

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

MAY 21, 2012

The meeting opened at 7:40 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: Donna Traylor, CADB Coordinator
Antoinette Wasiewicz, Recording Secretary
Steve Komar, County Agricultural Agent

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

MINUTES CORRECTION/APPROVAL:

A motion was made by CeCe Pattison to approve the minutes of April 16, 2012 as presented. The motion was seconded by Joan Snook Smith. All were in favor, with an abstention from Brian Hautau. Motion carried.

CORRESPONDENCE:

A. STATE STRATEGIC PLAN COMMENTS, NJ FARM BUREAU, 4/12/12:

Correspondence was received from NJ Farm Bureau regarding their comments on the new State Strategic Plan. Donna went over the items that related to agriculture and how the plan is being rewritten to help the agricultural industry.

B. ANNUAL APPRAISER'S CONFERENCE, SADC, 4/10/12:

The SADC scheduled its annual Appraiser's Conference for Wednesday, June 6, 2012 from 9:00 a.m. to 12:30 p.m. The conference will be held at Mercer County Community College Conference Center, West Windsor, New Jersey.

Attendance at this session satisfies one of the SADC's requirements for remaining on the list of Approved Appraisers. Attendance also satisfies one of the requirements for appraisers applying for inclusion on the Approved Appraiser's List.

C. COMMENTS ON DRAFT DIRECT MARKETING AMP, NJ FARM BUREAU, 4/16/12:

NJ Farm Bureau submitted comments on the Working Draft of the AMP for On-Farm Direct Marketing Facilities, Activities and Events. Donna reviewed the highlights of the Farm Bureau's comments with the Board.

D. SOIL AND WATER CONSERVATION COST SHARE GRANTS, SADC, 4/25/12:

A memo was received from the SADC regarding the Soil and Water Conservation Cost Share Grants. New funding for the program has not been included in recent State budgets. While the SADC was able to utilize remaining interest earnings from 1992 and 1995 bond funds to continue the program for a period of time, those funds have not been available since July 2010 and there has been no funding for new applications to the program since that time.

There may be limited funding available in the future from cancelled projects. Any funds from cancelled projects are held by the State Treasurer in reserve. Once there is sufficient funding in reserve, the SADC will seek approval from the Treasurer to release those funds so they can be used for other projects.

The SADC has continued to accept applications for soil and water conservation projects. All applications are being placed on a waiting list in the event funding becomes available.

E. PROPOSED CHANGES TO SADC HANDBOOK, SADC, 5/2/12:

SADC sent a summary of proposed changes to the 2011 SADC Appraisal Handbook for comments. The handbook is expected to be adopted at the May 24, 2012 SADC meeting. Comments should be made in writing no later than May 16, 2012.

F. JORRITSMA DETERMINATION FOR COMMON WATERS, SADC, 5/8/12:

The Jorritsmas made an application to Common Waters, an Upper Delaware Watershed Project for soil and water conservation improvements. Because they received funding approvals from Common Waters before the final approvals for Farmland Preservation, it was decided to send the information to the SADC to make sure there would not be a conflict.

The SADC initially said they support the project but they were not sure if they were willing to cost share for farmland preservation on those acres. Gail Harrje spoke on behalf of the Jorritsmas and explained that the land was not agricultural land and is not being farmed. A letter was received from the SADC saying that it was determined that the SADC would pay on the area impacted by the Paulins Kill restoration projects.

G. LEASING AND LAND ACCESS PROJECT, SADC, 5/10/12:

The SADC is working on a Leasing and Land Access project and is looking for assistance in an outreach. The goal of the project is to enhance leasing resources for NJ farmers and landowners to support beginning farmer's access to land. There will be three regional meetings for landowners on June 4, June 6 and June 14 to discuss leasing experiences, resources and opportunities. The meetings are specially designed for farmland owners who are currently making, or interested in making, their land available for farming. The north Jersey meeting is scheduled for Monday, June 4 from 7:00 p.m.-8:30 p.m. at the Genesis Farm in Blairstown, NJ.

H. D&R GREENWAY LAND TRUST MTG., SADC, 5/21/12:

The SADC and the Northeast Organic Farming Association of New Jersey are sponsoring a meeting for nonprofit, land-trust and public-entity landowners to discuss leasing experience, resources and opportunities. This meeting is scheduled for Thursday, June 12 from 2:00-4:00 p.m. at the D&R Greenway Land Trust, Johnson Education Center, One Preservation Place, Princeton, NJ.

I. ARTICLES OF INTEREST (SUSTAINING FARMING NEWSLETTER, HAMPTON SOLAR FARM):

Donna provided the Board members with articles related to Urban Market-Garden Rapid Soil Assessment for Trace Metal Contaminants and a planned Solar Project in Hampton Township.

RIGHT TO FARM:

Donna reported that she did not see any further information or inquiry regarding the winery in Hampton Township. County Planning staff said they have been working with the owners of the winery and they potentially resolved the issues. There may be other issues with the town, but to date, Donna has not received anything.

Donna said that recently there was some question about the Right to Farm Act's definition of a Commercial Farm regarding eligibility criteria for farm assessment. According to Dave Kimmel, SADC, it is possible that a farm would satisfy the eligibility criteria for farmland assessment without being farm assessed. They do have to have the potential to qualify for farmland assessment.

There may be another right to farm issue dealing with pigs. Steve Komar was familiar with the farm. Donna said there are a significant number of pigs on the farm and asked Steve if the farm had a nutrient management plan.

AG. AGENT'S REPORT:

Steve Komar said there were some lamb production meetings last month and a forestry meeting. The agritourism grant is moving ahead. The five videos are almost done and they are almost finished with the five budgets. The Beef Tour was held in April in Pennsylvania. The Master Gardeners at the YMCA did an educational program for children about healthy eating.

An extension was received for the irrigation grant. The New Jersey Geological Society and DEP have changed the way they evaluate rainfall onto agricultural land based on the results of this project. They used to say that rainfall that fell on agricultural land during the year when crop production was not going on did not exist in the water budgets. They are now amending it because they've demonstrated to them that water is actually infiltrating and is not disappearing.

Steve said that native plants will be highlighted at the fair. Also, Rutgers is hiring a new, part-time person to help with coordination of the Master Gardener Program.

The Veteran's Garden at the Newton Park will be ready in time for Memorial Day and the Hardyston Community Gardens is up and running. Steve advised the Board members who used sprayers to calibrate them. He said a 20% inefficiency in the sprayer can add up. Lastly, Steve said he will have tenure in June.

OLD BUSINESS:

A. AGRITOURISM UPDATE (VICKI JOHNSON WEBSITE):

Donna said she received an e-mail from Vicki Johnson in response to a request to link the sussexfarmvisits to her site. She agreed to this. Vicki Johnson's website deals with gardening, etc.

Donna reported that she received the notice regarding the County display at the Farm and Horse Show. The fair will run from August 3 through August 12. There will not be any new brochures or rack cards but what supplies remain will be made available.

The Farmers Market at the Fairgrounds opened two weeks ago. This is the first of the community farmers markets to open this season. Donna said she has a table there with handout materials. There was a bluegrass band there the first week and other events are being planned throughout the season by the farmers.

Jim Hunt said due to crop loss this year, fruit will be very expensive and not very plentiful.

The Birding and Nature Festival is scheduled for June 9 and 10. Donna said that Rudy has been tracking the interest in the festival on the website. After the e-mail blasts go out, the visits to the site soared. One of the tours will feature a farm visit, a hike at Tico's farm and then a visit to one of the wineries. There will also be free displays and children's activities. The Keynote Speaker will be Bill Boyle who wrote, "Bird Finding Guide for New Jersey." Due to a double booking, the Birding and Nature Festival is being held in the Richards Building instead of the Conservatory. Therefore there is plenty of space available for displays.

B. UPDATE ON CLOSINGS (CRISMAN,) FINAL RESOLUTION FOR 2011 ROUND, JORRITSMA:

Last week there were three closings for the Crisman farms. An updated form was provided to the Board which listed the closed farms to date. There are now 16,861 acres in farmland preservation.

Donna said Lou Tommaso's appraisals need to be updated because Federal Farm and Ranchland money requires them to be current.

The Freeholders approved the three farms that were submitted to them for final approval: David Lane and Judith Kayes farms in Wantage and the MC Land Trust in Frankford Township. There should be enough funding for these three farms and the Jorittsma farm.

Work continues to resolve the issue with the Jorittsma farm regarding their access. County Counsel spoke with the Title Company and they have the information showing

the access. Donna is not sure what has happened since then or whether there was any outreach to DEP or the SADC to resolve the Certification of Values.

Donna said she received quotes for updated appraisals for the Kline and Green farms. She has been working with Ken Goldman regarding lot line issues and the location of an exception.

As of Friday, 94 out of 166 farms have been monitored. Donna said the monitoring gives her an opportunity to answer the farmer's questions and make sure they understand some of the new policies at the State level. She has been working with a paper version of the new E-Form.

The Miller Sheep Ranch is on the SADC Agenda for Thursday. This is going through as a Direct Easement Purchase. Donna said the notice for the Direct Easement Purchase was sent out October 7, 2010.

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

Donna said about a week and a half ago she visited the Shaffer farm in Montague as part of her monitoring process. She spoke with Marlyn Shaffer prior to that and he explained that Tennessee Gas Pipeline had been on his property and had already paid him an amount for disruption of crops. Tennessee Gas Pipeline was doing an archeological dig and they found significant finds dating back 5,000 years.

County Counsel arranged a meeting with the Tennessee Gas Pipeline attorney, representation from the SADC via phone and Marlyn Shaffer. As of May 16, Tennessee Gas Pipeline sent a letter to the Federal Environmental Regulatory Commission (FERC) pushing for the certification that they need. The certificate application for the project was filed on March 31, 2011 after an extensive pre-filing review seeking a certificate of public convenience and necessity to upgrade Tennessee's existing infrastructure in Pennsylvania and New Jersey.

Donna said she spoke with the Pike County Planning Director who provided her with letters from December 2011 in which they said the environment assessment was insufficient and that there should have been a full blown EIS. They gave pages of reasons why they felt the suggestions of the Tennessee Gas Pipeline were going to be lacking as far as protecting the environment and they are more supportive of Tennessee Gas Pipeline's upgrade going through the existing right-of-way which is through the Delaware Water Gap. Delaware Water Gap representatives said they will not allow this to happen. Pike County's experts said they do not need an additional 75', the second pipe could be put within the existing 50' right-of-way. The additional 75' would also impact the Schaffer farm in a negative way.

Brian Smith, Esq. said the SADC is seeking the Attorney General's advice for the legal issue regarding Tennessee and PSE&G's positions that the State and the County really have no input when utility companies want to take lands. They are completely

discounting the Farmland Preservation Act. Director Susan Payne asked him to make a formal request for the Attorney General's advice to answer the utility company's legal points that argue that the Farmland Preservation Act is nothing that can stand in the way of their projects. There is a distinction between the Natural Gas Act and the Federal Power Act.

Tim Brill is preparing a letter which will be filed with FERC objecting to the use of the Shaffer farm for their loop. It will be circulated internally and they would like the Sussex County Freeholders to join them after it is approved internally. FERC has jurisdiction over interstate utility projects.

Mr. Smith said they are also sending a letter to Tennessee Gas regarding the Hamming farm. The letter has not been drafted yet but he thinks it will say that Tennessee went on the Hamming farm, they did the project and paid Hamming without following proper procedures. The SADC wants them to reset the transaction, do appraisals that will be reviewed, and pay Sussex County and the State of New Jersey.

At the last SADC meeting, Brian's assistant was introduced to Judith Andrejko, Esq., Deputy Attorney General. Ms. Andrejko does condemnation work and is handling all of these projects on behalf of the SADC. Arrangements were made so that Mr. Smith, Tim Brill and Ms. Andrejko could join Wednesday's meeting with Mr. Shaffer by conference call.

Jim Hunt asked about the status of the Farmland Preservation project in Stillwater. Donna said that she received an e-mail from Lisa Chamblings saying that it went back before the Council and they voted "No." Donna advised her that the County will not be able to participate on that particular farm. Land Conservancy will need to find out whether they or the SADC need to have a Resolution of Support to proceed. If they don't, they will have to come up with at least 50% of the cost share for that project.

NEW BUSINESS:

A. COUNTY SOLAR POLICY (DISCUSSION):

Donna prepared a potential County Solar Policy as discussed at the last meeting. There are 38 farms that have been preserved with County dollars alone and the County needs to adopt its own Solar Policy. She took the State Solar Policy and the application pretty much verbatim, changing the language where necessary to reflect the County rather than the State.

Donna said County Counsel did not have a chance to see this until this evening because he was away and then there were e-mail problems. An e-mail was received from him this evening and it appears he rewrote the policy as a Resolution and made some changes. Copies of this Resolution were provided to the Board. Donna read the Resolution, paragraph by paragraph to allow for the Board's input. The Board noted some minor typographical errors.

MOTION:

A motion was made by Lori Day to adopt the Resolution for the County Solar Policy with the noted errors corrected. The motion was seconded by Joan Snook Smith and carried unanimously.

B. **KRONYAK SUBDIVISION OF PREMISES – FOR INFORMATION ONLY:**

Donna said that the Kronyak farm in Lafayette Township went through the Direct Easement Program with the SADC. They are trying to do a subdivision of premises. The landowner was being held up at the State level because of the acreage that was in prime and statewide significant soil. Donna said that typically when she receives these requests, more emphasis is placed on the amount of tillable acreage on each resulting piece because most of the Sussex County farms do not have prime and/or statewide significant soils.

From the map that Mrs. Kronyak provided, it appears that the parcels have been divided evenly as far as acreage and the amount of tillable acreage. Donna anticipates that Mrs. Kronyak will bring that suggestion back to the representative at NRCS that was helping her.

There are 48 acres on two sides of the road, 23 acres on one side and 25 acres on the other. The side with the 23 acres has been used for cropland for many years and the side with the 25 acres has been used for pasture.

PUBLIC COMMENT:

Freeholder Richard Vohden said the Arts and Heritage Council applied for Tourism Grants and asked if Donna had any information on tourism surveys. They said they wanted to meet with her to discuss this. Donna suggested that they call her.

He also said Maleek from Farm Bureau asked the Highlands Council for a report on the progress of the Highlands Agricultural Tourism Grants. The Highlands Council is setting up committees for TDR compensation. Some of the members of the Highlands Council asked him if there are any full time farmers in Sussex County that are making a living at farming. They are interested in the younger farmer who is still paying on his land.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Jim Hunt. The motion was seconded by Joan Snook Smith and carried unanimously. The meeting adjourned at 10:00 p.m.