

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JANUARY 27, 2014

The meeting opened at 5:30 p.m. by Chairperson Brodhecker at the Rutgers Cooperative Extension Office, 129 Morris Turnpike, Newton, NJ. 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
Cece Pattison
Joan Snook Smith

MEMBERS EXCUSED: Jim Hunt

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

ALSO PRESENT: Richard Vohden, Freeholder Liaison
George Graham, Freeholder

REORGANIZATION:

Cece Pattison nominated Jane Brodhecker for the position of Chairperson for the Sussex County Agriculture Development Board. The nomination was seconded by Brian Hautau and carried unanimously.

Joan Snook Smith nominated Lori Day for the position of Vice Chairperson for the Sussex County Agriculture Development Board. The nomination was seconded by Cece Pattison and carried unanimously.

MINUTES CORRECTION/APPROVAL:

Minutes were not available.

CORRESPONDENCE:

A. CRITERIA SPECIFIC TO PASSAIC COUNTY REGARDING MINIMUM STANDARD REQUIREMENTS, PASSAIC CADB, 12/10/13:

A copy of a letter to the SADC from the Passaic County Agriculture Development Board has been received. The PCADB asked the SADC to consider their recommendations for examining more realistic criteria as requested by SADC staff this past summer, in regard to minimum standard requirements for state cost-share farmland preservation funds specific to Passaic.

The recommendations related to State-wide soils; minimum tillable acres; ADA areas and proximity to existing preserved farmland; and less traditional forms of agriculture.

B. GREEN LIGHT APPROVAL, T. SPINKS, SANDYSTON, SADC:

Correspondence was received from the SADC advising that the Thaddeus Spinks application for Farmland Preservation has received Green Light Approval. The County may now proceed to select two appraisers from the list of appraisers approved by the SADC.

C. DUAL APPRAISAL METHOD, MORRIS CADB:

A draft letter to legislation has been received regarding a request to extend the Highlands Landowner Equity Provision. The Dual Appraisal Process is set to expire on June 30, 2014. Counties are urging that the Dual Appraisal Method be extended. This Dual Appraisal Process mandates that farms being considered for preservation under the State Farmland Preservation Program must be given two separate appraisal values: the current fair market value under existing land use restrictions, and the current fair market value based on local zoning, State environmental laws and NJDEP regulations which were in effect as of January 1, 2004. The higher of these two values must then be used as the basis for negotiation with farmers seeking to preserve their land. This equitable provision has been the primary means to compensate farmers for their loss.

This Board supported the Dual Appraisal Method in the past and Donna asked the Board to support it again. Freeholder Liaison Vohden said if this Board votes to

support the Dual Appraisal Method, the Freeholders Board will submit a letter to the SADC.

MOTION:

A motion was made by Brian Hautau to support the Dual Appraisal Method. The motion was seconded by Lori Day and carried unanimously.

D. TRANSBANC FP INTEREST, FRANKLIN BORO, 1/14/14:

A letter was received from Transbanc International Investors Corporation regarding property located in Franklin Borough. The property is bordered by the Wallkill River, Franklin Pond and significant wetland areas to the east. They believe the property has significant value for New Jersey land preservation efforts and would like to discuss various options that may be available for the purchase and preservation of this land.

Donna said this property is all woodland. It does not have any agriculture production land and is not farm assessed. Also, the property is not in the County Ag. Development Area. Therefore, it does not meet the minimum criteria. Donna said she explained this to Jeffrey Fletcher, Chairman/CEO of Transbanc and referred him to Green Acres.

E. APPRAISERS CONFERENCE, SADC:

The Annual State Agriculture Development Committee Appraiser's Conference is scheduled for Wednesday, June 4, 2014 from 9:00 a.m. to 12:30 p.m. The Conference is being held at The Conference Center at Mercer County Community College in West Windsor, NJ. Appraisers are required to attend one conference every two years in order to remain on the SADC's list of approved appraisers.

F. GREEN LIGHT APPROVAL, P. GIANATTASIO, FRANKFORD, SADC:

Correspondence was received from the SADC advising that the Peter & Marcy Gianattasio application for Farmland Preservation has received Green Light Approval. The County may now proceed to select two appraisers from the list of appraisers approved by the SADC.

G. GREEN LIGHT APPROVAL, PALADINO, WANTAGE, SADC:

Correspondence was received from the SADC advising that the Scott Paladino application for Farmland Preservation has received Green Light Approval. The County may now proceed to select two appraisers from the list of appraisers approved by the SADC.

H. ARTICLES OF INTEREST:

Donna discussed an article relating to State Animal Waste Program.

RIGHT TO FARM:

A. FAULKNER, WANTAGE TOWNSHIP, RESOLUTION:

Donna reported that after the last meeting she spoke with County Counsel regarding the Faulkner Right-to-Farm issue. Mr. McConnell said even though the CADB took a motion on this issue, he feels the Board should do a Resolution. The Board made some recommendations on what Mr. Faulkner could do to placate the neighbor. Donna was advised that Mr. Faulkner still needs to comply with the NJ Uniform Construction Code to modify and use these structures on his property.

Donna prepared a Resolution which states the landowner may use the renovated recreational use trailers for the poultry operation; however, this Board has no authority to supersede any federal or state regulations, especially for the purposes of electricity to these structures.

MOTION:

A motion was made by Lori Day to adopt the Resolution regarding the Faulkner Right-to-Farm Resolution. The motion was seconded by Cece Pattison. A roll-call vote was taken. All were in favor.

AG. AGENT'S REPORT:

Steve Komar said the SARE Grant will be pretty heavily focused on at the Vegetable Growers Meeting in Atlantic City, with two sessions directly related to Business and Marketing.

The Production Meetings will come out as soon as they are done with the Vegetable Growers Meeting. They are still working out the details with the dates.

There will be an Annie's Project for livestock producers which will be held in Warren County on March 20. This will be a two-day session for basic livestock care.

Steve said construction of the new offices has been delayed because of the snow and he is not sure when he will be moving. He said the meeting space will hold about 25 people so it should not impact the Board of Agriculture meetings as originally thought.

Steve also said during this past month, he met with people from the Fair regarding an agriculture-based curriculum matriculating from the Tech Schools to the Community

College and ultimately into Rutgers. He said as the liaison between Rutgers and the County, he can teach transitional classes in the County and it will be part of his Rutgers University teaching responsibility. Joan Smith said other schools beside the Tech School have ag. programs. They are trying to figure out what to do and it seems that they will start a plant science program which will lead into horticulture. They can adapt their current classes to fit in with that. Going towards animal science was a stretch. She said she has been encouraging them to add in agri-business type classes to the program.

OLD BUSINESS:

A. AGRITOURISM UPDATE (BROCHURE REPRINTING):

Donna reported that the files for the brochure update have been sent to the printer. The brochure went from a 108 farm listing to 116 even with some farms coming off the brochure.

Donna said she received an e-mail today from Bill Drum. Hopefully, she will have something from him in the next day or so. Otherwise, she will call him for the status. Partial funding for the brochure update is from the last Travel and Tourism Grant that was done one month ago. Donna said she submitted her final report and that as long as the purchase order was in place, the money will be there to utilize. The balance will be put in through the County Marketing Budget.

B. FPP UPDATES (GREENLIGHT APPROVALS, APPRAISALS, MONITORING, HAMMING SUBPOENA, CLOSINGS, DISCUSSION ON ADDITIONAL FP APPLICATIONS):

Donna reported that she received a subpoena for the entire Hamming file. The subpoena subject was Hamming vs. Hamming, so she feels this is to settle an Estate..

Donna said she monitored 56 out of 177 farms. The deadline to monitor the rest of the farms is June 30. There has not been any decision yet on her position. There is support to fill this position, but there are budgetary issues. Jane Brodhecker prepared a letter to the Board of Freeholders which was signed by the CADB.

There are ten farms at the SADC for Green Light Approval. Green Light Approval has been received for the Sytsema #1, Wright, Spinks, Libby, Paladino and Gianattasio farms. Donna said she spoke with Eric Snyder about the challenges in getting Green Light Approvals. Some of the applications have been at the State level for seven to eight months. They are supposed to turn them around in 30-60 days. Donna said she has provided the SADC with information that typically is not required until there is an approval. The landowners are questioning why they need to provide so much information when they haven't even received an offer.

Donna said she received a report listing which farms were finalized and which farms seem to be finalized. The report also listed the issues on the remaining four farms.

For the Sytsema #2 farm there is a Category One stream running parallel with the back property line. According to Wade Wander, if the landowner adheres to three parameters, they can develop within the 300' buffer. This application does adhere to those three parameters. This information was provided to the SADC for Tim Brill to review with DEP. Three months later Donna heard that this application was going to be approved. Tim Brill concurred that there is development potential. Since then, Donna received notification that the SADC is recommending denial of the application because they do not know for sure if there is or isn't development potential on a Category One stream. Eric Snyder met with the Sytsema's and walked the property. He also contacted Wade Wander and has been in touch with Tim Brill. Tim Brill is going to try to make the case for this farm.

Donna said she has sent the same information on the Duddy farm to the State at least three times. There is a common driveway issue on a piece that was subdivided five years ago. She sent the Resolution from Lafayette Township, the Engineer's report and the map showing that the three lots have nothing to do with the remainder. When these subdivisions were done, Lafayette Township used the word, "Conservation Easement" to designate the wetlands. This is causing some confusion.

The Thomas Mulvaney application came in when the farm was owned by Gary and Carol Chiusano. The application is for the same land, the same three block and lots, and the same location for the same non-severable exception. Nothing has changed. The SADC will not give them Green Light Approval because parallel to Route 94, the County owns the old rail trail. They cannot find that there are legal right-of-ways. When the SADC originally had this application, they certified a value. Donna questioned how did the review appraiser certified a value for development potential if there is not legal access?

Donna reported that the Tomasso farm closed. This was the 177th farm preserved.

There is \$2.8 million in the County coffers that is dedicated for Farmland Preservation. This money can only be used for land acquisition. Donna said the Board needs to do an outreach for new applications. A good place to start would be municipalities that have Planning Incentive Grants. There are also very active municipalities that have large blocks of land already protected.

There are some applications that have been submitted. She feels some should be looked at again even though they are small farms. There are many large farms that only have 25 tillable acres. This is no different than a 27 acre farm that is all tillable.

If the ten farms at the State level all receive Green Light Approval, there is still half of that money that has already been collected. For Sussex County, there is \$1 million

from the last Planning Incentive Grant plus there is \$3 million in competitive money and about a half million from the previous round.

Jane Brodhecker asked Donna who will make these initiatives if her position is not filled. Donna said Rudy has been doing the applications and it is part of the process she has been working on.

Freeholder Liaison Rich Vohden said when Donna submitted her resignation, a job requisition was put in for her replacement. This is an administrative process. There have been discussions with the Planning Director, the Engineering and Planning Administrator and the County Administrator. Freeholder Vohden said policy changes are handled by the Freeholder Board. He said there are some duties that Donna performed that are mandated by law to continue. There was some discussion on the Civil Service process.

Rudy Dragan asked if there was a possibility of Donna being hired back to train her replacement. Freeholder Vohden said there is a six month wait before she could be hired back and that there is a limit to what she can earn. Donna said she has been approached about this. Freeholder Vohden said the Freeholders are waiting for a decision by the Administration.

Freeholder Rich Vohden said regarding the former Chiusano property, if they access across the railroad track for 20 years, it is an easement by prescription.

C. KOLICH VIOLATION UPDATE (SADC INVOLVEMENT):

The Kolich's were provided with a 30-day notice saying that legal proceedings would occur. The 30-day notice came and went. We received another letter from his attorney saying they understand there was an issue in the past but that the farm was sold to them with the understanding that they could have the rental property. This issue was referred to the SADC because they also put money into the easement. Chuck Rohr, Jeff Everett and Brian Smith are looking at this. If there was a mistake made when Nepl sold it to Kolich, the bottom line is that there were three applications from Nepl saying there was only one single family home on the property.

D. UPDATE PSE&G:

Donna said there is nothing new with PSE&G since the last meeting. She received correspondence from Catherine Coyle, Donna's counterpart in Morris County. They have concerns about remediation and restoration on their preserved farms. Donna said she sent her a copy of the Board Resolution and it did not say anything about those issues. Donna explained that the Resolution was predicated on the fact that this already went to court.

Cece Pattison said she spoke to PSE&G about the issue on her property. PSE&G made the original agreement with the neighbor whose land they finally went through and that was everything they are going to do. She does not believe they are going to make an exception for her at all.

NEW BUSINESS:

A. APPRAISAL QUOTES FOR 2014 FARMS – RECOMMENDATION:

A copy of appraisal quotations was provided to the Board. Donna said she had to go back to the same appraisers for an update because of the Green Light Approval issues. Quotations were requested based on individual farms and then packages of any combination of six, seven, eight, nine or ten farms. The quotations were arranged by cost order.

The quotations were pretty consistent. The first three, Landmark I, Appraisal Services of North Jersey, and Rodriguez Associates' packages were in order. The last two, Swift Real Estate and Holzhauer & Hostenstein switched back and forth between some of the packages and the single farms.

Donna prepared two Appraisal Resolutions which are ready to go into the system based on the Board's recommendations this evening. She needs a recommendation for two Appraisers. Discussion followed.

MOTION:

A motion was made by Joan Snook Smith to recommend Landmark 1 and Appraisal Services of North Jersey for the Farmland Preservation Appraisals. The motion was seconded by Brian Hautau and carried unanimously.

B. FARMLAND PRESERVATION ACCOMPLISHMENTS/WHERE DO WE GO FROM HERE?:

Donna said there are three closings pending: Klein in Fredon, Goldman Farm Partnership in Frankford and Sella in Fredon. The files are ready to go. We are just waiting for surveys. The preservation of these three farms will add almost 259 acres of preserved farmland.

Currently, 177 farms have been preserved with 17,662 acres. After the three pending closings, there will be close to 18,000 acres. For this program almost \$31 million has been spent in the County. The Board said these figures are a credit to Donna. Donna thanked the Board for making her job easy over the years and told them how much she appreciates their support.

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Lori Day. The motion was seconded by Joan Snook Smith and carried unanimously. The meeting adjourned at 7:15 p.m.