

**WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD**

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

**Meeting Minutes**

**September 17, 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 7:32 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, Jason Menegus, Joel Schnetzer, Wendy Willever

Members absent: David Dempski

Others present: Corey Tierney, T. Kaminski, Staff; Michael Lavery, Special County Counsel; Philip Mylod, Esq., Mr. O'Dowd, Brian O'Dowd.

Chairman Schnetzer led the Pledge of Allegiance.

**Minutes** of the meeting held on August 20, 2015 were approved on a motion by Mr. Baduini and seconded by Ms. Willever. Motion carries.

**Executive Minutes** of the meeting held on August 20 2015 were approved on a motion by Mr. Baduini and seconded by Mr. Burke. Motion carries.

**Correspondence:** Noted

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

**Old Business:**

**O'Dowd Properties, Farmland and Open Space Fee Simple Purchase update** – Mr. Mylod thanked the CADB from the bottom of his heart and stated that it has been a long and frustrating process for the negotiation of these properties. Mr. Mylod stated that he delivered the executed contracts as is. He stated that he and his family have a long history representing the O'Dowd family as his grandfather and father were their attorneys. Mr. Mylod had brought up possible changes to the contract, the typographical error in a block and lot number, the discrepancy of 42 acres, and an increase for 5% for additional acreage, the ROW and the 11% cap and asked the Board if they would reconsider making modifications to the contract. After much discussion, Mr. Baduini made a motion for the contract to stay the same. Mr. Burke stated that the 5% limit is not fair for the O'Dowd's and that it limits the possibility for the landowners to receive money on the actual surveyed acreage if the missing 42 acres is uncovered during the survey and title work. Chairman Schnetzer asked for a second on the motion three times but none was received so motion dies. Chairman Schnetzer asked for another motion. Mr. Burke made a motion that the contract language be changed to cap any discrepancy at 11%. Mr. Menegus seconded the motion.

Roll Call: Mr. Schnetzer – no; Mr. Bodine – yes; Mr. Baduini – no; Mr. Burke – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

Mr. Baduini made a motion as the ROW language remains unchanged in the contract. Mr. Burke seconded the motion.

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

Mr. Tierney stated that the block and lot error was already corrected in the contract. Mr. O'Dowd thanked the Board on behalf of his family and the same from Mr. Brian O'Dowd.

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

**SADC Special Occasion Events at Wineries on Preserved Farmland update** – Mr. Tierney stated that the SADC is sending out letters to all wineries in the State to register for a Special Event, but it doesn't apply for Warren County preserved farms with wineries because they don't hold events outside of their exception areas.

**New Business:**

**Certification of Commercial Farm – Chelsea Forge Vintners/Alba Vineyard, BL 113 L 6 & BL 110 L 13.02 & 13.04, Pohatcong Township** – To be discussed in Executive Session.

### **CADB Funding Resolutions Approval of County PIG Application**

**Barton Farm #1 Resolution #15-15, BL 23 L 1, Independence Twp. & BL 102 L 2.01 in Mansfield Twp., 32.342 acres (+3%)** – SADC Cost Share \$100,260.20 (\$3,100/acre) Warren County Cost Share \$45,278.80 (\$1,400/acre), Total Cost \$145,539 (\$4,500/acre). Mr. Baduini made the motion to support the Warren County Cost Share amount for the preservation funding on this CPIG farm and to make a recommendation to the Freeholders which was seconded by Mr. Bodine.

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

**Barton Farm #2 Resolution #15-16, BL 13 L 9, Liberty Twp. & BL 102 L 3 in Mansfield Twp., 69.54 acres (+3%)** – SADC Cost Share \$228,091.20 (\$3,280/acre) Warren County Cost Share \$105,700.80 (\$1,520/acre), Total Cost \$333,792.00 (\$4,800/acre). Mr. Baduini made the motion to support the Warren County Cost Share amount for the 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. Burke – yes; Ms. Willever – yes; Mr. Menegus – yes. Motion carries.

**Barton Farm #3 Resolution #15-17, BL 13 L 6 & 6.02, Liberty Twp. & BL 102 L 4.01 in Mansfield Twp., 27.35 acres (+3%)** – SADC Cost Share \$103,930 (\$3,800/acre) Warren County Cost Share \$54,700 (\$2,000/acre), Total Cost \$158,630 (\$5,800/acre). Mr. Baduini made the motion to support the Warren County Cost Share amount for the preservation funding on this CPIG farm and to make a recommendation to the Freeholders which was seconded by Mr. Bodine.

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

**County Farms Funding Discussion** – Mr. Tierney stated that there was \$19,251,000 in the County Farmland Preservation fund and \$2,165,000 in the SADC Competitive Round and that the County's projects total \$2,000,000 for funding by year end. Mr. Tierney talked about the SADC reallocating \$3,000,000 non-profit funds and reallocating other County's and Municipality funds that were not currently active and redistributing the funds to active County and Municipalities. The Corporate Business Income Tax has still not been resolved on the allocation and might not be resolved until 2016. Mr. Tierney stated that there might be a possibility using MUNI PIG funding balances and soliciting other non-profit agencies like William Penn Foundation for a funding source. Mr. Tierney stated that the Highlands Council will be receiving money from PSE&G and will start their own grant program with 50% matching grant for open space and farmland preservation. The funding was received for PSE&G running a pipe line through Hardwick Township.

**Hope Township Livestock Ordinance Review/Discussion** – The Board stated that some of the language in the ordinance falls outside of Right to Farm.

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

#### New Applications:

##### *County Applications*

- **The LaBarre Family Limited Partnership** – Knowlton & Hope Townships – (Approx. 107 acres)
  - **Crouse, Dale & Pamela (#1)** – Harmony Twp. (Approx. 17 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.
- Total Applications: 2                      Total Acres: 124**

##### *Non-Profit Applications*

- **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. 54 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: 434**

*Municipal Applications*

- **Myers/Toretta** – Franklin Twp. (Approx. 64.42 acres) Received resubmitted application.  
**Total Applications: 1            Total Acres: 64**

*State Applications*

- **Total Applications: 0            Total Acres: 0**

Received Green Light Approval:

*County Applications*

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) Appraisals on hold. Applicant wants to add another exception area.
- **Apple Mountain**– White Twp. (Approx. 70 acres) Appraisals sent to SADC for CMV.
- **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.
- **Tasevski** – Franklin Twp. (Approx. 88 acres) Appraisals sent to SADC for CMV.  
**Total Applications: 6            Total Acres: 502**

*Municipal Applications*

- **Campbell Foundry Company** – Hope (Approx. 170 acres) – Received appraisals.
- **Croucher** – Blainstown (Approx. 90 acres) – Received appraisals.
- **Post** – Frelinghuysen Twp. (Approx. 41 acres) – Received appraisals.
- **Heatherfields** – Harmony Twp. (Approx. 78 acres)
- **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) Received appraisals.
- **Spencer (Terra Bella Farm)** – White (Approx. 20 acres)  
**Total Applications: 6            Total Acres: 456**

*State Applications*

- **Santini/Resnick** – Pohatcong Twp. (Approx. 84.5 acres) Appraisals underway.
- **Santini/Chambers** – Pohatcong Twp. (Approx. 56 acres) Appraisals underway.  
**Total Applications: 2            Total Acres: 140**

Received CMV & Offer Made:

*County Applications*

- **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) CMV \$4,500. Accepted verbally. On CADB Agenda.
- **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) CMV \$4,800. Accepted verbally. On CADB Agenda.
- **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) CMV \$5,800. Accepted verbally. On CADB Agenda.
- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) \$3,500 CMV. Received signed contract. SADC Final Approval in November. Waiting for verification of exception area with township before ordering survey.
- **Burke/Dinsmore Farm #2** – Harmony Twp. (Approx. 18 acres) CMV \$6,100. Received signed contract. SADC Final Approval in November.
- **Jones, Mitchell** – Franklin/Harmony Twps. (Approx. 28 acres) CMV \$5,500. Offer sent to landowner.
- **O'Dowd Farm (East) #2** – Greenwich & Franklin Twps. (Approx. 94 acres) Ordered title search; survey & Phase I on hold.
- **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) Ordered title search; survey & Phase I on hold.
- **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) Ordered title search; survey & Phase I on hold.
- **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Received signed contract.
- **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.
- **Sigler, Carl** – Franklin Twp. (Approx. 174 acres) CMV \$4,600.  
**Total Applications: 13            Total Acres: 926**

*Municipal Applications*

**Total Applications: 0            Total Acres: 0**

*State Applications*

**Total Applications: 0            Total Acres: 0**

Under Contract (Title Search & Survey):

*County Applications*

- **Klimas** – Independence/Mansfield Twp. (Approx. 190 acres) CMV \$3,700. Received title search & survey underway.
- **Smith, John & Jean #1** – Harmony/White Twp. (Approx. 82 acres) CMV \$4,600. Received title search & survey underway. Need to re-appraise. Waiting for maps from SADC.

- **Smith, John & Jean #2** – Harmony (Approx. 36 acres) CMV \$6,000. Received title search & survey underway. Need to re-appraise. Waiting for maps from SADC.
  - **Thompson Farm** – White Twp. (Approx. 38 acres) CMV \$3,600. Received title search and survey approval. Received final approval.
  - **Unangst** – White Twp. (Approx. 85 acres) CMV \$3,625. Received title search and survey approval. SADC Final Approval in November.
- Total Applications: 5      Total Acres: 431**

*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*

- **Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) CMV \$4,000. Survey underway.
- Total Applications: 1      Total Acres: 92**

*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*

**Total Applications: 0      Total Acres: 0**

*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:

- **Cericola Farm #1** – Franklin Twp. (Approx. 182 acres) CMV \$6,200. Closed on 8/14/15.
- **Cericola Farm #2** – Franklin Twp. (Approx. 31.5 acres) \$6,000. Closed on 9/9/15.
- **Smith Farm #1, J&K** – Harmony Twp. (Approx. 49 acres) CMV \$6,000. Closed on 9/15/15.
- **Smith Farm #2, J&K** – Harmony Twp. (Approx. 53 acres) CMV \$5,500. Closed on 9/15/15.

**Public Comment** – None.

**Executive Session**

Mr. Baduini made a motion to go into Executive Session which was seconded by Mr. Menegus. Motion carries. Mr. Lavery stated that the Board entered into Executive Session at 9:06 pm to discuss Roes Island Wetlands Mitigation litigation update and Chelsea Forge Vintners/Alba Vineyard Certification of Commercial Farm Application attorney/client privilege.

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

Mr. Lavery stated that the Board came out of Executive Session at 9:21 pm in which two matters were discussed regarding update with Roes Island Wetlands Mitigation litigation which the Board is not involved with and Chelsea Forge Vintners/Alba Vineyard Certification of Commercial Farm Application attorney/client privilege and 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.

**Certification of Commercial Farm – Chelsea Forge Vintners/Alba Vineyard, BL 113 L 6 & BL 110 L 13.02 & 13.04, Pohatcong Township** – This application meets the eligibility criteria for Certification of a Commercial Farm which is: (1) Five or more acres, applicant supplied tax map, and; (2) \$2,500 annual income from agricultural and/or horticultural products which was provided by 2014 Schedule F; (3) Satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, applicant provided Farmland Assessment Form (FA-1 Form), and; (4) Is located in an area in which, as of December 31, 1997 or thereafter, agriculture has been a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan. Tom Sharko is the landowner for this block and lot.

Mr. Baduini made a motion to justify the Certification of Commercial Farm for Chelsea Forge Vintners/Alba Vineyard, owner Tom Sharko, BL 113 L 6 & BL 110 L 13.02 & 13.04, Pohatcong Township. The applicant provided all the required documents for certification. Mr. Bodine seconded the motion.

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

Motion carries.

**Adjournment:** A motion for adjournment was made by Mr. Menegus and seconded by Mr. Baduini. Motion carries. Chairman Schnetzer adjourned the meeting at 9:33 pm.

Respectfully submitted,



Teresa Kaminski