

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JANUARY 20, 2015

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
Cece Pattison
Joan Snook Smith
Peter Southway (7:37 p.m.)

STAFF PRESENT: Autumn Sylvester, Program Manager
Rudy Dragan, Planning Aide
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: None

MINUTES CORRECTION/APPROVAL:

A motion was made by Cece Pattison to accept the Minutes of October 20, 2014 as presented. The motion was seconded by Joan Snook Smith. All were in favor, with an abstention from Brian Hautau. Motion carried.

A motion was made by Joan Snook Smith to accept the Minutes of November 17, 2014 as presented. The motion was seconded by Cece Pattison. All were in favor, with an abstention from Jane Brodhecker. Motion carried.

A motion was made by Lori Day to accept the Minutes of December 15, 2014 as presented. The motion was seconded by Joan Snook Smith. All were in favor, with an abstention from Brian Hautau and Jim Hunt. Motion carried.

CORRESPONDENCE:

A. ARTICLES OF INTEREST:

Autumn discussed articles related to Community Agriculture groups, the SADC's North Jersey Open Public Meeting on January 20, 2015, Christmas Tree Farms, Legislature for companies building on land preserved for Open Space and Farmland, Open Space Funding allocation, Soil Disturbance Regulations, and a farmland assessment issue in Sussex County.

There will be a workshop on Wednesday, January 28 at the Fairgrounds called, "Farms, Forests and Rivers - Sustaining our Way of Life." This free workshop is for farmers, landowners and municipalities. Lunch will be provided. Some of the discussions include different NRCS programs, land management, agritourism, financial and technical tools, economic development and green infrastructure. Autumn provided the Board with a copy of the flyer.

B. SADC MEETING RE: SPECIAL OCCASION EVENTS:

This item will be included with the discussion on wineries under New Business.

C. DECEMBER CADB ADMINISTRATORS REPORT:

Autumn attended a December CADB Administrators meeting where Special Occasion Events was discussed. They also discussed possible definitions of special occasions and whether Board should adopt a definition. Minutes from this meeting were e-mailed to the Board.

D. SOIL DISTURBANCE REGULATIONS:

Autumn reported that the SADC will meet on January 22 and they were supposed to discuss the draft regulations for soil disturbance. They've tabled this to the Department of Agriculture's Annual Convention. They wish to get more feedback before discussing it further with the SADC. Information regarding this was e-mail to the Board. The Board can formalize comments or questions in a letter or memo.

E. REAPPOINTMENT RESOLUTION:

Reappointment Resolutions have been received for Lori Day, Jim Hunt, Brian Hautau and Peter Southway. These appointments expire on September 30, 2017.

F. BRODHECKER FARM, LLC VS. SADC:

Correspondence has been received from Ursula Leo who represents Brodhecker Farm, LLC in an appeal to the SADC's October 3, 2014 Final Decision.

AG. AGENT'S REPORT:

Peter Southway said he attended a meeting which was hosted by Dave Lee, the Extension's dairy specialist out of Salem County. The meeting was billed as, "Meet with the Dean of Rutgers Extension" to talk about how the Rutgers Extension could assist dairy farmers in the State of New Jersey. Mr. Southway said the speaker talked the entire morning about how dairy farmers can help Rutgers Extension stay in business and get more funding. The school has had budget cutbacks and is proposing that dairy farmers pay a check-off on milk production that will keep the extension service. Mr. Southway said he has received help from Steve Komar locally but not from the extension program and dairy program.

NEW BUSINESS:

A. SPECIAL OCCASION EVENT DISCUSSION:

The Board from the Special Occasion Event legislation that was passed has to now determine a definition for a special event for wineries on preserved farms.

Peter Southway said this legislation would permit preserved farms to have special occasion events under certain conditions. This is a pilot program which expires in 44 months. This will present a hardship on wineries if they have special events because if they build or refurbish certain existing infrastructure or spend money putting in a parking lot, and in four years, if they decide the program isn't working, then they have to go back to the old deed, which restricts this use. The law would also make it necessary for the wineries to earn less than 50% of their total revenue from the events. If the law passes, the SADC will not adopt a definition of what is considered a special event. Each Board had to adopt its own definition. Lori Day asked if this can be done on an individual basis. Autumn said it could. Warren County is not adopting a definition; they are doing it on an individual basis. She also believes that Mercer County is not adopting a definition.

This practice is completely separate from Right-to-Farm and the wineries must first receive municipal approval. When asked, Autumn said that Westfalll Winery is the only

preserved winery in the County and they have a five-acre exception area. This is only for preserved farms that do not have exception areas.

Brian Hautau clarified that the winery first receives approval from the town and then comes to this Board for approval as a special event. Brian agreed that the Board should take each case individually. Cece Pattison asked if wineries are the only farms that can have special events. Autumn said that was correct. She added that if Westfall did not have an exception area and they wanted to host a special event, they would have to present a site plan to the town, get approval from the town and then come before this Board to see if they qualify as a special occasion event. The Board would either approve or deny the request. Since there are so few preserved wineries, the SADC is meeting with each individual winery to discuss this. Autumn also said the Board would have to order an audit of the wineries books to prove that they meet the gross income requirement. This would have to be certified annually.

MOTION:

A motion was made by Brian Hautau that the special occasion events applications to this Board are to be taken on a case-by-case basis. The motion was seconded by Lori Day. A roll-call vote was taken. All were in favor. Motion carried.

Autumn advised the Board that there was an attachment that has a Summary of Responsibilities for the SADC, CADB, municipalities and wineries. The definition for special occasion included in the legislation calls it a lifetime milestone, cultural or social event.

B. **SSAMP CHECKLIST REVIEW:**

Autumn provided the Board with a model SSAMP Review Checklist. She said the Board can either adopt the SADC's model checklist and modify it as necessary or the Board can create their own checklist. Lori asked if the Board can adopt the model checklist in general and then decided on a case-by-case basis which parts they want to use. Autumn said yes and that it seems like that would take place at one of the first hearings---a completeness review.

MOTION:

A motion was made by Lori Day that the Board adopt the SADC's Site Specific Ag Management Practice Checklist which will be modified on a case of applicability. The motion was seconded by Jim Hunt. A roll-call vote was taken. All were in favor. Motion carried.

C. FPP – OFFER RESPONSE UPDATE:

Autumn provided the Board with an update to the FPP offers. Lane Libby accepted his offer for Farmland Preservation. Responses have not yet been received from Sytsema and Spinks and they will be contacted tomorrow. Autumn said that she and Dennis McConnell agreed to extend the response time by two weeks for the Gianattasio's and the Miskovic's. The Gianattasio's are acquiring an additional acre from their rear neighbor. Autumn said she contacted the State to make sure the acquisition would not change their appraisal. The State said it should not affect their appraisals and that they need to get an acknowledgement from the seller. The Miskovic's had their farm appraised separately when they were originally settling the estate. That appraisal was a lot more than the appraisals from the two FPP appraisers and the State review appraiser. They are not sure if they will accept the offer and they are currently working with an attorney to see if they can make a counteroffer. Autumn will discuss this with Mr. McConnell tomorrow.

Autumn said some of the CADB Administrators were e-mailing about application fees. Morris County has a \$1,000.00 Preservation application fee which is refunded if the landowner accepts the offer. They had some problems with landowners looking for a free appraisal. Morris County is also looking into a \$3,000.00 Division of Premises fee which would not be refunded. Peter said he would not be opposed to discussing an application fee. Joan agreed. Peter suggested that Autumn talk to Dennis McConnell about this.

D. SOIL DISTURBANCE DRAFT REGULATIONS DISCUSSION:

The PowerPoint slides on the Draft Regulations for Soil Disturbance were e-mailed to the Board. Peter asked what the SADC's timeline was for the soil disturbance regulations. He said Attachment 9 of the Draft was written specifically for one incident which is now in the New Jersey Supreme Court. If the Supreme Court agrees with the farmer and overrides the Judge who backed the SADC, this Draft and all their work was a waste of time. It is probably a two to four year process before the NJ Supreme Court makes a decision. He also said that all of the farms that have already been preserved do not have the language in the Deed of Easement that is in Attachment 9. He does not feel that the Supreme County will uphold a retro attachment. The Board agreed with him. Brian said when people preserve their farms they're told that so long as they're performing agriculture on their farms, they can build a barn or sheds as long as it related to agriculture. He said there is nothing as intensive in agriculture as a greenhouse. Under these regulations it would not be allowed.

Autumn responded to Peter's question about the timeline. She said the SADC is going to tweak the draft and then do outreach meetings, but they will not work on the draft until March or April. Peter said the Board should not do anything at this point. Jane Brodhecker said it was presented to the SADC by the staff at the last meeting. They just heard that this issue will not be discussed at the meeting this week. They will

present it to the State Ag. Development Committee because they heard there are concerns about what has been presented so far. Farm Bureau has also voiced objections to it. As far as the SADC is concerned, it is on hold.

There was a lengthy discussion on the Den Hollander case.

Autumn said there are concerns with this draft as it stands because, while they allow waivers for soil disturbance, it's next to impossible for anyone to qualify for one. There are also concerns because there are staffing issues at the NRCS and they are the ones who would ensure compliance. They are already backed up with Soil Conservation Plans for preserved farms.

The Board agreed to wait until the SADC works on this draft.

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 8:45 p.m.