

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

February 20, 2020

The regular monthly meeting was held at the office of the Department of Land Preservation, 500 Mt. Pisgah Avenue, Oxford, New Jersey. The meeting was called to order by Mr. Tierney at 7:30 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Mr. Tierney led the Pledge of Allegiance.

Members present: Lou Baduini, Tim Bodine, Bradley Burke, Jason Menegus, Joel Schnetzer, Melissa Watters

Members absent: Dave Dempski

Others present: T. Kaminski, C. Tierney, Staff; Katrina Campbell, County Counsel; Jeffrey Everett, Stefanie Miller, Brian Smith, SADC; Mitchell Jones, White Township; Terry Urfer, Hope Township; Pat and Kelley Smith, Harmony Township; Jim Watters; Mansfield Township.

REORGANIZATION

Mr. Tierney called for nomination for Chairman. Mr. Baduini nominated Mr. Schnetzer. Mr. Burke seconded the motion. Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mrs. Watters – yes; Mr. Menegus – yes. Motion carries.

Mr. Tierney called for nomination for Vice-Chairman. Mr. Bodine nominated Mr. Baduini which was seconded by Mr. Burke. Roll Call: Mr. Bodine – yes; Mr. Baduini – abstain; Mr. Burke – yes; Mrs. Watters – yes; Mr. Menegus – yes. Motion carries.

Vice-Chairman Baduini took over the meeting as Chairman Schnetzer has not yet arrived.

Approval of 2020 Meetings

The Board approved the meeting schedule as presented.

Minutes of the meeting held on December 19, 2019 were approved on a motion by Mr. Bodine and seconded by Mrs. Watters. Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Burke – yes; Mrs. Watters – yes; Mr. Menegus – yes. Motion carries.

Correspondence: Noted

SADC Soil Presentation by Jeff Everett

Mr. Everett, Deputy Director of SADC, went over the highlights of the slide show presentation on the newly proposed "Soil Protection Standards". The new proposed plan is to incorporate Best Management Practices (BMPs), set prescribed limits for Ag Development, environmental considerations of proposed methodology, runoff considerations. Data shows that 1 out of every 3 farms in NJ is equine or nursery, and 1 out of every 5 farms in NJ conduct ag tourism. A chart in the presentation showed disturbance and percentage limitations. The proposed limited disturbance is about 8-12% on a preserved farm. The changes have come about because of Quaker Valley Farms soil disturbance with grading of soil for Greenhouses where 20 acres were taken down to bedrock and Mr. Everett stated that it would take 10,000 years for the soil to heal and this proposal. Mr. Everett stated BMPs would be malleable rather than static Deed of Easement restrictions and that there would be no transference of disturbance areas from one preserved farm to another and a waiver would be sought from SADC for additional disturbance when answering questions from the audience and Board. Any comments from the Board or community would be available to submit until July.

Chairman Schnetzer entered the meeting during the presentation and took his role as Chairman for the rest of the meeting.

Public Input (Non-agenda Items): none

Old Business:

Pipers Hills Farms, LLC, TLC-NJ Non-Profit, BL 48 L 72, Washington Township, approx. 28 gross acres

Mr. Tierney stated the Mr. Gibb was working on getting necessary driveway permit and concerned whether or not the electrical box needed a permit and is currently working with the Engineering Department.

Quest Environmental – O'Dowd Oil Tank Litigation

Ms. Tierney stated that the agreement will be signed at the next Freeholder meeting in March.

Hafscoop D'Villa, William & Susanne Laban, BL 1601 L 11, Blairstown Township

Blairstown Township has made a written request for a timeline response to be imposed on the Hafscoop D'Villa Farm (Labans) moving the land sea container. No timeline was given at the November 21, 2019 SSAMP Hearing or stated in the resolution. Ms. Laban provided an email to the Board stating that they are waiting to move the container when the ground is frozen and that they plan on moving the container by the end of March. Mr. Bodine drove by the property today and confirmed that the land sea container had been moved and it was no longer visible from the road.

Resolution #20-01 Amendment for Cost-share funding on Beatty North Farm, Greenwich Township

The previous cost-share funding resolution had a mathematical error and this resolution has the correct total County cost-share funding amount of \$294,587.50 with an increase at \$55,162.50. Mr. Baduini made a motion to approve the amended Resolution#20-01 as presented and to make a recommendation to the Freeholders for the additional funding amount. Mr. Bodine seconded the motion.

Roll call: Mr. Schnetzer – yes Mr. Bodine - yes; Mr. Baduini -yes; Mr. Burke – yes; Mrs. Watters – yes; Mr. Menegus – yes.

Motion carries.

New Business:

Mansfield Inquiry for Farmland Preservation, BL 1307 L 10, 23.655 acres

A prospective buyer called to inquire about preserving this farm that is under 40 acres. Ms. Kaminski referred him to TLC-NJ. This is on the Agenda to see if the CADB would be willing to take this as a CIG application. The Board was made aware that Mansfield Township has an Open Space Tax and an active Agriculture Advisory Committee, so the Board had decided to have the applicant contact Mansfield Township regarding directly preserving this farm. Ms. Kaminski to follow up with the applicant and Sandy Urgo.

Possible Deed of Easement Violations

- O'Dowd West & East Farms, Franklin & Greenwich Townships
A concerned neighbor called our department regarding possible soil erosion on these preserved properties. Mr. Bob Santini cleared tree rows on the O'Dowd West and East farms. Sandy Myers, Warren County Soil Conservation District completed the annual inspection last week. Mr. Tierney spoke with her yesterday and Ms. Myers doesn't see any soil/erosion problems during her visit which she made during a wet spell. Mr. Tierney stated that he does not believe that there are any violations. Photos and report provided by Sandy Myers were distributed to the Board.
- Getto, Mansfield Township
The Getto farm is under new ownership and is in the process of being converted from equine to livestock production and possibly dairy farm. There has been a lot of construction (expanding barns, building run-ins, fencing, etc.) and clearing trees, hedge rows, etc. A neighbor complained it appears that the new owner does not have building permits. The Building Official placed a Stop Work Order and WCSCD issued a Stop Work Order until an approved "Soil Erosion & Sediment Control Plan or Determination of Non-applicability" letter is received. The structures do appear to be for an agricultural purpose. Land Preservation sent a letter to the owner directing him to contact NRCS and update his conservation plan. Sandy Myers, WCSCD said there is some soil erosion resulting from the construction. Someone from the Department of Agriculture is also scheduled to visit the farm; there are concerns about manure leachate running off the property. Previously, the County Road Supervisor had to clean out ditches filled with debris from the farm, and will continue to monitor the situation. Photos and report provided to the Board by Sandy Myers. Chairman Schnetzer, Mr. Bodine and Mr. Tierney to visit the property before next meeting.

New PIG Rules for CADB Comment

The Board and Mr. Tierney talked about the New PIG Rules that were passed in January 2020. Basically, the MUNI PIG rules now are the same as the CIG rules and there is now a Municipal competitive round as there is one for the County.

Below is the summary for changes:

Farmland Preservation Plans and Annual Planning Incentive Grant (PIG) Application Updates

- The proposed additions to the requirements for comprehensive farmland preservation plans include the review and re-adoption of county and municipal comprehensive farmland preservation plans at least once every 10 years. This timeline is consistent with the required periodic reexamination of municipal master plans set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-89, and ensures the program goals and policies set forth are kept up-to-date.

- The Agricultural Advisory Committee (AAC) must meet at least two times a year and provide documentation of such in its annual Planning Incentive Grant (PIG) application update. This meeting requirement attempts to ensure that the AAC remains engaged in the planning, individual farm application, and funding process.
- The amount of information required to be submitted as part of the annual PIG application update has been reduced. Instead of providing a list, the inventory of targeted and preserved farms within the project area(s) can be submitted in the form of electronic spatial data (GIS) files.
- Annual PIG application updates must be accompanied by a resolution of support from the governing body, along with documentation that the AAC also reviewed it.

Appropriations

- The municipal PIG is restructured to function as the county PIG has been, with a base grant allocated to individual, eligible municipalities and a competitive grant (first come, first served) available to all eligible municipalities.
- Both county and municipal PIGs allow for adjustment of their base grant eligibility based on the expenditure of the past 3 years of allocated grant funding, or they risk losing their base grant through re-appropriation.
- A subsection was added to clarify the availability of competitive grant funds to counties and municipalities, with an approved annual PIG application update, regardless of base grant eligibility.

Individual Farm Applications

- The municipality must provide written notice to the county when an individual farm application is submitted. They must confirm that the application meets the county's minimum criteria if county funding is requested.
- Municipalities must submit ancillary cost reimbursement documents within 120 days of the easement purchase.

Administrator's Report – Mr. Tierney went over the updates and status of the farms briefly with the Board.

New Applications:

Total Applications: 0 Total Acres: 0

Awaiting Green Light Approval:

Total Applications: 0 Total Acres: 0

Received Green Light Approval:

County Applications

- **Dykstra** – Mansfield Twp. (Approx. 209 ac.) Landowner reapplied. RFPs for appraisals out.

Total Applications: 1 Total Acres: 209

Municipal Applications

- **Brook Hollow Winery** – Knowlton Twp. (Approx. 16 ac.) Received appraisals and sent to SADC for CMV.
- **Vass** – Knowlton Twp. (Approx. 100 ac.) Appraisals underway.

Total Applications: 2 Total Acres: 116

Non-Profit Applications

- **Hidden Woods Farm (Rogers)** – Frelinghuysen Twp. (Approx. 107 ac.) Appraisals received; sent to SADC for CMV.
- **Kimball** – White Twp. (Approx. 45 ac.) Appraisals received; sent to SADC for CMV.
- **Navesink Roots (Black)** – Hardwick Twp. (Approx. 24 ac.) Appraisals received; sent to SADC for CMV.
- **Promised Land (M. Santini)** – Franklin Twp. (Approx. 58 ac.) Appraisals received; sent to SADC for CMV.
- **River Hollow Farms (R&S Santini)** – Washington Twp. (Approx. 60 ac.) Appraisals received; sent to SADC for CMV.

Total Applications: 5 Total Acres: 294

Received CMV & Offer Made:

County Applications

- **Khan** – Hardwick Twp. (Approx. 75 ac.) CMV \$3,400.

Total Applications: 1 Total Acres: 75

Municipal Applications

- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV.
- Total Applications: 1 Total Acres: 140**

Under Contract (Title Search & Survey):

County Applications

- **Beatty North** – Greenwich Twp. (Approx. 86 ac.) CMV \$8,800. Received signed contract; survey underway. Waiting for NRCS conservation plan before SADC will do final approval.
- **Haydu** – Harmony Twp. (Approx. 46 ac.) CMV \$4,900. Title search done & received draft survey. Survey sent to Engineering Dept. for review on 2/27/19. SADC ready for final review upon Engineering Review of survey.
- **Smith, John & Jean #1** – Harmony/White Twps. (Approx. 82 ac.) CMV \$4,600. Subdivision resolution received. Inspection performed. Highlands Application has been approved. Waiting for landowner to complete municipal subdivision.
- **Smith, John & Jean #2** – Harmony Twp. (Approx. 36 ac.) CMV \$6,000. Subdivision resolution received. Highlands Application has been approved. Waiting for landowner to complete municipal subdivision.
- **Stampone** – Knowlton Twp. (Approx. 38 ac.) Received signed contract. Received draft survey; sent to Engineering to review.

Total Applications: 5 Total Acres: 288

Municipal Applications

- **Dokie's Acres (Thompson)** – White Twp. (Approx. 43 ac.) CMV \$6,000. Received signed Contract. Title and survey underway.

Total Applications: 1 Total Acres: 43

Non-Profit Applications

- **Pipers Hill Farm (Gibb)** – Washington Twp. (Approx. 27 ac.) CMV \$5,500. Received draft survey. Received County Engineer review letter 11/19; landowner to address unpermitted access and power box; revisions to survey needed.

Total Applications: 1 Total Acres: 27

Waiting to Close (Final Legal Review):

County Applications

- **Beatty South** – Greenwich Twp. (Approx. 57 ac.) CMV \$9,500. Received draft survey.
- **Hoffman-LaRoche** – White Twp. (Approx. 93 ac.) CMV \$5,100. Survey revisions requested by SADC.
- **Route 57 Partnership** – Franklin Twp. (Approx. 70 ac.) CMV \$3,200. Survey revisions under review by SADC. Need additional legal documents from landowner.
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- **Shandor** – Harmony Township (Approx. 100 ac.) CMV \$3,100. Survey completed. Waiting for landowner to provide NJDEP Consent Order so SADC can undertake final legal review.

Total Applications: 4 Total Acres: 320

Municipal Applications

- **Kitchen** – Knowlton Township (Approx. 28 ac.) CMV \$5,100. SADC completed preliminary review. Survey sent to County Engineer for review on 10/15/19.

Total Applications: 1 Total Acres: 28

Non-Profit Applications

- **Heeres (R&S Santini)** – Harmony Township (Approx. 67 ac.) CMV \$3,800. Received County Engineer review letter, sent to surveyor & SADC. SADC Preliminary Review. Received Final surveys and final inspection performed on Wednesday.
- **Murlan Farm (Murphy)** – Frelinghuysen Twp. (Approx. 251 ac.) CMV \$4,000. Survey completed. SADC Preliminary Review. One landowner passed away.

Total Applications: 2 Total Acres: 318

Recent Closings:

- **Deer Haven Farm (Gang)** – Frelinghuysen Township (Approx. 15 ac.) CMV \$5,600. Closed on 12.18.19.
- **LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 ac.) CMV \$3,200 Closed on 1.17.20!!!

Pohatcong Contamination Area Projects:

Two six-month extensions on the Myers-Toretta #1 & #2 Farms, Noel, Pear Tree and Pereira Farms in Franklin Township. They now have a closing date of February 19, 2021.

Seeking Highlands Council Open Space Funding cost-share

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) Fully executed contract. Received 50% matching Highlands Grant. Waiting for final survey revisions and financial settlement statement from sibling for release to close.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) Fully executed contract. Received 50% matching Highlands Grant. Waiting for final survey revisions and financial settlement statement from sibling for release to close.
- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) Received up to 50% matching Highlands Grant. Received draft survey. No County comments. Waiting for title company to review.
- **Pereira** – Franklin Township (Approx. 30 ac.) Received up to 50% matching Highlands Grant. No County comments. Waiting for title company to review.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Received up to 50% matching Highlands Grant. Received signed offer letter. Fully executed contract. Survey underway.
- **Myers/Toretta #2** – Franklin Township (Approx. 48 acres) Received up to 50% matching Highlands Grant. Received signed offer letter. Fully executed contract. Survey underway.
- **Noel** – Franklin Township (Approx. 44 ac.) Received 50% matching Highlands Grant. Sent to Engineering to review. Waiting for title company to review.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.)_Applied for Highlands Grant. Inspected by HC staff.
- **O'Dowd South** – Franklin & Greenwich Township – (Approx. 132 ac.) Applied for Highlands Grant. Inspected by HC staff.

Total Applications: 9

Total Acres: 830

2019 Closings YTD: 11 farms totaling 546 acres

Program Totals: 296 farms totaling 25,967 acres

Campbell Foundry Farm, Hope Township

Mr. Burke asked if the NJDEP letter under correspondence meant that the issue has been fully remediated. Mr. Urfer of Hope Township Committee stated that PEAK Environmental did the remediation and will forward the information that he has received to Mr. Tierney regarding soil testing. Mr. Tierney stated that he received an email from NJ DEP that evening stating that there were three entities involved on this site regarding solid waste, which were Kevin Cavotta from Warren County Health Department, David Ongaro with NJDEP's Solid Waste Enforcement, and PEAK Environmental, LLC. Any material considered solid waste was removed and sent to a DEP approved solid waste facility and perimeter air monitoring was performed during the material removal and re-grading activity.

Executive Session

Mr. Baduini made a motion to go into Executive Session which was seconded by Mr. Burke.

Roll call: Mr. Schnetzer – yes; Mr. Bodine - yes; Mr. Baduini -yes; Mr. Burke – yes; Mrs. Watters – yes; Mr. Menegus – yes.

The Board entered into Executive Session at 8:52 pm.

Mr. Burke made a motion to come out of Executive Session which was seconded by Mrs. Watters.

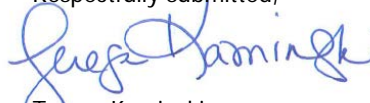
Roll call: Mr. Schnetzer – yes Mr. Bodine - yes; Mr. Baduini -yes; Mr. Burke – yes; Mrs. Watters – yes; Mr. Menegus – yes.

Ms. Campbell stated that the Board came out of Executive Session at 9:09 pm where the Hart Farms were discussed as well as potential contractual matters regarding a fee purchase where no official action was taken. The minutes will be released at a time when they are considered no longer a need for confidentiality.

Closing Public Comment: none

Adjournment: A motion for adjournment was made by Mrs. Watters and seconded by Mr. Baduini. Motion carries. Chairman Schnetzer adjourned the meeting at 9:10 pm.

Respectfully submitted,



Teresa Kaminski