

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

**Meeting Minutes
December 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 7:30 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: Corey Tierney, T. Kaminski, Staff; Katrina Campbell, Special County Counsel; Henry Riewerts, Greenwich Township; Edward Smith, Freeholder Director; Enrique Hernandez & Frances Cornett, Pohatcong Twp.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the meeting held on November 17, 2015 were approved on a motion by Mr. Baduini and seconded by Mr. Menegus. Motion carries.

Executive Minutes of the meeting held on November 17, 2015 were approved on a motion by Mr. Baduini and seconded by Mr. Bodine. Motion carries.

Correspondence: Noted

Public Input (Non-agenda Items): Mr. Riewerts gave his opinion regarding issues on Soil Disturbance regulation and felt that the CADB should do a case by case basis determination and that it be a fair process for the landowner. Mr. Riewerts expressed concern that the SADC's process regarding interpretations of the deed of easement is biased, unfair, and should be improved.

Old Business:

Correction to September 17, 2015 Minutes – Mr. Baduini made a motion to add motion carries and roll call that was missing on the Alba Vineyards, Pohatcong Township Certification of Commercial Farm section of the September 17, 2015 Minutes. Mr. Burke seconded the motion.

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

Motion carries.

Roes Island Wetland Mitigation Project – Mr. Baduini stated that Independence Township's zoning was changing in regards to the location of this property.

New Business:

Summer Solstice Farm/Hernandez Certification of Commercial Farm, BL 112 L 5, 6, & 9, Pohatcong Township

Wendy Willever recused herself from this determination due to conflict with applicant. 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 a 2014 Schedule F, and; (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. Enrique Hernandez and Frances Cornett are the landowners for this block and lot.

The CADB asked for clarification on wood production and hog & duck acreage on the property. Mr. Baduini made a motion to justify the Certification of Commercial Farm for Summer Solstice Farm, owners Enrique Hernandez and Frances Cornett, BL 112 L 5, 6 & 9, Pohatcong Township. The applicant provided all the required documents for certification. Mr. Dempski seconded the motion.

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

Motion carries.

Ms. Willever returned to her position on the Board.

CADB Funding Resolutions Approval of County PIG Application

O'Dowd East Farm Resolution #15-23, BL 17 L 1 & 2, Greenwich Twp. & BL 40 L 1 in Franklin Twp., 95.79 acres (+3%)

O'Dowd West Farm Resolution #15-24, BL 16 L 6, Greenwich Twp., 109.9 acres (+3%)

O'Dowd South Farm Resolution #15-25, BL 18 L 3 & BL 19 L 1, Greenwich Twp. & BL 41 L 1 & BL 42 L 1 in Franklin Twp., 121.54 acres (+3%)

To be discussed in Executive Session.

SADC/CADB/MUNI Pig Funding Status Discussion

Mr. Tierney went over the figures of some of the township's own open space farmland preservation balances and the SADC's Grants for each MUNI PIG. Mr. Tierney talked about individually having an agreement with each township to utilize their MUNI PIG funding, but that it depends on the application and the municipalities' circumstances. Mr. Tierney stated that the Senate bill passed today regarding the funding for open space and farmland preservation and that it is waiting to be heard in the Assembly.

Mr. Menegus stated that White Township was willing to give it's State cost-share of MUNI PIG Grant to the County if the County was willing to process the application.

Public Input –

Carl & Jennie Crouse Farm, Washington Township

Chairman Schnetzer stated that he invited Freeholder Director Edward Smith to discuss the Carl & Jennie Crouse farmland application with the Board members. Chairman Schnetzer stated that their application was submitted in 2014 and the landowners were asked a number of times whether they wanted to have a Morris Canal easement or exception area on the Canal on their property and they declined. The CADB passed a resolution two months ago approving the application conditions and cost-share funding without any exceptions or easements on the Canal. The Morris Canal Committee, the Board of Recreation Commissioners, and the Planning Board requested that if the landowners were unwilling to sell the canal to the county at this time, that the area be excepted out from farmland preservation so that the opportunity to acquire the canal for the Morris Canal Greenway was not forever lost. Chairman Schnetzer stated that he and Mr. Bodine visited the Crouse's a few times to offer assistance and they were again there today. The Crouse's have not been interested and still are not interested. In Chairman Schnetzer's opinion, if the Crouse's do not want to put an easement on the canal on their property that they own, the County should move forward and preserve the 112 acres without the proposed 2-acre exception area around the canal. Chairman Schnetzer proposed to the Crouse's that if they agree to keep the canal out as an exception, perhaps the CADB would increase the CMV to offset the amount they would have otherwise received had that area been included in farmland preservation.

Mr. Tierney stated that he explained to Mrs. Crouse that if the County requires that they except out 2 acres and still wanted to continue with the preservation, there would be no payment on the exception area. Instead of receiving approximately \$530,000 for the easement, they would receive about \$520,000 for the easement. Mr. Tierney stated that Mrs. Crouse wasn't thrilled about it, but was willing to proceed. He stated that Mrs. Crouse agreed and then a revised contract was sent out with the 2 acre exception area.

Mr. Bodine stated that they should not be forced to do something they don't want to do and give up compensation on the 2 acres, it wasn't on the application they submitted or in the CADB resolution.

Mr. Burke noted that once it was in farmland preservation, the trail easement or exception area could not at a later date be placed over the canal.

Mr. Bodine stated that joining the Morris Canal on those properties in that tract was speculation with tax payers' money on future purchases and why should the Crouse's lose two acres of value for this speculation.

Mr. Tierney stated that excepting out the area for the canal trail was similar to how the County excepts out needed ROW's in the standard contract. Mr. Tierney acknowledged that not everyone views the canal with the same importance, but that the Morris Canal Committee, Board of Recreation, and Planning Board believe the canal is important and asked that it be excepted out.

Ms. Willever stated that the Board is setting a precedent because the County had already paid other landowners for the Morris Canal.

Mr. Tierney stated that was correct, but that this CADB members, the Freeholders, and he as administrator had since changed and that they should develop their own policy for going forward. He also stated that not all canal properties are of equal importance, but that this property had been targeted because of its proximity to Meadow Breeze Park and other nearby canal properties.

Mr. Dempski stated that the canal is in pristine condition near Meadows Breeze Park and it was worthwhile to inflate the CMV value on Crouse to compensate them for the Morris Canal exception. Mr. Dempski said another property on Kayhart's Lane has the Morris Canal

on it, but it was destroyed, and the County should not miss this opportunity so long as the canal is in good condition and to preserve something that has built up this area.

Chairman Schnetzer stated that the Crouse's grandsons are interested in farming the property and that the canal cuts the middle of the field and asked how they would get farm equipment through/over the canal? Mr. Tierney said he offered to have fences, gates, and signs on either side so the farmer always has a clear right to cross.

Mr. Baduini asked Mr. Bodine why the Crouse's were so stubborn and they were being offered a half million dollars. Mr. Bodine answered that it was the landowners' property and that they should never be required to take the exception area and trying to strong arm them is a misuse of taxpayers' money. Mr. Tierney stated that farmland preservation is a voluntary program; the county appraises the properties and makes an offer, but the landowners are free to walk away if they don't like the offer.

Ms. Willever stated that they still have an easement where people would walk through the middle of their property and we are coercing them and wearing them down going back and forth constantly and then holding up their application and then the landowners will be worn down and finally give in. Ms. Willever stated that the CADB passed a resolution and said that the Freeholder's didn't pass the recommended resolution.

Freeholder Director Smith stated that he was told by the Highlands Council that they needed to have an Agritourism model, that there are interests who want attractions like the Morris Canal Greenway available to the public, and that the County preserves Open Space and Farmland towards that goal. He stated that the Crouse's may not have made an application with exception for the canal, but there are strong interests in the canal. He stated he understands that the Crouse's do not want people going through their property and that they're free to not sell the county a trail easement at this time. But what is being discussed now is taking an exception area around the canal so it's not forever preserved as farmland. He state that no one is coercing them to allow people across their property, they will be receiving over \$500,000 of public money for their development rights, they are keeping their farm but there will be a narrow strip through the center that if they or future owners of the farm ever choose, then they could sell that to the county for the canal trail.

Freeholder Director Smith stated that the problem with compensating them for the difference is that the county has no public access rights to it; it still belongs to them, but it's not being preserved as farmland. There is no coercion here to take away rights, but rather we're leaving the option for a future trail easement. The trail easement was rejected initially very early on and that was their right. But the exception area is for future landowners if they want to allow it as a public trail from Meadow Breeze Park to Kayhart's Lane. The Warren County Board of Recreation Commissioners, the Planning Board, and the Morris Canal Committee all have asked that an exception over be taken around the Morris Canal portion of the property.

Mr. Bodine stated that was telling them what to do with their property.

Mr. Tierney reiterated his analogy of excepting out areas that are needed for future ROW and said that the Canal Greenway can be thought of as a form of public infrastructure. He stated that others may disagree about its importance, but that the Planning Board, Morris Canal Committee, and Board of Recreation Commissioners feel it is very important and that it's a value judgment rather than an agricultural determination.

Mr. Burke wanted to know if that 2 acres of the canal was farmable.

Chairman Schnetzer and Mr. Bodine stated that it was farmable.

Mr. Tierney stated that we were paying for the development easement on woodlands on their property which was not farmable. Mr. Schnetzer said that has always been the case because the woodlands are part of the farm. Mr. Tierney explained he mentioned this because even if we're not paying for farmable canal land we're paying for non-farmable land as well.

Freeholder Smith said that there was no justification on compensating for the exception area when the County is not getting anything for it.

Mr. Bodine stated that raising the CMV a couple of hundred dollars might help and keep the exception area.

Mr. Tierney stated that he thought that they had a deal before that, that they were willing to preserve the farm without extra compensation.

Ms. Campbell asked that if this were an SADC Direct Application, would they take in consideration of future trails and except it out? Do they contact the County about their trail plan? Mr. Tierney wasn't sure if they would consider that or not.

Mr. Baduini stated that he thinks the County is already being fair in the price and exception area. He thought that demanding more or not accepting the conditions may be detrimental to them because if the Freeholder's don't pass the resolution, the deal is over with.

Ms. Willever stated again that this was coercion.

Mr. Tierney stated the County could have taken a much harder line and said sell us the canal or we won't preserve the property at all. Instead, the County is trying to find some middle ground. Mr. Tierney stated that he doesn't think that this is coercion because it is a voluntary application, they are not required to apply for farmland preservation, and they are predominantly located in the Highlands Planning Area so they're welcome to sell to someone else.

Chairman Schnetzer stated that if the Board did not previously pass a resolution based on limited SADC funding to not exceed the CMV amount, the Crouse's would have been able to ask for a higher per-acre amount and the Freeholder's would have received the recommendation by resolution. But because of the CMV policy, it is taboo now for the County to pay above the CMV to compensate for land that the County isn't going to preserve as farmland unless the County gets what it wants.

Mr. Tierney stated that there was no change to the CMV per-acre price with adding the exception area to the application. Both appraisers stated that there was no change in value.

Mr. Baduini stated that the CADB should respect the position of the other boards.

Chairman Schnetzer stated that the Freeholder Resolution was not the recommendation that this Board passed in October.

Chairman Schnetzer asked if there were any motions to make another recommendation.

Freeholder Director Smith stated other options were presented to his Board Members from other interested parties and that he gave a lot of thought about this situation on how not to infringe upon the landowner's absolute control of the property. He appreciates the CADB's efforts and recognizes how strongly the CADB feels regarding this situation, but the challenge is accommodating the various interests here. Freeholder Director stated that he was getting a mixed message stating that Mr. Tierney said that they accepted the revised offer, but some of the CADB members stated that is not the case.

Mr. Burke went over three options – 1) Remain with the CADB's original approval to pay the CMV amount for all acreage including the 2 acres (no exception area); 2) Keep the 2 acre exception area without compensation (current revised contract); 3) Pay for the 2 acre exception area.

Mr. Bodine didn't think #3 wasn't an option.

Mr. Tierney stated that there were many options in the beginning, paying fee simple, purchasing the easement but agreeing that it wouldn't be open to the public unless and until the remaining connections had been completed, or until the property passed to another owner.

Mr. Burke asked if the CADB could take action on any of the options that he just presented.

Mr. Baduini stated that we take the option that is currently out there, with the revised contract including the 2 acre exception area.

Mr. Menegus suggested just to wait and see if the Crouse's sign the revised contract with the 2 acre exception area and go from there.

Mr. Schnetzer asked each member if they were aware that a new contract was sent out to the Crouse's with the 2 acre exception area for the Morris Canal with no compensation for the exception area. Each member stated no. Chairman Schnetzer stated that a new contract was sent out without the Board's knowledge and that all the members were expected to get behind it. Chairman Schnetzer thanked Freeholder Director Smith for coming to the meeting and appreciated his presence.

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) Currently processing.
- **Crouse, Dale & Pamela** – Harmony Twp. (Approx. 50 acres) Application has been revised; access waiver sent to SADC.
- **Total Applications: 2 Total Acres: 157**

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*

- **Hart Farm #1** – Franklin Twp. (Approx. 113 acres) On hold pending resolution of issues regarding the Pohatcong Groundwater Contamination Area.
- **Hart Farm #2** – Franklin Twp. (Approx. 267 acres) On hold pending resolution of issues regarding the Pohatcong Groundwater Contamination Area.

Total Applications: 2 Total Acres: 380

Municipal Applications

- **High Acres Farm** – Blairstown Twp. (Approx. 121 acres)
- **Malon Farm** – Hope Twp. (Approx. 65 acres)

Total Applications: 2 Total Acres: 186

Received Green Light Approval:*County Applications*

- **715 Harmony Station Rd. (Crouse, Rich)** – Harmony Twp. (Approx. 108 acres) On hold pending applicant's decision to add another exception area.
- **Brandywine** – Franklin Twp. (Approx. 64 acres) On hold pending applicant's resolution of COAH and zoning issues.
- **Tasevski** – Franklin Twp. (Approx. 88 acres) On hold pending resolution of issues regarding the Pohatcong Groundwater Contamination Area.

Total Applications: 3 Total Acres: 260

Municipal Applications

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

Total Applications: 2 Total Acres: 84

State Applications

Total Applications: 0 Total Acres: 0

Received CMV & Offer Made:*County Applications*

- **Apple Mountain** – White Twp. (Approx. 70 acres) CMV \$3,900. Fully executed contract sent to landowner.
- **Bartha** – White/Oxford Twps. (Approx. 52 acres) CMV \$4,500. Received contract.
- **Burke/Dinsmore Farm #1** – Harmony Twp. (Approx. 81 acres) \$3,500 CMV. Received signed contract and SADC Final Approval. 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 and SADC Final Approval. Waiting for verification of exception area with township before ordering survey.
- **Crouse, Carl** – Washington Twp. (Approx. 120 acres) CMV \$4,700. Accepted offer; contract sent out.
- **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) Under contract; title search, survey, & Phase I underway.
- **O'Dowd Farm (West) #1** – Greenwich Twp. (Approx. 113 acres) Under contract; title search, survey, & Phase I underway.
- **O'Dowd Farm (South) #3** – Greenwich & Franklin Twps. (Approx. 119 acres) Under contract; title search, survey, & Phase I underway. SADC may reduce CMV due to Pohatcong Groundwater Contamination Area.
- **Smith, Skip #2** – Franklin Twp. (Approx. 22 acres) CMV \$5,500. Accepted offer; contract sent out.
- **Sigler, Carl** – Franklin Twp. (Approx. 174 acres) CMV \$4,600. Waiting for reply.

Total Applications: 11 Total Acres: 891

Municipal Applications

- **Campbell Foundry Company** – Hope (Approx. 170 acres) – CMV \$2,000.
- **Croucher** – Blairstown (Approx. 90 acres) – CMV \$4,100.
- **Heatherfields** – Harmony Twp. (Approx. 78 acres) \$5,200
- **Post** – Frelinghuysen Twp. (Approx. 41 acres) – CMV \$4,900.
- **Rothman (Oxbow Acres)** – White Twp. (Approx. 57 acres) – CMV \$4,000.

Total Applications: 5 Total Acres: 436

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

- **Barton #1** – Mansfield/Independence Twps. (Approx. 43 acres) CMV \$4,500. Under contract; proceeding with due diligence.
- **Barton #2** – Mansfield/Liberty Twps. (Approx. 70 acres) CMV \$4,800. Under contract; proceeding with due diligence.
- **Barton #3** – Mansfield/Liberty Twps. (Approx. 28 acres) CMV \$5,800. Under contract; proceeding with due diligence.
- **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. Changed lot configuration. Final inspection performed.

- **Smith, John & Jean #2** – Harmony (Approx. 36 acres) CMV \$6,000. Received title search; survey underway. Final inspection performed.
 - **Race, Sam & Jean** – White Twp. (Approx. 85 acres) CMV \$5,700. Survey underway and received SADC Final Approval.
 - **RLI Enterprises, Inc.** – Franklin Twp. (Approx. 51 acres) CMV \$7,600. Received title search; received draft survey.
- Total Applications: 8 Total Acres: 585**

Municipal Applications

- **Berry Farm** – Frelinghuysen Twp. (Approx. 106 acres) CMV \$6,250. Received title search; survey underway.
 - **Twin Brook Farm** – White Twp. (Approx. 22 acres) CMV \$6,600. Survey and title have been authorized.
- Total Applications: 2 Total Acres: 128**

State Applications

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

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

- **Thompson Farm** – White Twp. (Approx. 38 acres) CMV \$3,600. Received draft survey. Final inspection performed.
 - **Unangst** – White Twp. (Approx. 85 acres) CMV \$3,625. Received draft survey and SADC final approval. Final inspection performed.
- Total Applications: 2 Total Acres: 123**

Municipal Applications

- **Schanzlin** – Harmony Twp. (Approx. 87 acres) CMV \$6,000. Final inspection performed.
- Total Applications: 1 Total Acres: 87**

State Applications

- **Oberly, Jack** – Pohatcong/Alpha (Approx. 92 acres) CMV \$4,000. Scheduled to close on 12/28.
- Total Applications: 1 Total Acres: 92**

Recent Closings:

- **Walburn Farm** – White Twp. (Approx. 28 acres) CMV \$5,900.

Executive Session

Ms. Willever made a motion to go into Executive Session which was seconded by Mr. Burke. Motion carries and the Board entered into Executive Session at 9:01 pm. Mr. Baduini made a motion to come out of Executive Session which was seconded by Ms. Willever. Motion carries. Ms. Campbell stated that the Board came out of Executive Session at 9:18 pm where the O'Dowd's contract matter was discussed and no official action was taken and that these minutes will be available to the public when the CADB deems there is no harm to the public.

CADB Funding Resolutions Approval of County PIG Application

O'Dowd East Farm Resolution #15-23, BL 17 L 1 & 2, Greenwich Twp. & BL 40 L 1 in Franklin Twp., 95.79 acres (+3%) – SADC Cost Share \$387,949.50 (\$4,050/acre) Warren County Cost Share \$215,527.50 (\$2,250/acre), Total Cost \$603,477 (\$6,300/acre).

O'Dowd West Farm Resolution #15-24, BL 16 L 6, Greenwich Twp., 109.9 acres (+3%) – SADC Cost Share \$406,630 (\$3,700/acre) Warren County Cost Share \$208,810 (\$1,900/acre), Total Cost \$615,440 (\$5,600/acre).

O'Dowd South Farm Resolution #15-25, BL 18 L 3 & BL 19 L 1, Greenwich Twp. & BL 41 L 1 & BL 42 L 1 in Franklin Twp., 121.54 acres (+3%) – SADC Cost Share \$387,949.50 (\$4,050/acre) Warren County Cost Share \$215,527.50 (\$2,250/acre), Total Cost \$790,010 (\$6,500/acre).

Mr. Baduini made the motion to support the Warren County Cost Share amount for the preservation funding on all three O'Dowd CPIG farms 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. Burke – yes; Ms. Willever – yes; Mr. Menegus – yes;
Ms. Willever – yes

Motion carries.

Adjournment: A motion for adjournment was made by Ms. Willever and seconded by Mr. Bodine. Motion carries. Chairman Schnetzer adjourned the meeting at 9:24 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Teresa Kaminski", is written over the printed name.

Teresa Kaminski

