

SUSSEX COUNTY AGRICULTURE DEVELOPMENT BOARD

MINUTES

DECEMBER 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  
Lori Day, Vice Chairperson  
Brian Hautau  
Jim Hunt  
Cece Pattison  
Peter Southway

MEMBERS EXCUSED: Joan Snook Smith

STAFF PRESENT: Donna Traylor, CADB Coordinator  
Dennis R. McConnell, Esq., County Counsel  
Antoinette Wasiewicz, Recording Secretary  
Rudy Dragan, Planning Aide  
Steve Komar, County Agricultural Agent

ALSO PRESENT: Lisa Chammings, Stillwater Township  
John Valeri, Jr., Wolfe & Samson, for PSE&G  
Linda Engelhardt, PSE&G  
Jeff & Debbie Kistle, Sandyston Township  
Tim Brill, SADC  
John Ribardo, PSE&G  
George Sous, PSE&G  
Gerard Faulkner, Wantage Township

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Cece Pattison to approve the Minutes of November 25, 2013, as received. The motion was seconded by Lori Day. All were in favor, with abstentions from Jim Hunt and Peter Southway. Motion carried.

The Agenda was amended to New Business, A.

**CORRESPONDENCE:**

A. GREEN TWP, PIG, LAND CONSERVANCY OF NJ, 12/4/13:

A copy of a letter to Green Township from The Land Conservancy of New Jersey has been received. Green Township was notified that they are not required to update their Municipal Planning Incentive Grant. An application was submitted last year, and no new farms have been preserved this year. Green Township's current dedicated tax has generated \$62,877.44 in revenue in 2013.

Donna said December 15 was the deadline to submit an update to either County or Municipal Planning Incentive Grants. Since there is no current new funding for next year, the update was much simpler than in past years. The County was able to submit the update in letter form with some statistical information.

B. OUTSTANDING YOUNG FARMER OF THE YEAR – NOMINATION:

The NJ Department of Agriculture is accepting nominations for the 2015 Outstanding Young Farmer (OYF) Award. The submission deadline for nominations is January 15, 2014. A program overview and Official State Nomination Form was provided.

This Board had some initial discussions regarding nominations. This evening they agreed to nominate Tore Anderson.

C. NJ AGRICULTURE CONVENTION 2014:

Correspondence was received regarding the 2014 Annual State Agricultural Convention and the New Jersey Agricultural Convention and Trade Show. The Trade Show and VGA educational sessions will open on Tuesday, February 4 at the Taj Mahal in Atlantic City. The State Agricultural Convention will open on Wednesday, February 5 and continue on Thursday, February 6. Reservations are required for all convention meals. Reservations for meals must be made no later than January 20.

Donna suggested that anyone planning to attend the Convention should contact the Board of Agriculture to see what they are doing as far as getting Sussex County people together for the different events.

D. ARTICLES OF INTEREST:

Donna discussed an article relating to Annie's Project for Greenhouse Growers in south Jersey. She asked Steve Komar if there are such plans for north Jersey. Steve said the project is being funded with a one-time grant.

There is going to be a two-day National Conference celebrating 40 years of Farmland Preservation on May 12-13, 2014 in Hershey, PA. The Conference is being organized by Rutgers University Cooperative Extension and The Farmland Preservation Roundtable Conference Steering Committee. A flyer was received which listed the speakers and discussion topics. Additional information can be found at [www.cpe.rutgers.edu/farmland](http://www.cpe.rutgers.edu/farmland)

"News from the NJDA," an e-newsletter was e-mailed to the Board members. The e-mail listed a site to sign-up for this newsletter.

**RIGHT TO FARM:**

A. FAULKNER, WANTAGE TOWNSHIP:

Last month this Board received information from Judge Dana on a complaint which was made by Wantage Township to Mr. Gerry Faulkner. The complaint went through the courts rather than coming to the County Ag. Development Board. When it got to Judge Dana, it was brought to the attention of the Judge that this issue should have gone before the County Ag. Development Board because it is a Right to Farm issue.

The CADB discussed this last month and a letter went out to Mr. Faulkner asking him to provide this Board with certain information to determine whether his operation qualified as a commercial farm. Last month, this Board found that the farm did qualify as a commercial farm. They did not take an action on the Right to Farm issue, because they did not know what was happening at the present time. (The last time Donna and Steve visited the farm was more than a year ago.) Donna reported that today she visited the farm with Lori and Brian.

Donna advised the Board that if they find that this is an appropriate agricultural use of the buildings in question, they have several options. The Board can go back to Wantage Township to see if they are amenable to dropping the complaint, knowing this is an agricultural use; the ag. mediation program; or Mr. Faulkner can come to this Board to request a site-specific Ag. Management Practice.

Lori Day said they visited the property and found one rather large building which was made specifically for housing chickens and growing them. There are also ten recreational trailers. Ms. Day said they checked inside the trailers and found that they have been gutted to the walls. The glass windows have been removed and replaced with

wire. There is obvious evidence that chickens have lived in the trailers. It is an unconventional use for these trailers but part of the problem is simply the aesthetics from the one neighboring homeowner's view.

Brian Hautau said it is obviously an agricultural operation. Mr. Faulkner had equipment and feed there but chicks are not currently being housed since it is a seasonal operation. What the neighbor considers the eyesore is not directly in front of them but even if it was, Brian still feels it conforms to a farm practice, however unconventional. He said they gave the landowner some advice on what he can do to lessen the impact to the neighbor, such as painting the trailers red to make them look like little barns and keeping them neat and clean.

Donna said the buildings have been modified to have feeders. Lori said there were heat lamps for the chicks and there is evidence of old hay and feathers. She also said they suggested to Mr. Faulkner that he move two or three of the trailers that are in the neighbor's view to the other side. It was also suggested that Mr. Faulkner put up a screening vegetative buffer.

Peter Southway asked if the Board had to send a letter to Wantage Township. Donna said if the Board agrees, that might be the easier way to handle this issue. She said she has worked with the Wantage Zoning Official and that he is not an unreasonable person. She would like to reach out to the official verbally, explain the findings and tell him that the Board will send a letter to that effect. If that doesn't satisfy the complaint, then the next step will be for Mr. Faulkner to come before the Board and ask for a site-specific Ag. Management Practice. Peter Southway wanted to ask Mr. Faulkner if he was willing to paint the trailers.

A motion was made by Cece Pattison to open the meeting to the public. The motion was seconded by Brian Hautau and carried unanimously.

Gerald Faulkner said he was willing to paint the trailers if that is what it takes to take care of the problem. He added that he was even willing to put up a buffer of trees. He said he has plans to put up a new barn and then he will be able to get rid of the trailers. Mr. Faulkner said his business is new and because of that he was not able to get a loan. If he had been able to get a loan, he would not be using the trailers.

There was some discussion about a timeframe to have the trailers painted. The Board and Mr. Faulkner agreed to May or June.

**MOTION:**

A motion was made by Peter Southway directing Donna to write to Wantage Township regarding the Board's findings and the suggestions which were made to and agreed by

Mr. Faulkner. The motion was seconded by Lori Day. A roll-call vote was taken. All were in favor.

Donna said she will telephone Mr. Stefanelli to explain the action of this Board this evening and then follow it up with a letter. She will copy Mr. Faulkner on the letter. If the letter doesn't satisfy Mr. Stefanelli, she will ask Mr. Faulkner for a letter requesting a site-specific Ag. Management Practice.

The meeting was closed to the public.

**AG. AGENT'S REPORT:**

Steve Komar reported that there will be a bus trip for the PA Farm Show on January 10, 2014. Tickets are available through his office.

**OLD BUSINESS:**

A. AGRITOURISM UPDATE (WINTER MARKET):

Donna reported that the Newton Farmers Market is still going but the market at the Fairgrounds has now closed. They do not have snowplowing and the snow has already started falling. It would be costly for them to hire someone to do the plowing. Anyone who was participating at the Fairgrounds market and is interested in the Newton Market should contact Lou Tomassa.

Donna also reported that she sent out a final report today to the New Jersey Division of Travel and Tourism regarding the 2012 Cooperative Marketing Grant. The Four Seasons of Agriculture in Sussex County brochure is being updated with funds from this grant. Rudy has been calling farmers for months trying to get that information updated. There will be 7,500 brochures printed in this 7<sup>th</sup> reprinting. Lori said Donna should be commended for this brochure because it was the first brochure of its kind in the State of New Jersey. She also said that it is the first brochure the visitors of Space Farms pull out of the rack. Donna anticipates getting the electronic files to the publisher within the next few weeks.

The Highlands Grant never materialized. There is still a possibility that we might get some funding for the agritourism and ecotourism development studies.

B. FPP UPDATES (GREENLIGHT APPROVALS, APPRAISALS, MONITORING, CLOSINGS, DISCUSSION ON ADDITIONAL FP APPLICATIONS):

There is nothing new with Greenlight Approvals since the last meeting. So far, only one out of eight farms has received Greenlight Approval. Since all of the farms have not received approval from the State, the appraisals have not been done.

Monitoring has slowed down in the last few weeks due to the cold and snow. Donna said she has monitored 52-54 farms since July 15. Rudy is putting the information on the computer.

The Mazza/MC Land Trust closings are being done through the mail. The Lou Tomassa/Pittenger farm is scheduled to close on January 3. To date, there are 175 farms with more than 17,500 acres preserved.

Rudy did an update of the chart from last month and was able to complete the point values on some of the farms discussed last month. The Gianattasio farm has already been approved for sending the application to the State, the same is true with the Miskovic farm.

There was an initial discussion on the Kistle application last month. The Kistles are here this evening. Donna said the total points on the Kistle farm is 61, almost double the amount of the minimum we can submit to the State. The soils come up very high.

A motion was made by Lori Day to open the meeting to the public. The motion was seconded by Cece Pattison and carried unanimously.

Jeff and Debbie Kistle talked to the Board about their farm in Sandyston Township. They have a small farming operation with bees, horses, chickens, apple trees, Christmas trees, corn, hayfields and pumpkins. The little Flatbrook runs through the back of the property. There is a waterway there that has a very unique bridge that has a gully in it and it is all formed out on both sides with stone and cement. That is where people used to swim in the 1930s. Their farm abuts the properties of Just Cornelius, Bill Young and John Kirkjian, all preserved farms. When asked, Mr. Kistle said he does sell honey. They also have a farmstand which is open throughout the year.

Donna said this farm is in the heart of a project area and she pointed out the property on a map. Mr. Kistle is retired and devotes himself to agriculture full time. Jim Hunt asked the Kistles what their main reason was for wanting to preserve the farm. Mr. Kistle said when he first bought his house, he bought the property separate. The property came with 16.53 acres. There was a right-of-way road that separated his property and the adjoining property. He heard rumors of people wanting to put a flag lot in the back and that the man who owned the house was going into a home. Mr. Kistle said he bought the property because he did not want to see another house go there and he did not want any more building on the side of his house. He wants to preserve his land because it has a lot of value to him and he wants to make sure there isn't any more building in that area. Mrs. Kistle said she loves the Sandyston/Walpack school and does not want to see the school grow huge. Mr. Hunt said the Kistles have control of their own property and that they can't control what other landowners do with

their property. Peter Southway asked about the zoning. Mr. Kistle said he is in Zone B, it is 1 ½ acres. Steve asked about the maximum density. Donna said it was ten.

The meeting was closed to the public.

Donna said that she mentioned at the last meeting there is still money in the Planning Incentive Grant for Sussex County. The County has match money at the moment for Sussex County farms. There are eight farms right now plus Gianattasio and Miskovic. She wants to be able to show that there is still a continued need for preservation funds in Sussex County. It is up to the Board if they want to start the preservation process on any of the other three farms. There was some discussion about the three farms.

There was also discussion about who will take over for Donna since she is retiring at the end of January. Jim Hunt was concerned about what the future holds for future applications. Donna explained that Rudy has been doing most of the work for the Farmland Preservation applications and that the Board of Freeholders needs to hear from this Board that this program needs to continue.

Jane Brodhecker asked Jim if he thinks these three farms should be revisited once the Board knows who will run the program. Jim said he does not like to be told there is money right now and the Board should be spending the money. He would rather potentially spend it on something a little better than a 21 acre piece of property and a 15 acre piece in Frankford.

Peter Southway said the State is in the throes of trying to figure out how to fund Farmland Preservation. It looks like it is not going to pass unless there is a permanent funding source. They are not going to hold any more bonds. He is concerned if the State does not come up with a funding source, that the County Freeholders will say it is only in the monitoring game and they don't need somebody of Donna's caliber and they can easily eliminate Donna's position. Jim said he is more concerned that if the program continues, he would like to think that the Board will continue to get applications. Rudy said applications still come in the mail; she will know how much money there is to spend; she can put point tables together and present them to the Board; and she can schedule field trips. Those are the basics. Brian said the age old frustration of spending government dollars is that if you don't spend it now, you won't get it anymore. Peter said he thinks Jim's issue is, 'do we want to spend the money on a 21 acre farm and a 15 acre farm which preserves 36 acres or do we want to save the money for the 200 acre farm that may come down the road.' There was some discussion about how long the funds will be held aside for Sussex County.

**MOTION:**

A motion was made by Lori Day to approve the preservation process for the Weshnak-Kattermans farm. The motion was seconded by Cece Pattison. A roll-call vote was

taken. Results are as follow: Jane Brodhecker-No; Lori Day-Yes; Brian Hautau-No; Jim Hunt-No; Cece Pattison-Yes and Peter Southway-No. Motion failed to carry.

Donna said at the SADC meeting on Thursday, there was a very lengthy discussion regarding annual monitoring. Next year monitoring will be more in the forefront. It is part of the Deed of Easement and they will have stronger enforcement of this requirement.

C. KOLICH VIOLATION UPDATE:

On December 3, County Counsel sent another letter to the attorney for Mr. Kolich. He gave him 30 days in which to resolve this issue, otherwise litigation will commence. Immediately after that, Counsel sent the attorney a copy of the three applications submitted by the previous owner, Claus Neppl, which showed the property as having one single-family house and no apartments. Donna said she did not find any evidence in the files at Hampton Township of any permit, application or variance relating to an apartment in the garage.

D. UPDATE TENNESSEE GAS PIPELINE AND PSE&G:

Donna said during the last week she brought some paperwork to Jane Brodhecker regarding PSE&G. There have been some small reimbursements to the program for the Hamming and Schaffer properties. Jane signed the documents and they were sent to Counsel.

**NEW BUSINESS:**

A. REVIEW OF PSE&G NOTICE OF INTENT:

Dennis McConnell, Esq. said we are here this evening with regard to a Notice of Intent from PSE&G and that the Board is to review that pursuant to New Jersey Statute N.J.S.A. 4:1C-19. There is an Administrative Code Section adopted pursuant to that which is known as N.J.A.C. 2:76-7. We have 30 days once we receive the Notice of Intention, to review the proposed action and determine its effect on preservation and enhancement of agriculture in an agricultural development area or a municipally approved program and upon overall State agriculture preservation and development policies. If the Board or Committee finds that the proposed action would cause unreasonably adverse effects on the Agricultural Development Area, or State Agriculture Preservation and Development policies, the Board may direct no action be taken for 60 days during which time a public hearing be held by the Board.

Mr. McConnell said a Resolution has been prepared that mirrors what the State has done already. He turned the meeting over to the representatives of PSE&G to make their presentation with regard to this notice.

John Valeri said he is with the firm of Wolfe and Samson and that he represents PSE&G. He was prepared to answer questions with John Ribardo, Linda Engelhardt and George Sous, from PSE&G. Dennis McConnell said Staff sent out a questionnaire to the 50 affected landowners and that 13 questionnaires were returned to date. Approximately four or five had comments which he read into the record:

Bickhardt, Stillwater, "They have moved soil around, caused our hayfield to be flooded. They are still cutting trees by the frontage. They have cut trees, hauled them away that we could have sold."

Elaine Savage, Fredon, "Entrance security locks and the cable post were removed, thus our firewood piles have cut and stolen by intruders. We cannot secure this area."

Raymond French, Fredon, "When work is done will my pasture be returned to the condition it was in? Also, that the historic rock wall put back as promised."

Brian and Jim Insell, Fredon, "Approximately 90% of our hayfields now covered by road stone, field stone and ledge rock. PSE&G of Redding has stated that the field would be returned to its original condition. Hopefully they will do this so that the field can once again be used for agricultural purposes."

Louis and Lois Chammings, Stillwater Twp. Lisa Chammings was present for this meeting and when asked if she wanted to offer her comments in person, she said if PSE&G addresses the comments already made, it may answer her questions. Mr. McConnell said there are concerns about the use of the properties and whether or not walls will be replaced or fields restored. He said PSE&G has an obligation to do so. He asked Mr. Valeri to put on record what the agreement with the landowners is.

Mr. Valeri asked Mr. Ribardo to speak. Mr. Ribardo said he wanted to make a few general comments and then he would go through the list of comments from the landowners. If there are specific property owners, he can address that on a case-by-case basis. If there is anything on vegetation management, George Sous can address those. That is done separately from their project work. He is not responsible for that.

Mr. Ribardo was sworn by Dennis McConnell. He said he is the Project Director for the Susquehanna Roseland Project. Mr. Ribardo said when PSE&G began the project in 2008, they looked at all the land agreements that they had and they tried to use the right-of-way as much as possible to get to their tower lines. The plan in the beginning was to leave the land as close to what it was prior to the start of work and to leave it in as good a condition or better than what they found there. With a couple of minor exceptions, all of the access roads that they built are temporary access roads. They are built on filter fabric which has a stone layer on top. This helps spread the load but it is also meant to facilitate restoration. They also have restoration plans for each of the access roads that have been submitted to and approved by DEP. They identify the

actual restoration. In some cases they have taken down trees off the right-of-way. They have compensation formulas and they will be replacing trees that have been cut down. In some cases where they have impacted the farmers ability to farm, they have entered into agreements to work around their farming schedule; and in some cases, they have compensated them for loss of agricultural product.

In conjunction with the work PSE&G is doing, there are also new standards for tree trimming that they have to follow which are regulated by the Board of Public Utilities. All trees under the wire zones have to come out. The entire width of the right-of-way is being cleared per new NERC standards that are regulated by the BPU. When asked, Mr. Ribardo said NERC is National Electric Reliability Council. They developed these standards after the August 2004 blackout. Some of the standards call for more clearing of trees because insufficient tree trimming is what contributed to the blackout. A lot of that work is now being done in 2013 and 2014. It does represent additional clearing of the right-of-way and has nothing to do with the Susquehanna Roseland Project. It is strictly because of the BPU mandated instructions on clearing of the right-of-ways.

In Sussex County all of the access roads have been built. Towers have been pre-assembled on the ground. The actual outage will begin sometime around February 15, 2014 and then the wires will be removed, the towers will be taken down, new towers will go up, and new wires will be strung. The intent is to have all of that work done by June 2014. Currently, they are working in Segment 1. Segment 2 is complete and they have partially begun work in Segment 3. Segment 3 extends from Newton to the Delaware Water Gap National Recreational Area. Work is progressing on schedule. After this is complete, they will begin restoration work.

Restoration includes removing the roads and fabric, grading and planting of trees and seeding. Seeding will be done according to specific State standards that they have been asked to follow. They are hoping that all the restoration work is complete in the fall. As part of the restoration work, they are mandated to monitor the restoration for a period of three years. They have to guarantee that the trees they plant stay alive. They have had some difficulty in the seeding areas in Segment 2 because of the lack of rain. They have to go back this spring and do some reseeding. There is an environmental firm that monitors the restoration work and they have to provide reports to DEP on an annual basis. Mr. Ribardo asked if there were any questions.

Mr. McConnell asked about the landowner who had an issue with an old rock wall that was taken down. Apparently there was some agreement to make sure that the rock wall was restored. Linda Engelhardt was sworn by Dennis McConnell. She said she is the Project Manager of the right-of-way for PSE&G. Ms. Engelhardt said she has spoken several times early on in the project with Mr. French and they assured him that his rock wall will be put back together as closely as it was before they dismantled it. She said it is not a written agreement, it is a verbal agreement. Mr. McConnell said it was on the record now. She said this work will be done during the restoration phase.

First they will clean up, pull everything out, get it all seeded and hayed, close to the end of the restoration period. That way they have access in and out of the property. When they are finished with the access points, then they will restore the wall. Any walls or fences that they may have taken down will be restored once they are ready to leave.

Donna asked how removed fences from pasture are affecting various ag. operations. Ms. Engelhardt said on a couple of farms, the owners have asked them to put up a fence to separate PSE&G's right-of-way from their cattle or horses and they have done that. When they are finished, if the farmer wants them to leave the fence, they will leave the fence. He may put a gate in or if they have already put a gate in, they will leave both. If the landowner wants the fence taken down, they will remove the fence and/or gate and put it back the way the property was to begin with.

Mr. McConnell asked about the landowner who lost firewood because of a cable that was taken down. Ms. Engelhardt said she was not aware this issue occurred and she does not have her land agent here to ask if he or anyone else was ever notified that this occurred. If they had known that this occurred, they would have taken means to help protect the firewood. She said she would have the land agent check and meet with the Savage's to find out what the issue is and they can see what they can do to rectify that.

Donna asked if it was their protocol with cut trees to remove them from the premises or do they check with the landowner to see if they have use for the wood. Ms. Engelhardt said typically, with their easement agreements, a lot of them already have language pre-existing in them. Most of them in Stillwater do not have this language. Most times when they leave wood, they cut it and stack it; but 99% of the time, they take the wood and chip it. If the landowner had asked for the wood to stay, she is not aware of that. The Bickhardt's are saying they took trees down near the road but the County also asked them to replant some trees in a buffer area. She said they have done that. She added that there were flooding issues there way before the construction even started. She said there was a culvert pipe on the property and that the Bickhardt's were asked if they wanted the pipe to stay or be taken out. The Bickhardt's said they wanted the pipe taken out, so PSE&G took the pipe out. As far as Ms. Engelhardt knows, they did not have any more flooding issues.

For the Heiser's, Ms. Engelhardt said she does not know where their hayfield is in relation to the right-of-way. She assumes the right-of-way is a majority of their hayfield. Once they are finished, they will restore the hayfield back to the way it was.

Lisa Chammings, Stillwater Township said she wanted to talk about two parcels, Block 3101, Lot 19 and Block 3101, Lot 5. She asked when they restore the hayfields, what mixes will be used because it is not part of their Best Management Plan. She said one of the things she has concerns about is the mixes that are in the Best Management Plans. They are not conducive to a hayfield, none of them. She said she has the Best

Management Plans and none of that seed mixture is hayfield mixture. There are things in the mixture that are invasive. She asked that the Agricultural Agent be allowed to look into the mixtures and give his input as to what is the best mix for a hayfield.

Steve Komar said he is the Agriculture Agent for Rutgers and that he would be happy to make recommendations, especially if it is related to crop production. Ms. Chammings said she would appreciate that because she has found some of the work done by PSE&G has not been to her standards. PSE&G has an easement, but it is still her property. She pays the taxes. She tries to make hay within the five acres that have been affected. She is worried about her hayfield. She said she values Mr. Komar's opinion regarding the seed mix more so than the six listed mixtures PSE&G has already provided to her. Mr. McConnell asked if the Best Management Plan has been approved by DEP or anybody else. He also asked if the Plan can be amended. Mr. Ribardo said the Plan was developed by their consultant and it was submitted and approved by the DEP. He said if you want changes to it, he will meet with the consultant and if he agrees with it, PSE&G will go to the DEP and get it approved. Donna asked if the Best Management Practices were sent to the State Agriculture Development Committee for agricultural review, because DEP is not agriculture. Ms. Chammings said Ag. has been left out of it. She said she is trying to represent her property and that PSE&G has worked with her to some degree; but there are other things that she is constantly battling. Hayfields are one of them. She was told to have the hay made within a set timeframe, and then it rained the whole week. They did not work with her. She had to contact Senator Oroho and members of this Board to ask for help. She said there is compensation that PSE&G will provide but she has to jump through hoops to get it. She has been asked to put the price of corn on an invoice but she does not know what the price of corn was when they destroyed it vs. when she will have to supply it. Ms. Chammings said she has lost crops and time and does not have one penny in her pocket (from PSE&G) for any of that.

Dennis McConnell asked Tim Brill, State Agriculture Development Committee if he was aware of the issue with Best Management Practices and if anything has been submitted to the State with regard to hay crops. Mr. Brill said there have been plans prepared that document the construction impacts mostly to address environmental concerns through DEP. He said the SADC relies extensively on the Soil Conservation District to address the issue of soil conservation and erosion plan review. He is not aware of any specific issues with respect to seed mix. Public Service has assured the SADC that they will work with landowners to address specific issues that arise, not only during, but after construction as well. Mr. McConnell said in this regard, it appears PSE&G will work with Mr. Komar with regard to seed mix. The only thing he can't say is that DEP has their fingers in this mix and any of the areas of wetlands, there may be another hurdle to overcome. They can agree all they want, but if DEP says no for some reason... If PSE&G puts on the record that they are going to work with him and Steve is willing to do it, that's fine, but he does not want to make a representation because DEP will have the final word. Mr. Komar said he is willing to

work with DEP. He added that there are several Fact Sheets on Google from Rutgers or Penn State for corn production. Peter Southway asked Steve if he could visit the Chammings farm. He said there has to be some crop remaining from the hayfield that can be identified. Mr. Ribardo said that would be fine as long as they are not in violation of any State or Federal law. Mr. Southway said a pre-existing crop trumps a DEP rule. He said he could provide Ms. Chammings with websites that give the price of corn by the day, so she can get the price of corn on whatever day she would have harvested it. Lori Day said she believes Ms. Chammings is talking about corn as a supplement because she lost the hay. She has to buy corn so it's grain price. Ms. Chammings said she was working in a hayfield on one side of Stillwater (a preserved farm that she does not own) and she received a phone call from PSE&G saying that they wanted to make the access road through one of her cornfields. She did not receive the call the right away because Stillwater has minimal cell service. She met with PSE&G the next day, so she only had a one-day notice. She did arrange to have someone chop the corn where the access road was planned but was unable to do so with only two days notice. She said it is not just a matter of compensation; it is demand and supply for her customers. Now she does not have the corn to provide to that customer. Ms. Chammings said PSE&G wants an invoice. She asked how she can provide an invoice when they bulldozed the corn under before she even know what they were bulldozing under. She also said the two days notice she received was in the middle of hay season.

Mr. Southway said the yield is 20 tons per acre at \$65.00 per ton. He said to figure out how much the square footage was.

Mr. McConnell said we have a question from one of the farmers and another farmer who has an answer for her. I think that he can provide her with appropriate documentation, which she can then put on her letterhead and submit it to PSE&G. Mr. Ribardo said as with any farmer on the line, to the extent that there were issues, damages, etc., there is always the opportunity to submit whatever information. They have said that before and their representatives have said that this evening.

Ms. Chammings said she also had a question that no one has addressed yet. PSE&G will restore the fields this summer, but what about next year? She will not have a crop next year; it takes about two-three years. There is also the issue of soil compaction. She has spoke to Mr. Sous about areas in her hayfield that has become a storage yard, not just a construction yard. There are 22 huge wire cages sitting along the road in her hayfield. The trucks are going into the area and turning around in her field, outside of the right-of-way. Ms. Chammings said she also had an historic rock wall. She questioned how the wall will be restored if it was not photographed before being bulldozed.

Lori Day said that PSE&G said the temporary access roads are going to be taken down, along with the tarp and rocks. She asked what roads will PSE&G use to access their

equipment once they've taken down the temporary access roads. Mr. Ribards said they do most of the maintenance on the line by helicopter; so they don't need roads. They do need crews to get access to trim trees. They follow the same methods that they've used for many years before the project. In some cases they walk in and in some cases they drive along the right-of-way. Sometimes there are roads in place or dirt roads. Once the construction roads are taken out, they do not need to use them for any heavy equipment. There are a couple of exceptions where they may leave the road in for access, but he said he cannot think of any in Sussex County.

Jim Hunt asked if PSE&G has taken into account the issue of crops needing a couple of years to come back. Mr. Ribardo said he does not believe they've taken that into account with any of the agreements. The restoration is per DEP requirements and that is mostly on seeding and trees. He does not believe there is anything in there that says anything about crops. Donna said there are 50 parcels that potentially could have agricultural uses associated with them in the County Ag. Development Area. She said she finds it hard to believe they haven't taken that into consideration. Mr. Ribardo said their seed mixtures were originally per soil erosion standards. When DEP reviewed them, they revised them. In any farming area, if there is change that is requested for crops, they will listen to the recommendations and take it under advisement. Mr. Hunt said if the land is restored after June, in theory they may not be able to seed it down after June this coming season, it may have to wait until the spring of the following season, depending on what they are seeding. There may be a year or two loss of income for that crop. He feels the farmer should be compensated for that. Mr. Ribardo said to the extent that there is a claim or issues; they've been dealing with the farmers on an individual basis. He said they can't give a blanket answer on individual farms. Mr. Hunt said he understands that but hopes they take it into consideration, because it is an issue.

Mr. Southway said in the Notice of Intent it says under Additional Requirements it says, "Limitation on future agricultural use... water, buildings, fence lines, farm lanes and crops..." If there is a limitation on the future agricultural use of a crop; that needs to be considered under the N.O.I. Mr. Southway said, for the record, he has had nothing but pleasant experiences so far with PSE&G. He said if an individual farm in the County has a problem with the right-of-way and crop damage; it is very simple. Look at what the yields are outside of the right-of-way and what the yield is within the right-of-way. He said hopefully PSE&G will be willing to listen to a claim for that. Mr. Ribardo said to the extent that a person individually has a claim, they would need to listen to it because that is what they said they would do. It would be outside of his scope to be able to agree to anything with regard to compensation.

Chairperson Brodhecker asked for a motion to open the meeting to the public. Lori Day made a motion to open the meeting to the public. The motion was seconded by Brian Hautau and carried unanimously.

Lisa Chamblings said she has a portion of the Best Management Practice with her which says that the contractor shall, at all times, limit the movement of crews and equipment to avoid unnecessarily rutting the right-of-way, marring the land and damaging crops, pasture and hayland. That is one small section of a 50 page document. She said ever since this project began, she has had problems with marring and rutting of the cropland. It has always been an argument on her part to try to limit PSE&G's movement. She quoted one PSE&G person as saying, "It's like herding a bunch of stray cats." Ms. Chamblings said she hopes PSE&G adheres to their Best Management Practices.

Ruth Ann Dragan talked about what Peter Southway said about putting in a claim and PSE&G will review it. She asked what will happen if PSE&G turns it down? What recourse will the landowner have? Will they have to get an attorney? Will they come back to this Board? Is there anything they can do, or is that the final word? Mr. McConnell said he is sure there will be a dialog. If a landowner has documentation from Rutgers, they will look at that better than a bare estimate. There may be some give and take. If it is not honored, the landowner has the right to receive compensation through the courts. Also, if they contact this Board, the Board can contact the State, because PSE&G has filed their plans. The State is on the record about how they will restore things. They have to abide by it.

With no other comments from the public, a motion was made by Lori Day to close the meeting to the public. The motion was seconded by Brian Hautau and carried unanimously.

Dennis McConnell asked the Board if they had any comments, suggestions or questions.

Cece Pattison said she has been working with PSE&G for years now. They built the roads and they are constructing the towers on her farm. The restoration that she would like to see goes back to a previous construction when they cut trees down to maintain the right-of-way. They left everything on the ground. She said she used to be able to mow the area with her tractor. For years she has not be able to even walk or ride the horses there because it is so dangerous with all the cut trees that were left behind. With the recent tree cuttings, PSE&G was pretty good about cutting them and leaving piles of firewood. When they went to the top of the tower, they cut a lot of cedar trees. She no longer has access to property away from the right-of-way. She would like assurance that that will be cleared out. Ms. Pattison said she has had discussions about this with Mr. Sessario.

George Sous, Manager of Outreach for Transmission gave Cece his business card. He said he works closely with Bill Sessario and that he would be happy to make sure they follow up about removal of some of that debris. Sometimes there is a lot of fallen wood from other causes, but obviously if it is sawn wood, if it is wood that was taken down

as part of their right-of-way management, they can see about clearing some of that out. He said they may have failed to mention that the right-of-way management is done not just by the NERC standards, but also by State Statute. Also, the restoration has to be done according to what the compatible species for right-of-way vegetation management allow. He asked Ms. Pattison to e-mail him directly. He will work with not just Mr. Sessario but vegetation management needs to get out there.

Peter Southway asked Mr. Sous if he is the contact person for farmers that have problems they have not been able to resolve. Mr. Sous said he was. He said for the last six years, he has been sending letters out to everyone within 1,000 feet of the right-of-way. He said the company has been pretty good about being responsive. They may not tell the landowner all that they want to hear; but they will not ignore him. He said they will also look at the easement agreements because they vary property owner to property owner. He said they can be flexible with seed so long as they are not violating another organization.

Lori Day said PSE&G may not have been aware that the type of seed makes a big difference. There are some seed mixes that have thistle or burdock. Those are wild and natural seeds and they are all wonderful in their place; but not in a hayfield. That's the education point that this Board, as farmers, need to express. Mr. Ribardo said they appreciate learning the distinction between these things.

Mr. McConnell said the Board has the Resolution which was e-mailed to them earlier today. He read the Resolution. He said there are a couple of blanks because they were not able to identify from the N.O.I. the exhibits to attach to the Resolution. Mr. McConnell said this Board took the State's Resolution and adopted it. The State had certain exhibits attached to theirs, but it doesn't correlate to the N.O.I. that the County received. He asked PSE&G to provide the Board with the additional exhibits. Donna asked them to look at the SADC Resolution that was passed last Thursday at their meeting. They mentioned it as Schedules A, B, C and D. When she looked at the N.O.I. that was provided to this Board two weeks ago, she sees exhibits A, B, C, D. etc. which do not correspond to the SADC Resolution. Mr. McConnell said we need PSE&G's representation as Counsel that they will work with this Board and the State and provide us with the appropriate exhibits. Mr. Robardo said that is not a problem. Whatever they need to do to match it up, they will match it up. Mr. McConnell said there are three blanks on the first page, one on the second page, two on the third page and one on the fourth page. Donna said the Board mirrored the SADC Resolution in that it is just background information on the project. The SCADB is bound, pursuant to the Agriculture Retention Development Act N.J.S.A. 4:19. The Board has looked at it today and its history, the different studies that were done, identifies that alternative group B was selected as the preferred route from an economic environmental land use and public perspective and this is the existing right-of-way. It cites the National Park Service review and approval and the New Jersey Highlands Council review and approval. It talks about the five permanently preserved farms, including one farm that

was preserved by Sussex County through its own easement purchase program without State dollars. There is a County Planning Incentive Grant Program application with final approvals for the Sella property that has not yet closed. It cites the other properties that have already been closed using State and County dollars. The third page talks about the challenges between the Fredon Board of Education and Fredon parents against the lines and the PSE&G settlement agreement that came from Superior Court Judge Stephen Hansbury on October 25, 2013.

Donna read from Page 3, "Now therefore be it resolved that the Sussex County Agriculture Development Board has reviewed the proposed action to determine its effect upon preservation and enhancement of agriculture in the ADA and find that PSE&G in Sussex County would not cause unreasonable, adverse effects on the preserved farms, ADA or State Agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19; N.J.S.A. 4:1C-25 and N.J.S.A. 40:55D-128 for the following reasons:

1. The proposed project is necessary in order to satisfy a need to maintain the reliability of the electric grid in northern New Jersey pursuant to the New Jersey Board of Public Utilities decision in an order dated February 11, 2010.
2. The project has been designed to avoid and minimize environmental and agricultural impacts to environmental and cultural resources as well as the ADA and preserved farms in this very environmentally sensitive corridor to the greatest extent possible.
3. PSE&G and their consultants have evaluated all options and determined that the proposed route almost exclusively within utility rights-of-way will have little or no permanent agricultural impacts; and

Be it further resolved that the Sussex CADB recommends that PSE&G adhere to Soil Conservation District requirements and Best Management Practices to prevent soil erosion and sedimentation, to protect topsoil, avoid soil compaction, restore soil and replant disturbed areas with an appropriate herbaceous cover crop where appropriate; and

Be it further resolved for all sites within the ADA and especially on preserved farmland, construction activities must be confined to the existing PSE&G right-of-way and approved access roads and more shall be scheduled to allow farmers access to fields in active production during construction and to avoid or minimize impacts to pasture areas, existing buffer areas and surface waters; and

Be it further resolved that the Sussex CADB finding specifically excludes the Pattison farm, Block 130, Lot 1 in Andover Township, Sussex County in order to allow the Sussex CADB to evaluate information related to alternative access roads within and

just outside the existing PSE&G right-of-way as shown in (we will have to insert the Schedule letter) and supplement information received on December 12, 2013; and

Be it further resolved that this action is not effective until the Governor's review period of the SADC Resolution expires pursuant to N.J.S.A. 4:1C-4F."

This Resolution will be signed by the SCADB Chairperson, Jane Brodhecker.

Mr. Ribardo said he understands the SADC has a Governor's Review Period. He questioned if the County would have a review period by the Freeholders. He asked if this Resolution would be effective upon the Governor's approval of the Minutes of the SADC from December. Dennis McConnell said, "Yes." He also asked if the Board would be discussing the Pattison farm in a similar manner that the SADC did. Mr. McConnell said, "Yes."

A motion was made by Peter Southway to accept the Resolution discussed above. The motion was seconded by Jim Hunt. A roll call vote was taken. All were in favor. Copies of this Resolution will be provided to PSE&G.

Donna Traylor said at the SADC meeting, the Pattison farm was removed from the SADC Resolution as the County has done. There were additional challenges occurring regarding the existing right-of-way and access that is contiguous but not within the right-of-way. PSE&G provided two maps and some images which were distributed to the Board this evening. The first map highlights the existing right-of-way and existing driveway. The driveway is for the contiguous landowner. This is not preserved land but the Rich family uses this existing paved driveway. It goes across the Pattison preserved farm to access their non-preserved land. Donna had the Pattison survey for Farmland Preservation for review.

Mr. Ribardo called the Board's attention to Road 28, the drawing with the blue roads. He said PSE&G plans to come down on the south side of the right-of-way, within their right-of-way, leave the right-of-way and onto the Pattison Farmland Preserved property, then come down and go back through the right-of-way and then down onto the Rich property. The reason why they're doing this is that it would be a much greater disturbance to farmland and more trees would have to be cut rather than using the existing paved driveway that Mr. Rich has easement rights to. It was the best way to get to that tower location and disturb the least amount of farmland.

To go over the history, Mr. Ribardo pointed out a picture and said they discussed the use of the existing driveway with SADC staff. Because it does parallel the right-of-way but is farmland that is in the ADA, there was a discussion as to whether there could be alternatives. He said they did attempt to develop an alternative. This crosses at the bottom southernmost line of the right-of-way paralleling it. This would have involved

disturbance. The need for an access road is not just for the heavy continuous tracking trucks but for cement trucks, you need a traditional access road. This means you either make one or you use one that is existing. There was a significant amount of soil and rock that would need to be cleared and put back into place as well as putting down gravel. Based upon the analysis, there was a determination that the only feasible method to avoid additional invasive disturbance of farmland was using the existing driveway. That was part of the discussion that occurred at the SADC last Thursday. That is the why the existing road would be used. It would go around to the other tower, it goes down through the Rich property, curves through that property, passes over some wetland transition areas, pursuant to PSE&G's existing wetlands permit that is permissible with matting, and passes into the tower which is designated 54/1. The pictures show a big mound which is rock with shrub on it. PSE&G discussed this with the SADC and ultimately they agreed, as part of a separate vote, that this was the best alternative to avoid intrusive disturbance of existing farmland. The paved road has been there for at least 30 years and pre-dates the preservation. The continuous track vehicles can and do use that area of the right-of-way but they don't need to disturb the farmland because they have the ability to travel. It is the traditional trucks, like cement trucks, which cannot. That is the reason why they need to either build an access road or use an existing one.

Cece Pattison said she is worried about damage to the existing driveway. Mr. Ribardo said they do anticipate any damage, if there is, they would repair it. If the road is in bad condition, they may disturb some of the topping on it, but they would repair it. He confirmed that the posts would not have to be disturbed; the road is wide enough. He said this is the best way to minimize the disturbance and give them the access that they need to build the tower (54/1) rather than building another road and disturbing more farmland and clearing more trees. Ms. Pattison said there was a very easy access through the farm and would not involve disturbing much in the way of farmland, but because it is preserved, it is not allowed. Mr. Ribardo said that is correct. He said there was a fundamental disagreement given the fact that it pre-existed the farmland. They made a showing to the SADC that all other alternatives would be more invasive to farmland than using the existing driveway. The SADC agreed with that.

Dennis McConnell said since it is not in PSE&G's right-of-way, they need separate permission from the landowners to utilize it. Ms. Pattison said they already have that. Donna said Mr. Rich has been compensated and she asked if the Pattison family has been compensated. Mr. Ribardo said Mr. Rich was compensated but not for the area on his property, not on PSE&G's right-of-way or on the Pattison property. Donna said PSE&G still needs to work with the Pattison family for that access. Mr. Ribardo said Mr. Rich has an easement to use that. There is an easement created with a deed to Mr. Rich that allows access to the property. Mr. Southway asked for a clarification as to where the property line was located compared to the right-of-way line. Mr. Ribardo said the property line is to the south side of the right-of-way. Dennis McConnell asked for confirmation that where it crosses the right-of-way and enters the Rich property, it

exists as access to his house. Mr. Ribardo said that was correct. Mr. McConnell asked if there was new disturbance beyond that, going towards the wetland. Mr. Ribardo said, "Yes." Mr. McConnell pointed out the areas for which Mr. Rich was compensated. He confirmed that there was no compensation for the Pattison family because there is an existing right-of-way that would cross the Pattison property to the Rich's residence. Mr. McConnell clarified that there is a demarcation line where the right-of-way ends and PSE&G has acquired additional right-of-way through the Rich property. Peter Southway said if Ms. Pattison is concerned about PSE&G using the right-of-way that she granted to the Rich's, he suggested that she seek legal counsel to see if the Rich's have the right to grant somebody else use of the right-of-way. Mr. Ribardo said they can look at the agreements and address that for her so she would not need legal counsel.

No other comments or questions were raised.

**MOTION:**

A motion was made by Jim Hunt to approve the alternate access as depicted on PSE&G's public access Road 28 as shown on a drawing by JA where 1" equals 180'. It is dated December 11, 2012. It is also identified as project number 01315.071. This allows PSE&G to construct a new right-of-way from Goodale Road, across and through its existing easement area that traverses onto an existing preserved farm known as the Pattison farm, then reenters the right-of-way and then enters the Rich property, which is non-preserved property and circles through some wetland area, (we have been advised PSE&G has the appropriate permits and approvals from DEP) and then back onto the easement area. We are approving the entrance onto the preserved farm for less than 100'. We are not making any determination as to whether or not that existing right-of-way on the Pattison farm allows PSE&G to enter thereon through the right-of-way granted to the Rich property. That is a separate item that may be pursued by the Pattison's as to whether or not she is entitled to any compensation depending upon the verbiage of the dedication of the easement. We are not intruding into the private property rights of the individual. We are allowing the proposed access on the preserved farm of the right-of-way. The motion was seconded by Peter Southway. A roll-call vote was taken. Results are as follow: Jane Brodhecker-Yes; Lori Day-Yes; Brian Hautau-Yes; Jim Hunt-Yes; Cece Pattison-Abstain; and Peter Southway-Yes. Motion carried.

B. 2014 MEETING DATES:

The SCADB Meeting Dates for 2014 were provided to the Board. The meetings are scheduled for the third Mondays of the month, except for the months of January and February. In those months, the third Monday is a holiday so the meetings will be held the following day, Tuesday, January 21 and Tuesday, February 18.

**MOTION:**

A motion was made by Lori Day to approve the 2014 Meeting Dates for the SCADB. The motion was seconded by Peter Southway and carried unanimously.

Donna told the Board, if this program is important to them, they should express those concerns and interests to the CADB's Freeholder Liaison to make sure that they do continue this program and rehire her position. Initially, they said they would and at this point there is some discussion about the dedicated tax as a potential panacea for the 2% cap that Counties are working under. The dedicated tax is 1/3 of a cent. Last year that brought in about \$477,000. Even at 1/3 of a cent this year, it would be less because of the ratable base.

Jane Brodhecker asked the Board if they felt they should address their concerns individually or as a Board. Brian said it wouldn't hurt for the Board to act as a group as well as individually. Cece felt the letter should be signed by the entire Board.

**PUBLIC COMMENT:**

Tim Brill, SADC thanked the Board and Donna for their contribution to the Farmland Preservation and Open Space programs. He also thanked her for the support she's given to the ag. industry over the years.

Lisa Chamings thanked the Board for listening to her concerns tonight.

**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 10:45 p.m.