

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

AUGUST 15, 2011

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  
Fred Hough  
Jim Hunt  
Joan Snook Smith

MEMBERS EXCUSED: Cece Pattison

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

ALSO PRESENT: Brian Smith, Esq., SADC  
Tom Brodhecker, Hampton Township  
Marilyn Cosh, Wantage Township

**MINUTES CORRECTION/APPROVAL:**

Minutes were not available.

The Agenda was amended to New Business, A.

**CORRESPONDENCE:**

A. SADC STAFF ATTENDANCE OF CADB MEETINGS, SADC, 7/21/11:

A memo was received from Susan Payne, SADC advising that SADC staff members have been assigned to attend the monthly meetings of most County Agriculture Development Boards. The liaisons will be able to provide brief updates each month on significant issues and actions at the SADC level. They also will keep the SADC informed on the status of applications and issues addressed at the county level.

SADC staff are not attending CADB meetings to provide SADC input or advice during the Board's discussions. If general questions arise, liaisons may answer them if they have the expertise and are familiar with the subject matter; however, at other times the Board will need to direct questions and comments to the appropriate SADC manager.

B. GREEN LIGHT APPROVAL: HAVENS, SADC, 7/25/11:

A letter was received from the SADC stating that they have reviewed the Havens #2 application and that it is complete and accurate and meets their minimum criteria. Green Light Approval Maps and the Quality Score Report were also received. The County is now authorized to contract for appraisals on this farm.

C. PRESS CONFERENCE INVITATION FOR SC SUNFLOWER MAZE;

Donna distributed an invitation for a Press Event this Thursday, 10:00 a.m. at Rosaline's Farm and Bakery on Route 565 in Augusta. Liberty Farm is farming the acreage which has a 30-acre field of black oil sunflowers which are now in bloom. Liberty Farm, a number of other Sussex County farms and other farmers through the State have partnered with NJ Audubon Society in a program called, "S.A.V.E." This project shows that farms can be agriculturally viable and be stewards of the land for eco tourism and environmental purposes. The sunflower seed is harvested, bagged and sold under the S.A.V.E. logo.

This year NJ Audubon also added locally made birdhouses and birdfeeders that are being made from wood being harvested from South Jersey farms. The maze will be open Tuesday through Sunday from 9:00 a.m. – 6:00 p.m. from the date of release until the season ends. Admission is \$8.00 for adults and \$5.00 for children 12 and under.

The meeting was opened to the public.

Fred Hough asked Tom Brodhecker if he saw the sunflowers and were they a smaller variety. Mr. Brodhecker said the difference in size is due to the time of planting

The meeting was closed to the public.

D. SUSSEX COUNTY TRAIL GUIDE:

Donna distributed copies of the new Trail Guide from the Chamber of Commerce. The map was provided by the Sussex County GIS Office. The Sussex County Planning Office is looking to expand a similar effort in the future. Warren Welsh's grandson, Owen has been working as an intern in the Planning Office and he has been doing GPS work on all of the trails.

**RIGHT TO FARM:**

None

**AG. AGENT'S REPORT:**

Steve Komar did not attend this evening's meeting.

**OLD BUSINESS:**

A. AGRITOURISM:

Donna reported that she was able to put up multiple displays in the County building during Fair week and that eighty boxes of handout materials were distributed. Tammie Horsfield told Donna that there was a newspaper article saying that the Jersey Fresh display was the best display at the County building. The handout materials included information on agritourism, ecotourism, the upcoming Harvest Festival, Farmland Preservation, Farmers Market, the 10 for 10 program and Lusscroft Farm.

Information was also available at the Farmers Market tent. The Board of Ag., through their Farmers Market Committee, ran the Farmers Market this year.

Jim Hunt asked if the Commercial Kitchen at the Technical School was in use. Donna said she just submitted the reimbursement request from the last grant and at the same time, requested additional funding.

B. EVERETT FARM, FRANKFORD TOWNSHIP – UPDATE, 2 LETTERS FROM FRANKFORD TWP. CONSTRUCTION OFFICIAL:

Donna reported that there have been several letters received from Frankford Township Construction Officials addressed to the Everett's attorney, John McDermott. The first letter was sent at the end of July and stated that one of the many items of violation with Frankford Township had been satisfied. The Everett's submitted deck plans which showed the footings to the deck design. They noted that the kitchen cabinets had been moved. All the other items for the kitchen were still in place. The electric stove wiring receptacle was evident and has to be removed and there was a question about a plumbing permit.

Today Donna received another letter from the Frankford Construction Official saying that he had the opportunity to inspect the premises last week. He refers back to his letter of March 10 with all the items that were in violation from Frankford. Item 1 has

been satisfied by way of removal of the kitchen. This eliminates residential use of the building and consequently the required fire separations between storage use and residential use. The barn is now classified as S1 Storage. Additional items have been satisfied. An inspection was done by the plumbing subcode inspector. Frankford Township is reducing their \$5,000 fine down to \$250. They also state that their action does not satisfy any zoning for Farmland Preservation issues.

County Counsel prepared the violation paperwork and just before they were to be sent out, the letters were received. It looked as though the Everett's were rectifying the situation, and Mr. McConnell held off on sending out the paperwork. Donna said she will set up an inspection of the premises. Lori Day said she would accompany Donna on the inspection.

C. UPDATE ON CLOSINGS AND FINAL APPROVALS:

Either later this week or early next week a closing will be scheduled for the Gordon farm in Hampton Township. Work continues to resolve an issue on the Warren/Bertot closing. Updated appraisals were done on the three Crisman properties. The amount the County is paying will not change but because there are two different funding sources at the State level, the State felt that this would get bumped into the more recent funding which required an updated appraisal.

There have been some minor issues with reimbursements at the State level. A few applications were lost in Trenton many months ago so those farms have not yet received Green Light Approval.

D. MONITORING UPDATE:

Donna said in the last few weeks she completed the monitoring on 20 farms. So far she hasn't found any problems. There have been some wildlife damage and trespass issues. Donna explained to the farmers that if they have any Right to Farm issues they should bring them before this Board.

E. ANCILLARY COST REIMBURSEMENT UPDATE:

Donna said Brian Lofburg at the SADC is to be commended. He called her a few months ago to let her know that the State could reimburse the County for ancillary costs. There was a time period in this program where the County would get 50% of appraisal costs, survey costs and title insurance costs reimbursed for farms that closed. Over the years, the information would be submitted but the State was backed up and it typically took one to two years to get a reimbursement check. Brian provided Donna with a list of costs the County could get reimbursed for. There was over \$900,000 in ancillary costs and the County was eligible to get 50% back.

Donna submitted the information and about two weeks ago Brian started sending Donna spreadsheets to review for accuracy. Last Thursday a check for \$453,714.92 was received. This money will go back into new acquisitions.

**NEW BUSINESS:**

A. REQUEST FOR SUBDIVISION OF PREMISES, E. COSH, WANTAGE TOWNSHIP:

A request was received for a Subdivision of Premises for the Ernie and Marilyn Cosh farm, located in Wantage Township. The farm closed in November 1997. There are two farm names: Pinehill and Wolfpit. These farms are distinctly separate parcels about a mile and a half from one another. Donna distributed maps for the Board to review.

For the subdivision of premises request, one of the farms, farm #1, will be 198.5245 acres. This parcel is on Unionville Road and has been farmed for many years by their son, Chester. Farm #2, the home farm is where Marilyn and Ernie Cosh reside. That parcel is 111.1744 acres. As is true of most farms in Sussex County, this farm does not have prime or statewide significant soils. Farm #1 has 65% tillable acres and farm #2 has 71% tillable. These farms have been operated as independent farms. The Cosh family feels that since their son Chester has been farming on his own, it would be a good idea for the farm to be in his name. There will not be a change to the type of operation and there are no water rights or water access issues. There are no existing soil or water conservation projects. There will be no change in access to these parcels. There are no RDSO's for either of the farms. Each farm has its own existing house.

Fred Hough said he is familiar with the farms and feels it is the right decision.

**MOTION:**

A motion was made by Joan Snook Smith to approve the Cosh request for a Subdivision of Premises. The motion was seconded by Lori Day. A roll call vote was taken. All were in favor. Motion carried.

Marilyn Cosh said these farms were originally independent farms but were combined at the time they were preserved. The Subdivision of Premises will restore them to their original state.

Donna advised Mrs. Cosh that this information will be sent to the SADC in Trenton for their approval. The next meeting is on the fourth Thursday of September. Donna will let Mrs. Cosh know if she should attend the meeting in Trenton.

B. DISCUSSION OF 6 LAND CONSERVANCY OF NJ FARMS:

The two Resolutions for appraisal contracts are on the Agenda for Wednesday's Freeholder meeting. These are for the seven farms in the 2011 round which the Board ranked after their spring farm visits. There are three farms from previous rounds that still need to be surveyed. These were contingent upon \$2 million in reimbursements from the State. To date, the County received \$1 million in reimbursements.

About two weeks ago, the Board visited farms that are being presented from the Land Conservancy of NJ. Those were farms that they applied for through the grants to non-profits program and they received about \$1.4 million, about 50% of what is needed to preserve these six farms. The Land Conservancy of NJ came to this Board with the

request of the other 50% funding. They have three years in which to preserve these farms.

Donna reviewed each of the six farms to be ranked. The Board visited five of the farms; the sixth farm had been visited previously. Each farm was then discussed in detail. The Board agreed that they did not want to rank the Cinnata farm. The remaining five farms were ranked as follows:

1. Golden View Farm, Frankford Township
2. Cyberg Farm, Stillwater Township
3. Wintergreen Farm, Lafayette Township
4. Carriage House Tree Farm, Frankford Township
5. Fox Hill Farm, Frankford Township

Cece Pattison provided Donna with her ranking preferences prior to the meeting.

**MOTION:**

A motion was made by Jim Hunt to accept the ranking as listed above. The motion was seconded by Brian Hautau and carried unanimously.

With the farms having been ranked, the discussion turned to whether or not the Board wished to preserve these farms. Donna discussed the monies needed to fund each of the farms. It was noted that the last time the County partnered with the Land Conservancy, the County contributed around 75%. Lori Day suggested the County offer to contribute 25% against the Land Conservancy's 75% for these farms.

The meeting was opened to the public.

Donna asked Brian Smith if the \$1.4 million grant the Land Conservancy received from the State for the six farms could be used on only three farms (as an example.) Brian Smith said he believed they could but he would want to confirm that with Dan Knox. Donna said she would ask the Land Conservancy if they would be willing to contribute a higher percentage.

**PUBLIC COMMENT:**

Brian Smith had some comments regarding the Subdivision of Premises for the Cosh Farm. He said Donna covered all of the highlights. When the SADC receives division requests from the Counties, they look very closely at whether the facts fit what's in the deed. The division has to be for an agricultural purpose and has to result in agriculturally viable parcels. He stressed that when this Board sends its Resolution to the State it should say the subdivision is for an agricultural purpose and present the supporting facts and that the division results in agriculturally viable parcels and present those facts. Donna asked if the SADC requires a Resolution because in the past she sent the request by letter. Brian Smith said it was his personal opinion to make the request by Resolution but suggested that she consult with Dennis McConnell. Donna said she will prepare a Resolution to be memorialized at the next meeting.

Mr. Smith said today in the New Jersey Register, the SADC published its regulations providing Right to Farm protection for Solar Energy Facilities on farms. The next set of regulations to be worked on is the Farm Market AMP (the SADC is calling it "On Farm Direct Marketing.") They have a final draft and are trying to schedule a meeting of their ad hoc committee next month.

Regarding the Everett Farm, Mr. Smith said the State would provide assistance with the inspection and suggested that Chuck Rohr or Gary Pohorely accompany Donna and Lori on their inspection. Donna said this inspection will be cut and dry. Either the kitchen is removed or it isn't.

Mr. Smith said the holdup with the Warren/Bertot closing is that Wells Fargo is difficult to deal with. When they have a mortgage on your property, and you want to preserve it, they will not give the Subordination of Mortgage; they will give a Consent of Lien Holder. He said he compared the language of the two documents and that the Consent of Lien Holder is worthless. It protects Wells Fargo; it does not protect the State. Donna said they have dealt with Wells Fargo in the past and is not sure what has changed. Mr. Smith said Wells Fargo used to issue Subordinations, but they changed their policy. He added that if Wells Fargo has a mortgage on two pieces of the farm and there is enough equity, they will release the preserved farm portion and will leave the mortgage on the other part. Donna said there is one existing house on the property and that there are no exceptions. When asked what their options were, Mr. Smith said they need to refinance the mortgage or pay it off.

Freeholder Liaison Rich Vohden said he wanted to meet with Donna tomorrow to review the facts and figures regarding the five farms discussed earlier. He would present the information to the Freeholders at Wednesday night's meeting.

He also advised the Board that the goats on Meadowview Farm were probably killed by nightshade. The field was full of nightshade so they moved the goats to another field.

The meeting was closed to the public.

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Fred Hough. The motion was seconded by Lori Day and carried unanimously. The meeting adjourned at 9:15 p.m.