

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

DECEMBER 17, 2012

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
 Jim Hunt
 Cece Pattison
 Joan Snook Smith
 Peter Southway

MEMBERS EXCUSED: None

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

ALSO PRESENT: Walt & Ann Ricker
 Ms. Ricker

MINUTES CORRECTION/APPROVAL:

A motion was made by Joan Snook Smith to approve the Minutes of October 15, 2012 as received. The motion was seconded by CeCe Pattison. All were in favor, with abstentions from Lori Day and Peter Southway. Motion carried.

A motion was made by Joan Snook Smith to approve the Minutes of November 15, 2012 as received. The motion was seconded by Brian Hautau. All were in favor, with abstentions from Jim Hunt and Joan Snook Smith. Motion carried.

CORRESPONDENCE:

A. KLEINDIEST APPLICATION/STILLWATER, SADC:

A copy of a letter from the SADC to Stillwater Township was received. The SADC received an application from Arthur and Katherine Kleindiest for Farmland Preservation. The farm is in Stillwater Township and Frelinghuysen Township. The portion of the farm that is in Sussex County is woodland; the portion that is in production is in Frelinghuysen. Donna advised the Board that Sussex County is not being asked to partner on this project and the Board does not need to take any action.

B. KEYES, LANE, MAZZA FINAL APPROVALS, SADC, 11/7/12:

Signed Final Approval Resolutions were received from the SADC for County Planning Incentive Grant Individual Applications from the Keyes farm in Wantage Township; the Lane farm in Wantage Township; and the Mazza/MC Land Trust of Frankford in Frankford Township. These farms were in last years' funding cycle. The County can now proceed to closing. Donna said the surveys are being reviewed by the County Engineer.

C. PINGPANK APPLICATION/VERNON FROM SADC, 11/27/12:

Correspondence was received from the SADC regarding an application for Farmland Preservation from T7 Enterprises LP/Pingpank farm in Vernon Township. The SADC asked for a letter of support and comments from both Vernon Township and the SCADB Administrator.

Donna said that Rudy researched the property, since the SADC did not provide the County an application, and based on GIS mapping, the property consists of 170 acres which is mostly in woodlands and wetlands. There are some small scattered fields but they are overgrown. There are no prime or state significant soils.

Discussion followed. Peter Southway suggested that Donna should write to the SADC to say that based on the information provided, the Board was unable to comment directly on their request. She should also advise the SADC that this property probably would not fit the criteria that the County normally uses to consider a property for farmland preservation.

D. CONSERVATION PROGRAM ROUNDTABLE, MORRIS SCD, 11/12/12:

The Morris County Soil Conservation District is hosting a Conservation Program Roundtable on Thursday, December 20, 2012. Conservation planners from the USDA, Natural Resources Conservation Service (NRCS), NJ Farm Service Agency and the Morris County Soil Conservation District will provide information on conservation practices and various programs that offer technical and financial assistance for conservation planning and implementation on private lands. Topics will include

disaster recovery assistance, energy savings and audits, organic initiatives and seasonal high tunnels. The free workshop will run from 6:00 p.m. to 8:30 p.m. and includes a light dinner.

E. ANDERSEN APPLICATION/SPARTA FROM SADC, 12/11/12:

Correspondence was received from the SADC advising that they received an application to preserve the Andersen farm in Sparta Township. The SADC requested comments from Sparta Township and the SCADB.

Donna said this property was recently purchased by Tore Andersen. The farm is 18.25 acres and has 55% prime soil of which 60% is in cropland harvested/cropland pasture/permanent pasture; 23% in woodlands and 17% in wetlands. There is a Category One stream on the property.

Mr. Andersen talked to Donna prior to purchasing the property and asked if the farm would be a good candidate for farmland preservation. Donna said she told him that based on State criteria; it would be a little challenging, but perhaps would qualify through the SADC's Highlands funding program.

F. STATE AG. CONVENTION:

The State Ag. Convention will be held on February 6 and 7, 2013 at the Taj Mahal in Atlantic City. The convention will be joined with the Vegetable Growers (beginning on February 5.) The Vegetable Growers Trade Show will feature exhibits and displays from many of the industry's suppliers and business associates. The Reservation form for meals must be in by January 22.

G. ARTICLES OF INTEREST (FRESH!, AFT STATISTICS):

Donna discussed some articles related to Fresh! Greener New Jersey Productions; NJ DCA Hurricane Sandy Recovery; and a recent poll regarding farmland preservation.

The Agenda was amended to New Business, D.

D. RICKER SUB-DIVISION OF PREMISES (PRELIMINARY):

Donna said the Ricker farm is in Wantage Township on Beemer Road and that it was one of the first farms to be preserved in the County. When it originally came to the Board, it was in a partnership between Walt Ricker and Doug Ricker (brothers.) A number of years later, after preservation, a request from Ricker Brothers Dairy was received for a subdivision of premises. The County Ag. Development Board and the State Ag. Development Committee did a review and an evaluation and both approved the request. This subdivision of premises created two separate farms. Tract 1, which totaled 164.4195 acres with two separate block and lots, went to Walt Ricker; and Tract 2, which totaled 85.6957 acres and contained two block and lots, went to Doug

Ricker. Each of the subdivisions contained an exception. Neither of the brothers' homes was included in the original preservation; they were on separate block and lots. When the subdivision was approved, each of these tracts received one of the two exceptions. Walt's exception was 4.2 acres. Both exceptions were severable.

Walt and his family are thinking about doing a subdivision of premises. He provided Donna with a rough draft of what he is requesting. Donna displayed a map of the property. There are 164 ± acres that are two separate, non-contiguous properties.

The meeting was opened to the public.

Donna pointed out Walter and Ann's house on the map and said it was never part of farmland preservation. She also pointed out the larger exception and said that was part of Doug Ricker's property. On Lot 12.01, there is 82% (36.75 acres) in cropland harvested/cropland pasture/permanent pasture; 18% (8 acres) in woodlands and .25 of an acre in wetland. The second parcel, Lot 8, is the larger piece, about 120 acres. There are about 47% tillable (57 acres); about 29 acres in woodlands and about 36 acres in wetlands.

Mr. Ricker's children are hoping to do their own farming operations and set up separate businesses. One is planning to do an orchard and vineyard and the other more traditional farming. Donna said if the Board supports this subdivision of premises, it will then go to the State for their approval. Donna also said she had some concerns because Walt Ricker said one of the uses on the farm would be a hunting preserve and pheasants. This use currently exists and is permitted under the Deed of Easement, but it is not agriculture.

Ms. Ricker explained that she would raise pheasants and take four pheasants and charge \$100 to hunt the pheasants (\$25.00 per bird.) That enhances the value of the birds from \$7.00 to \$25.00.

There was discussion on valid reasons for the subdivision. Ms. Ricker said she and her sibling do not want to make an investment in the farming operations without ownership. They don't want to be entangled with each other in making decisions. Donna advised the Rickers that the application to subdivide cannot be for estate purposes. She stressed the importance of having a business plan and ownership of equipment. Chairwoman Brodhecker said it would benefit them if they had the two businesses started and showed that they were successful. Donna said that's what happened when the subdivision was done between Walt Ricker and Doug Ricker; one was staying with dairy and the other was doing field work. For years the farmers were going in separate directions and developing their own business interest. They needed to terminate their then business partnership. This is not the case with this new application.

Donna said this was a good preliminary discussion and that the Board received a lot of information. She suggested that Mr. Ricker work on additional language for his

application based on the comments heard tonight and re-present his request to the Board in a month or two to see if they can support it. Peter Southway suggested that Mr. Ricker create two business plans that can't exist together and not be separated because it's estate planning. Chairwoman Brodhecker said they both have to be viable ag. operations. Donna said the biggest thing the State is going to look at is that each resulting piece has to result in agriculturally viable properties that can be used for a variety of agricultural purposes.

The meeting was closed to the public.

RIGHT TO FARM:

Donna said this evening she opened an e-mail regarding the Mosefund farm. The Health Department received two new complaints about odor on this farm. Donna said she forwarded the e-mail to Steve Komar. Steve said the farmer has been doing everything he should be doing.

AG. AGENT'S REPORT:

Donna said Steve was unable to attend the meeting this evening but he did provide her with a report. The Extension Office Open House is Wednesday, December 19 from 12:00-4:00 p.m. They will have light refreshments and will provide information about NJAES Programs.

The Corn Maze Project was harvested with interesting results that suggested significant differences in corn yield and expenses.

Sandy damaged the Niger Study harvest but subsamples were taken and about 300 lbs. per acre were harvested. The study will be run again next year. Donna said she received about 26 out of 42 reports from people that participated in the survey. It appears that neither "A" nor "B" was overall preferred one to the other.

New funding for the irrigation study was secured. Also, a forestry program was held on December 13 on Emerald Ashbore. This program will be redone as a webinar program.

Steve is working on a 2013 schedule for educational programs. So far, they have a field crop meeting, agritourism regional meeting and several continuing educational programs for master gardeners.

There were no responses to hosting a pesticide exam in Sussex County. Also, the Ag. Agent's Department is still finalizing a staffing plan for the future.

OLD BUSINESS:

A. AGRITOURISM UPDATE;

Donna said Rudy has been providing her with data on the 800 number. The County spent about \$250.00 for mailings this year. The 800 number is in limited areas because of the marketing budget. A small grant was received from NJ Travel and Tourism. Donna said she requested \$4,000 with a \$1,000 match and received just over half of that amount. This money will go to either advertising for 2013 events or to updating some brochures. Work is continuing to determine the number of “hits” received on the websites.

B. FPP UPDATES (APPRAISALS, SURVEYS, CLOSINGS, POLICIES, LAND CONSERVANCY OF NJ PROJECTS, GREEN & FRANKFORD PIG’S AND TARGET FARMS, 2014 SUSSEX PIG):

Donna provided the Board with data from American Farmland Trust. It shows from 1987 to 2007 land use patterns for agricultural land development.

Green Township and Frankford Township have done Planning Incentive Grant requests and have Comprehensive Farmland Preservation Plans with the State. Green Township just submitted their plan which shows three project areas: Pequest Valley, Tranquility Valley and Whittingham. Their total project area is just over 76,000 acres.

Donna said most of their project area will overlap with the County’s. If they receive funding, they could come to the County to partner with a project. She added that the County does not have a process or requirement saying we will give a percent to a municipality that has a Planning Incentive Grant. The same is true for Frankford Township. Donna said she does not know if Frankford Township will pursue any active applications this year.

The County also submitted paperwork for their Planning Incentive Grant. There are ten project areas and five needed to be updated. Dave Kunz, the GIS Manager is working on the target farm maps to the State.

At last week’s Freeholder Meeting there was a Resolution for partnering with the Land Conservancy of New Jersey for the four projects this Board reviewed, evaluated and visited over the last year. The Board gave final approval at the last meeting. The Freeholders supported those projects and they updated the agreement with Land Conservancy of New Jersey.

There have not been any new closings; however there are some closing issues that will be discussed later in the agenda.

The Sella farm in Fredon is proceeding. They decided to move forward with their application. Mr. Sella’s surveyor is finishing the 8+ acre severable exception. Donna does not believe Mr. Sella will subdivide the land prior to closing.

Donna said she needs an updated appraisal on Goldman now that the State gave Green Light approval and that County Counsel advised her to start the process. Once the updated appraisals are received they will be sent to the State for certification.

Donna reported that as of last Wednesday, she has monitored 130 out of 166 farms. She said she will continue to monitor farms as long as there is no snow coverage. Beginning January 1, the e-forms need to be used.

C. TENNESSEE GAS PIPELINE UPDATE/PSE&G UPDATE:

Donna said she saw Tim Brill on Thursday and he asked about the SCADB meeting dates. He thought Tennessee Gas Pipeline would be looking for action from the County. Both Tennessee Gas Pipeline and PSE&G are anxious to proceed.

CeCe Pattison gave the Board an update on PSE&G's work on her property. Peter Southway said he heard through a good source at PSE&G that they are looking closely at how Tennessee Gas does with their FERC exemption. Peter said it is his understanding that if you have a FERC exemption, you are immune from a lawsuit. Donna said she will contact either Tim Brill or Brian Smith in a few days for updates.

D. OUTSTANDING YOUNG FARMER NOMINATIONS UPDATE:

The Board previously suggested Cully Opilla and Tore Anderson as nominees for the Outstanding Young Farmer Award. Both men consented to the nomination and Donna said she will submit their names tomorrow.

E. AMP FOR ON-FARM DIRECT MARKETING – REVISED:

Donna said she and Jane Brodhecker attended a two-hour presentation on the AMP for On-Farm Direct Marketing. At the end of January, the SADC will approve this AMP to go out again for Public Comments. The presentation is supposed to be on the SADC website. Donna suggested that the Board take a copy home for review so that it can be discussed at the January meeting.

NEW BUSINESS:

A. KLEIN AND GREEN OFFERS/APPROVAL FOR KLEIN:

Donna said these applications are from the 2009 funding round. The appraisals were redone; the State certified the values and a letter went out to each of the applicants with an offer. Donna said she was not optimistic that either of them would accept their offers. Mr. Green declined the offer and Mr. Klein accepted the offer.

Donna said she received an e-mail from the State today to remind her that because the Klein application will probably have Federal funds attached, she needed different language in the Resolution. Donna prepared the Resolution and provided the Board

with a copy. The Resolution states that both Mr. Klein and Mr. Green were given certification of values and only Max and Ingrid Klein accepted the confidential offer of \$5,700 per acre. This is for Block 1801, Lot 12.03 in Fredon Township. There is a one-acre, non-severable exception because there are presently no buildings on the property. There will not be residential dwelling site opportunities and there will be a one-acre impervious coverage limitation. The State also required the Resolution to say that they would be willing to go up to an additional 3% buffer to allow possible survey acreage increases. Peter Southway suggested that the Resolution state that Mr. Green declined his offer.

MOTION:

A motion was made by Jim Hunt to approve the Resolution with the addition noted above. The motion was seconded by Lori Day and carried unanimously.

B. MATOS FARM/WANTAGE TOWNSHIP:

Donna said she found a violation on the Matos farm in Wantage Township. Last year when she visited the farm there was a hunting cabin on the property with a small building next to it that was being used by farm labor during the day. A few weeks ago she found that they are putting in a septic system. He also has changed it from day help to having someone staying there.

Donna said she went to the farm because someone called and told her they there were machines on the property and they were crushing stone. Mr. Matos said he was using the crushed stone for the farm roads. Donna told him he needed to have the machines removed by December 31.

Donna provided the Board with photographs of the hunting cabin (300 sq. ft.) which showed a large room with a table and chairs and bunk beds in a back room. There is another 185 sq. ft. building that Mr. Matos' farm labor is staying in. This building has a bed. There is also a refrigerator, sink and a kitchen table. Last week County Counsel and Donna met with Mr. Matos' attorney. Mr. Matos will come before this Board with a formal request for ag. labor housing. Mr. McConnell says based on the Deed of Easement, Mr. Matos cannot use one building for a hunting cabin because it did not exist at the time of easement. He suggested that because the hunting cabin is the larger of the two buildings, that he use that building for the ag. labor housing. The other building would have to be changed to equipment or hay storage. Mr. Matos has skeet shooting on the property for family and friends. This is not a problem but the Board needs to know how much acreage is being used and what kind of shot.

Donna said Mr. Matos has done a great job in bringing back this farm to productive agricultural use. She feels this violation was not intentional and Mr. Matos is willing to work with the Board.

C. VAN WINGERDEN 8-YEAR PROGRAM TERMINATION:

On December 19, 2011 this Board approved the renewal of the Van Wingerden 8-Year Program. It was recorded on December 28. In January, Donna received a letter from the State saying this could not be done because the program expired. On August 27 Donna received an e-mail from the SADC advising her to do a termination of this 8-Year Program. Once the 8-Year Program is terminated, County Counsel can record the termination. Donna said since the property is permanently preserved, they are already eligible for soil and water conservation cost share projects. The permanent program also offers the cost share at a higher tier. According to Heidi at the State, if they try to renew the 8-Year Program, they could be in conflict with the Deed of Easement. Donna read a statement summarizing the events leading up to this evening's actions.

MOTION:

A motion was made by Jim Hunt to terminate the Van Wingerden 8-Year Program. The motion was seconded by Lori Day. A roll-call vote was taken. All were in favor with abstention from Peter Southway who explained that the Van Wingerdens are relatives. Motion carried.

Peter Southway brought up the Ricker subdivision of premises issue again. He commented that what he heard from the Ricker's was clearly an estate planning issue. He feels they are not getting proper advice on how to handle an estate rather than go through a subdivision. Donna said when she and County Counsel meet with applicants at the required meeting, it is highly recommended that they seek their own professionals for estate planning, tax purposes and legal advice. She added that she has doubts about the State approving this subdivision even if it receives approval from this Board.

E. TOMMASO UPDATE – CONSERVATION EASEMENT ISSUE:

Donna said she received an e-mail from the State saying that instead of cost-sharing on the 46.659 acres they are going to cost share on 34.154 acres. Donna explained that Green Township put a Conservation Easement on a 10.72 acre in a riparian area. The State will not cost-share on those acres. Donna said she spoke to Lou Tommaso and asked if he was farming those acres. Mr. Tommaso said he was.

For this application, Federal money is being used. The Federal funds are 50% and the County's Planning Incentive Grant money at the State is the other 50%. Therefore, the County is not putting in County dollars into this acquisition. If the Board elects, the County can pay the cost share on the 10+ acres. This would amount to about \$104,520.00. Donna explained that about \$278,000.00 had been allocated for Mr. Green's project in Fredon Township which is not going forward and that there are also cost savings from the Goldman application. The County can use these funds for the Tommaso acreage. Donna said that Green Township is putting in money for this acquisition and the County could possibly ask them to put in more. Lori Day asked if the Conservation Easement allows farming. Donna said she will check with County

Counsel but does not think that will be a problem since he asked her to get the Board's decision.

MOTION:

A motion was made by Lori Day to support the suggestion to use County dollars cover the 10+ acres that are in a Conservation Easement on the Tommaso farm. The motion was seconded by Jim Hunt. A roll-call vote was taken. All were in favor with an abstention from Peter Southway who explained he has business dealings with Mr. Tommaso. Motion carried.

F. 2013 SCADB MEETING DATES:

The Board was provided with a Sussex County Agriculture Development Board Schedule of Meetings for 2013.

MOTION:

A motion was made by Peter Southway to approve the meeting dates for 2013 as presented. The motion was seconded Joan Snook Smith and carried unanimously.

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Brian Hautau. The motion was seconded by Lori Day and carried unanimously. The meeting adjourned at 11:00 p.m.