

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

SEPTEMBER 16, 2013

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
Brian Hautau
Jim Hunt
Cece Pattison
Joan Snook Smith
Peter Southway

MEMBERS EXCUSED: Lori Day, Vice Chairperson

STAFF PRESENT: Donna Traylor, CADB Coordinator
Antoinette Wasiewicz, Recording Secretary
Rudy Dragan, Planning Aide

ALSO PRESENT: Freeholder Liaison, Rich Vohden
Tom Brodhecker, Hampton Township
Lauren Wilson, Stroudsburg student

MINUTES CORRECTION/APPROVAL:

A motion was made by CeCe Pattison to approve the Minutes of August 19, 2013, as received. The motion was seconded by Jim Hunt. All were in favor, with abstentions from Joan Snook Smith and Peter Southway. Motion carried.

CORRESPONDENCE:

A. WARREN CADB RESOLUTION, 7/18/13:

The Warren County Agriculture Development Board sent a copy of the Resolution they passed to support the proposal of the New Jersey Rural Microenterprise Act. This Act would authorize the State Agriculture Development Committee to permit operation of certain microenterprises on certain preserved farms, specifically those that do not have an exception area.

B. FINAL SADC APPROVAL: GOLDMAN FRANKFORD FARM:

The SADC sent a copy of a signed Final Approval Resolution for the Goldman Frankford Farm Partners, in Frankford Township. Staff was also instructed on how to proceed. Donna said once she receives the signed Grant Agreement, the survey can be started.

C. 2015 PLANNING INCENTIVE GRANT, SADC, 9/11/13:

In preparation for the 2015 County Planning Incentive Grant annual planning application cycle, the SADC is reaching out to each county to provide important updates and amendments to annual application requirements in advance of the December 15, 2013 application deadline. The amendments are designed to make submission of this year's application a much easier and less labor intensive process for all counties and municipalities.

D. SC SUSTAINABLE AGRICULTURE COMMERCIAL KITCHEN, NJ HIGHLANDS COUNCIL, 9/13/13:

A letter was received from the NJ Highlands Council advising that they approved Sussex County's request for a no-cost time extension for the Sustainable Agriculture: Commercial Kitchen Grant. This approval extends the completion date to October 31, 2104.

E. ARTICLES OF INTEREST:

Donna discussed an article relating to hops production in North Carolina. There was also an article in Edible Jersey relating to hops production in New Jersey.

RIGHT TO FARM:

A. MOSEFUND, FRANKFORD TOWNSHIP:

Donna reported that she, Adam Boltz from the Health Department and Steve Komar made a visit to Mosefund farm a few weeks ago. They met at Mosefund with the Manager, who explained the entire process of collecting and storing the manure. In his

report, Mr. Boltz reported that only mild, minimal farm odor was detected during the inspection of the pig operation. He also reported that the pens inside the barn appeared relatively clean and the odor was minimal. No flies. Large fans keep this indoor area well ventilated. The concrete pads in the pigpens appeared reasonably clean and well-maintained. No flies. Donna said they were escorted to the main farm and observed the outdoor concrete bins where the dry manure from the pens is stored. No odor was observed. No flies. This was part of the horse operation. In both instances, Adam noted there was no issue as far as odor or flies.

The inspection was done after complaints went to the Health Department. Donna and Steve went with the Health Department representative as a courtesy so that he could be educated on nutrient management plans, etc. Then if the Health Department received another call, they could report that the farmer is using Best Management Practices. Donna said the next day she received a telephone call from a man who would not identify himself. He said he wants a copy of the report. Donna said when she receives the report, she would be happy to send it to him since it is the Health Department that is preparing it. She has not heard from him since. Donna advised the Board that the Health Department's policy is that they will not investigate anonymous complaints regarding odor.

B. BRODHECKER OAL DECISION:

Jane Brodhecker recused herself and left the room. Joan Snook Smith made a motion to name Jim Hunt as Chairman Pro Tem.

Donna reported that she received the Judge's decision from the Office of Administrative Law on the Brodhecker issue. The record was closed February 13, 2013 and decided on August 14, 2013. The Board was provided with a copy of the Decision.

Page three of the Decision had a summary of the issues. There was a Factual Discussion and a Summary of Testimony on Page four. The Legal Discussion starts on Page 11. The Judge stated that she did visit the Brodhecker farm. Donna said the Judge agreed with the County Agriculture Board in all instances except for issues relating to the parking area, which the Board did mention.

The petitioners have the opportunity to go the SADC to protest this decision. It was brought to Donna's attention this evening that this is what appears to have happened. The SADC now has the final say in whether they will uphold this decision or do their own process.

Brian Hautau asked if both Hampton Township and Mr. Pierson have contested the decision. The meeting was opened to the public. Donna asked Tom Brodhecker if he was aware whether both Hampton and Mr. Pierson have contested the decision. Mr. Brodhecker said that all parties have entered an appeal in one form or another. When asked about the timeframe, Mr. Brodhecker said the Judge said that if the State does not take action within 45 days of August 15, 2013, the decision will become final. Mr.

Brodhecker said the Parking Lot Site Plan map was too late to be included in the Site Specific AMP and that he is appealing this.

The meeting was closed to the public and then reopened to the public. Tom Brodhecker asked if there was any way that policy can be put into place to force townships to be responsible to notify a person purchasing a preserved farm that it is deed restricted. Donna said that this has been a topic of conversation for decades. The SADC has never had any kind of a notification policy. She checked to see if this could be done at the County level, through the Tax Assessor's Office but the challenge is that all farms show as Q farms and then all Q farms change of ownership would have to be reported. There is no special designation at the Tax Assessor's Office for preserved farms. The meeting was closed to the public. Chairwoman Brodhecker was called back to the meeting.

AG. AGENT'S REPORT:

Donna said that Steve Komar is out of the office for a few days and she did not have a report from him.

OLD BUSINESS:

A. AGRITOURISM UPDATE (HARVEST FESTIVAL):

The Harvest, Honey and Garlic Festival is scheduled for Saturday, October 12. Donna said she sent out about 150 e-vites but has not had many responses. She plans to telephone the vendors to get them signed up. There is no fee to the vendor or the public. This is a great venue to highlight the County's agri, eco and heritage tourism. The Boy Scouts will provide food for the day and they are moving their operation up to the livestock barns. Last year between 2,000-3,000 people attended the festival. There is limited funding for advertising but there will be some local advertising.

B. FPP UPDATES (GREENLIGHT APPROVALS, APPRAISALS, MONITORING, LAND CONSERVANCY PROJECTS, CLOSINGS):

Donna reported that she received correspondence from the SADC regarding the minimum eligible point values. For Sussex County, it remains at 37. Rudy prepared all nine applications and eight have been sent to the State. Last month this Board selected two appraisers to use but Donna has not submitted the Resolution to the Freeholder Board yet because she wants to get greenlight approvals on all of the farms. She said she plans to check with the SADC to see which farms they anticipate giving greenlight approval to this month and next month; and then if everything is in order, she will get the Resolution to the Freeholder Board.

Two of the four Land Conservancy projects pulled out. We are going forward with Wintergreen and Goldenview. The Board was provided with an update of the remaining farms. There are a little more than 600 acres to close on. Donna said she needs to confirm this with County Treasures, but based on what was encumbered, there should

be sufficient funds for preserving the new nine farms. Donna asked the Board if they were agreeable to processing new applications if there are additional funds because we are no longer on a yearly cycle. It is also good to show the State that the County is able to use State funds. The Board agreed to this.

C. KOLICH VIOLATION UPDATE:

County Counsel received a letter from Mr. Kolich's attorney saying that they tried to contact Mr. Nepl, the previous owner, to get certain information to substantiate their claim that the apartment existed when they purchased the farm. A second letter went to Mr. Nepl about three weeks ago. There is nothing else new with this issue.

This issue has been going on for some time now. Donna said she spoke with County Counsel and suggested that he give Mr. Kolich's attorney a deadline, after which time, the County will take action.

There was some discussion on the tenant's rights in this issue.

Donna discussed the Matos violation and said that the Board has not yet received the paperwork that was required.

D. UPDATE TENNESSEE GAS PIPELINE AND PSE&G:

Donna said the Courts deemed this a Federal issue and said Tennessee Gas needs to pay the County easement holder and the SADC. Regarding PSE&G, the County is currently part of litigation. Donna read a portion of the brief on the Plaintiff's motion to proceed.

Peter Southway said, as of now, he does not have an Agreement of Principle, as written in the brief Donna read. The issue comes down to how a judge will look at this because moving an easement has never been done in New Jersey. It is also not known how the SADC will respond. Peter said this Board has an opportunity to respond. Donna said she spoke with Counsel today. He has been in discussion with the Attorney General's office and the SADC's attorney. The County is waiting to see the direction of the SADC. Counsel felt it is not appropriate for the County to take an action before the SADC.

Peter Southway talked about his dealings with PSE&G.

NEW BUSINESS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Joan Snook Smith. The motion was seconded by Brian Hautau and carried unanimously. The meeting adjourned at 9:10 p.m.