

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JUNE 21, 2010

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
Cece Pattison
Jim Hunt
Joan Snook Smith

MEMBERS EXCUSED: Warren Welsh
Fred Hough

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

ALSO PRESENT: Richard Vohden
Bob Canace, Land Conservancy of New Jersey

Chairperson Jane Brodhecker recused herself from discussion of the August 17, 2009 minutes. She turned the meeting over to Vice Chair, Lori Day, and left the room.

MINUTES CORRECTION/APPROVAL:

A motion was made by Jim Hunt to approve the minutes of August 17, 2009, as presented. The motion was seconded by CeCe Pattison. Joan Snook Smith pointed out the following errors: Page 6, Line One: change "his" to "this"; Page 28, Line 18: change "pursuit" to "pursue"; Page 47, Line Seven: change "barm" to "barn"; Page 111, Line 11: correct spelling of "Traylor" (this error was overlooked in the editing of the original transcription); Page 161, Line Five: change "it" to "I" and Page 161, Line Seven: change "what" to "that." A Roll Call vote was taken to approve the Minutes of August 17, 2009 with the corrections noted above. All were in favor.

CORRESPONDENCE:

A. TAX ABATEMENT PROGRAM PROPOSAL, CAPE MAY ADB:

Donna reported that there was a County Ag. Development Board Administrator's meeting on April 26. Cape May presented a bill that they have been trying to sponsor regarding automatic farmland assessment for preserved farms. This would include any farms that were preserved through any of the SADC's programs. There have been many issues with farmland assessment in Cape May. Often tax assessors look at electronic information and do not recognize that as a preserved farm, there is no other opportunity except agriculture and that not every acre of a preserved farm will be tilled.

B. REQUEST FOR INPUT ON MONITORING, SADC, 4/12/10:

The SADC is developing an enhanced and standardized monitoring program to ensure that the procedures and information gained as a result of a monitoring visit are essentially the same, regardless of where the farm is located or who does the monitoring. They are looking to incorporate successful monitoring methods that are already being employed by various agencies. They are also evaluating a web-based reporting system that would include an online form for submitting the results of a monitoring visit.

A list of questions was received and it was requested that the answers be forwarded to Hillary Barile, the project manager.

C. GUIDANCE DOCUMENTS ON DEED OF EASEMENT INTERPRETATION:
REPORTS ON GENERAL GUIDANCE & RECREATIONAL USES, SADC, 4/29/10:

A Deed of Easement Subcommittee has been examining various provisions of the Deed of Easement to determine where clarification may be needed to ensure consistent interpretation and related decision-making by the SADC. A memo was received from the SADC advising that at its April 23 meeting, they accepted the subcommittee's two reports: "General Guidance" and "Recreational Uses on Preserved Farms." The reports were included with the memo.

Donna reviewed the reports and the Burlington County letter with the Board. A lengthy discussion followed. The Board directed Donna to draft a letter saying that the

Counties should be responsible for the oversight and administration of their own preserved farms.

D. FINAL APPROVAL FOR 2011 COUNTY PIG, SADC, 5/5/10:

On May 5, 2010 the SADC granted final approval to Sussex County's 2011 County Planning Incentive Grant application. Sussex County's identified target farms are now eligible to proceed through the full application approval process.

E. ANCILLARY EXPENSES, LAND CONSERVANCY OF NJ, 5/10/10:

A letter was received from Sandy Urgo, Land Conservancy of New Jersey (TLC-NJ) advising that because the Olivia farm dropped out, there was sufficient funding to allow TLC-NJ to cover 50% reimbursement of expenses on the other four farms that were complete. Ms. Urgo also sent a spreadsheet of reimbursable expenses, vendor bills and copies of cancelled checks. Donna said the County received a reimbursement check in the amount of \$20,929.55 which will go back into the County's funds for additional acquisitions.

F. COMPREHENSIVE PIG PLAN REIMBURSEMENT, SADC, 5/17/10:

A check in the amount of \$19,671.07 was received from the SADC for 50% of the costs incurred in developing, preparing and adopting the Sussex County Comprehensive Farmland Preservation Plan.

G. GREEN ACRES FUNDING LETTER, APRIL 2010:

With the passage of the 2009 Open Space Referendum, funds are available from the Department of Environmental Protection's Green Acres Program for land preservation and park development projects. Green Acres will accept applications until July 30, 2010. Eligible land acquisition projects include the purchase of natural areas, historic sites, conservation areas, water bodies and open space for active or passive recreation.

Eligible recreational projects include facilities that provide boating, fishing, swimming, outdoor games and sports, biking, picnicking, camping or nature interpretation. Related costs incurred as part of the acquisition or development projects may also be eligible for reimbursement.

The meeting was opened to the public.

Bob Canace said he was told by Green Acres that the money that will be available is re-appropriated money from counties, municipalities and non-profits that have not used their funding. Eventually they hope that the bond money will also be available to continue to fund those projects.

The meeting was closed to the public.

H. SURVEY REIMBURSEMENT FOR ROW DESCRIPTIONS, M. PAUL, 5/20/10:

Donna said there have been issues with some surveyors trying to bill the County significantly for additional Right of Way work that has to be done. When a property is

on a County road, Engineering is asked if they want a right-of-way to widen the road in the future. There is separate funding that pays for those right-of-ways and for the surveyor to do the right-of-way work.

A copy of a letter from Mike Paul, Surveyor to John Risko, Assistant County Engineer was received. Mr. Paul wrote to Mr. Risko with a suggestion to simplify the Reimbursement Process for the Farmland Preservation Program. Mr. Paul said that he will provide metes and bounds descriptions, reduced sized plats and coordinate printout data at no cost to the County. He said the mathematical calculations and the writing of metes and bounds descriptions for these road right-of-way areas are a *requirement* of the preparation of Farmland Preservation submittal documents---not extra work. The only additional work this involves is to copy the "Road Right-of-Way Area" portion of previously prepared Farmland Preservation Descriptions onto a new page and embellish same (1 hour of work) and to prepare a reduced-sized Plat using CAD software (2 hours of work.) Mr. Paul said this work should cost no more than \$145.00 and that any contractor billing more than this amount is trying to make up for his original "low ball" bid.

I. PSE&G RESPONSE, SADC, 5/20/10:

PSE&G's project to expand right-of-ways and loop towers will impact three Fredon preserved farms. A copy of a letter to PSE&G from the SADC has been received. The SADC set forth their position with respect to PSE&G's proposed work on these preserved farm parcels.

Regarding the PMI Farm, the title work reflects a 150' wide easement granted to PSE&G in 1930 as a right-of-way and the utility company is claiming a right of access to the existing power lines and tower from an existing farm road on the property. The SADC's reading of the 1930 easement is that it does not recognize such access.

Regarding the Southway Farm (formerly the D. Lewis and J&S Coltelli Farm #2,) PSE&G intends to relocate the existing transmission line tower approximately 400' to the southwest and to relocate the existing 175' right-of-way to the south, away from the Fredon Township elementary school. The SADC said entry onto the Peter Southway Farm for those purposes is not permitted under the ARDA and the SADC objects to such access.

Regarding the Pattison Farm, PSE&G is claiming a right of access to its 150' easement, within which the existing power lines and tower are located, from an existing gravel driveway on the farm connecting Goodale Road to a hunting lodge located on Lake Aeroflex at the rear of the property. Since the driveway provides access only to the hunting lodge and not to the PSE&G easement, the utility company proposed to construct a new access road to the easement from the existing driveway. The SADC's reading of the 1929 easement is that entry "in and upon the property along with said lines run" recognizes PSE&G's access only within the 150' easement and not from any and all points from the farm itself. In addition, access is afforded within the existing easement for the reconstruction of the power line and appurtenances and for removing obstructions interfering with utility company operations.

The SADC cited N.J.S.A. 4:1C-25 and advised PSE&G that unless all of the issues are resolved to the SADC's satisfaction, PSE&G cannot enter upon any of the above preserved farms from outside the utility company's existing rights-of-way.

J. D. LEWIS LAND VARIANCE: STILLWATER, R. VALENTI, 5/21/10;

A letter was received from M. Richard Valenti, Esq. regarding a Use Variance being applied for by Deidre Lewis to construct a second residence on her farm which is about to be preserved in the Farmland Preservation Program. Stillwater granted the variance but required the request to also go before the County Planning Board for review. Mr. Valenti acknowledges that Ms. Lewis is required to obtain a driveway entrance permit, since the property fronts on a County road; however a Use Variance is not under the auspices of the County Planning Board. He requested a letter of no interest from the County.

K. RESPONSE TO GUIDANCE DOCS, BURLINGTON CADB, 5/24/10;

The Burlington County Board of Chosen Freeholders wrote to the SADC regarding their "guidance documents." Burlington's CADB opposes the use of "guidance documents" by any State agency in the place of formal regulations and clear legislative authority. They cited the NJDEP Transition Subcommittee report dated January 15, 2010 which said that, "documents that are supposed to help the regulated community comply with rules instead are improperly used by the DEP to establish additional regulatory conditions." They added, "Using 'guidance documents' in this manner is an egregious abuse of the regulatory process and circumvents the transparency provided by the Administrative Procedures Act."

L. CHANGES FOR SADC APPRAISAL HANDBOOK, SADC, 5/27/10:

A summary of changes to the SADC Appraisal Handbook – 2010 has been received. Changes were made to Zoning as a Valuation Factor, Residential Opportunities, Appraisal Format and Soils Characteristics.

M. REQUEST FOR FUNDING, FOODSHED ALLIANCE, 5/27/10:

A request for donations was received from the Foodshed Alliance. They listed their accomplishments as the Blairstown-Area Farmers Market, the Farm-to-Market Network, the Farm-to-School Lunch Program and the Farm-to-Chef Program.

N. TENNESSEE GAS PIPELINE PROJECT, AECOM, 6/1/10:

A letter was received from AECOM regarding the Tennessee Gas Pipeline Project. Pipeline segments in NJ include approximately 8.87 miles along Loop 323 in Montague and Wantage Townships. AECOM requests that the Sussex County Division of Planning Office review its records relative to the referenced areas and provide written comments pertaining to the identified resources. A series of USGS locus maps depicting the proposed project facilities were included for review.

O. FP FUNDING AVAILABILITY UPDATE, SADC, 6/2/10:

A memo was received from Susan Craft advising that the administration has indicated its support for the SADC to accept and process applications associated with the 2009 bond funding in order to keep the Farmland Preservation Program moving forward. The SADC expects to establish funding allocation for each program, including maximum grant amounts for the Planning Incentive Grant Programs, at its June or July meeting.

The SADC will accept applications and process them through Green Light and Final approvals, but they will not be able to close until funding is made available. As of now, they do not know when funding will be made available.

P. EXTENSION FOR COMMENTING ON DEED OF EASEMENT INTERPRETATION REPORTS, SADC, 6/2/10:

A memo was received from the SADC advising that they have approved a 90-day extension for comments on the Deed of Easement Interpretation Reports on General Guidance and Recreational Uses. The deadline for commenting on these documents is August 31, 2010.

Q. UPDATE ON GRANT REQUEST, SUNSET VIEW FARM, 6/7/10:

A "Thank You for Your Support" letter was received from Linda Grinthal of Sunset View Farm. They have applied for a USDA grant which will allow them to teach farming techniques to the residents of Sussex County free of charge. Ms. Grinthal said that thanks to the 10 letters of support they received from prominent people and organizations around the county, they are in an excellent position to receive the grant.

R. GREEN LIGHT APPROVAL: WARREN FARM, SADC, 6/7/10:

Green Light Approval has been received from the SADC for the Warren Farm. The County will provide the SADC the appraisal reports that were completed.

S. GREEN LIGHT APPROVAL: WASHER FARM, SADC, 6/8/10:

The Washer Farm has also received Green Light Approval from the SADC.

T. WOOL POOL NOTICE:

CeCe Pattison reported that there will be a "Wool Pool" for Sheep Farmers and Breeders to be held on Thursday, June 24 from 3:00 p.m. to 7:00 p.m. Anyone who wants to sell wool may bring it to the Sussex County Fairgrounds in burlap or plastic bags. There is a buyer from Illinois who is coming to Pennsylvania to collect the wool.

RIGHT TO FARM:

A. OPRA REQUEST RE: BRODHECKER RTF, F. MC GOVERN, 5/27/10:

Recording Secretary Antoinette Wasiewicz reported that an OPRA request has been received from Steven Roseman's office. He requested copies of every document relating to Brodhecker Right to Farm, including copies of meeting recordings on CDs and cassette tapes.

AG. AGENT'S REPORT:

Steve Komar said in the interest of time, he would not give a report this evening.

OLD BUSINESS:

A. UPDATES ON HIGHLANDS AGRITOURISM PROJECT, COMMERCIAL KITCHEN, FARMERS MARKET, HARVEST FESTIVAL:

Donna said last week she and Union Green met with Highlands Council representatives and did an electronic presentation for them. The presentation covered all the various projects that have been done over the last year, including projects that did not use Highlands funds. Her goal was to show them all that the County has accomplished for agritourism in order for them to approve the way the second phase grant money is to be spent. Donna said she received their approval. The funds will be used to market the Farmers Market in some high end publications, the Harvest Festival and updating of the Agritourism website. They suggested that Donna start writing the Phase Three grant on how the examples of what has been done in Sussex County can relate to the greater Highlands Area.

Phase Two of the Commercial Kitchen Grant is for \$15,000 and \$4,000 of that had been allocated toward education but it may be better spent on equipment needs. Now that the farmers are educated and have an idea of product development, they have a better feel for some of the equipment they need that is not found at the technical school. At last week's meeting, Donna received a verbal authorization to reallocate these funds from one line item to another. She followed it up with a letter and is waiting to hear from the Grant Administrator to proceed. Steve Komar talked about plans to purchase bottling equipment which can bottle 10-20 jars per minute.

Donna reported that the Farmers Market is doing well and that she has been receiving very positive feedback. There are a number of new people that started the season with a one or two month table. Every third Saturday of the month, the Master Gardeners do a project demonstration.

The Board took a ten minute recess.

A Harvest Festival is planned for October 23 at the Fairgrounds. It will be a celebration of agri and ecotourism and will be a partnership with the Fairgrounds and Peter's Valley, who is celebrating their 40th Anniversary. It's being billed as a fun day for families and kids and will be free to both consumers and to the vendors. Donna said she will be reaching out to the Board of Agriculture and their constituencies, including

New Jersey Farm Bureau, NRCS, RC&Ds, Soil Conservation, etc. It will be either from 9 or 10 a.m. – 5 p.m. after which will be a dinner and an auction at the conservatory. The dinner is a pay for event. Any profit after expenses will be divided between the Agri/Ecotourism program and Peter's Valley. As much as possible, the dinner will feature local products.

Donna reported that the Farmers Market building has been named the, "Glen Vetrano Agriculture Building." This decision was made by the agriculture community and came as a surprise to both Donna and Glen.

B. UPDATE ON SURVEYS, APPRAISALS, CLOSINGS:

Donna said that the appraisals depend on what the Board decides as far as the ranking. All of the surveys are in and last week the Lewis farm closed. Hopefully, Tri Farms and the Washer Farm will close next week.

C. UPDATE ON PIG PROCESS (GREEN LIGHT APPROVALS, FINALS):

Donna provided the Board with a chart showing which farms have been sent to the State for approval for reimbursement. Six of the farms shown also received certified values, final packages for four farms were sent to Trenton and the State approved one farm in March. Donna said they still have not received a check for the farm that was approved in March.

The State had a question about the surveyor's use of wetland information on the three Lewisburg farms, specifically what year the wetland information came from. Harold Pellow did the surveys for the Lewisburg farms and he did not respond to the State for more than two months. One of the Board members said that this type of service should be taken into consideration when assigning contracts. Donna said there are three more farms from the 2009 County Farmland Preservation round that can't close until the County receives reimbursement for the four farms that have already closed.

NEW BUSINESS:

A. RANKING FOR 2010 FARMS:

A chart was provided to the Board which outlined the points for the eleven farms in the 2010 County Round. Donna said that the County has not adopted a budget yet so from January to now the same amount of taxes have been collected as was last year. However, she believes that the Freeholders plan to again reduce the dedicated tax for this program and Open Space by 50%. She is unsure of how much funding is currently available since the County Treasurer needed to use some of this year's funds to close farms that the Board approved last year.

Donna suggested that the Board rank the farms. After the farms are ranked, Donna can arrange for appraisals on the first six or seven farms, assuming that one of the landowners in the top four will not accept their certified value. Currently, \$4.8 million is needed to fund all 11 farms. This does not include ancillary costs.

The Board discussed the farms and their points in detail. They decided not to rank the Werner and Warren farms because of the low acreage and the Schulaka farm because the point value was below the State minimum of 35 points. They agreed to rank five out of the remaining eight farms. They ranked the farms in the following order:

1. Sella
2. Lewis
3. Tommaso
4. Spinks
5. Southway

MOTION:

A motion was made by Lori Day to accept the Board's ranking of the farms for the 2010 Farmland Preservation Funding Round as listed above. The motion was seconded by Jim Hunt. A Roll Call vote was taken. All were in favor.

Donna will speak with the County Treasure for funding availability and then get appraisals on these properties.

B. KRAVITZ REQUEST FOR KOMAR FARM IN HAMPTON:

The Komar farm was preserved a number of years ago. Mr. Bob Kravitz is interested in purchasing this farm; and he would like to add a significant addition to the existing home, making the house 8,100 sq. ft. He plans to contain the addition within the footprint of the existing house and yard area; and it will not impact the farming operation. Donna reminded the Board that they do not have a policy which limits a house size and that County Counsel suggested she talk to the Board about this. There was some concern about potential difficulty in selling such a large home, but since the farming operation would not be negatively impacted, they would not refuse such a request. They agreed they do not want to set a policy which limits house size.

PUBLIC COMMENT:

Bob Canace said the Bain farm closing is scheduled for June 30 and that the farm is up for sale. He also said that Equine uses are not mentioned at all in the Deed of Easement Interpretation for Recreational Uses. He suggested that the County may want to take a position on that in their comments to the State.

Rich Vohden said that if there was any way that he can help the Board once he is installed as Freeholder; they should feel free to contact him. The Board thanked him for his support.

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 10:25 p.m.

