

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

JULY 19, 2010

The meeting opened at 7:38 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
Fred Hough
Jim Hunt
Joan Snook Smith
Warren Welsh

MEMBERS EXCUSED: Lori Day, Vice Chairperson
Cece Pattison

STAFF PRESENT: Donna Traylor, CADB Coordinator
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Cliff Lundin, District Manager, Soil Conservation District
Rich Vohden
Gary Pohorely, SADC
Lou Tommaso, Pittenger Farm

MINUTES CORRECTION/APPROVAL:

A motion was made by Joan Snook Smith to approve the Minutes of September 21, 2009, as presented. The motion was seconded by Fred Hough. All were in favor, with an abstention from Warren Welsh. Motion carried.

A motion was made by Fred Hough to approve the Minutes of October 19, 2009, as presented. The motion was seconded by Jim Hunt. All were in favor, with an abstention from Jane Brodhecker. Motion carried.

CORRESPONDENCE:

A. REVIEW OF GREEN ENERGY PROJECTS ON NON-PRESERVED LAND, SADC, 7/7/10:

A memo was received from the SADC advising that there has been some confusion at the municipal level regarding a municipality's ability to act on requests from landowners who want to install green energy products on their non-preserved farms. P.L. 2009, c. 213, signed into law this year, sets forth the permitted limits of solar, wind and biomass energy generation on preserved farms, and for qualifying for farmland assessment and right-to-farm protection on both preserved and non-preserved farms. Nothing in this law requires a landowner to obtain approval from the CADB or SADC before installing a solar, wind or biomass energy system on a non-preserved farm. Therefore, any municipality may entertain requests to approve such facilities under the normal provisions of Municipal Land Use Law without involvement of the CADB or SADC.

The meeting was opened to the public.

Gary Pohorely, SADC said the SADC has reached out to the Attorney General's Office for information on the statute and they are currently reviewing this information to help develop the regulations. They are also looking at the law to see if there is anything that can be implemented prior to the adoption of the regulations. As soon as that is determined, the SADC will notify the CADBs and farmers to let them know how they can implement some of these renewable energy projects.

Cliff Lundin said he is the District Manager for the Sussex County Soil Conservation District and an attorney. He explained that the legislation described alternate energy as an inherently beneficial use. The Municipal Land Use Law says that a municipality can have a Zoning Ordinance but if something is an inherently beneficial use, such as a hospital or church, the municipality would have to have a very good reason to say no. It is a favored use under the law. Also, the legislature says a solar panel cannot be counted as an impervious surface, even though it is a large surface that water will run off. Legislature wants to encourage these uses.

The meeting was closed to the public.

B. POCHUCK FARM DIRECT EASEMENT APPLICATION, SADC, 7/8/10:

We received a copy of a letter from the SADC to Harry and Barbara Vance, owners of Pochuck Valley Farm in Vernon, regarding their Direct Easement Application. The

SADC hired two independent appraisers to recommend the value of a development easement on their farm. The certified per-acre easement value, based on January 1, 2004 zoning and environmental conditions, is \$3,500 per acre; and the value under current zoning and environmental conditions as of June 30, 2009 is \$1,400 per acre. The SADC offered the Vance's \$3,500 per acre to purchase the development easement on their farm. The Vance's had 30 days in which to accept or reject this offer. The County is not being asked to contribute funding for this acquisition.

C. COFRANCESCO OFFERING TO GREEN ACRES, 7/9/10:

A copy of a letter was received from Green Acres regarding the Cofrancesco Farm. They have approached this Board on several occasions to preserve their farm and apparently, they submitted an application to Green Acres as well. Green Acres is not interested in purchasing this property. This will probably go before the Sussex County Open Space Committee.

RIGHT TO FARM:

A. CERTIFIED TRANSCRIPT REQUEST: BRODHECKER FARM, FRANK MC GOVERN, 7/17/10 (FAX):

A fax was received from McGovern & Roseman asking about receiving certified transcripts of meetings that they had asked for in their OPRA request. Donna discussed this with County Counsel and Antoinette today. We do not have certified transcripts. Transcription services were only used once, for the August 2009 meeting, because the July 2009 verbatim transcription tied up staff for too long a period. The transcription for the August minutes was unintelligible.

Today Dennis McConnell spoke with Frank McGovern. He offered him the opportunity to receive a copy of the CDs which he could have transcribed and certified. Mr. McConnell advised Mr. McGovern to contact Brian Smith, at the SADC to decide what method would satisfy all parties.

AG. AGENT'S REPORT:

Donna said that Steve Komar has been away at seminars out west for the last week and half. Today he had a late afternoon field visit in southern Warren County.

OLD BUSINESS:

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

Donna said the Highlands Agritourism Grant is moving forward. She is working with the consultant and has been given permission by the Highlands to move forward on a number of different projects. Some of that funding will be used for advertising the Farmers Market. An ad was placed in "Edible Jersey" and a few more ads are planned.

Funds will also be used to overhaul the website so it will blend with the Ecotourism website.

Preliminary authorization has been received to purchase a small bottling machine that will allow product to be processed much quicker. Donna received an e-mail from the Highlands asking for a quote for an air compressor which is needed to operate this equipment. Equipment purchased for the Commercial Kitchen remains under County ownership.

A consultant is working on logos for the Harvest Festival and an invitation to the Harvest Festival should be ready before Fair Week. It will be distributed to those people that are doing Agri and Ecotourism. The Harvest Festival will be on October 23 at the Fairgrounds. It is a partnership between the Fairgrounds, the County and Peters Valley. There is no cost to the public or the vendors. A dinner will be held in the evening which will require pre-registration and payment. There will also be an auction. Donna plans to ask farmers to contribute products for the dinner which will be prepared by "Kraves."

Donna reported that she had been advised that it is not appropriate for the County to continue to oversee the Farmers Market. For the County to continue in that role, it would have to set up policy and procedures which are currently not in place. The County would like to see another entity oversee the market and Donna was directed to continue to do the advertising, the marketing and the event planning. The Sussex County Board of Agriculture has agreed, as an executive board, to take on that part of the market responsibilities. This must go before their full Board next Monday. Donna urged the Board members who sit on the Board of Agriculture to attend that meeting.

For the duration of this season, they would keep intact the policies and procedures that the farmers have already established. Over the winter, they will discuss whether or not to make any changes. They would like to put a subcommittee together comprised of three members of participating farmers, three Board of Agriculture members, the Board of Agriculture President and two ex-officio members, Mark Masilli, the Fair Manager and Donna.

The meeting was opened to the public.

Lou Tommaso, Pittenger Farm said he does not sell at the Farmers Market because they already have two meat vendors there. He said he hoped that the farmers would continue to be required to file a Schedule F or show a farm assessment form. Donna said she has discussed this with the Agriculture Board and that farmers are also required to show a \$1 million liability policy.

The meeting was closed to the public.

B. UPDATE ON SURVEYS, APPRAISALS, CLOSINGS:

Donna said she spoke with the County Administrator about having appraisals done on the five farms that were ranked at the June meeting. She will check with the purchasing agent to see how to proceed with quotations for appraisals.

As it stands today, the Freeholder Board has decided to reduce the Dedicated Tax for Farmland Preservation and Open Space Conservation by 50% over last year's rate. (Last year's rate was also reduced by 50% over the previous year.) The tax rate this year will bring in \$1,354,766, of which \$160,000 is for administration, salaries and other associated costs, leaving \$1,194,766. Assuming a 90%/10% split, there is about \$1 million for easement purchases, cost of appraisals, surveys, legal and title work.

The request for quotes on surveys for the three Crisman farms and the Gordon farm has not gone out yet. Donna said she received the Gordon signed contract within the 30-day time period but did not receive the Crisman contracts. She reached out to Jeff Crisman on several occasions before he returned her call. Jeff's attorney sent out an addendum to their contract which showed two of the three farms as requesting exceptions, each with non-ag. uses. Donna said exceptions were discussed at length with the Chrisman's at the time of application. These changes would involve more work on the part of the appraisers, who up to now have not charged for the additional work. Donna said she told Jeff that not only would he have to pay for the changes with both appraisers but that he would also run the risk that the exceptions will impact their value.

There was discussion on the specifics of the exceptions request. The Board agreed there were too many changes from the original application.

MOTION:

A motion was made by Joan Snook Smith that the Crisman application remains as it was originally submitted and appraised. The motion was seconded by Fred Hough. A roll call vote was taken. Results were as follows: Jane Brodhecker: No; Fred Hough-Yes; Jim Hunt-Yes; Joan Snook Smith-Yes and Warren Welsh-No. Motion carried.

Donna congratulated the Board for 15,103.996 acres preserved in this County. Since February, the Washer farm closed two weeks ago with 106 acres; Deckertown in Wantage closed with just under 70 acres; the Turr farm in Wantage closed with 52 acres; the Hill farm in Wantage closed with just under 34 acres; and the Bain farm which was a cooperative effort between Land Conservancy of New Jersey and the County closed with 126 acres, for a total of 133 farms.

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

There are nine applications going through the Planning Incentive Grant process that have received Green Light Approval. Certified values have been received for six of the nine applications. Two of the remaining three applications should be receiving certified values this week. Final approval packages were received at the State level on four of them and Final Approval has been received from the State on one, Peck. There are some major issues with survey questions on the three Lewisburg applications.

On Thursday, the State is supposed to advise the Counties on how much money will be available from what was voted on last November. They expressed that applications can

be sent down and they will process them up to final approval. However, no money will be available until the Governor releases the funds.

D. SADC GUIDANCE DOCUMENT RESPONSE BY SADC:

Donna prepared a response to the SADC regarding their Guidance Document, based on the length discussion at the June meeting. She read the letter into the meeting. This letter will be copied to the Board members, County Counsel and the Sussex County Board of Agriculture.

NEW BUSINESS:

A. CRISMAN CONTRACT ISSUE:

This was covered under New Business, B – Update on Surveys, Appraisals, Closings.

PUBLIC COMMENT:

None

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 9:00 p.m.