

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

APRIL 16, 2012

The meeting opened at 7:30 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  
Jim Hunt  
Cece Pattison  
Joan Snook Smith  
Peter Southway

MEMBERS EXCUSED: Brian Hautau

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

ALSO PRESENT: Brian Smith, Esq., SADC  
Rudy Dragan, Planning Aide

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Joan Snook Smith to approve the Minutes of March 19, 2012, as presented. The motion was seconded by Lori Day. All were in favor, with an abstention from Peter Southway. Motion carried.

**CORRESPONDENCE:**

A. 7<sup>TH</sup> ANNUAL EARTH DAY CELEBRATION, SCMUA:

The SCMUA and the Wallkill River Watershed Management Group are hosting its seventh annual Earth Day Event on Thursday, April 19 from 9:30 a.m. – 2:00 p.m. at the Solid Waste Disposal and Recycling Facilities located in Lafayette, NJ. The theme will be promoting renewable energy and encouraging energy conservation. In addition to participating in different environmentally focused, hands-on interactive learning activities, the event will help participants to become more aware of and interested in proper solid waste disposal, recycling, watershed management, composting, alternative energy sources and individual energy conservation practices.

B. FOREST MANAGEMENT & STEWARDSHIP PROGRAM:

Rutgers Cooperative Extension of Sussex County announced the Spring Forest Management/Stewardship Program Series entitled, “Early Successional Wildlife Habitat.” The Program will be held on Thursday, April 26 at 7:00 p.m. at the Extension Office at 129 Morris Turnpike, Newton, NJ. Pre-registration is required. The registration deadline is April 25.

C. CERTIFICATION OF VALUES, SADC (VARIOUS,) 3/9/12:

The SADC sent Certification of Values reports for the following farms: Keyes, Wantage Twp.; Crisman (3 farms) in Fredon Twp.; M.C. Land Trust in Frankford Twp.; and Sella in Fredon Twp.

Donna said the Crisman farms will be closing shortly and she will discuss this later in the meeting. Even though the SADC certified all three farms, it appears they will only fund the first two farms. Funds for Crisman 1 & 2 are from the Fiscal Year 2009 PIG and now those dollars have been expended.

D. FINAL APPROVAL RESOLUTION, CRISMAN #1 & #2, SADC, 3/29/12:

Final Approval Resolutions from the SADC were received for the Crisman Brothers Farm LLC #1 and #2, in Fredon Township. These farms will be funded in their entirety with the appropriate State and County cost share. Initially, there was enough money to fund Crisman Brothers Farm #1 and partially, Crisman Brothers Farm #2. Now they have money to do both. The County is providing 100% of the funding for the Crisman Brothers Farm #3. Donna explained that the County was going to fund all

three farms, but then Fiscal Year 2009 monies became available from the SADC Planning Incentive Grant.

E. ROSALINE'S AG. SCHOLARSHIP:

A notice was received from Rosaline's Farm and Bakery regarding their Scholarship Program. Money collected in their "tip jars" is being used to award two \$600.00 scholarships to High Point seniors who are interested in local sustainability efforts and are planning to complete a bachelor's degree. Other requirements are to submit an activities/extracurricular resume and a 3.2 minimum GPA. Information on the requirements and applying for the scholarships were included. The deadline is Monday, April 30.

There was some discussion about whether only High Point students would receive the scholarships. In the attached e-mail, it was explained that there were a total of four scholarships. Three scholarships were go to High Point and one to Newton High School. They already have one recipient in mind from High Point and one from Newton High. The last two scholarships will be open for High Point seniors.

F. GREEN LIGHT APPROVAL, GREEN FARM, SADC, 4/11/12:

A letter was received from the SADC advising that they have reviewed the George and Donna Green 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.

Donna said she attempted to get funding through the Federal Farm and Ranch Bill for this farm but they did not make the cut. They are on the substitute list, however.

G. GREEN LIGHT APPROVAL, KLEIN FARM, SADC, 4/11/12:

A letter was received from the SADC advising that they have reviewed the Max and Inga Klein 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.

H. SDRP COMMENTS, PASSAIC CADB, 4/4/12:

A copy of a letter to the Department of State from the Passaic CADB was received. The Passaic CADB made comments to the revisions of the Draft Final State Strategic Plan: New Jersey's State Development and Redevelopment Plan, approved on November 14, 2011. In this version, agriculture factors very strongly in language and the fact that agriculture is very important to New Jersey residents. The Passaic CADB points out that there are other commodity groups in agriculture, including horticulture, sod, and Christmas trees, which accounted for 43% of all cash receipts from agriculture in the State of New Jersey in 2010. They suggested where the plan could be modified to

include these commodities. They also suggest that the State expand locally grown food to specifically refer to urban agriculture and ornamental horticulture.

Donna did not think it was necessary for this Board to submit comments because the County Planning Director is working on this.

I. WARREN CADB COMMENTS DIRECT MARKETING AMP, 4/11/12:

A copy of a letter to the SADC from the Warren CADB was received regarding the Direct Marketing AMP. The Warren CADB thanked the State and applauded their efforts but they are concerned that potentially, this type of situation would be best left to the individual CADBs to be done through SSAMPs because agriculture is so diverse in New Jersey. They said what may be construed as a problem potentially in an urban/suburban county wouldn't even be noticed in a rural county. This may cause municipalities to look harder at things they wouldn't have even thought about before.

Donna reported that the Board's letter went out to Susan Payne by the deadline. Donna said Nickie Goger from Farm Bureau and Eileen Klose from Hampton Township requested copies and Donna provided them.

J. ARTICLES OF INTEREST (WILDLIFE CONSERVATION EFFORTS, EXPANSION OF JERSEY GROWN BRAND, HOPATCONG FARMERS MARKET):

There have been a few articles that came out within the last month, one being the USDA and Interior announcement for Wildlife Conservation efforts to support local economies and preserve farm traditions. This is a community driven conservation effort as part of President Obama's America's Great Outdoors initiative.

There was a notice from the New Jersey Department of Agriculture announcing that Jersey Grown Brand now includes annual bedding plants. All annual and bedding plants would be eligible to be labeled Jersey Grown if they were grown in New Jersey and meet or exceed the Department's standards.

Hopatcong Borough's first farmers market will be introduced in June. The market will be held Sundays in the municipal building parking lot from 9 a.m. to 2 p.m. The market will begin June 17 and continue through September 30. This farmers market will be the 6<sup>th</sup> farmers market in Sussex County.

**RIGHT TO FARM:**

Donna said there is a potential Right to Farm issue for a winery in Hampton that the Board may have soon. The County has had some issues because the winery initially wanted two driveways, one for the residents and one for the winery. It appears that this has been resolved and there will be one common driveway (on County 627.) The County also wanted some drainage and curbing improvements and it appears that the landowner is agreeable to that. The winery is doing well with permits from the Alcoholic

Beverage Commission (ABC.) There may be some issues with the Township Committee about having another winery in the township. This may be on the May agenda.

Donna added that the Brodhecker Right to Farm issue is at the State level in the OAL. She sent an e-mail to Susan Payne today asking for an update.

**AG. AGENT'S REPORT:**

Donna said Steve Komar is out sick and that she does not have a report from him. CeCe Pattison talked about one of Steve's project she attended. The marketing project was for small farms to market lambs.

**OLD BUSINESS:**

A. AGRITOURISM UPDATE:

Donna said she did not yet have an update from Steve on the Agritourism survey. She reported that Rudy has been working on updating various websites. On the sussexfarm website, all the information on the various community farm markets is now online. The Farmers Market at the Fairgrounds is opening on May 12 with a big plant sale. The winter farmers market will become the Newton Farmers Market which will be open on Tuesdays in front of various storefronts on Spring Street. The Sparta Farmers Market opens on June 2. The regular Newton Farmers Market will open on June 5, the Hopatcong Farmers Market on June 17 and the Olde Lafayette Village Farmers Market opens June 24. Donna provided the Board with some new rack cards that contain information on the various farmers markets in the County. (The information about the Hopatcong Farmers Market was made available after the rack cards were printed.)

The Birding and Nature Festival is coming up in June. One of the trips goes to a variety of farms to highlight the interrelationship between agri and ecotourism with our Jersey Grown products, the sunflower seed, birdhouses and winery.

Donna asked Lori Day to talk about her newly published article. Lori said she had an article published in a national magazine about bottle feeding multiple species animals. The article contained 10 tips which have been passed down through generations of her family.

B. UPDATE ON CLOSINGS, APPROVALS, JORRITSMA APPRAISAL ISSUES:

The Crisman closings will probably occur in the next week or two. There will also be a closing on Manek. There have been some challenges with the Jorritsma application. Currently, the SADC review appraiser is working with the County's two appraisers on changes. A letter from New Jersey DEP is also needed for access across the rail trail. It may be a number of months before everything is resolved. The Jorritsma's have

been apprised of this and they are being patient. Donna said she is preparing a Resolution for the Freeholders for the other three farms in that round.

Donna reported that the dedicated tax was again decreased 42-43%. Once all the salaries, fringes, legal and ancillary costs are taken out, there will be approximately \$122,000 for farmland preservation acquisitions. It may be possible to get some money out of the competitive process. Traditionally the funding cycle would begin around this time of the year; but because we were still waiting for certified values from the last round through the State, we were going to delay this round. Donna said she would take in whatever applications come in and let people know that we are not certain whether there will be a funding round this year. If we do, it would be a little later in the year. When asked, Brian Smith said competitive money comes to \$3 million. Also, Donna said there is about \$3.6 million that is part of the process but has not been encumbered. Most of these funds will be encumbered to 2010 & 2011 round farms and applications presented through the Land Conservancy of New Jersey. If the County does not have to pay 100% there will be more money for the next round.

Donna said she still does not have the Resolution of Support from Stillwater for the Syberg farm. She offered to do a presentation to the Township but no one has contacted her.

There are still some issues with the Sella application. Additionally, Donna just received an e-mail regarding information on the Tommaso application. New NRCS language needs to be provided to us for inclusion on the survey.

C. DRAFT AMP FOR ON-FARM DIRECT MARKETING FACILITIES, ACTIVITIES AND EVENTS:

The comments on the Draft AMP for On-Farm Direct Marketing Facilities, Activities and Events were submitted by the deadline.

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

Donna asked Brian Smith if there was anything new with the Tennessee Gas Pipeline. Brian said, "No." Donna said she contacted the Hammings to get information on how much they were paid. The first time she spoke with Ike Hamming, he said they did get paid and because it was more than six months ago, he had to check the amount. The next morning he called and told Donna to check with Bob Wooten from Tennessee Gas Pipeline. Donna contacted Mr. Wooten but has not heard anything from him.

There was some discussion regarding PSE&G. Brian Smith said they do not have the ability to condemn properties. This project can potentially effect both preserved and ADA Sussex County farms.

E. SADC MONITORING E FORM UPDATE:

Donna asked Brian Smith if he heard anything new about the SADC Monitoring E-Form. Brian Smith said he has not heard anything regarding the E-Form since it was discussed at the last SCADB meeting. Donna said she plans to use a paper copy of the form when monitoring farms because she does not have a laptop to use in the field. Use of the E Form is not mandated yet, but she feels she may as well start collecting the information. She said she does not plan on measuring the farm structures because they may be more technical ways of doing it. It is hoped that at some point, one central person may be doing this Statewide. Donna said that everyone at all three of the SADC E-Form Meetings felt it would be good if the State would provide a device for entering the information while in the field.

**NEW BUSINESS:**

A. COUNTY SOLAR POLICY (DISCUSSION):

Donna said that County Counsel was communicating with Jerry Melton, one of the preserved farms landowners, regarding misplaced farmland preservation paperwork. Dennis McConnell sent Donna an e-mail regarding this and Donna contacted Mr. Melton and offered to send him copies of the closing paperwork. In the e-mail conversation, Mr. Melton mentioned that he was putting solar panels on the barn roof. Donna said she contacted Chuck Rohr at the State, who explained to her that there is a process to do this. Because it is on an existing barn, there is a form that the landowner has to fill out. He provided Donna with the form which she sent to the Board members with the State policy. She also sent Mr. Melton an e-mail with the SADC Application for Solar Panel Installation and notified him that the application needs to be submitted with the requested attachments directly to the SADC upon completion. She told him they will review the application to make sure all the documentation is there and then they will send it back to her. At that point, it will be placed on the SCADB agenda for approval. Once approved by the SADC, she will send it back to the SADC for their approval. Mr. Melton replied with a scathing e-mail. (County Counsel will address this.)

Donna said this farm was not preserved with SADC funds. She spoke with Susan Payne who said this farm does not fall under the Ag. Retention Development Act; however, since the County used the identical Deed of Easement the State uses, the County still has an obligation to adhere to the State policy. Donna said the CADB needs to adopt its own solar policy and that it could mirror the State's policy.

Discussion followed. There was some question as to whether Mr. Melton was in violation of the Deed of Easement. It was agreed that Donna would let Counsel know that the Board wants to adopt the State's application process and they want him to review the State's application process. The Board will revisit this issue at the May meeting.

Donna advised the Board that she will be on vacation in June and needs to cancel the June SCADB meeting.

**PUBLIC COMMENT:**

Brian Smith thanked the Board for submitting their comments regarding the Agritourism AMP. He said he received comments from 52 entities. Comments were received from 11 of 18 CADB's; six municipalities; Rutgers; some County Boards of Agriculture; and many members of the public. Out of 52, Warren County is the only commenter that said not to adopt the AMP.

Regarding the Manek application, Mr. Smith said the Maneks need to file a New Jersey Estate Tax Return because the estate is over \$675,000. This seems to be causing the delays in closing.

Mr. Smith said Green Township drafted a Right to Farm Ordinance and sent it to the State. He said he reviewed it and feels it has a lot of problems. He added that this Board has the authority to review the Green Township Right to Farm Ordinance. Donna said she hasn't seen the Ordinance. Mr. Smith suggested she put this on the agenda for next month and that she contact the Town Clerk in Green to get the Right to Farm Ordinance. He said it was one of those ordinances that says every farmer has the right to farm in Green Township, subject to relevant local ordinances. That language tells him the attorneys are trying to play games with the Right to Farm Ordinance.

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Jim Hunt. The motion was seconded by Lori Day and carried unanimously. The meeting adjourned at 9:20 p.m.