

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

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

Meeting Minutes November 15, 2012

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, Frank Gibbs, Joe Gourniak, Sam Race, Joel Schnetzer, Wendy Willever

Members absent: Mike Toretta

Others present: C. Tierney, T. Kaminski, Staff; Michael Lavery, Special County Council; Richard Keiling, Irma DiRisio, Ray & Sue DiRisio, Mansfield Township, Gary Pohorely, SADC.

Chairman Schnetzer led the Pledge of Allegiance.

Minutes of the regular session meeting held on October 18, 2012 were approved on a motion by Mr. Race and seconded by Mr. Baduini.

Roll Call: Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

Motion carries.

Correspondence: noted

Public Input (Non-agenda Items): None

Old Business

Raub Case

Mr. Baduini made a motion to enter into Executive Session and was seconded by Mr. Gibbs. Motion carries. The Board entered into Executive Session at 7:34 pm.

Mr. Baduini made a motion to come out of Executive Session and was seconded by Mr. Gibbs. Motion carries. The Board came out of Executive Session at 7:49 pm.

Santini driveway – This issue was discussed among the Board.

Smith/Rasa Farm – Mr. Lavery stated that the title binder and the endorsed survey were sent last month to the SADC. Brian Smith told Mr. Lavery that he will review the documents after he is done working on the proposed Solar Energy laws.

Wattles Auction – Mr. Tierney stated that the township public hearing is scheduled for tomorrow, November 16th at 1 pm. Mr. Tierney stated that there was contamination discovered at the Ranch House where an underground oil tank with holes was removed, as well as in the basement of another home along Anderson Road where another oil tank leaked. Mr. Tierney visited the site during the removal of these tanks. A total of 8 containers were removed from the property, three interior above ground oil

tanks, two underground oil tanks, and three other containers with gasoline and/or diesel, as well as removing miscellaneous waste from several other small containers. The auction date has been set for February 2, 2013.

New Business:

DiRisio Farm – BL 501 L 14 & BL 602 L 6, 67 acres, Mansfield Twp.

The DiRisio's have petitioned the Board for \$500 more per acre. The CMV is \$6,500. One appraisal is \$8,000 and the other is \$6,155, almost a \$1900 difference. The farm has been in the family since 1938 and was a dairy farm, but now has beef cattle and produces round hay bales for sale. The DiRisio's would like the Board to meet them in the middle at \$7,000. Mr. Baduini proposed \$250 per acre instead of the \$500 more per acre at a cost of \$6750/acre. The total cost to the County would be \$33,500 at \$500/acre.

Mr. Race made a motion to approve the applicant's request at \$7,000 per acre or \$500 more per acre raising the cost-share of the County to \$33,500 for the approximately 67 acre farm. Mr. Gourniak seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – no; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Freedom Group, L.P. – BL 1204 L 24, 41.65 acres, Mansfield Township

This application was presented to the Board for approval. This farm is 100% tillable with 100% prime soil with hay production. There are no existing buildings or residences on the property. The applicant will not be taking any exception areas. Elmer Terhune currently farms the property.

Mr. Baduini made a motion to approve this application and forward it to the SADC for Green Light Approval. Mr. Gibbs seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Pryslak 8-Year Farm Terminations

Pryslak "A" Farm - Block 602, Lots 11.01, 12 & Block 602.01 Lots 11 & 14, Allamuchy Township,
Block 28 Lots 28 & 30 & Block 29 Lots 20, 22, 23, 24, 25, Independence Township,
Block 1 Lots 10, 11 & 23 Liberty Township, 290.68 Acres

Pryslak "B" Farm - Block 1 Lots 9, 24, 25, 27, Township of Liberty & Block 28 Lots 21 &
Block 29 Lots 7, 15, 16, 17 & 21, Township of Independence, 153.72 Acres

Block 29, Lots 7, 15, 16, 17, 20 & 21 are no longer in the tax database system. Independence Township said that these lots were absorbed into other lots but were not aware of which lots.

The legal metes and bounds on both Pryslak "A" & Pryslak "B" has changed since the creation of the initial farmland preservation program agreement and has to be terminated referring to N.J.A.C. 2:76-3.9 ii.

Mr. Race made a motion to approve the terminations for both Pryslak "A" & Pryslak "B" from the 8-year program. Mr. Gourniak seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

County ADA Public Hearing

Mr. Tierney stated that the County ADA is being amended to include Block 2 Lot 5 in Lopatcong Township in the West Project Area. This block and lot is part of a non-profit application where the farm straddles two townships, Harmony and Lopatcong. The total acreage for the Sunny Hill Farm is 30.647 acres. Mr. Tierney stated that publications for the hearing were published in the Star Ledger on 11/14 and in The Daily Record on 11/13. Mr. Tierney had forwarded a resolution to Lopatcong Township for the approval of including this block and lot in the County ADA. Lopatcong Township would not be participating in the cost-share, but would be supporting the preservation. Mr. Tierney has not received a response from the Township.

Mr. Gourniak made a motion to open the hearing up to the public. Mr. Race seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Chairman Schnetzer, for the record, asked if anyone from the public would like to make a comment on the hearing. No response. There were no members of the public in the audience nor was a representative from Lopatcong Township present.

Mr. Race made a motion that if there were no objections from the public, that the Board to accept the addition of Block 2 Lot 5, 6.13 acres in Lopatcong Township to the County ADA. Mr. Gourniak seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

Solar Energy Rules Discussion

Mr. Baduini brought up some issues from the proposed Solar Energy rules. The Board discussed these issues along with their response in the draft letter that will be sent to Susan Payne. Mr. Baduini made a motion to accept the draft response letter with Chairman Schnetzer's signature. Mr. Race seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;

Mr. Gourniak – yes; Ms. Willever – yes

Motion passes.

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

New Applications:

- **Apgar Cider Press** – Harmony Muni PIG (Approx. 19.3 acres)
- **Freedom Group, LP** – Mansfield Twp. (Approx. 41.65 acres)
- **Kleindienst** – SADC Direct, Frelinghuysen Twp. & Stillwater Twp., Sussex County (Approx. 130 acres, 45 acres in Warren) Application at SADC.

Awaiting Green Light Approval:

- **Walburn Farm** – White Twp., (Approx. 28 acres – Muni-PIG)
- **Al-Ruby Farm** – Harmony Twp., (Approx. 27 acres – Muni-PIG)
- **Cooke** – Hope & Frelinghuysen Twp. (Approx. 59 acre County-PIG)
- **McCullough** – Washington Twp. (Approx. 44 acre County-PIG): Applicants have received another one year extension on subdivision approval in May; SADC requesting information.
- **May** – Hope Twp., Non-Profit (Approx. 22.8 acres)
- **Star D Farm** – Harmony Twp., Non-Profit (Approx. 46.74 acres)
- **K-J Farm** – Harmony Twp., Non-Profit (Approx. 104.72 acres)
- **Sunny Hill Farm** – Harmony Twp. & Lopatcong Twp., Non-Profit (Approx. 30.647 acres)

Active Projects:

County Applications

- **Bowers** – Pohatcong Twp. (Approx. 50 acres): Waiting for certification of FRPP appraisal. Received contract, RFP's out for survey, title ordered.
- **Carson** – Frelinghuysen Twp. (Approx. 297 acres): CMV shared with landowner; waiting for decision.
- **Di Risio** – Mansfield Twp. (Approx. 67 acres): CMV of \$6,500 set by SADC. Offer letter sent out to landowner.
- **Gardner** – Franklin Twp. (Approx. 108 acres): CMV shared with landowner; waiting for decision.
- **Martin** – White Twp. (Approx. 86 acres): Under final legal review; outstanding muni and estate taxes to be resolved before farm can close.
- **McConnell** – Oxford Twp. (Approx. 52 acres): Appraisals received; staff reviewing.
- **Pruden** – Hope Twp. (Approx. 162 acres): Appraisals received and sent to SADC for CMV.
- **Schnetzer** – Franklin Twp. (Approx. 62 acres): Property is being surveyed; 5-acre exception area on estate portion removed and amended appraisal letters sent to SADC; waiting for final approval.
- **Smith/Rasa** – Special Counsel is pursuing this.

Municipal Applications

- **Bertholf** – Knowlton Twp. (Approx. 61 acres): Survey and title search being conducted.
- **Domingues** – Greenwich Twp. Muni-PIG (Approx. 63 acres): SADC Final Approval. Under contract; NRCS/FRPP reviewing appraisal.
- **Erhardt** – White Twp. Muni-PIG (Approx. 27 acres): Received Green Light Approval on 6/22/12; Township ordering appraisals.
- **Ritter** – Knowlton Twp. Muni-PIG (Approx. 9 acres): Received Green Light Approval on 7/3/12; Appraisals in process.

Public Comment:

Gary Pohorely, SADC informed the Board that Dan Mull of NRCS and Chuck Rohr, SADC Land Steward visited the Santini property last week regarding the driveway issue. The landowner was worried about flooding and the emergency access. According to the deed of easement, a driveway cannot be moved on a preserved farm.

2nd Executive Session

Mr. Baduini made a motion to enter into Executive Session. Mr. Gourniak seconded the motion.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

Motion carries.

The Board entered into Executive Session at 8:45 pm to discuss the Wattles property.

Mr. Gourniak made a motion to come out of Executive Session which was seconded by Mr. Gibbs.

Roll Call:

Mr. Schnetzer – yes; Mr. Race – yes; Mr. Baduini – yes; Mr. Gibbs – yes;
Mr. Gourniak – yes; Ms. Willever – yes

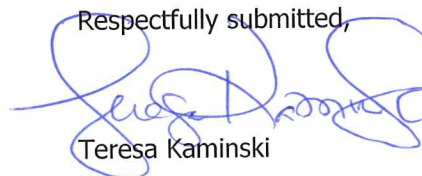
Motion carries.

Mr. Lavery stated that the Board came out of Executive Session at 9:04 pm to discuss contractual/potential litigation, attorney/client privilege matter regarding the Wattles farm where no action was taken and copies of these minutes will be available at such time as the Board determines there is no harm to the public interest.

Mr. Baduini noted that a statement wasn't made after the first Executive Session. Mr. Lavery stated for the record that the Board's 1st Executive Session was with Mr. Keiling regarding the pending litigation on the Raub case where no official action was taken.

Adjournment: A motion for adjournment was made by Mr. Baduini and seconded by Mr. Gibbs. Motion carries. Chairman Schnetzer adjourned the meeting at 9:05 p.m.

Respectfully submitted,



Teresa Kaminski