximately \$745,860.00.

There are still two applications at the State that have greenlight approval and one that hopefully will get the greenlight approval, representing another \$800,000.00. Donna said she suggested to County Counsel that the County fund the last two farms, which are about \$400,000.00 with that money. Therefore the closings on the last three farms are contingent on reimbursement from the State. The landowners have agreed to this.

MOTION:

A motion was made by Lori Day to accept the Resolution for final approval of the seven applicants for the 2009 County funding round applications. The motion was seconded by Fred Hough and carried unanimously.

Donna said the Freeholders will have a similar Resolution to vote on next week. In the interim, she will start contacting the municipalities for their Resolution of Support.

The Board asked Donna about her new staff person. Donna said that Rudy Dragan started in November and is doing very well. She is has done several applications and sent them to the State. Donna said she is detail oriented and very enthusiastic.

PUBLIC COMMENT:

Donna asked Gary Pohorely if he had any insight to future funding from the State. Gary said he did look into this, anticipating that he would be asked about funding this evening. He said he received the standard line that they are working with the Governor's office. There is some thinking that the funding will be approved next year.

Gary said that he usually makes a report for management and that he will relay the Board's feeling regarding Division of Premises to his superiors.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Fred Hough. The motion was seconded by Jim Hunt and carried unanimously. The meeting adjourned at 9:12 p.m.

