

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

OCTOBER 18, 2010

The meeting opened at 7:50 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
Warren Welsh

MEMBERS EXCUSED: Fred Hough

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

ALSO PRESENT: Richard Vohden
Gary Pohorely, SADC
Kevin Kervatt, Wantage Township Zoning Officer
Emrick Seabold, Sussex County Health Department
Michael Plaza, Sussex County Health Department
David Cinnata, Cool Spring Farm, Stillwater Township
Christopher Hyde, Cool Spring Farm, Stillwater Township

Brett Schaeplin, Cool Spring Farm, Stillwater Township
Lisa Schaeplin, Cool Spring Farm, Stillwater Township
Peggy Norris, Cool Spring Farm, Stillwater Township

Deborah Kody, Cool Spring Farm, Stillwater Township
Michael Messler, Green Township

PLEASE NOTE: At the start of the meeting, there were some problems with the recording device. When the recorder appeared to be working properly, the meeting began. While listening to the recording, it was discovered that only the last 14 minutes of the meeting was actually recorded. These minutes were immediately prepared using

notes taken at the meeting and from memory of both the Recording Secretary and the CADB Coordinator.

MINUTES CORRECTION/APPROVAL:

Due to technical difficulties, the Minutes of June 21, 2010, July 19, 2010 and September 20, 2010 were not sent to the Board members; and therefore, could not be voted upon this evening.

The Agenda was amended to "Open to the Public."

The Agenda was further amended to Right to Farm, A and then Right to Farm, B.

CORRESPONDENCE:

A. COMMENTS ON GUIDANCE DOCUMENTS: DEED OF EASEMENT INTERPRETATION, NJ FARM BUREAU, 8/31/10:

A copy of New Jersey Farm Bureau's comments on the SADC's Guidance Documents has been received. New Jersey Farm Bureau said that the SADC should not move forward to adopt those policies. They are concerned that the policy documents and recent SADC staff recommendations are evidence that the SADC staff is becoming too inflexible and rigid in its interpretations. They added that the only statutes and regulations pertinent to interpreting the deed of easement are those that are specifically referenced within the deed.

Farm Bureau believes that the SADC ought to partake in a comprehensive education effort to inform owners of preserved farmland about what it means to own a preserved farm. They also suggest a legislative change to require that the SADC and/or CADB be notified after preserved farmland changes ownership. This would allow the SADC and CADB's to provide new owners with information about what it means to have a deed restriction on their land.

B. NONPROFIT GRANT APPLICATION, SADC, 9/22/10:

A copy of the Notice of Availability of Grant Funds and Deadline has been received from the SADC. This noticed was published in the New Jersey Register on September 20,

2010. The SADC has allocated a minimum of \$8.2 million to the FY2011 Nonprofit round. Individual applications for specific farms must be submitted to the SADC by 5 p.m. on December 20, 2010. The SADC anticipates that it will make a determination of which projects will receive funding by April 1, 2011.

C. SOLAR ENERGY AMP DRAFT, SADC, 9/24/10:

A draft copy of the Agricultural Management Practice for the Construction, Installation and Operation of Solar Energy Generation Facilities, Structures and Equipment on Commercial Farms has been received. Donna went over this AMP in great detail with the Board. Lori Day made some suggestions regarding the vegetative buffering recommendations and their inappropriateness.

D. LAND USE ORDINANCE, GREEN TWP., 9/29/10;

The Planning Office received a copy of an Amendment to the Green Township Land Use Ordinance relative to Right to Farm, which was introduced and approved at a meeting of the Township Committee, held on September 27, 2010.

The Ordinance will be considered for final reading and passage at a public hearing, scheduled for 8:00 p.m., Tuesday, October 12, 2010 at the Municipal Building, 150 Kennedy Road, Tranquility, NJ.

E. STORMWATER MANAGEMENT FACILITIES IN EXCEPTION AREAS: DRAFT POLICY, SADC, 10/10/10:

The SADC has developed draft policy to clarify the ability of landowners to construct stormwater management facilities on the preserved portion of the farm to accommodate structures erected on exception areas. A copy of the policy was received which outlined the conditions.

F. CERTIFICATION OF VALUE – TURR, SADC, 10/7/10:

A Certification of Development Easement Value Report has been received from the SADC for the Turr farm in Wantage Township. CADB staff was provided with instructions on how to proceed.

G. EXTENSION OF DUAL APPRAISAL VALUATION PROVISIONS FOR HIGHLANDS FARMS, SADC, 10/12/10:

A memo was received from the SADC advising that last month, Governor Christie signed into law an Extension of Dual-Appraisal Valuation Provisions for Highlands Farms. This extends the dual-appraisal valuation provision from June 30, 2009 through June 30, 2014. The dual-appraisal provision allows farms to be appraised for preservation based on both current conditions, and on zoning and environmental regulations in effect on January 1, 2004.

RIGHT TO FARM:

A. WANTAGE TWP. – VIEIRA (POULTRY ISSUE) – UPDATE:

Donna said this issue was up for discussion at the August 2009 and September 2009 SCADB meetings. Donna reported that the County Health Department received complaints regarding odors coming from the Vieira farm in Wantage Township. Also, Kevin Kervatt, the Wantage Township Zoning Official visited the farm and he requested that the County look into the issue of goat manure and the number of ducks on the farm. He estimated that there were 200 goats and 3,000 ducks on the farm. After several attempts at reaching Mr. Vieira, Donna said she left him a voice mail message advising him that Wantage Township was now looking into this issue as a formal complaint. Within minutes of leaving the message, Mr. Vieira called Donna. He told her he had a buyer for the farm and that the closing should occur shortly. He added that he was down to 1,000 ducks and the goats were gone. It appeared that the issue had been resolved.

The meeting was opened to the public.

Kevin Kervatt said he again began receiving complaints of strong offensive odors coming from the Vieira farm. He visited the farm on October 15, 2010 and found 500 to 1,000 chickens, 50 goats, 20 sheep, 100 ducks and dead fowl in various stages of decomposition. During the course of his investigation, Mr. Kervatt said he saw liquid feces running from the barns and on one side of the barn, a pipe carried the waste outside to discharge next to an open waterway. Emrick Seabold and Michael Plaza, Sussex County Health Department said they want to avoid a situation where the media is called in and the County is accused of ignoring this problem. They asked the Board for direction.

A lengthy discussion followed. It was agreed that the Health Department should send Mr. Vieira a Notice of Violation. If he contacts this Board for Right to Farm protection, he will be required to show that he is following Best Management Practices for his operation.

B. GREEN TWP. - MESSLER – UPDATE:

Michael Messler appeared before this Board at the last SCADB meeting to discuss his equine operation in Green Township. The property is 22.3 acres on one block, one lot. The lot has two types of zoning, the front 6.3 acres has a commercial warehouse in the industrial zone and the balance is agriculturally zoned.

The meeting was opened to the public.

Mr. Messler said Green Township denied his permit to have an 80' x 130' indoor arena on his property. Green Township has an ordinance for 2% maximum lot coverage. An 8,000 sq. ft. barn already exists, utilizing most of what the municipality is considering allowable for an accessory building (since the warehouse is considered the primary structure.)

Discussion followed which focused on the acreage dedicated to industrial use and agricultural use. Donna advised Mr. Messler that pursuing this matter may result in

the loss of farmland assessment for some of the acreage. The Board suggested that the Ag. Mediation Program might be appropriate in this matter. Mr. Messler will consider.

AG. AGENT'S REPORT:

Steve Komar reported on "Annie's Project," a series of educational programs for NJ women in agriculture. "Annie's Project" is a nationally recognized program dedicated to educate women concerning various business, financial and other important aspects of farm management. The first session of this program is scheduled for Tuesday, October 26 from 6-9 p.m. at the Warren County Extension Office in Belvidere, NJ.

Steve also reminded the Board to submit their Animal Feeding Operation Manure Management Plan and Declaration Page.

OLD BUSINESS:

A. OUTSTANDING YOUNG FARMER NOMINATION:

Discussion continued from last month on possible nominations for the Outstanding Young Farmer Award. The names of Tore Anderson and Todd Applebaum were again mentioned. It was also suggested that Duce Tallamy be nominated again. Steve Komar announced that this year he will serve on the Committee who reviews applications.

B. FRANKFORD TOWNSHIP FPP AND PIG – UPDATE:

Donna reported that last month she attended Frankford Township's first Farmland Preservation meeting. At the meeting it was brought up that the County must partner with the municipality in its preservation efforts. Donna said she checked on this and said that there have been instances where Counties do partner with municipalities but that they are not required to do so. It was suggested that if applications for farmland preservation come in from farms in Frankford Township, that perhaps the Township would fund part of the acquisition.

C. AGRITOURISM PROJECTS (HARVEST FESTIVAL, BROCHURE):

Donna reported that the new "Four Seasons of Agriculture" brochure has been printed and she expects delivery in time for distribution at this weekend's Harvest Festival. The brochure is now in color and will continue to show the tractor on the front. There are 107 farms listed, with a few new listings.

The Harvest Festival will be held this weekend at the Sussex County Fairgrounds. Donna read the list of participants representing Agriculture/Agritourism, Arts and Heritage and Environmental/Ecotourism. The day will conclude with a 40th Anniversary Celebration for Peters Valley and an auction. "Kraves" will cater the event with products donated by local farmers.

D. CRISMAN ADDENDUM, VALENTI, 10/13/10:

At last month's meeting, there was some discussion on language added to an addendum in the Crisman contract which calls the existing single family houses "non-ag. use." The Board agreed that this should be removed because the houses are not considered non-ag. use. Also, the Deed of Easement will have language acknowledging the single family houses.

A fax was sent to M. Richard Valenti, attorney for the Crisman's, requesting that that language be removed. A letter was received from Mr. Valenti restating his position and requesting that the Addendum remain as submitted or that the easement explicitly provide that the rental unit within the single family residence can be occupied by persons other than the resident owner. Discussion followed.

MOTION:

A motion was made by Jim Hunt to advise Mr. Valenti, in writing, that the Deed of Easement for the Crisman farm will explicitly provide that the rental unit within the single family residence can be occupied by persons other than the resident owner. The motion was seconded by Lori Day. A roll call vote was taken. All were in favor.

County Counsel will be advised of this and asked to respond to Mr. Valenti.

NEW BUSINESS:

A. PIGEON HILL FARM – SOIL CONSERVATION CONDITIONAL APPROVAL:

Donna reported that there is a small issue on one of the Pigeon Hill Farms, which has been purchased by Ridgeview Estates. She said that Sussex County Soil Conservation contacted her last week regarding a proposal to put a 200' long stormwater detention basin outside the exception area. The prior map showed almost all of the stormwater detention basin within the exception.

Donna said she called the landowner and advised her to go back to that prior plan. Since Soil Conservation must approve the detention basin, they sent a letter to Ridgeview Estates saying that they reviewed and conditionally approved the revised soil erosion and sediment control plan. They said this is a conditional certification only and that they noticed that portions of the revised proposed development extend beyond the three-acre, non-severable exception area into the area of the tract that is deed restricted for agricultural use. The District Certification is conditional upon their submission of written proof that the owners of the easement specifically authorize the proposed disturbances within the agriculturally preserved area of the tract. Also, no soil disturbance for development purposes may occur within the agriculturally preserved area of the tract until the District receives and approves the requested authorization.

Today Donna received an e-mail from Cliff Lundin, District Manager saying that to meet the requirements of the Farmland Easement Agreement, the proposed detention

basin has been moved to within the exception area. The remaining land disturbance outside of the exception area will be for agricultural use. This modified plan will be presented to the easement holder for their acceptance and evidence of their acceptance will be provided to the District upon receipt.

Since the November CADB meeting will be cancelled, Donna asked if the Board would like to give their approval based on receipt of a full survey showing that the detention basin is completely contained in the exception area.

MOTION:

A motion was made by Lori Day to approve the modified plan providing that the stormwater detention basin is within the exception area. The motion was seconded by Joan Snook Smith. A roll call vote was taken. All were in favor.

B. 2010 FARMLAND PRESERVATION APPRAISAL QUOTES – REVIEW AND RECOMMENDATION:

Donna said there are five farms to be appraised and that two appraisals need to be done on each farm plus a review. The Board needs to select three appraisers, two for full appraisals and one review appraiser. Only three appraisers submitted a bid for review work. A list of Appraisers and their quotes was passed around for review. The list was arranged in order of lowest bid to highest. A request for bids was sent out to ten appraisers and eight bids were received. All of the appraisers are on the SADC's list of approved appraisers. Donna reminded the Board that they are not bound to select the lowest quote but that in this economic climate they may want to do so.

Discussion followed which focused on which appraisers have been used in the past and their performance. It was noted that the bids from Appraisal Services of North Jersey and Rodriguez Associates were about the same amount. Landmark I was willing to do the review appraisals and all three have worked on the Farmland Preservation Program in the past.

MOTION:

A motion was made by Lori Day to select Appraisal Services of North Jersey and Rodriguez Associates to do the five full appraisals and Landmark I as the Review Appraiser. The motion was seconded by Joan Snook Smith. A roll call vote was taken. All were in favor.

C. DISTINGUISHED SERVICE CITATION NOMINATION FOR GLEN VETRANO:

The County Board of Agriculture nominated Glen Vetrano for the 2011 Distinguished Service Citation. Donna said she was asked to fill out the form and had to contact Glen to ask him a few things, including his birth date. Donna submitted the form on behalf of the Board of Agriculture and asked if this Board wanted to go on record in support of this nomination.

MOTION:

A motion was made by Lori Day that the SCADB support the nomination of Glen Vetrano for the Distinguished Service Citation. The motion was seconded by CeCe Pattison and carried unanimously.

PUBLIC COMMENT:

The Cinnata farm, Cool Spring Farm in Stillwater Township, was one of 11 applicants in the Farmland Preservation 2010 round. Some of these farms were ranked by the SCADB on June 21, 2010. The Board decided not to rank two of the farms because of low acreage and one farm because its point value was below the State minimum. Due to a lack of funds, only five of the remaining farms were ranked. The Cinnata farm was not among these top five.

A Land Conservancy of New Jersey representative told the Cinnata family that at the last SCADB meeting their farm was ranked number six and that if they attended this evening's meeting to plead their case, the Board may be able to change the rankings. Christopher Hyde, an attorney and family friend of the Cinnata's, said the Cinnata's were victim to unscrupulous estate attorneys and that much of the farm was sold off to pay their fees. He said that preservation of this farm is the family's only hope in keeping the farm and he appealed to the Board to move the farm's ranking up so that it could be funded.

Donna explained that the Cinnata's were misinformed. The SCADB did their rankings at the June meeting and professionals are already in process to do appraisals. The Cinnata farm was not ranked at all and that due to very limited funds, there was a good possibility that not all of the five farms that were ranked will be funded. Donna and the Board members suggested that they contact the Land Conservancy of New Jersey back, since they also preserve farms and their deadline for applications is not until December.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Lori Day. The motion was seconded by CeCe Pattison and carried unanimously. The meeting adjourned at 10:20 p.m.