

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

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

**Meeting Minutes
July 16, 2015**

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 Chairman Schnetzer at 7:33 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, Bradley Burke, David Dempski, Jason Menegus, Joel Schnetzer, Wendy Willever

Members absent: none

Others present: C. Tierney, T. Kaminski, Staff; Michael Lavery, Larry Cohen, Special County Counsel; Frank Pinto & Ben Spinelli, Greenwich Township; Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on June 18, 2015 were approved on a motion by Mr. Baduini and seconded by Ms. Willever with correction made to list Dave Dempski as absent. Dave Dempski abstained. Motion carries.

Executive Minutes of the meeting held on June 18, 2015 were approved on a motion by Mr. Baduini and seconded by Ms. Willever. Dave Dempski abstained. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): None

Old Business:

O'Dowd – will be discussed in Executive Session and will be moved to end of new business.

Policy Discussion on Paying CMV – Chairman Schnetzer suggested to not go above the CMV amount and if the landowner wanted more money to contact the township for the difference up to the highest appraisal value. The Board discussed the options and noted that some municipalities do not have enough funding in their open space fund and the other option would be to bond to get the funding. Mr. Baduini made a motion for the CADB policy for only paying the CMV for the price per acre for the development easement of a farm and that if the landowner is requesting money over that amount up to the highest appraisal value, the can request funds from a third party to cover the difference. Mr. Dempski seconded the motion.

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

Roes Island Wetland Mitigation Project – To be discussed in Executive Session.

New Business:

Snyder Certification of Commercial Farm, BL 96 L 9, 9.01 & p/o 12, Pohatcong Township – This has been placed on the August Agenda. Pohatcong Township and the Snyders are going to try SADC mediation.

CADB Funding Resolutions Approval of County PIG Application

Burke/Dinsmore #1 Funding Resolution #15-11, BL 9 L 51.01, Harmony Twp., 82.4 acres (+3%) – SADC Cost Share \$206,000 (\$2,500/acre) Warren County Cost Share \$82,400 (\$1,000/acre), Total Cost \$288,400 (\$3,500/acre). This property had a proposed Green Acres Trail on the easement, but the landowners decided against that option. Mr. Baduini made the motion to support the Warren County Cost Share amount for the preservation funding on this CIG farm and to make a recommendation to the Freeholders which was seconded by Mr. Menegus.

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

Burke/Dinsmore #2 Funding Resolution #15-12, BL 9 L 51.02, Harmony Twp., 17.51 acres (+3%), SADC Cost Share \$69,164.50 (\$3,950/acre) Warren County Cost Share \$37,646.50 (\$1,040/acre), Total Cost \$106,811 at \$6,100/acre. Mr. Baduini made a motion to support the Warren County Cost Share amount for preservation funding on this CPIG farm and to make a recommendation to the Freeholders which was seconded by Mr. Menegus.

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

Unangst Funding Resolution #15-13, BL 47 L 5, White Twp., 88.58 acres (+3%), SADC Cost Share \$228,093.50 (\$2,575/acre) Warren County Cost Share \$93,009 (\$1,050/acre), Total Cost \$321,102.50 at \$3,625/acre. Mr. Baduini made a motion to support the Warren County Cost Share amount for preservation funding on this CPIG farm and to make a recommendation to the Freeholders which was seconded by Mr. Burke.

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

O'Dowd Properties – Mr. Ben Spinelli approached the Board regarding Greenwich Township's participation in the fee simple purchase of the O'Dowd properties and said that these properties are a high priority for preservation for Greenwich Township. Mr. Spinelli said that he sent an unsigned resolution to Mr. Tierney regarding the township's commitment to the contribution of the fee simple purchase of \$496,800 (9.3%) for the parcels that in Greenwich only. This amount is the difference between the CMV and the highest appraisal value on each application. Chairman Schnetzer stated that they were happy with the Greenwich Township's participation and were not sure they could make the purchase without their contribution.

Carl & Barbara Sigler, BL 9 L 23, 170 acres, Franklin Township – To be discussed in executive session.

Public Comment – Gary Pohorely addressed the Board regarding the winery law. CADB decided to address any issues on a case by case basis because each preserved winery has an exception area where the events are held. Mr. Pohorely also informed the Board of the Rutgers study on "Evaluating Farmland Preservation in New Jersey" which was available on the SADC website. A copy was provided in the members' packet for their review.

Executive Session

Mr. Burke made a motion to go into Executive Session which was seconded by Mr. Bodine. Motion carries. Mr. Lavery stated that the Board entered into Executive Session at 8:15 pm to discuss contractual matters with O'Dowd properties, litigation with Roes Island, Carl & Barbara Sigler contractual matters, pending litigation against Enrique Hernandez, and attorney/client privilege on the Snyder Certification of Commercial Farm Application.

Mr. Menegus made a motion to come out of Executive Session which was seconded by Mr. Baduini.

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

Mr. Lavery stated that the Board came out of Executive Session at 9:28 pm in which five matters were discussed regarding contractual matters with O'Dowd properties, litigation with Roes Island, Carl & Barbara Sigler contractual matters, pending litigation against Enrique Hernandez which does not involve the Board, and attorney/client privilege on the Snyder Certification of Commercial Farm Application where no official action was taken and these minutes will be available to the public when the CADB deems there will be no harm to the public.

Mr. Baduini made a motion for Mr. Lavery, Counsel Attorney, to approach Mr. Bell, Freeholder's attorney regarding litigation against Independence Township over the Roes Island Wetlands Mitigation Project. Mr. Dempski seconded the motion.

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

Mr. Baduini made a motion to offer the Certified Market Value on the development easement and not the fee simple purchase on the Carl & Barbara Sigler farm in Franklin Township. Mr. Bodine seconded the motion.

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

Mr. Menegus made a motion for Mr. Lavery to write the contract for the O'Dowd properties based on the bulleted proposals in Mr. Mylod's July 16, 2015 letter, that an Environmental Phase I would be completed, and that all leases would be cut off and no tenants occupying the houses before the fee simple purchase would be completed and that the purchase was contingent upon Greenwich Township participation in the purchase of the properties. Mr. Baduini seconded the motion.

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

Administrator's Report: Mr. Tierney briefly went over the status of the applications on the report.

New Applications:

County Applications

- **Crouse, Dale & Pamela (#1)** – Harmony Twp. (Approx. 54 acres) SADC requested info re sludge & township approval on application. Twp. approved the application. CADB suggested landowner reduce or remove 6 acre severable exception area and remove or move non-severable one acre exception area near to road. Waiting for decision from applicants.

Total Applications: 1 Total Acres: 54

Non-Profit Applications – Mr. Tierney stated that the SADC has decided to reallocate \$3,000,000 that was earmarked for the non-profit farms and to put that into the Competitive Round. The non-profit fund will be funded again after the corporate tax on open space is distributed which will take one or two years.

- **Murlan Farm** – Frelinghuysen Twp. (Approx. 251 acres)
- **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 (#2)** – Harmony Twp. (Approx. 17 acres) Requested Merritt Lane and subdivision resolution information from township.
- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres)
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres)

Total Applications: 3 Total Acres: 397

Municipal Applications

- **Myers/Toretta** – Franklin Twp. (Approx. 64.42 acres) Received resubmitted application.
- **Spencer (Terra Bella Farm)** – White (Approx. 20 acres)

Total Applications: 2 Total Acres: 84

State Applications

- **Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) CMV \$4,000. Accepted offer.
- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 acres) Appraisals underway.
- **Santini/Chambers** – Pohatcong Twp. (Approx. 56 acres) Appraisals underway.

Total Applications: 3 Total Acres: 232.5

Received Green Light Approval:

County Applications

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) Appraisals underway.
- **Apple Mountain** – White Twp. (Approx. 70 acres) Appraisals underway.
- **Bartha** – White/Oxford Twps. (Approx. 52 acres) Appraisals sent to SADC for CMV.
- **Brandywine** – Franklin Twp. (Approx. 64 acres) Appraisals sent to SADC for CMV. Additional information needed from township regarding COAH and Zoning.
- **Crouse, Carl** – Washington Twp. (Approx. 120 acres) Appraisals sent to SADC for CMV.
- **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) Appraisals sent to SADC for CMV.
- **Tasevski** – Franklin Twp. (Approx. 88 acres) Received one appraisal.

Total Applications: 7 Total Acres: 530

Municipal Applications

- **Campbell Foundry Company** – Hope (Approx. 170 acres)
- **Croucher** – Blairstown (Approx. 90 acres)
- **Post** – Frelinghuysen Twp. (Approx. 41 acres)
- **Heatherfields** - Harmony Twp. (Approx. 78 acres)
- **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) Revised application submitted to SADC with 7 acre lot for autistic home.

Total Applications: 5 Total Acres: 436

State Applications

Total Applications: 0 Total Acres: 0

Received CMV & Offer Made:

County Applications

- **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) CMV \$4,500. Offer letter sent to landowner.

- **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) CMV \$4,800. Offer letter sent to landowner.
 - **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) CMV \$5,800. Offer letter sent to landowner.
 - **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) \$3,500 CMV. Contract sent out.
 - **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) CMV \$6,100. Contract sent out.
 - **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) CMV Received; offer made to landowner.
 - **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) CMV Received; offer made to landowner.
 - **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) CMV Received; offer made to landowner.
 - **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Landowner changed non-severable exception size. One appraiser responded as to no change in value. Waiting for landowner response.
 - **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) CMV \$5,500. Offer letter sent to landowner.
 - **RLL Enterprises, Inc.** – Franklin Twp. (Approx. 51 acres) CMV \$7,600. Contract sent out.
 - **Thompson Farm** – White Twp. (Approx. 38 acres) CMV \$3,600. Landowner accepted offer. Sent out contract.
 - **Sigler, Carl** – Franklin Twp. (Approx. 174 acres) CMV \$4,600. On Agenda for discussion.
 - **Unangst** – White Twp. (Approx. 85 acres) CMV \$3,625. Landowner accepted offer. Contract sent out.
- Total Applications: 14 Total Acres: 1021**

Municipal Applications

Total Applications: 0 Total Acres: 0

State Applications

- **Hannema** – SADC Direct - Mansfield Twp. (Approx. 164 acres) CMV \$2,900.
- Total Applications: 1 Total Acres: 164**

Under Contract (Title Search & Survey):

County Applications

- **Klimas** – Independence/Mansfield Twp. (Approx. 190 acres) CMV \$3,700. Ordered title search & survey underway.
 - **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) CMV \$4,600. Ordered title search & survey underway.
 - **Smith, John & Jean #2** – Harmony (Approx. 36 acres) CMV \$6,000. Ordered title search & survey underway.
 - **Smith Farm #1, J&K** – Harmony Twp. (Approx. 49 acres) CMV \$6,000. Received title search & survey underway.
 - **Smith Farm #2, J&K** – Harmony Twp. (Approx. 53 acres) CMV \$5,500. Received title search & survey underway.
- Total Applications: 5 Total Acres: 410**

Municipal Applications

- **Berry Farm** – Frelinghuysen Twp. (Approx. 106 acres) CMV \$6,250.
 - **Twin Brook Farm** – White Twp. (Approx. 22 acres) CMV \$6,600.
- Total Applications: 2 Total Acres: 128**

State Applications

Total Applications: 0 Total Acres: 0

Non-profit Applications

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

Waiting to Close (Final Legal Review):

County Applications

- **Cericola Farm #1** – Franklin Twp. (Approx. 182 acres) CMV \$6,200. Requested title search & survey revisions.
 - **Cericola Farm #2** – Franklin Twp. (Approx. 31.5 acres) \$6,000. Requested title search & survey revisions.
- Total Applications: 2 Total Acres: 213**

Municipal Applications

- **Schanzlin** – Harmony Twp. (Approx. 87 acres) CMV \$6,000. Final inspection performed.
 - **Walburn Farm** – White Twp. (Approx. 28 acres) CMV \$5,900. Final inspection performed.
- Total Applications: 2 Total Acres: 115**

State Applications

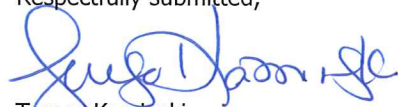
Total Applications: 0 Total Acres: 0

Recent Closings:

- **Bullock (Yellow Rock Horse Farm)** – White Twp. (Approx. 64 acres) CMV \$3,900. Closed on 6/30.
 - **Kinney Estate** – Blairstown/Knowlton Twps. (Approx. 34 acres) CMV \$5,600. Closed on 6/23.
- Total: 2 farms for 98 acres**

Adjournment: A motion for adjournment was made by Mr. Dempski and seconded by Mr. Bodine. Motion carries. Chairman Schnetzer adjourned the meeting at 9:40 pm.

Respectfully submitted,



Teresa Kaminski