

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JUNE 17, 2013

The meeting opened at 7:44 p.m. by Chairperson Brodhecker in the Rutgers Cooperative Extension Office located at 129 Morris Turnpike, 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

MEMBERS EXCUSED: None

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

ALSO PRESENT: None

MINUTES CORRECTION/APPROVAL:

A motion was made by CeCe Pattison to approve the Minutes of May 20, 2013, as received. The motion was seconded by Joan Snook Smith and carried unanimously.

CORRESPONDENCE:

A. SADC ACQUISITION OFFER LETTER, STILLWATER TWP., 5/3 AND 5/28/13:

A copy of a letter dated May 5, 2013 to Mayor Charles Gross was received from the SADC advising that they received an application for property located in Stillwater and Frelinghysen to sell an agricultural development easement on it.

On May 28, 2013 a letter to the CADB was received from the SADC asking the Board to weigh in on the application. Donna said the only information the SADC provided was the Block and Lot. She said this property is 95% woodland; it does not have any active agriculture on it and does not fit in with any of the State's criteria. Discussion followed.

It was agreed that a letter would be sent to the SADC saying that the Board cannot support the application with the limited information that was provided.

B. SOLAR ENERGY GENERATION ON PRESERVED FARMS, SADC, 6/7/13:

A memo was received from the SADC advising that they adopted a new rule on Solar Energy Generation on Preserved Farms. The rule will be effective with publication in the June 3, 2013 edition of the New Jersey Register.

The rule addresses the construction, installation and operation of solar energy facilities on preserved farms, including eligibility criteria, application requirements, evaluation criteria and the SADC review process for such projects. It applies to both roof-mounted and ground-mounted solar energy projects on preserved farms, including projects that will be installed in exception areas.

The SADC requires approval of all new solar facilities on farms. When the application is deemed complete, they will send it back to the CADB for comments which would be due within 30 days. The SADC will either approve or disapprove within 90 days.

During the discussion that followed, it was agreed that Donna would talk to County Counsel about adopting the State approved policy for the County. Peter Southway suggested that this item be put on the next Agenda under Old Business.

C. GARDEN STATE PRESERVATION TRUST REPORT:

The Garden State Preservation Trust provided statistical information for farmland preservation in New Jersey. The statistics were broken down by municipality for FY 1985 to June 2012 for Sussex and Warren Counties. There were also statistics for the top 25 New Jersey towns in farmland preservation acreage, the top 30 towns in farms preserved and 68 towns above 1,000 acres of preserved farmland.

Donna advised the Board that the next closing will bring the Sussex County preserved acreage over 17,000.

D. ARTICLES OF INTEREST:

A Board member mentioned that Tiger Lily, the new tiger cub at Space Farms has been all over the news lately.

RIGHT TO FARM:

Donna said she had an inquiry from a landowner who purchased 35 acres in Sparta, next to a preserved farm. The property is wooded and is farm assessed based on a Woodland Management Plan. Agriculture is a permitted use in the area. The property is in the Highlands Preservation Area. The landowner's intent was to clear the land and put it back into production agriculture.

Representatives from DEP and the Highlands said the landowner cannot cut down the trees. Donna said she spoke with Eric Snyder and he suggested that the Highlands should be aware that the property owner wants to start production agriculture. Donna said she also spoke with Dave Kimmel, at Right to Farm and he said that the Right to Farm Act does not trump other State Acts. Mr. Snyder suggested the landowner call Judy Thornton at the Highlands.

AG. AGENT'S REPORT:

Steve Komar reported that the Agritourism and Business class has 20 students enrolled for the spring class. He also said that farmers who were restricted from planting due to the weather should file a claim with their crop insurance because there are a limited number of days allowed between the event and the claim date.

Steve advised the Board that anyone who needs help with sprayer calibration should contact him. The whole process only takes about 15-20 minutes.

The corn maze will be done again. The tomato grafting class was well received with the Master Gardeners and some commercial entities. The fifth video from the SARE grant is complete. The videos should be available for viewing on YouTube and Facebook soon.

OLD BUSINESS:

A. AGRITOURISM UPDATE:

Donna said County Counsel is working with the Highlands Council on an agri eco-tourism project. The project is not finalized but it should be going to the Highlands next month. There was a meeting with all the partners at the County level and it was brought to the Highlands. They were supportive of the County joining agri eco-tourism and getting it on an interactive website. Donna said this is a significant grant and it will be very helpful to the agriculture and eco community. Part of this project will be to have two studies done, one to ascertain the economic benefit of agri and one on eco tourism.

The Birding and Nature Festival was a success. Donna thanked Lori for bringing Tiger Lily and CeCe, who was there representing Lusscroft Farm. The weather held out and the field trips went well. There were record numbers on trips and lectures.

“The Four Seasons of Agriculture in Sussex County” brochure will be updated this year through one or two different grants. A small reprint will probably be done in the fall.

B. FPP UPDATES (APPRAISALS, SURVEY RFO AND RECERTIFICATIONS, MONITORING, LAND CONSERVANCY OF NJ PROJECTS, HIGHLANDS DUAL APPRAISAL PROCESS, CLOSINGS):

Donna reported that there are no appraisals in process but there are a few survey Requests for Quotes due back in about a week. All of the surveyors have to be recertified this year. Farm monitoring has been on the back burner during the last few weeks due to other commitments.

One of the Land Conservancy of New Jersey projects, the Golden View Farm has received their certified value. The Lane farm in Wantage will close on Tuesday; the Keyes farm will close next week through the mail; MC Land Trust needs one more piece of information and then it will be ready to close. The Tommaso farm should close by July.

When asked for an update on the Sella farm, Donna reported that the landowner had three exceptions. One was non-severable and the location was agreed upon. The other two are severable exceptions and Mr. Sella kept changing the locations. The Surveyor said he could not certify them because the landowner did not get approval from the township. Mr. Sella thought this was the County’s responsibility even though the applicants are made aware this is their responsibility.

Donna also reported that one of the preserved farms does not have enough property to subdivide but was told by the previous owner that the property could be subdivided, keeping one parcel and selling the other. He is now looking at purchasing some land contiguous to his and donating an easement. Donna talked to Brian Smith, the State’s attorney, who said the donated parcel has to satisfy the SADC’s eligibility criteria. The donated piece is to be annexed to an existing preserved farm and this has not been done before.

C. KOLICH VIOLATION UPDATE:

Donna gave an update on the Kolich violation. In May, the Kolich attorney sent a letter saying they’ve located Claus Neppl, the landowner at the time of preservation. Mr. Neppl was asked to provide documents regarding the apartment and the easement which is in his possession. Donna said that in each of the Neppl’s three applications for farmland preservation, they listed the property as having one house and zero apartments.

D. UPDATE TENNESSEE GAS PIPELINE AND PSE&G:

Peter Southway reported that he met with representatives from PSE&G and they resolved the issue about moving the line away from Fredon School. They explained that the State Attorney General's office told PSE&G that they have to file a lawsuit against the State, not a condemnation proceeding. The State Attorney General's office is going to take the case, not the SADC, and take no opposition, letting PSE&G win on default.

E. DIRECT FARM MARKET AMP – COMMENTS:

Donna said the Direct Farm Market AMP goes into the New Jersey Register today. There are 60 days to make comments. The Board made comments originally and about half the comments were addressed. Donna asked the Board if they had anything more to comment on.

Peter Southway said at the meeting last month, it was not clear what was in the 51% and what was in the 49%. He gave the following example: If a farmer buys an item for \$3,000.00 and sells it for \$3,200.00, is it \$200.00 in the 51% or 49% or is it \$3,200.00 in the 51% or 49%. The SADC is not differentiating between gross or net. Peter felt it should be net because the farmer already put out the \$3,000.00. The other issue was agritourism. He said if someone comes to his farm and pays \$8.00 to take a walk around the farm. Is the \$8.00 in the 51% or 49%? Is the view and experience a product of the farm? Peter also questioned how the issue of value added products will be handled under income gross or net. Donna asked the Board members to have any other comments ready for the next meeting.

NEW BUSINESS:

A. HIGHLANDS DUAL APPRAISAL LETTER – RECOMMENDATION TO SC BOARD OF CHOSEN FREEHOLDERS:

The dual appraisal methodology for Highlands' properties is due to terminate next year. All the counties in the Highlands have been asked to sign on in an effort to keep this methodology. Without the dual appraisal method, the values are very low. The landowners, especially in the Highlands planning area, have lost a lot of equity. A draft letter to request the extension of the Highlands Landowner Equity Provision was received and was e-mailed to the Board. Donna read the letter at the meeting.

MOTION:

A motion was made by Joan Snook-Smith to recommend to the Freeholder Board that they support this letter to extend the dual appraisal methodology for Highlands' properties. The motion was seconded by Brian Hautau and carried unanimously.

B. UPPER PAULINS KILL WATERSHED RESTORATION PLAN:

Donna said there is a new restoration plan along the Paulins Kill. There are about six or seven partners to these projects. Some are the Nature Conservancy, Wallkill Watershed, DEP and Common Waters. They are looking to extend the restoration plan with some 319 Grant monies. There are three parts to the program and a lot of it deals with agricultural outreach. Donna said she would keep the Board up to date with any new correspondence.

C. 2013 FARMLAND PRESERVATION DISCUSSION/RANKING:

Donna thanked the Board for their time last week in visiting the farms and to Lori Day for the use of Space Farms for lunch. Donna received information from the County Treasurer regarding funds for this preservation round from both the County and the State.

In Fiscal Year 2011, the State gave \$1.5 million with a \$3 million competitive figure for each county. The farms that will use the \$1.5 million will be the Tommaso farm, Lane, Sella, Keyes, Mazza, Klein and Goldman. There are still some competitive dollars left in Fiscal Year 2011 from the first round; in the second round we have \$1 million. These are State dollars which must be matched.

The County tax has been lowered in each of the last five years. It has been maintained this year, but the amount to be collected will decrease, because ratable are still going down. The County has \$477,000 minus salaries.

A chart was provided to the Board for the 2013 farms to be ranked as well as color maps of the farms. Donna reviewed each of the farms going over the data on the chart as well as the State's criteria. Discussion followed. The Board agreed to rank only nine farms. They were ranked as follows:

1. Wright, Lois
2. Sytsema, H. William #1
3. Sytsema, H. William #2
4. Duddy, Sharon
5. Libby, L.
6. Spinks, Thaddeus
7. Lott, Elizabeth
8. Palladino, Scott
9. Mulvaney, Thomas

MOTION:

A motion was made by Lori Day to approve the 2013 Farm Rankings as listed above. The motion was seconded by Joan Snook-Smith. A roll-call vote was taken. All were in favor. Motion carried.

Donna made some rough calculation on the cost to preserve these farms. She estimated the cost (based on asking price) to be \$3,230,510.00 with approximately \$1.2 million in County dollars and the balance from State.

There was some discussion about the possibility of having all of the SCADB meetings at the Rutgers Cooperative Extension office. The Board was in favor of this.

PUBLIC COMMENT:

None

ADJOURNMENT:

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