

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JANUARY 17, 2012

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  
Lori Day, Vice Chairperson  
Brian Hautau  
Jim Hunt  
Joan Snook Smith  
Peter Southway

MEMBERS EXCUSED: CeCe Pattison

STAFF PRESENT: Donna Traylor, CADB Coordinator  
Antoinette Wasiewicz, Recording Secretary  
Steve Komar, County Agricultural Agent

ALSO PRESENT: Freeholder Rich Vohden  
John VanVugt, Tri Farms  
Kathy Caffaso, Ag. Learning Center  
Anthony Disessa, Wantage Township  
Lou Tommaso, Green Township

At this point in the meeting, one member was excused and two had not arrived yet. The Board agreed to Reorganize next month.

**MINUTES CORRECTION/APPROVAL:**

Minutes were not available.

**CORRESPONDENCE:**

A. JORRITSMA GREEN LIGHT APPROVAL, SADC, 12/3/11:

A letter was received from the SADC advising that they have reviewed the Jorritsma Farmland Preservation application. The application is complete and accurate and meets their minimum criteria. The SADC Green Light Approval Maps and the Quality Score Report were included. This is the fourth and final application that is from the last funding round. Donna said she sent the appraisals to the State for certification.

B. USDA CONSERVATION STEWARDSHIP PROGRAM SIGN-UP:

The USDA Natural Resources Conservation Service (NRCS) announced that the ranking period cut-off date for the Conservation Stewardship Program is January 13, 2012. CSP provides many conservation benefits including improvement of water and soil quality, wildlife habitat enhancements and adoption of conservation activities that address the effects of climate change. Eligible lands include cropland, pastureland, rangeland, nonindustrial private forest land and agricultural land under the jurisdiction of an Indian tribe.

C. DRAFT AMP ON DIRECT MARKETING FACILITIES, SADC, 1/17/12:

A working draft of an AMP for On-Farm Direct Marketing Facilities, Activities and Events was received from the SADC. It was requested that CADBs review the draft and submit written comments by April 15, 2012. The SADC plans to reconvene the working group to discuss the comments and review possible revisions.

To create this AMP, the SADC assembled a working group that included members of the SADC, various Ag. Development Boards, NJ State Board of Agriculture, Rutgers, NJ Farm Bureau, etc. They visited 75 farm markets of various types and sizes throughout the State. Some of the major issues of concern that farmers mentioned related to signage; the ability to sell additional products not produced on their farm; reasonable local review processes; flexible AMP standards; and the need for temporary parking areas and outdoor sales areas.

The SADC tried to define things such as sales area and products that contribute to farm income. These were also items that this Board dealt with on the Brodhecker Farm issue. They also looked at additional public health and safety issues.

Donna touched on the various elements of the draft AMP. The Board members were provided with a complete copy of the AMP to read through at home. Donna requested that they prepare comments to be discussed at the next meeting. She asked them to e-mail her the comments so she could share them with all the Board members prior to the meeting.

The Agenda was amended to New Business. The meeting was opened to the public.

**NEW BUSINESS:**

A. GREENHOUSE PRESENTATION RE: TRIFARM ACQUISITION;

The Board members were provided with maps of this property prior to the meeting. Donna said the State came up with a number of questions relative to a proposed operation of this scope. They will begin this discussion by addressing these questions.

1. Does the 10 acres proposed for greenhouses include any infrastructure that will be required to maintain the operation? That could include storm water basins, driveways, parking and warehousing. If the infrastructure isn't included, what will be needed and how much acreage will that entail?

Mr. VanVugt said he would need additional acreage for barn, parking and grading. He estimates about 18-20 acres total. When asked, Mr. VanVugt said he is not under contract to purchase this property. He wants to be sure he will be allowed to develop the property before purchasing it.

There was some discussion on the possibility of a future Subdivision of Premises. Donna explained that the request to subdivide would have to come before this Board. Impervious cover could impact the ability to subdivide. He was advised not to assume that he would be able to subdivide it – there is a process.

Donna added that at this time there is no adopted policy on impervious cover at either the State or County level. When asked, Mr. VanVugt said he estimates about 12-13 acres would be impervious cover. It was noted that there was no federal money associated with the preservation of this farm.

Donna said the issue is with the soil. There is a section in the Deed of Easement that talks about negatively impacting soil. If he wants to put concrete on 10-12 acres, he is obviously moving the soil. Even though it is not leaving the farm, the State has serious concerns with that.

2. What is the existing infrastructure on the premises and will it be included in the 10 acres being proposed? If not, what is the total acreage.

Mr. VanVugt said the barns are already there. Jane asked if the field has been in production. Mr. VanVugt said, "Yes."

3. Do you have any intention to request a Subdivision of Premises once you purchase this parcel? If so, will the greenhouse operation be a possible stand alone?

Mr. VanVugt already alluded to the fact that this is not his plan at this time.

Donna confirmed that his plan was to put the top soil onto an adjacent field along the greenhouse to grow crops. She asked him if he checked with the town and presented this as a concept to them. Mr. VanVugt said he did speak with the town but did not meet with them. When asked, he said they did not recommend that he come in with a conceptual plan prior to purchasing the property. He added that they did not seem adverse to greenhouses.

Jane Brodhecker asked if there was a current Soil Conservation Plan in place. Mr. VanVugt said there is. It was noted that Mr. VanVugt will have to go before Green Township Planning Board for a conceptual hearing and will probably be subjected to storm water management.

When asked who he spoke with at Green Township, Mr. VanVugt said Patricia. The Board asked if it was Pat Sullivan and Mr. VanVugt said, "Yes." They advised him that she is no longer there and that he should meet with someone else at the Township to re-confirm.

Donna said she checked with Counsel and he recommended that the Board do a Resolution, depending on what they decide this evening, The Resolution would be voted on next month. If the Board decides to permit the installation of a greenhouse, the percent of impervious coverage has to be memorialized in the Resolution.

There was some discussion about the opportunity to provide employment. Mr. VanVugt said he would possibly employ 10-15 full time workers and 40 or so part timers. The part timers would work from mid-February to mid-June.

It was noted that the greenhouse would not be an open roof design. The roof opens up every four or five feet on a 90 degree angle for ventilation.

Peter Southway said if the Board allows a specific percent of impervious coverage on the lot, he may not be able to subdivide it. Donna suggested that he double check with Green Township about their new ordinance regarding impervious cover percentage.

Lou Tomasso said 5% of the property can be covered with ag. buildings according to

the new Green Township Building Ordinance for agricultural property.

**MOTION:**

A motion was made by Jim Hunt to have staff draw up a Resolution of support for John VanVugt's request for Greenhouses on the TriFarm Acquisition. The motion was seconded by Brian Hautau. All were in favor, with an abstention from Peter Southway. Motion carried.

B. AGRICULTURAL LEARNING CENTER UPDATE PRESENTATION;

Kathy Caffaso made a presentation to this Board about a year ago and outlined the plans for an Agricultural Learning Center. She attended this evening to update the Board on the progress they've made.

The Agricultural Learning Center started in the spring with their "Spring Into Reading" reading incentive program. This was open to any Pre-K through Grade 5 student in a home school, private or public school in the County. The child had to read two books, fill out the form and mail it to their office. After the deadline there was a drawing for a combination of Fair Tickets and Gift Certificates to local book stores. The Northwest Jersey Reading Council provided funds to help defray the cost of the program. They were able to give out ten prizes. Most of the winners were in second grade and under. This program will be held again in April, May and June.

The Agricultural Learning Center has a section on The Fair's website which has an overview of all the programs and a resource section for parents and teachers. Kathy said part of their mission is to educate the adults and teachers as well as the children. Their kindergarten program is called, "Down on the Farm." They use the big blue building which had eight stations and included activities such as pedal tractors, scarecrow dressing and apple picking. The two favorites were washing laundry on washboards and hanging them on clothes lines to dry and digging for potatoes which were buried in containers.

In the fall there was an Agricultural Time Machine for fourth grade students. The program covers agriculture's past and present. The students made butter, shelled cobs and learned about the difference between hay and straw. There were also stations that covered sunflowers, chicken and dairy cows.

There were two workshops for teachers on integrating agriculturally-based activities into the regular curriculum. There was a workshop for Pre-K through Grade 2 and Grades 3 through 5. Kathy said these programs reached about 800 children, 125 teachers and 100 parents. She said they receive an overwhelming response from the teachers.

Kathy said the agricultural community has been wonderful. They had Ag. Society people come daily to help the students run the machinery.

C. SUBDIVISION OF PREMISES REQUEST – ANTHONY DISESSA, WANTAGE TWP.:

Donna said Anthony Disessa purchased the Ed Nowicki property in Wantage Township. When Mr. Nowicki sold the farm to Mr. Disessa, he described it as two preserved farms. He forgot that he had started the Subdivision of Premises process and then withdrew it when the State had a problem with the language. (Mr. Nowicki cited 'estate planning' as the reason for the request.) Mr. Disessa thought he purchased a 119 acre farm and a 60 acre farm. His plan was to keep the larger farm and sell the smaller farm for capital to invest into bringing the farm back into production.

Mr. Disessa wants to complete the Subdivision of Premises that Mr. Nowicki started in 2008. The application shows the existing use of the premises is alfalfa mixed hay and the sale of cord wood. His goal is to continue with the hay operation and to put more fields into production. He said by the time he is finished clearing land on the 119 acre parcel, he will have more acres in production than if he kept the 60 acre parcel. He also plans to have beef cattle. Mr. Disessa is a full time farmer and is working other properties in the northern part of the County.

Donna said there are no RDSOs on this property but there are two exceptions. A subdivision would result in an exception on each of the parcels. There are currently no buildings on the premises.

There are no prime or statewide significant soils, so the Board will have to look at the percent of tillable acres on each of the parcels. Donna said it is difficult to calculate the tillable acres because a lot of the fields are overgrown. There are no soil or water conservation projects installed on the premises. There are no water rights. There have not been any State funds obligated or expended for soil and water conservation projects and there are no existing farm structures, barns or infrastructure. There is road frontage on both the Rose Morrow and the Quarry Road parcels. A Subdivision of Premises would not take any acreage out of production to provide access.

The survey map was reviewed. Joan was concerned about the ability to get the State's approval for this Subdivision of Premises. When asked if he would lose the farm if he could not sell the smaller parcel, Mr. Disessa said he cannot continue to pay the mortgage, the rent and the tractors. He bought it with the intention of selling the 60 acres, recoup his down payment and use the money to improve the other parcel. Jim Hunt said the lawyer should have seen that the property was not subdivided. Mr. Disessa said he did not use an attorney.

Donna said if the Board supports the request, she will look at the information and enter it into the application. She would prepare a Resolution to be adopted at the next meeting and then it could be sent to the State.

Peter Southway was looking over the Deed. He asked if the purchase is being financed. Mr. Disessa said yes and that Mr. Nowicki holds the mortgage. Peter said that Mr. Disessa only owns half the farm and said that Mr. Nowicki would have to be an applicant because he is still the owner of the property. Mr. Disessa said the Deed has his name on it. Peter said the Deed only shows that Mr. Disessa owns half of the property. Mr. Disessa said he has ten years to pay off the first half and then he purchases the second half. This was done to make the payment more reasonable. Peter said there is no mortgage, he just deeded him half the property, which makes them co-owners. Peter said he spent a lifetime financing real estate and said that Mr. Disessa needs a good real estate lawyer. He said Mr. Disessa has two problems. One, Mr. Nowicki told him he was buying subdivided property. Second, he really only owns half of the property and it is in common without the right of survivorship. Mr. Disessa clarified that if he died before the mortgage was paid off, Mr. Nowicki would get the property. Peter said that was correct, the half would revert back to Mr. Nowicki. He added that the Deed is not on the whole premises, he only matched the Deed to half of the premises. Peter stressed that straightening this out should be his first priority. Mr. Disessa was visibly upset. He thanked the Board for their time and left the meeting.

The meeting was closed to the public.

**RIGHT TO FARM:**

None

**AG. AGENT'S REPORT:**

Steve Komar said the Agritourism Conference will be held on January 24, 25 and 26. He said the event is sold out and there may be webinars in the future. Donna said she will attend with Lori and Glen Vetrano.

On January 30 there is a meeting at his office about marketing projects for next year. They hope to discuss value added products and the Commercial Kitchen grant. They are doing the Better Process Control School again in Burlington County. This may give them some opportunity to bring up products from south Jersey.

Steve said the automatic filler works very well, and that he and Raj Sinha were able to fill 300 jars in less than an hour. They asked for a labeling machine as part of the next grant request.

There is an idea about collaborative marketing with the Farmers Markets in the area in that perhaps they could pool their resources and advertise all the markets together instead of individually.

Steve asked the Board to get the word out about the animal waste rule. Jim Hunt asked Steve about the possibility of putting together a pesticide program. Steve said they will do a pesticide program as a webinar.

**OLD BUSINESS:**

A. AGRITOURISM UPDATE:

Donna distributed the Sussex County promotional pads to the Board members. They were purchased with the remainder of last year's Travel and Tourism grant. She has been distributing them at the meetings she has been attending and they will be distributed at Spring Fest. Donna said she has not heard anything about the 2012 grant. The State contacted her a few days ago looking for additional information. It is not known yet if the County match will remain in the budget.

Donna said she applied for a grant from the Highlands Council. She finished Phase Two of the Commercial Kitchen Grant. It was suggested to her by the Highlands Council Grants Manager that she should ask for additional funds as an extension of the project because they are not funding new projects. She received a letter several months ago advising that they want to continue to provide funds for all of the work that was done on the Commercial Kitchen. Today she mailed out the request for an additional \$15,000.00. The bulk of that would be for time spent for farmers in the Sussex Tech kitchen. They do have the label maker program that provided nutritional information, but they do not have a label maker program that would make the actual labels for a particular farm name, etc. That was part of the new grant request. There was also some money requested for consulting to try to nurture the partnerships between farmers throughout the Highlands.

Donna advised the Board that Freeholder Rich Vohden was appointed to the Highlands Council.

B. EVERETT FARM VIOLATION, FRANKFORD TWP.: UPDATE;

Donna said Dennis McConnell's partner is working on the formal paperwork to resolve this violation because the Everett's agreed to what the Board requested at the last meeting. That was that routine quarterly monitoring of the farm will be made to make sure the deed restrictions are being satisfied. This will occur for at least the next two years. A consent order is being prepared and will be filed in the Clerk's office.

C. UPDATE ON CLOSINGS, APPROVALS, SUBMITTALS:

The Warren-Bertot farm closed on December 28. Green Light Approvals have been received on all four remaining farms from last year's County round. One has been certified and two are on the SADC agenda for next week. The fourth farm's appraisals were also recently submitted. If the State can get the last certification done at their February meeting, she can send out the offers to all four farms. The State is recertifying the Crisman numbers because they thought the County would use Fiscal Year 2011 dollars and now it appears there will be 2009 dollars left.

Sandy Urgo said they would like to get started on the appraisals for the five farms that the Board agreed to support. There was some confidential discussion on funding options.

D. MONITORING UPDATE:

As of Friday, Donna monitored 78 out of 168 farms. There was a potential issue under a County easement. There is a new hunting cabin on one of the farms. Donna contacted the State to ask what would happen if a farmer wanted to build a hunting cabin on a preserved farm. The cabin is not being used as a residence.

E. E. COSH SUBDIVISION OF PREMISES UPDATE:

Donna said she sent the paperwork for the Cosh Subdivision of Premises to the State after last month's meeting. About a week and a half ago, she received an e-mail from Chuck Roohr from the SADC asking if she wanted to change the Resolution that was already done. She researched the file and found that in 2004 the Cosh's asked for a Subdivision of Premises. Apparently the State approved the request and never notified the County. The State did ask for a corrective deed which the Cosh's will need to complete.

F. RIGHT TO FARM FORM DISCUSSION (CONTINUED):

Donna asked the Board to review the Hunterdon Right to Farm form for discussion next month. She mentioned that Hunterdon requires the applicant to file the notice to landowners. Dennis McConnell is not certain that it is legally permissible.

**PUBLIC COMMENT:**

Freeholder Rich Vohden said he does report back to the Freeholders the statistics on farmland preservation. He said he also reported to them what a hard working Board they are.

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Lori Day. The motion was seconded by Brian Hautau and carried unanimously. The meeting adjourned at 9:40 p.m.