

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

APRIL 20, 2015

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  
Brian Hautau  
Jim Hunt  
Cece Pattison  
Joan Snook Smith

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

ALSO PRESENT: Steve Komar, Rutgers Cooperative Extension  
Lou Tommaso, LL Pittenger Farm  
Cliff Lundin, Chairman, S.C. Open Space Committee

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Lori Day to accept the Minutes of January 20, 2015 as presented. The motion was seconded by Brian Hautau and carried unanimously.

The Meeting Reports of the February 17, 2015 and March 16, 2015 were accepted as presented.

The Agenda was amended to New Business, D.

**CORRESPONDENCE:**

A. ARTICLES OF INTEREST:

The Board agreed that they did not need to discuss the articles.

B. RTF OUTREACH RESPONSE:

Autumn sent a response to the SADC about their outreach efforts for the Right-to-Farm Program.

C. NJCPA MEETING MINUTES:

There was a New Jersey County Planners Association meeting in February where the SADC gave a presentation on agriculture and agricultural lands in New Jersey. It was reported that the loss of farmland is becoming a trend to mostly residential development. They also discussed the Transfer of Development Rights Program and the Planning Incentive Grant Program. It was also reported that most voters in New Jersey are in support of Farmland Preservation.

D. FARMLAND ASSESSMENT MTG. MATERIALS:

Autumn said she attended the second Farmland Assessment meeting in Green Township on Thursday. She provided the Board with Fact Sheets from the New Jersey Farm Bureau Association. There was some discussion on the changes to Farmland Assessment and then the meeting was opened for questions. When asked, Autumn said under the new rules, tenant farmers' rent no longer counts as income for farmland assessments, but the products that the tenant farmers sell, does count. The tenant farmer has to fill out the form. There was some discussion about calculating income from pastured acres.

**AG. AGENT'S REPORT:**

Steve Komar said he received a call last month from the County Board of Health regarding health issues related to farmstands. He said he made some calls and found experts willing to work on the project. He asked for a letter from the County stating why he was starting the working group, but he has not received the letter yet. He said he will contact the experts to get started on the project.

Steve reported that Pat, the Rutgers Cooperative Extension secretary is retiring after 26 years. Her last day is next Friday. Steve said he made a proposal to the County for replacement use of the funds because they will probably not replace her.

**OLD BUSINESS:**

A. UPDATES ON SOIL DISTURBANCE REGULATIONS;

Autumn previously provided the Board with a letter from the Monmouth County Agriculture Development Board; however there is a more recent update. The Soil Regulations as drafted are not moving forward. The State Board of Agriculture convened a special Committee to provide revised recommendations to the SADC. At the County Ag. Development Board Administrator's meeting, Susan Payne discussed the Soil Regulations. She said the effort is not to fast-track any new or proposed regulations. They want to take their time and make sure they do this right. They are waiting for the recommendations that come out of the State Board of Agriculture. The proposed regulations are completely off the table.

B. UPDATES ON STATE OPEN SPACE TRUST FUND:

Autumn provided the Board with an e-mail from Ranae Fehr from the Atlantic County Ag. Development Board. Ms. Fehr provided a chart with a breakdown of the two Bills that are before the Assembly, one Bill from the Senate and the Governor's Budget Proposal.

The two Assembly Bills are very similar. The State Bill is different in that it allocates more money towards Green Acres. The Assembly Bills allocate a bigger distribution to the Farmland Preservation Program. Under the Assembly Bill, Farmland Preservation would get 36.5%; and under the Senate Bill, it is 29%. The Governor's Budget Proposal is severely less than that. There would be about \$16.9 million in loans and grants for the preservation of land for agriculture/horticulture use. Susan Payne said her staff budget alone is about \$3 million, leaving about \$13.9 million for farmland preservation.

The Highlands Council may have a new grant program available for soil and water conservation measures on preserved land in the Highlands Region.

**NEW BUSINESS:**

A. OPEN SPACE & FPP TRUST FUND STATUS - DISCUSSION WITH OPEN SPACE REPRESENTATIVE, CLIFF LUNDIN:

Cliff Lundin said he is the former Mayor of Hopatcong Borough and is currently the District Manager of the Soil Conservation District. He is before the ADB this evening as the Chairman of the Sussex County Open Space Committee. In November 2000, the

Freeholders put on the ballot a referendum question dealing with Farmland Preservation and Open Space Conservation. The November 2000 referendum provided for a tax levy of two cents per \$100.00 of assessed valuation. It was to be split 90%/10% between Farmland Preservation and Open Space Conservation. In November 2005 the Freeholders went out for a second referendum for an additional 1.5 cents on the tax for a maximum of 3.5 cents. There was no restriction on the split. On January 1, 2011 the first tax sunsetted.

For the last five years, the programs have been operating under the second authorization with a maximum of 1.5 cents, with a 90%/10% split. In the years when Open Space has not spent its money, the money rolled over into the Farmland Preservation Program.

During the last five years, because of the general economy, the Freeholders have reduced the tax levy. They reduced the tax to the point where the Open Space Program no longer qualifies for matching State funds. The second tax from 2005 will expire January 1, 2016. The Open Space Committee has not had any applications for the last two years. Mr. Lundin said the towns are in the same position, they've cut back on their tax levies as well.

The Open Space Committee is holding a general meeting this Thursdays. All of the Mayors, Councils, Open Space Committee and Environmental Commissions have been invited. A questionnaire has also been sent out to the 21 municipalities, seeking their opinions on the open space preservation process. The Open Space Committee hopes to start a discussion between the municipalities as to what their needs are and where should they be heading. The Open Space Committee is hoping to get the towns talking to target acquisitions that will connect the municipalities. Mr. Lundin talked about work that was done to link trails from Byram, Stanhope and Hopatcong. Lake Hopatcong is now working on a project to connect the four towns around Lake Hopatcong to create a hiking path around the lake.

Mr. Lundin also said the Open Space Committee is also looking to do an update of the Open Space Plan with the help of County staff and a Planning intern. Mr. Lundin said that last week he learned of a grant opportunity through the William Penn Foundation. There was a conference call this morning with The Land Conservancy, himself, the Vice Chairman of the Open Space Committee and Eric Snyder regarding this grant to update the Open Space Plan. He said that he and Autumn have been in touch with Trust for Public Lands. Mr. Lundin said a few weeks ago, he and Autumn met with Eric Snyder. Mr. Snyder would like to see a movement from the Mayors of the towns and other organizations around the County to push for the renewal of the Open Space Referendum.

Mr. Lundin talked about the timeframe for getting a new Referendum. The Freeholders would have to authorize placing the question on the ballot by mid-August. He wrote a sample Resolution which was based on the Referendum question from five years ago.

This was distributed to the ADB for review. He is anticipating that at their meeting on Thursday, the Open Space Committee will authorize him and the Open Space Vice Chairman to appear before the Freeholders sometime with the next month to present this idea. Mr. Lundin said he would like some input from the ADB regarding the changes they would like to see in the program. He said if the tax is allowed to sunset, recreating it will be looked at as a new tax. It would be better to present it as a continuation of an existing tax. He said there are funding needs for both programs and he would like to work together to get the question on the ballot.

Joan Snook Smith agreed about the timing being bad but said she is in support of the tax. Lori Day said she also is in support of the tax but said the facts need to be made clear in the press that this is County money and not State money that can be used for other purposes than the dedicated tax that it was originally for. Brian Hautau asked if the targeted acquisitions were going to be discussed at the next Open Space Committee meeting. Mr. Lundin said he did not know if the acquisitions would be discussed at the next meeting. The towns were sent a map of their preserved open space properties and they were asked to bring in maps of what they have already preserved and what they would like to preserve. The goal is to get the towns talking to each other. Autumn said the maps did not include a preserved farms layer due to problems with the GIS program. She is working to correct this problem. Lori confirmed that Mr. Lundin was looking for volunteers from the ADB to attend the Freeholder meeting. Mr. Lundin said he was hoping for liaison from the ADB to take the lead and work with the Open Space Committee. Cece Pattison asked which Freeholder meeting the liaison would have to attend. Mr. Lundin said that has not been determined yet. After Thursday's Open Space Committee meeting, he will make a formal request to be on the Freeholder Agenda. Autumn said the ballot deadline is August, but the deadline to be put on the Freeholder Agenda is about one month before. Therefore, a formal ballot question is needed by mid-July.

Joan asked how many towns have a dedicated tax. Autumn said almost all of the towns have a dedicated tax. Mr. Lundin said the tax amounts and what is funded vary. Autumn said that she and Rudy calculated the acreage preserved by the County trust fund. There are 17,600 acres preserved under the Farmland Preservation program and 2,552 acres preserved as Open Space. Jane Brodhecker said any Board member who wants to work as the liaison with the Open Space Committee should let Autumn know. She said the ADB may have more questions as they start to think about the details.

The meeting returned to Correspondence.

B. FPP:

KLEIN – The Klein farm is almost closed. There was a last minute issue with the survey and the Title. PSE&G has about 4' of land that they hold an easement for. PS&EG needs to vacate the easement in order to proceed. There have been a few different surveys from when Peter Southway's farm was preserved and from when PSE&G was

doing the power lines that show the easement was not on the Klein farm but on an adjoining lot. Dennis McConnell is working with PSE&G's attorneys to get this resolved.

SYBERG – This was on the Freeholder's Agenda at their April 8 meeting. They voted to allow The Land Conservancy to partner with the County and the County Open Space Trust fund in a cost share grant. There still needs to be a formal Resolution.

**MOTION:**

A motion was made by Joan Snook Smith to approve the 50% funding match for the Syberg farm, not to exceed \$295,000.00. The motion was seconded by Lori Day. A roll-call vote was taken. All were in favor.

SELLA – There were also some Title issues with the Sella farm. The Title had to be updated because of an approved subdivision. The updated Title work was just received today and the farm should close soon.

CARETTA FARM MUNICIPAL PIG APPLICATION – The Caretta Farm will be a Municipal PIG application. The Land Conservancy has asked if the County would be willing to contribute funds for this acquisition. It would be a cost-share between the State, the County and the Township. Autumn provided the Board with an e-mail from Linda Glosinski, the Land Preservation Specialist from The Land Conservancy. She broke down the two estimations of the per-acre value. If the farm is appraised at \$5,000.00 per acre, the County would be providing about \$50,000.00; and at \$8,000.00 per acre, it would be about \$98,000.00. (The Land Conservancy feels the \$8,000.00 per acre is high estimate.) The Board said they will need to see the farm or at least the maps before they can make that decision. Autumn said she provided more information about this farm in the February meeting mailing, but the Board could not discuss it without a quorum. There was some discussion about the farm and whether there were funds available to contribute towards its acquisition. The Board made arrangements to visit this farm on April 30 at 4:00 p.m.

FINAL APPROVAL RESOLUTIONS – The Board needs to do an approval Resolution for the four farms that accepted their offers. Autumn said she spoke with Stefanie and she recommended that the Board do individual Resolutions.

**MOTION:**

A motion was made by Jim Hunt to approve the Resolution to preserve the Scott Paladino Farm in Wantage Township. The motion was seconded by Cece Pattison. A roll-call vote was taken. All were in favor.

A motion was made by Joan Snook Smith to approve the Resolution to preserve the Mountainview Farm in Frankford Township. The motion was seconded by Brian Hautau. A roll-call vote was taken. All were in favor.

A motion was made by Lori Day to approve the Resolution to preserve the Double D Farm, LLC (Duddy) in Lafayette Township. The motion was seconded by Brian Hautau. A roll-call vote was taken. All were in favor.

A motion was made by Brian Hautau to approve the Resolution to preserve the Gianattasio Farm in Frankford Township. The motion was seconded by Jim Hunt. A roll-call vote was taken. All were in favor.

Autumn said she received a complaint from a neighbor of the Diaz' who live at 30 Linn Smith Road in Frankford Township. The Diaz' have chickens, cows, sheep, goats, turkeys and dogs and the animals are constantly roaming onto their property. Autumn said she spoke with officials at Frankford Township who said they do not have any ordinances for animals. Their Health ordinance only regulates dogs. The County Health Department referred the complaint to Autumn. Autumn advised the woman that her office does not handle trespass issues and if the farmer does not qualify as a commercial farm, the County Agriculture Development Board does not have any jurisdiction. She is going to have to keep calling the Township until they do something.

C. NATIONAL AGRICULTURE DAY RESOLUTIONS:

The Freeholders approved a Resolution recognizing March 18, 2015 as National Agriculture Day.

D. COMMERCIAL FARM CERTIFICATION:

Autumn said Lou Tommaso attended this evening's meeting in order to get his Commercial Farm Certification for a Site Specific Ag. Management Practice. He submitted the required documentation for the certification which includes his Farmland Assessment form with individual lots listed and proof of income. Block 19, Lots 7, 7.02 and 7.03 are located in an Agriculture Residential district in Green Township. In order to receive the certification, he has to prove that he has \$2,500.00 or more in income and that he qualifies for Farmland Assessment. Autumn confirmed that the lots are already Farmland Assessed and the income shown in the statements prove that he meets the \$2,500.00 threshold. She said the Board needs to make a motion to certify that Mr. Tommaso is a commercial farm eligible for the Site Specific Ag. Management Practice.

**MOTION:**

A motion was made by Jim Hunt that the SCADB approve LL Pittinger Farm as a Commercial Farm and is eligible for the Site Specific Ag. Management Practice. The motion was seconded by Lori Day. A roll-call vote was taken. All were in favor.

Lori Day asked Mr. Tommaso about his plans for an on-farm marketing facility, Agritourism Activities and Agri Education Seminars. Mr. Tommaso said he went to the Green Township Zoning Board and received a permit to have farmstand. To enhance sales at the farmstand, he would like to have Pizza-to-Farm nights on Wednesdays from June through September. He has a mobile, wood-fired pizza oven and he wants to make food with products from his farm.

Since this is a preserved farm, Autumn spoke with Chuck Roohr to confirm if the proposed activities are permitted on his farm. Mr. Roohr said it would be fine as long as it's meant as a marketing tool for the farm's output. The grey area is hosting an event that highlights products from other farms and further clarification is needed. Mr. Tommaso said his intent is to promote his farm and farmstand but he wanted to include some specialty products from other farms to compliment his products. He would be permitted to feature products from other farms as long as they are held within his two-acre severable exception area.

Mr. Tommaso said on Friday, he submitted an application to the Green Township Zoning Office asking for permission to have these events. The Zoning Office asked for a letter saying that this type of activity is permissible on a preserved farm.

The Agenda was further amended to New Business, A.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Brian Hautau. The motion was seconded by Lori Day and carried unanimously. The meeting adjourned at 9:58 p.m.