

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JANUARY 22, 2013

The meeting opened at 7:45 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  
Brian Hautau  
Jim Hunt  
Cece Pattison  
Joan Snook Smith  
Peter Southway

MEMBERS EXCUSED: Lori Day, Vice Chairperson

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

ALSO PRESENT: None

**REORGANIZATION:**

Donna asked for a motion from the Board for a nomination for Chairperson and Vice Chairperson. A motion was made Brian Hautau to reappoint current Chair (Jane Brodhecker) and Vice Chair (Lori Day.) The motion was seconded by Joan Snook Smith and carried unanimously.

**MINUTES CORRECTION/APPROVAL:**

Minutes were not available.

**CORRESPONDENCE:**

A. USDA FSA NEWSLETTER:

A copy of the USDA FSA Newsletter was received. Donna said she signed up for this newsletter about a year ago and has just started receiving it. When asked, most of the Board members said they also receive it.

B. FOODSHED ALLIANCE RELEASE, NEWTON FARMERS MARKET:

A Press Release was received announcing that the Foodshed Alliance Farmers Access Network will host the Newton Winter Farmers' Market. This is the area's only winter market. It features local foods and goods, all grown, produced or raised within a 25 mile radius of the area. The Winter Market runs every Saturday from 10:00 a.m. – 1:00 p.m. through May and is located on Spring Street in Newton at the Springboard Shops, 145 Spring Street, Newton, NJ.

C. AG. LEARNING CENTER UPDATE:

An update was received from Cathy Cafasso of the Ag. Learning Center regarding the "AG Bag Program." Donna asked Joan to talk about this program. Joan said the Ag. Learning Center is putting books related to farming in a tote bag for teachers to borrow for their classes. They are building the bags according to the appropriate grade levels. The bag includes lesson plans to go with the books and other resources. Joan also said the Ag. Learning Center is gearing up for the spring tours for kindergarteners. She also credited the Fairgrounds for their support of the Ag. Learning Center.

D. CERTIFICATON OF VALUE/GREEN, SADC, 1/14/13:

Certification of Development Easement Value Reports were received for the Green farm and the Klein farm, both in Fredon Township. The SADC also sent instructions to the CADB Coordinators on how to proceed. Donna said George and Donna Green did not accept their offer but she is proceeding with the Klein farm.

E. KEYES ACQUISITION, E. PALMER, 1/17/13:

Donna said the Keyes have a non-severable exception internal to the property with existing access from Rt. 284. The surveyor showed the farm road going past the exception and Judy Keyes thought she wanted a different access. Donna suggested that Mrs. Keyes reach out to the NJ Dept. of Transportation because the State may not grant a second driveway access. Mrs. Keyes hired professionals to look into this and

subsequently, Donna received a letter from her attorney advising that Mrs. Keyes decided to forego the preparation of a survey to show a drive-way for the non-severable exception area. Her decision was based on the cost and time involved.

F. ARTICLES OF INTEREST (RUTGERS NEWSLETTER, NJ AG. CONF., TRAINING CONF., PLANNING ARTICLE)

Donna discussed some articles related to NJ Ag in the Middle farms, the NJ Ag. Conference, the Farmers Market Manager Training Conference and a Planning article on agricultural statistics.

**RIGHT TO FARM:**

A. WANTAGE ISSUES (MANURE):

Donna said last Tuesday she received a call from an irate landowner about horse manure on the farm across the road from him. He said he had a concern about flies and runoff from rain. The landowner was sure that the Ag. Agent had been there numerous times. Donna said she talked to Steve Komar about this and he said he has not been to that farm.

The property is 13.2 acres and is residentially zoned. The complaining landowner said his neighbor has two horses. Donna provided the Board with a picture of the pile. Donna said she thought the pile was dumped there to be spread on the property. She will look into this further and report back to the Board.

Donna advised the Board that a determination on the Brodhecker issue may be coming out soon. She said she received a telephone call from Mr. Clark, the attorney for the Brodheckers, asking for additional information about the members who were on the Board at that time. He wanted to see if the Board had the appropriate make-up of four farming members and three non-farming members.

**AG. AGENT'S REPORT:**

Steve Komar was not present this evening.

**OLD BUSINESS:**

A. AGRITOURISM UPDATE:

Donna said she is working on a grant which will help to continue with agritourism efforts. She hopes to have more information on this in about two months. A small

grant was received from Travel and Tourism for some agri/ecotourism projects. This money may be used to update the Four Seasons of Agriculture brochure.

Donna advised the Board that on Friday she attended the NY Times Travel Show. She said that 90% of all the inquiries about Sussex County dealt with agritourism, a few dealt with ecotourism and very few dealt with recreational tourism.

B. FPP UPDATES (APPRAISALS, SURVEYS, CLOSINGS, POLICIES, LAND CONSERVANCY OF NJ PROJECTS, LANDOWNER CHANGES, MONITORING, VIOLATIONS):

Donna provided the Board with a chart showing the outstanding farms closings. Mr. Sella is still working with his professionals to finalize the exception areas.

The Tommaso farm is very close to closing. The issue with the 10 riparian acres has been resolved.

For Lane, Keyes and MC Land Trust, we have the surveys back, they were reviewed and the review letters have been received. Donna said she is waiting for the surveyor to make the corrections.

The Golden View, Carriage House, Meadow View and Wintergreen farms are the Land Conservancy of New Jersey properties for which the County is doing a 50/50 cost share. The Freeholders approved the Resolution in December. The Land Conservancy is going to award the appraisal contracts at the end of this week. They should have all four appraisals back no later than the beginning of March, at which time they will go to the State for certification of values. Then the land owner will receive an offer. They hope to have the land owners under contract by the end of April. If all goes well, the farms should close late this year.

The Klein farm was approved at the Freeholder meeting a couple of days ago. The Klein farm is federally funded and hopefully the County will not have to put any dollars into the acquisition. The Klein farm will be added to this chart.

Donna reported that as of January 10, she monitored 141 farms. As long as the weather holds and there is not a lot of snow on the ground, she will continue to do the monitoring.

Rudy has been entering data from the monitoring onto the State database. Rudy said she is able to change certain fields but not all. One of the fields that cannot be altered is the "owner" field. She added that the name changes have to be done at the State level by Chuck Roohr. Rudy prepared a chart showing 35 out of 166 farms that have had changes in ownership as well as some subdivision of premises. Donna said there are a lot of post-closing issues that are starting to come up. There is no reporting requirement with change of ownership and new owners are not always getting accurate information regarding the Deed of Easement restrictions. Peter Southway suggested

that the Hall of Records be asked to notify Donna when there is change in ownership on preserved farms. They would need to be provided with a list of the preserved farms.

C. TENNESSEE GAS PIPELINE UPDATE/PSE&G UPDATE:

Donna said she spoke with Tim Brill today and he said that the SADC will be meeting with the Attorney General's Office to further discuss the State and Federal Statutes. There was a recent ruling that threw out the challenges to whether FERC acted appropriately.

The SADC has decided not to contest Tennessee Gas taking additional right-of-way on the Hamming farm. However, Tennessee Gas will need to work out the financial contributions because as per the Deed of Easement, the State and the County should get a percentage back. In this case, all the money went to the Hammings. The SADC said they will not go after the Hammings to get their portion back, but Tennessee gas will work with the State and the County to make the appropriate distribution.

On the Schaffer farm, Tennessee Gas Pipeline is working with NJDEP and the Army Corps of Engineers relative to water and endangered species. Tim Brill said the biggest issue that the State has with the Schaffer property is that there are two additional acres of temporary work space in addition to the temporary work space that was cited on the initial paperwork. Tennessee Gas Pipeline has not submitted papers yet on the first condemnation, so some follow-up work will be necessary. Donna said she provided this information to County Counsel and asked him to contact either Brian Smith or the Attorney General's office for the full legal update.

D. AMP FOR ON-FARM DIRECT MARKETING – DISCUSSION:

Donna said she made a comparison between the original draft AMP and the revised AMP. She discussed the changes in the revised document, as compared to comments and recommendations for changes made by this Board. Donna said it appears this Board will meet one more time before the AMP goes to the register. She asked the Board members to go over the AMP again so that their comments can be discussed next month.

**NEW BUSINESS:**

A. MATOS FARM VIOLATION, WANTAGE TOWNSHIP:

Donna said she expected to have paperwork from Mr. Matos in time for this meeting. Today she received an e-mail and a voice mail from the Attorney for Paul Matos explaining why it was not sent. This is one of the Lewisburg farms preserved by Scott Lewis. This is a case where the original owner interpreted the Deed of Easement in such a manner and when he sold it to Paul Matos, he told him he was allowed to do certain practices. For the most part, Scott was right but his interpretation on ag. labor

housing was not. He did not explain that first it would have to come before this Board for approval.

Last year when Donna monitored the farm there were two small buildings that were constructed. One was a hunting cabin (200 sq. ft.) and the other building (365 sq. ft.) was next to the hunting cabin. The second building was equipped with a sink, refrigerator, microwave, bathroom etc. Mr. Matos said this is for the person who works on his farm. He does not live there because he is a local person. The farm has a livestock operation and the owner does not live there. There is no single family residence on the exception area.

This year when Donna monitored the farm, the hunting cabin is still there but she found a change in use in the other building. Mr. Matos said he has the farm manager living there now. It appears he did get permits through Wantage Township but he did not come to this Board for approval to use the building for ag. labor housing. Mr. Matos said he will provide the paperwork to come before this Board to request the use of this building for ag. labor housing. Donna advised the Board that regarding the hunting cabin, County Counsel determined that because this did not exist prior to the deed restriction, Mr. Matos cannot use the building as a hunting cabin. The building can be left there as long as it is has an agricultural use, such as storage, etc.

Donna said Mr. Matos also had a stone crusher on the property. He was bringing in concrete from construction demolition to crush stone for farm roads. Donna advised Mr. Matos to remove the equipment from the property by December 31. She said today she was told it was no longer there. Donna added that Mr. Matos had surgery last month and there were some complications. Also, his attorney has been tied up with a court case. They expect to have the paperwork submitted in time for the next meeting.

B. KOLICH FARM VIOLATION – FRANKFORD/HAMPTON TOWNSHIP:

The Kolich farm is a horse operation located in Frankford and Hampton Townships. While doing the paperwork for the monitoring, the landowner admitted to having a tenant living in an apartment over the garage. The tenant does not work on the farm; although Mr. Kolich said in the past he did have someone living there that did work on the farm.

County Counsel suggested that Donna call Hampton Township to see if there was an apartment at the time of closing. They do not have record of there being an apartment above the garage. The Township advised Donna that in 1990, the house burned down and in 1994, a single family house was rebuilt. They did not have a permit for a garage or an apartment.

Peter Southway asked Donna if she could arrange for a State representative to speak to the Board about policy and process for subdivision of premises. Donna said she will talk to Chuck Roohr because he is responsible for post-closing issues. There was also some discussion on estate planning.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Peter Southway. The motion was seconded by Jim Hunt and carried unanimously. The meeting adjourned at 9:35 p.m.