

**WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation  
P.O. Box 179  
500 Mt. Pisgah Avenue  
Oxford, NJ 07863

**Meeting Minutes  
May 19, 2016**

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 Vice-Chairman Baduini at 7:34 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Lou Baduini, Tim Bodine, Dave Dempski, Jason Menegus, Wendy Willever

Members absent: Bradley Burke, Joel Schnetzer

Others present: C. Tierney, T. Kaminski, Staff; John Chisamore, Harmony Township, Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

**Minutes** of the meeting held on April 21, 2016 were approved on a motion by Mr. Menegus and seconded by Ms. Willever. Mr. Dempski abstained. Motion carries.

**Correspondence:** Noted

**Public Input (Non-agenda Items):** None

**Old Business:**

**Roes Island Wetland Mitigation Project** – Mr. Baduini stated that the attorneys are in litigation and that the brief that needs to be filed by June 10<sup>th</sup>.

Mr. Menegus asked about the Kittatinny Project in Independence. Mr. Baduini stated that 20-30 residents were present at the recent Independence Township meeting with complaints about the project. The DEP was invited to attend the meeting, but declined.

**Stefan Schoen, Beaver Brook Ranch, LLC, Certification of Commercial Farm Memorialization of Resolution #16-08 BL 3400 L 400, 1400 & BL 3401 L 400, Hope Township** – Mr. Menegus made a motion to memorialize the resolution of the decision that was made at last month's meeting. Ms. Willever seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion passes.

**Erhard SSAMP Memorialization of Resolution #16-09, BL 24 L 5, Oxford Township** – The memorialization of this resolution was tabled until next month's June 16<sup>th</sup> meeting as there was not a quorum of Board members present to vote on the resolution. Ms. Willever is recused and Mr. Dempski was not in attendance at last month's meeting for the hearing.

**New Business:**

**Mitchell Jones Certification of Commercial Farm, BL 11 L 9, White & BL 13 L 1.02, Harmony** – The Board was unable to certify this commercial farm as there was not a quorum of members present to vote on this matter. Mr. Bodine and Mr. Baduini recused themselves. The certification has been tabled until next month's June 16<sup>th</sup> meeting.

**MUNI PIG Farm Applications Approval on Cost-Share**

**High Acres (Ardia) Farm, Blairstown MUNI PIG Funding Resolution #16-10, BL 1803 L 10 & BL 1901 L 34** - SADC Cost Share \$400,160 (\$3,280/acre) Warren County Cost Share \$92,720 (\$760/acre), Blairstown Cost Share \$92,720 (\$760/acre), Total Cost \$585,600 (\$4,800/acre) approximately 122 net acres. Mr. Menegus made the motion to support the Warren County Cost Share amount for the preservation funding on this MUNI PIG farm and to make a recommendation to the Freeholders which was seconded by Ms. Willever.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**Post Farm, Frelinghuysen MUNI PIG Funding Resolution #16-11, BL 1101 L 3.01** - SADC Cost Share \$124,640 (\$3,040/acre) Warren County Cost Share \$27,880 (\$680/acre), Frelinghuysen Cost Share \$27,880 (\$680/acre), Total Cost \$180,400 (\$4,400/acre), approximately 41 net acres. Mr. Menegus made the motion to support the Warren County Cost Share amount for the preservation funding on this MUNI PIG farm and to make a recommendation to the Freeholders which was seconded by Mrs. Willever.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**CPIG Farms: Decision whether to Transfer CPIG Applications to MUNI PIG Applications (Twp. Supported)**

**Nonnenmacher #1, BL 506 L 9, Blairstown Township, approximately 98+ net acres & Nonnenmacher #2, BL 506 L 8.04, Blairstown Township, approximately 11+ net acres** – The Township is willing to allocate their SADC MUNI PIG funding of \$260,000 and pay normal local municipal cost-share of approximately \$73,000 - \$88,000 based on an estimated per acre range of \$4,000/\$5,000 for the development easement and submit these as municipal applications providing that the County pay for the due diligence costs (appraisals, survey and legal). Preserving these two applications would use up all of the SADC MUNI PIG funding for Blairstown. The County would also cost-share for the normal amount of a municipal PIG application. Mr. Tierney estimated the cost for due diligence would be \$30,000 for both farms.

Ms. Willever made a motion to approve the transfer of both Nonnenmacher applications to MUNI PIG applications as proposed by Blairstown Township with normal County cost-share and County to pay due diligence costs. Mr. Menegus seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**Murphy Farm, BL 801 L 16, 17, 17.01, 17.02, & 18.03, Frelinghuysen Twp., approx. 206 acres** – Mr. Tierney estimated that the preservation of this farm would cost about \$1.3 million. Mr. Tierney has been working with Sandy Urgo of The Land Conservancy representing Frelinghuysen Township on the agreement to utilize the Township's SADC MUNI PIG Grant and paying due diligence. The agreement is also for the County to contribute 30% of the cost as no local municipal cost-share will be utilized.

Mr. Menegus made a motion to continue the current process as a MUNI PIG application and also to execute cost-share agreement as approved by Special County Counsel. Mr. Bodine seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**Decision whether to Pre-acquire Easements with no current SADC CPIG Funding**

*Farms Ready for SADC Legal & Survey Review*

**Apple Mountain, BL 16 L 23, White Twp., 64.945 net acres**

Mr. Baduini recused himself from the discussion due to conflict. Mr. Tierney stated that he expected closing over the summer for this project. The Board talked about the Corporate Business Tax and the Governor has until May 23<sup>rd</sup> to veto it or else it becomes law and if he does veto it, the legislature can attempt to override it. Ms. Willever made a motion to table the decision to pre-acquire this easement until June 16<sup>th</sup>. Mr. Bodine seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – abstained; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**Bartha, BL 2 L 16, Oxford, BL 15 L 1, White Twp., 40.515 acres**

Mr. Tierney stated that he expected closing over the summer for this project as well. Ms. Willever made a motion to table the decision to pre-acquire this development easement until June 16<sup>th</sup>. Mr. Bodine seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**Decision whether to Cancel Projects in Pohatcong Groundwater Contamination Area**

**Pohatcong Superfund Contamination Area** - The SADC was unwilling to cost-share on farms that are in the Pohatcong Valley Superfund Contamination Area because the contamination affects the development potential on these properties. Although water lines are being extended in the area, New Jersey American Water has limited available water capacity in those lines. There is only enough water to accommodate an additional 24 units in that franchise area. Capacity is limited by NJDEP and the Highlands Council. The EPA settlement is paying to install water pipes connecting Aqua Water and NJ American Water, but that is an emergency interconnection. Aqua water has 5,000 units in excess capacity, but doesn't have permission to transfer water to NJ American Water to service future development in that franchise area. NJ American Water's service ends at Franklin and Aqua begins at Greenwich. Mr. Tierney stated that the Pohatcong Superfund does not appear to provide monetary damages to landowners for lost development potential, but rather to repay the State for its costs incurred and to extend public water service to existing residences. Mr. Tierney stated that he spoke with Franklin Township's Engineer regarding the POET systems for new development. However, there were no new developments with POET systems only existing ones, so this makes appraising the properties very difficult. Mr. Tierney had also consulted with appraisers and has been searching for ways to value the development easement, but with little to no development potential the appraisal values on these properties will be extremely low. The Board and Mr. Tierney discussed the funding status of the County's Farmland Preservation allocation.

**Farms Received County Cost-share Funding Approval**

Mr. Tierney stated that the Carl & Jennie Crouse Farm and the Skip Smith #2 Farm were already under contract or under attorney review. Combined, the maximum buildout of these two farms would be about 20 units, less than the 24 units of water currently available. Mr. Baduini had asked for the Board of Recreation Commissioners to provide cost-share on the Carl & Jennie Crouse Farm. The Board had discussed as an option for cost-share from Federal Funding and also from the Highlands Council Grant.

- **Carl & Jennie Crouse, BL 16 L 4, Washington Twp., approx. 90.5 acres** (contract in attorney review)

- **Skip Smith #2, BL 18 L 26, 21.304 net acres** (under contract & received survey)

Mr. Bodine made a motion to move forward on the applications of the Carl & Jennie Crouse Farm and the Skip Smith #2 Farm. Mr. Menegus seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

#### **Farms Appraised, But No CMV from SADC**

The Board discussed the status of the remaining farms.

- **Tasevski, BL 39 L 5, Franklin Twp., approx. 64 acres**
- **Brandywine, BL 26 L 3 & 8, (Franklin Twp., owner), approx. 60 acres**
- **Sigler, BL 9 L 23, Franklin Twp., approx. 170 acres**

#### **Farms Received Green Light, no appraisals**

- **Myers-Toretta, BL 45 L 7 & 9, Franklin Twp., approx. 40 acres**

#### **Farms Submitted to SADC, but Green Light Not Granted**

- **Hart Farm #1, BL 34 L 9, Franklin Twp., 113 acres**
- **Hart Farm #2, BL 41 L 3, 5 & 13 Franklin Twp., 267 acres**

Mr. Tierney stated that Carl Sigler had turned down the CMV offer for his farmland application and wanted the County to buy his land in fee simple, but the CADB decided not to pursue this option at one of their previous meetings. Mr. Dempski made a motion that Mr. Tierney provide notification to the landowners of Tasevski, Brandywine, Myers-Toretta, and Hart Farms #1 & #2 that their applications have been inactivated at this time based on the Pohatcong Superfund Contamination Area and that the SADC will not be providing cost-share. Ms. Willever seconded the motion.

Roll Call: Mr. Bodine – yes; Mr. Baduini – yes; Mr. Dempski – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**Rymon, BL 71 L 5, Washington Township, approx. 96 acres Fee Simple** – The landowner is looking for \$9,500/acre for a fee simple purchase. Mr. Dempski had stated that an old Soil Report book indicated a previous landfill on the property. This discussion is on hold until further investigation into the property's history.

**Development Easement 2016 Yearly Monitoring Report Update** – Mr. Tierney gave a brief summary of any issues that came up on the inspection reports. Smith/Rasa had leaves on the property to spread on the fields. Mr. Menegus had discussed that he uses leaves for his fields. The Board wanted to give the landowner more time since now is the season for the distribution of the leaves and planting. Mr. Tierney only concern was that it exceeded DEP regulations.

#### **Administrator's Report:**

##### New Applications:

###### *County Applications*

- **O'Dowd (Water St.)** – Greenwich (Approx. 20 acres) Waiting to hear if Greenwich will participate.
- **Total Applications: 1            Total Acres: 20**

###### *Municipal Applications*

- **Buckaloo View** – Hope Twp. (Approx. 22 acres)
- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships (Approx. 107 acres) Switched to MUNI PIG.
- **Zukoski Farm** – Hope Twp. (Approx. 52 acres) Did not receive Green Light; asked by SADC to include additional lot.
- **Nonnenmacher #1** – Blirstown (Approx. 106 acres) CADB to decide on agreement with township.\*
- **Nonnenmacher #2** – Blirstown (Approx. 17 acres) CADB to decide on agreement with township.\*
- **Total Applications: 5            Total Acres: 304**

###### *Non-Profit Applications*

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 acres) SADC preliminary approval in November, but no funding yet.
- **Shoemaker I** – White Twp. (Approx. 115 acres)
- **Shoemaker II** – White Twp. (Approx. 12 acres)
- **Tjalma II** – Harmony Twp. (Approx. 61 acres)
- **Tjalma III** – Harmony Twp. (Approx. 36 acres)
- **Total Applications: 5            Total Acres: 475**

##### Awaiting Green Light Approval:

###### *County Applications*

- **Crouse, Dale & Pamela** – Harmony Twp. (Approx. 50 acres) Questionable development access; awaiting landowners decision.
- **Total Applications: 1            Total Acres: 50**

Received Green Light Approval:*County Applications*

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) Landowner decided to keep application the same. Received one appraisal.
- Total Applications: 1      Total Acres: 108**

*Municipal Applications*

- **High Acres Farm** – Blainstown Twp. (Approx. 121 acres) CMV \$4,800.
  - **Malon Farm** – Hope Twp. (Approx. 65 acres) CMV Received.
  - **Murphy Farm** – Frelinghuysen Twp. (Approx. 206 acres) CADB to decide on agreement with township\*
- Total Applications: 3      Total Acres: 392**

Received CMV & Offer Made:*County Applications*

- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) CMV \$3,500.
  - **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) CMV \$6,100. Applicant's engineer reviewing exception area.
  - **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) CMV \$5,500. Withdrawn by landowner (*to be removed*).
- Total Applications: 3      Total Acres: 127**

*Municipal Applications*

- **Heatherfields** – Harmony Twp. (Approx. 78 acres) \$5,200 CMV. Waiting for town to authorize offer.
  - **Post** – Frelinghuysen Twp. (Approx. 41 acres) \$4,400 purchase price. Resolution on Twp. agenda 5/18.
  - **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) – CMV \$4,000. Waiting for landowner to sign contract.
  - **Spencer (Terra Bella Farm)** – White (Approx. 20 acres) CMV. Waiting for landowner's decision.
- Total Applications: 4      Total Acres: 196**

Under Contract (Title Search & Survey):*County Applications*

- **Apple Mountain**– White Twp. (Approx. 65 acres) CMV \$3,900. Received draft survey. *CADB to decide on pre-acquisition.\**
  - **Bartha** – White/Oxford Twps. (Approx. 40 acres) CMV \$4,500. Received draft survey. *CADB to decide on pre-acquisition.\**
  - **Barton #1** – Mansfield/Independence Twps. (Approx. 35 acres) CMV \$4,500. Received draft survey. Awaiting landowner.
  - **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) CMV \$4,800. Received draft survey. Awaiting landowner.
  - **Barton #3** – Mansfield/Liberty Twps. (Approx. 27 acres) CMV \$5,800. Received draft survey. Awaiting landowner.
  - **Klimas** – Independence/Mansfield Twp. (Approx. 190 acres) CMV \$3,700. Received title search & draft survey.
  - **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) Acquired fee simple title on March 11<sup>th</sup>; SADC granted final approval and reviewing easement survey.
  - **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) Environmental PAR completed; closing early June.
  - **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) Received updated appraisals. Awaiting SADC review and CMV.
  - **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) CMV \$4,600. Subdivision pending. Inspection performed.
  - **Smith, John & Jean #2** – Harmony (Approx. 36 acres) CMV \$6,000. Subdivision pending. Inspection performed.
  - **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Title issues resolved. Survey underway; on hold while landowner decides whether to reduce or remove exception areas.
- Total Applications: 12      Total Acres: 956**

*Municipal Applications*

- **Campbell Foundry Company** – Hope (Approx. 170 acres) – CMV \$2,000. Received SADC Final Approval. Survey underway.
  - **Croucher** – Blainstown (Approx. 90 acres) – CMV \$4,100. Survey underway.
- Total Applications: 2      Total Acres: 260**

*State Applications*

- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 acres) CMV \$4,400. Surveys received. Summer closing expected.
  - **Santini/Chambers** – Pohatcong Twp. (Approx. 56 acres) CMV \$3,000. Surveys received. Summer closing expected.
- Total Applications: 2      Total Acres: 140**

*Non-profit Applications*

- **K-J Farm** – Harmony Twp. (Approx. 104.72 acres) \$3,175 CMV. Received draft survey. On hold pending litigation.
  - **Star D Farm** – Harmony Twp. (Approx. 46.74 acres) \$6,900 CMV. Received draft survey. On hold pending litigation.
- Total Applications: 2      Total Acres: 152**

Waiting to Close (Final Legal Review):*County Applications*

- **Unangst** – White Twp. (Approx. 85 acres) CMV \$3,625. Waiting to close. Legal estate issues need to be worked out.
- Total Applications: 1      Total Acres: 85**

*Municipal Applications*

- **Twin Brook Farm** – White Twp. (Approx. 22 acres) CMV \$6,600. Received final survey.  
**Total Applications: 1      Total Acres: 22**

Recent Closings:

- None

Pohatcong Contamination Area Projects:No Greenlight Given:

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) CADB to decide whether to inactive and notify applicant.\*
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) CADB to decide whether to inactive and notify applicant.\*  
**Total Applications: 2      Total Acres: 380**

Received Green Light Approval:

- **Brandywine** – Franklin Twp. (Approx. 60 acres) CADB to decide whether to inactive and notify applicant.\*
- **Tasevski** – Franklin Twp. (Approx. 88 acres) CADB to decide whether to inactive and notify applicant.\*
- **Myers/Toretta** – Franklin Twp. (Approx. 40 acres) CADB to decide whether to inactive and notify applicant.\*  
**Total Applications: 3      Total Acres: 188**

Received CMV & Offer Made:

- **Crouse, Carl** – Washington Twp. (Approx. 90 acres) CMV \$4,700. Accepted offer; contract sent out.  
CADB to decide whether to preserve without SADC funding or inactivate and notify applicant.\*
- **Sigler, Carl** – Franklin Twp. (Approx. 170 acres) CMV \$4,600. Landowner rejected easement offer, but wanted to sell in fee.  
CADB to decide whether to inactive and notify applicant.\*  
**Total Applications: 2      Total Acres: 260**

Under Contract (Title Search & Survey):

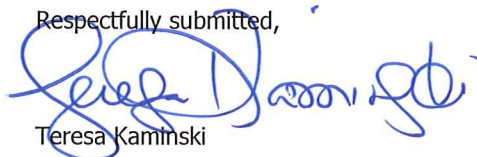
- **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) CMV \$5,500. Survey underway.  
CADB to decide whether to preserve without SADC funding or inactivate and notify applicant.\*  
**Total Applications: 1      Total Acres: 22**

**Public Comment** – John Chisamore of Harmony Township mentioned that the violation against Mitchell Jones is due in court by the end of June and wanted to know if our department would notify the township that there was no quorum for the Certification of Commercial Farm. Mr. Tierney stated that we would notify the Judge and that it was up to the Judge to grant a further extension.

Gary Pohorely, SADC, invited everyone to come out to the Warren County Land Preservation Day being held at Ramsaysburg in Knowlton Township and that he would be representing the SADC and available to answer any questions.

**Adjournment:** A motion for adjournment was made by Mr. Menegus and seconded by Mr. Bodine. Motion carries. Vice-Chairman Baduini adjourned the meeting at 8:56 pm.

Respectfully submitted,



Teresa Kaminski

