

STATE AGRICULTURE DEVELOPMENT COMMITTEE
Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625

REGULAR MEETING

January 28, 2010

Chairman Fisher called the meeting to order at 9:15 a.m. In compliance with the “Open Public Meetings Notice”, the following statement was read:

“Pursuant to N.J.S.A. 10:4-6 et seq., adequate public notice of this meeting has been provided by giving written notice of the time, date, location and, to the extent known, the agenda. At least 48 hours in advance, this notice has been posted on the public announcement board, third floor, Health/Agriculture building, John Fitch Plaza, Trenton, NJ, mailed and/or faxed to the Newark Star Ledger, the Times of Trenton, the Camden Courier Post, and filed with the Office of the Secretary of State.”

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairperson (Left meeting at 1:20 p.m.)
Monique Purcell, Acting Chairperson (Arrived at 1:20 p.m.)
Judeth P. Yeany (rep. DEP Acting Commissioner Martin)
Adrienne Kreipke(rep. Acting State Treasurer Andrew P. Sidamon-Eristoff) (Left meeting at 12:20 p.m.)
Donna Rendeiro (rep. DCA Acting Commissioner Grifa)
James Waltman
Torrey Reade
Stephen P. Dey
Alan Danser
Denis C. Germano (Left meeting at 1:20 p.m.)
Brian Schilling

Members Absent

Jane R. Brodhecker

Susan E. Craft, Executive Director
Jason Stypinski, Deputy Attorney General

Others present as recorded on the attendance sheet: Robert J. Baumley, Heidi Winzinger, Brian D. Smith, Charles Roohr, Paul Burns, Edgar Madsen, Edward Ireland, Bryan Lofberg, Dan Knox, Timothy Brill, Stefanie Miller, Gail Harrje, Steve Bruder, David Kimmel, Cassandra McCloud, Patricia Riccitello and Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Barbara Ernst, Cape May County Agriculture Development Board, Nicki Goger, New Jersey Farm Bureau, Dan Kennedy, Burlington County Agriculture Development Board, Mary Morrison, Middlesex County Agriculture Development Board, Amanda Brockwell, Monmouth County Agriculture Development Board, Robert Resker, Warren County Agriculture Development Board.

Minutes

A. SADC Regular Meeting of December 10, 2009 (Open Session)

It was moved by Ms. Reade and seconded by Dr. Dey to approve the open session minutes of the SADC regular meeting of December 10, 2009. The motion was approved (Mr. Schilling, Mr. Germano, Mr. Danser and Ms. Kreipke abstained).

B. SADC Regular Meeting of December 10, 2009 (Closed Session)

It was moved by Ms. Reade and seconded by Dr. Dey to approve the closed session minutes of December 10, 2009. The motion was approved (Mr. Schilling, Mr. Germano, Mr. Danser and Ms. Kreipke abstained).

REPORT OF THE CHAIRPERSON

Chairman Fisher discussed the following with the Committee:

- New Administration

Chairman Fisher stated that one of the first tasks that the transition team did was submit the various transition team reports to Governor Christie. The transition team worked very hard and diligently and he felt that the report pertaining to the Department of Agriculture was very favorable. There was a lot of good information in the report that the new administration will be considering. It was clear that regardless of what happened in the past that agriculture is going to play a big roll in the future in this state and will be viewed upon very favorably for its contributions on all levels. He stated that we should give the new administration

time to figure out what it wants to embrace and areas where there may be questions. There is a lot of activity that he felt the Department of Agriculture may be taking on but we'll have to see.

- SADC Member named to the Farm Service Agency Board

Chairman Fisher stated that Ms. Reade has been named to the Farm Service Agency Board. He congratulated her. He stated that it is an honor to have her serve on the Board.

- Wind/Solar Bill Passed

Chairman Fisher stated that the wind and solar bill has passed and was signed by Governor Corzine. There are a lot of questions being asked by a number of people that have land that they want to be able to put these operations on, not just for preserved farms but for nonpreserved farms. He stated that this Committee will have to play a large role in making sure that everyone understands what can and cannot be done and what is expected so that it gets off to the right start. He stated that he commends Ms. Craft and staff for helping the legislators fine tune the bill so that it serves the agricultural community very well. He stated that more and more the Committee will be called upon to have some general guidelines. He stated that we started with tours of farms in looking at agri-tourism and trying to understand what is, what should be and what cannot be on the farm and then the other area, which has not been done yet will be the soil disturbance issue.

- Meeting with Tom Drewes from the USDA, Natural Resources Conservation Service

Chairman Fisher stated that he met with Tom Drewes from the Natural Resources Conservation Service along with Monique Purcell from the Division of Agriculture and Natural Resources. He stated that he spoke to Ms. Craft regarding the meeting and that there is an issue regarding high tunnel demonstration projects and the tug and pull between issues of impervious cover and runoff. He stated that he thought there might be a solution that will work so that New Jersey can participate.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Craft discussed the following with the Committee:

➤ Secretary of Agriculture

Ms. Craft stated that Governor Christie has named Secretary Fisher to remain as Secretary of Agriculture. She congratulated Secretary Fisher and stated that she looks forward to continue working with him.

➤ Treasurer's Office Designee and NJ DEP Designee

Ms. Craft stated that Adrienne Kreipke is at today's meeting representing Acting State Treasurer Sidamon-Eristoff. She stated that Judeth Yeany is also present at today's meeting representing NJ DEP Acting Commissioner Martin. She welcomed both designees to the meeting. Ms. Craft stated that Ms. Murphy had her baby on Tuesday, a little girl, and that they are both healthy and happy.

➤ SADC Employee of the Year

Ms. Craft stated she would like to start today's meeting by recognizing an employee of the SADC. She stated that, like most government agencies, we do so much work and are always so busy pushing out paperwork, and concentrating on so many things all the time, with the agency being so dependent on the dedication of the people inside the office that never get recognition or even take enough time for themselves to even take lunch time. She wanted to start administratively to recognize one employee each year from the SADC who does make an outstanding contribution to its success. She stated that for this year she would like to recognize Stefanie Miller who is an Agricultural Resource Specialist. Ms. Craft stated that the plaque was informally presented to Ms. Miller at the office Christmas luncheon among staff. Ms. Craft read the proclamation outlining Ms. Miller's achievements to the Committee. Ms. Craft and the Committee thanked Ms. Miller for her contributions.

➤ Solar/Wind Bill

Ms. Craft stated that regarding the wind and solar bill that was passed, the Department will be putting together a communication to everyone to try and walk through the basics of the bill and procedurally what agency will engage with the various issues, whether it is a preserved farm or if it is a right to farm issue, etc. She stated that she will be meeting immediately on this matter and that the communication document will go out within the next couple of weeks. She stated that they will make sure that the SADC, the Department of Agriculture, NJ DEP, all of whom have a regulatory role in this bill are on the same page.

Ms. Craft stated that regarding the 2009 bond funds, she does not have any additional information as yet. She stated that regarding the transition report, overall the report for the Department of Agriculture was very positive. She stated that she was very pleased to see that the SADC was specifically identified and recommended to continue to administer the farmland preservation programs. The discussion is out there regarding the need for a long-term dedicated funding source for the program. There is also discussion in the report concerning support for transfer of development rights and the SADC's work with other state agencies to continue TDR implementation. She was very pleased to see that in the report. Recognition of right to farm was also important, recognition that the dual appraisal valuation issue, particularly in the Highlands needs to be addressed. She stated that the report does directly comment that the 2009 bond issue will need to be addressed by the Administration as soon as possible in order to make a decision about when that funding can be made available. Ms. Reade stated that the report also addresses conservation funding. Ms. Craft stated that it does raise the need for soil and water conservation funding and it recommends that whatever future funding source is identified that soil and water funds be able to be obtained from that source.

➤ Request for Earmark Funding In Washington, DC

Ms. Craft stated that the Secretary's Office has informed the SADC that it may request federal earmark funding. She stated that she didn't think that the SADC has ever pursued funding before. She stated that what she is proposing, and she discussed this with the State Board of Agriculture yesterday, is \$100,000.00 in earmark funding for purposes of providing technical assistance to the SADC to develop agricultural management practices (AMPs) associated with the wind, solar and bio-mass legislation. She would like to spend some money and hire experts in this field to help assemble AMPs in a timely fashion. The second earmark will pertain to the soil and water funding need. She stated that we have been talking with the Department over the last couple of years regarding our desire and need for more conservation planning assistance. She stated that sometimes we get into issues relating to violations of the deed of easement that are associated with a lack of proper stewardship on a farm. She would like to request some funding to contract out to conservation planning experts for a few years to assist in reaching out to landowners, to educate them about conservation programs that are available to assist them in getting conservation plans prepared on a preserved farm and implemented so that we can improve and augment good conservation practices on preserved farms. She stated that she is asking for \$300,000.00 for that purpose for three years. She stated that she is also asking for \$1.6 million in direct funding for soil and water conservation grants. She stated that there will be \$400,000.00 left in the end from collected interest earnings and from funds

transferred from the Department to the SADC last year for soil and water conservation. She stated that with the \$400,000.00 and the \$1.6 million there will be a total of \$2 million to get through the time period that we may not have a dedicated funding source. If the Committee concurs with that request that is what the SADC will do. She asked for a motion by the Committee.

It was moved by Dr. Dey and seconded by Ms. Reade to authorize SADC staff to seek federal earmark funding in the amount of \$100,000.00 for purposes of providing technical assistance to the SADC to develop agricultural management practices associated with the wind, solar and bio-mass bill, \$300,000.00 to contract out to conservation planning experts to assist in educating landowners about conservation programs that are available and to assist landowners in preparing and implementing conservation plans and to request \$1.6 million in direct funding for soil and water conservation cost share grants. The motion was unanimously approved.

Dr. Dey asked if the Committee will have the opportunity to review the wind and solar communication that Ms. Craft will be sending out to the CADBs before it goes out. Ms. Craft stated that staff can provide it to the Committee for comment prior to sending it out, however she would not want to wait until the next meeting of the Committee to send it out. Dr. Dey felt that the Committee should review it first. Ms. Craft stated that she can do that and that she can work with the Department on the draft document, send it to the Committee for review and then send it out as soon as possible.

Chairman Fisher stated that the legislation may allow for the possibility that someone can initiate a project without obtaining the SADC's approval. We need to get this correspondence out as soon as possible. Ms. Craft stated that that staff is carefully reviewing the legislation. The Secretary has suggesting giving some scenarios. She stated that for instance, say you're a farmer, where do you need to go? Are you seeking right to farm protection or not, do you have a preserved farm or not. Depending on some of the facts, the path may be a little different. That is what staff will try and lay out.

Ms. Yeany stated that in that group of bills that were past at the end of the session, there was a separate bill for establishing a wind and solar commission with the focus being on where it is appropriate to place these facilities on state property. She stated that the NJ DEP was particularly concerned about that because it is such a large land holder and it does have direct representation on the this commission, which as far as she is aware, has not been formed yet. She stated that she doesn't recall if agriculture was particularly mentioned in that legislation but it was definitely something that we should be coordinating. She

stated that she made their Commissioner's office aware because she knew in their own department if you only have one DEP representative you have to choose between representing the land management programs or the programs that are more involved in green energy. She stated that there has to be coordination even within her own department but there tends to be some overlap there and it is an issue that they are also concerned about because they get questions on preserved park land as to what is acceptable and what is not and they have been trying to sort that out.

Ms. Yeany stated that regarding the 2009 bond funds. Again, there is a similar issue of being to a certain point with their applications but not being able to move further unless the bonds are sold for the 2009 funds. She stated that as part of briefing DEP's new Commissioner, Amy Cradic, who is DEP's Assistant Commissioner, has brought to the Commissioner's attention where they are in the process with applications and what the consequences would be if those funds do not materialize.

Ms. Reade stated that she is seeing 30-acre projects in development for solar farms in her area and the southern part of the state. She stated that the first ones were put up on old sewage infiltration pits, but for the subsequent ones there are no storm water regulations for them and no one knows what the infiltration is and a literature search has not come up with anything. She stated that no one knows what the environmental implications are and some of the more recent projects, in the wake of this bill have been to put these very large facilities on producing farmland, not on brown fields. She stated that she is concerned as a farmer and a member of the Committee and asked if some environmental regulations could be created. She stated that right now everything seems good because it is green energy. Ms. Yeany stated that it is not an issue that she has specifically spoken to land use about but she thought that dialog would be happening soon. She stated that it is good to hear Ms. Reade's perspective on knowing up front what some of the concerns are. She stated she would provide the contact information to staff and they can talk about it further. Ms. Craft stated that there is going to be a flurry of activity and there is actually a bill that has been introduced to exempt solar panels from being considered impervious cover. Ms. Craft stated that what is important is to separate out farmers who are going to be using this under the bill that passed that affects us and everyone else. She stated that our focus is developing the rules for an agricultural commercial farm that will be participating.

Chairman Fisher stated that there are certain regions of the state in the farming community that are concerned that there is the potential to lose all of our farmland, so it is going to take many pieces to put together.

➤ SADC Overview for 2009

Ms. Craft asked Ms. Winzinger to provide an overview for 2009 to the Committee. Ms. Winzinger referred the Committee to the Permanently Preserved Farmland by Calendar Year spreadsheet for the Committee's reference. She stated that for 2008 the SADC closed on 142 transactions but only 117 in 2009. She stated that the biggest change over the two year period was in the municipal PIG program. She stated that a lot of the municipalities that were participating in the municipal PIG program had accumulated money over 2003 - 2006. She stated that the SADC tried very hard to get those municipalities to spend down their funding and they made a great effort at the township level to get their projects in and spend down that funding because the new rules would be coming into play and we were also looking at new funding. That was the reason for the many closings that took place in 2008. She stated that in 2009 there was new funding in the amount of \$750,000.00 for each municipality. She stated that for one thing, that was not nearly the \$1.5 million that the towns would normally be looking for and also it was through the bond question on the ballot in 2007. However, it didn't get approved by the Legislature until August 2009. During that period of time, there was not a solid guarantee of funding so staff found that was an issue not only with townships but also with nonprofit organizations as well. Staff felt that the SADC could have done much more if there was guaranteed funding. The same applied with the State acquisition program. She stated that the difference between the two years is funding related. She felt that for this year there will be a big jump with the counties, either through the municipal PIG program or the county PIG program. Also the State acquisition program was higher in 2008 but that was the year the SADC closed on the Seabrook Farms, which was approximately 1,700+ acres at a cost of approximately \$13 million.

Ms. Craft stated that when staff looked at these figures, she asked Ms. Winzinger to meet with each of the counties and talk about acquisitions, green light approvals to see how the SADC can work better with the counties to reach common goals.

COMMUNICATIONS

Ms. Craft encouraged the Committee to take home the various articles provided in the meeting binders. She stated that the transition team report is also provided in this section for the Committee's review. She stated that there is also a draft letter in response to a recent letter the SADC received from Cumberland County regarding the SADC's review of the Willis subdivision application. The County raised some issues, one of which was how long it took to get approval. The second issue raised she felt, was a misunderstanding of what happened at the

meeting with regards to the discussion about the Morris County court case and decision. Ms. Craft referred the Committee to the draft letter that is in response to the letter sent to the SADC by the Cumberland County Agriculture Development Committee Vice Chair, Alfred Caggiano. She stated that the draft letter lays out the timing of what occurred and lays out what happened literally at the SADC meeting through a copy of the minutes and lays out how the SADC was very careful about setting legal precedent. She stated that these applications are getting more and more complex and staff encourages and invites counties to give ideas on objective criteria regarding subdivision requests going forward. She stated that she would like to offer to go to the county to discuss this.

Chairman Fisher stated that just as SADC staff goes out to some of the farms, possibly they could come to the SADC to see what issues are being discussed because possibly they forget sometimes what the SADC's mission is. Ms. Craft stated that some counties are here just about every meeting and she felt that is tremendously valuable for the CADBs, even if they don't have something on the agenda. Coming to the meetings to hear controversial discussions will give the counties a better sense of what the SADC's thinking is. She stated that Salem and Cumberland Counties are usually absent at these meetings and she feels it is hurting their understanding of what is happening. Ms. Craft stated that she would need a motion to send out the draft letter.

It was moved by Dr. Dey and seconded by Mr. Waltman to authorize SADC staff to send out the response letter to the Cumberland County Agriculture Development Board letter dated December 20, 2009 regarding the Willis division of the premises request. The motion was unanimously approved.

Mr. Waltman stated he would like to thank the SADC, and Ms. Craft in particular, for the work done on the St. Michael's tract in Hopewell Township, Mercer County. He stated that the property, which consisted of 337 acres and had multiple partners, closed last week. He felt it was a great step forward in a demonstration that we can bring the various programs together, the Green Acres Program, the Farmland Preservation Program, along with local, county and other interests.

PUBLIC COMMENT

The following members of the public addressed the Committee:

- Daniel Pace, Mercer County Agriculture Development Board: Mr. Pace asked if the counties would be copied on the Cumberland County letter that was discussed earlier. Ms. Craft responded that everyone would be

copied on the response letter.

NEW BUSINESS

A. Eight Year Farmland Preservation Program – New Enrollment

1. Anthony Berenato, Town of Hammonton, Atlantic County

Ms. Winzinger referred the Committee to the New Enrollments Summary for the Eight Year Farmland Preservation Program. She stated that there is one request for new enrollment for Anthony Berenato from Atlantic County. She reviewed the specifics with the Committee and stated that staff recommendation is to grant approval to the new eight year program enrollment as follows:

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolution FY2010R1(1) granting certification of a new Eight Year Farmland Preservation Program for the following landowner as presented and discussed, subject to any conditions of said resolution:

1. Anthony Berenato, SADC # 01-0131-8F
Block 502, Lot 9, Town of Hammonton, Atlantic County
20.67 Acres
Soil and Water Conservation Cost Share Eligibility Amount
(subject to available funding): \$4,136.00

The motion was unanimously approved. (A copy of Resolution FY2010R1(1) is attached to and is a part of these minutes.)

B. Eight Year Farmland Preservation Program: Renewals, Terminations and Withdrawals

Ms. Winzinger referred the Committee to the Eight Year Program Summary For FY 2010 for renewals, terminations and withdrawals of eight year programs and municipally approved eight year programs. She reviewed the specifics as follows with the Committee:

Renewals: None

Withdrawals: None

Terminations:

1. Bruce and Jeannine Campione, SADC # 0117-19F-01/01-0067-8F
Township of Mullica, Atlantic County, 18.610 Acres

Soil and water conservation cost share funds remaining at time of termination:
\$11,166.00 (\$0.00 expended)

2. Bruce and Jeannine Campione, SADC #0117-20F-01/01-0068-8F
Township of Mullica, Atlantic County, 20 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$12,000.00 (\$0.00 expended)
3. Paul Macrie, III, Nicholas and Michael Macrie, SADC# 0113-60F-01/01-0007-8F
Town of Hammonton, Atlantic County, 36.570 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$16,236.81 (\$5,255.19 expended) *

* Permanently preserved April 14, 2004

4. Paul and Joan Macrie, SADC # 0112-01F-01/01-0071-8F
Town of Hammonton and Mullica Township, Atlantic County, 191.820 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$39,582.00 (\$9,600.00 expended) *

* Permanently preserved May 30, 2003

5. Edward J. and Gail A. Overdevest, SADC #0607-19F-01/06-0004-8F
Hopewell Township, Cumberland County, 229 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$23,184.67 (\$29,715.33 expended)
6. Alvin and Margaret Cloak, SADC # 0805-02M-01/08-0006-8M
Franklin Township, Gloucester County, 25.100 Acres
Soil and water conservation cost share funds remaining at time of termination:
\$15,060.00 (\$0.00 expended)

Ms. Winzinger indicated that this was for informational purposes only and that no action is needed by the Committee.

C. Soil and Water Conservation Cost Share Grant Requests

Note: Ms. Kreipke and Ms. Rendeiro were absent for the following discussion and action taken by the Committee. Note: Ms. Reade stated that she would be recusing herself from any discussion/action pertaining to the Cumberland County and Salem County requests to avoid the appearance of a conflict of interest. She stated that she is the supervisor for the Cumberland/Salem Soil Conservation Districts.

Chairman Fisher stated that he would be recusing himself from any discussion/action pertaining to the Cumberland County requests to avoid the appearance of a conflict of interest. Henry DuBois, Agent for James and Joanne Seabrook, an applicant requesting soil and water conservation cost share funds, is also a sitting member of the NJ State Board of Agriculture to whom Chairman Fisher reports in the discharge of his duties as the NJ Secretary of Agriculture.

Mr. Lofberg referred the Committee to the Status of FY 2009 and FY 2010 Funds for the soil and water conservation project grants program. He reviewed the specifics with the Committee. He stated that there was a total of \$669,432.05 available for soil and water conservation cost share grants from funds available (\$559,646.29 in uncommitted bond funds from the FY 2006-2009 appropriations and interest earnings, and \$109,785.76 in uncommitted funds from the FY 2010 General Fund). He stated that of the \$109,785.76 funds from the FY 2010 General Fund there was a second transfer from the Division of Agriculture and Natural Resources (CCSP and NPS funds) in the amount of \$350,000.00. Mr. Lofberg stated that new soil and water conservation cost share grant requests before the Committee today, if approved, total \$263,625.10, leaving a usable balance of \$405,806.95. Ms. Craft stated that the usable balance of \$405,806.95 is what will be relayed to the CADBs for soil and water projects.

Mr. Lofberg referred the Committee to the Soil and Water Conservation Project Cost Share Grants – Projects for Funding Summary showing ten (10) total requests for soil and water conservation cost share grant funding, of which eight (8) requests are under Priority # 1 and two (2) requests are under Priority # 2. He reviewed the specifics with the Committee and stated that staff recommendation is to approve the requests as presented and discussed.

It was moved by Dr. Dey and seconded by Mr. Danser to approve the following Resolutions granting approval to a soil and water conservation cost share grant for the following landowners as presented and discussed, subject to the availability of funds, and subject to any other conditions of said resolutions:

PRIORITY # 1

ATLANTIC COUNTY

1. Trust of John Bertino (Resolution FY2010R1(2))
SADC #01-0068-PN
Town of Hammonton, Atlantic County, 218.753 Acres
Cost Share Grant Amount: \$48,440.00 (Obligation # 1)
PROJECT: Installation of an irrigation system consisting of a ten (10) inch

- PVC irrigation well at a depth of 200 feet, 440 feet of four (4) inch mainline and 26.6 acres of drip irrigation.
2. JSM Blueberries (Resolution FY2010R1(3))
SADC #01-0080-PN
Town of Hammonton, Atlantic County, 72.690 Acres
Cost Share Grant Amount: \$34,400.00 (Obligation # 1)
PROJECT: Installation of 20.1 acres, 8.0 acres, 4.6 acres and 29.2 acres of drip irrigation.

CAPE MAY COUNTY

1. Novasack Turf Farms (Resolution FY2010R1(4))
SADC # 05-0028-EP
Township of Dennis, Cape May County, 329.901 Acres
Cost Share Grant Amount: \$29,250.00 (Obligation # 1)
PROJECT: Installation of a 780 foot center pivot irrigation system.

PRIORITY # 2

ATLANTIC COUNTY

1. Ralph and John Formisano (Resolution FY2010R1(9))
SADC #0104-01F-01
Buena Boro, Atlantic County, 60.840 Acres
Cost Share Grant Amount: \$28,750.00 (Obligation # 2)
PROJECT: Installation of 2,500 feet of eight (8) inch PVC mainline and fifty (50) eight (8) inch risers
CONDITION: Completion of project prior to expiration of eight-year farmland preservation program, which is August 1, 2010.
2. Anthony J. Berenato (Resolution FY2010R1(10))
SADC #01-0099-8F/01-0029-EP
Town of Hammonton, Atlantic County, 92 Acres (#01-0099-8F) and 63.219 Acres (#01-0029-EP)
Cost Share Grant Amount: \$4,404.90 (Obligation # 5)
PROJECT: Installation of five (5) acres of drip irrigation.
CONDITION: Completion of project prior to expiration of eight-year farmland preservation program, which is March 12, 2011.

The motion was approved. (Ms. Kreipke and Ms. Rendeiro were absent for this vote.) (Copies of Resolutions FY2010R1(2), FY2010R1(3), FY2010R1(4),

FY2010R1(9) and FY2010R1(10) are attached to and are a part of these minutes.)

It was moved by Mr. Danser and seconded by Dr. Dey to approve the following Resolutions granting approval to a soil and water conservation cost share grant for the following landowners as presented and discussed, subject to the availability of funds, and subject to any other conditions of said resolutions:

PRIORITY # 1

CUMBERLAND COUNTY

1. Helga Tacreiter (Resolution FY2010R1(5))
SADC #06-0057-EP
Township of Hopewell, Cumberland County, 77.886 Acres
Cost Share Grant Amount: \$10,178.50 (Obligation # 2)
PROJECT: Installation of a livestock water facility consisting of 2,300 feet of one (1) inch pipeline, six (6) frost-free hydrants and six (6) 100 gallon seasonal troughs; animal waste control facility consisting of 3,200 feet of gutters and downspouts, sixty (60) feet of four (4) inch PVC pipe, 200 feet of six (6) inch CPT, ninety (90) feet of eight (8) inch CPT, fourteen (14) feet of six (6) inch smooth diversions, 0.03 acres of land shaping.
2. H & S DuBois, Agent for James & Joanne Seabrook (Resolution FY2010R1(6))
SADC #06-0060-EP
Township of Upper Deerfield, Cumberland County, 130.431 Acres
Cost Share Grant Amount \$42,000.00 (Obligation # 1)
PROJECT: Installation of a 1,050 foot center pivot irrigation system.

SALEM COUNTY

1. Walter J. Kern, Jr. and M. Jeannette Kern and C. Eric Kern (Resolution FY2010R1(7))
SADC # 17-0029-EP
Township of Upper Pittsgrove, Salem County, 365.267 Acres
Cost Share Grant Amount: \$50,201.70 (Obligation # 2)
PROJECT: Installation of a 403 foot and 500 foot center pivot irrigation system and repiping of two (2) center pivot towers.
2. Samuel F. Musumeci (Resolution FY2010R1(8))
SADC #17-0010-NP

Township of Pilesgrove, Salem County, 101.627 Acres
Cost Share Grant Amount: \$16,000.00 (Obligation # 1)
PROJECT: Installation of a water impoundment reservoir (pond) and
pipe drop spillway.

The motion was approved. (Ms. Kreipke and Ms. Rendeiro were absent for the vote. Chairman Fisher and Ms. Reade recused themselves from the vote.)

Note: Ms. Kreipke, Ms. Rendeiro, Ms. Reade and Chairman Fisher returned to the meeting at this point.

D. Resolution for Approval: FY 2009 Planning Incentive Grant Program

1. Final Approval of Municipal Planning Incentive Grant Program Application including the Comprehensive Farmland Preservation Plan and Project Area Summary for Readington Township, Hunterdon County

Mr. Brill and Mr. Bruder referred the Committee to Resolution FY2010R1(11) for a request for final approval of the Municipal Planning Incentive Grant Program application including the comprehensive farmland preservation plan and project area summary for Readington Township, Hunterdon County. They reviewed the specifics of the resolution with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolution FY2010R1(11) granting final approval of the Municipal Planning Incentive Grant Program Application including the Comprehensive Farmland Preservation Plan and Project Area Summary for Readington Township, Hunterdon County, as presented and discussed, subject to any conditions of said resolution. The motion was approved.(Ms. Rendeiro abstained.) (A copy of Resolution FY2010R1(11) is attached to and is a part of these minutes.)

Note: Chairman Fisher left the meeting at this point. Acting Chairman Danser presided over the meeting.

E. Request for Final Approval – Direct Easement Purchase Program

1. Gary and Shirley Hitchner, U. Pittsgrove/Pilesgrove Twps., Salem County (# III Farm) (Resolution FY2010R1(12))
2. Gary and Shirley Hitchner, Pilesgrove Township, Salem County (# IV Farm) (Resolution FY2010R1(13))

Mr. Knox referred the Committee to Resolution FY2010R1(12) and Resolution FY2010R1(13), both requests for final approval on the Gary and Shirley Hitchner farms # III and # IV, located in Upper Pittsgrove/Pilesgrove Townships, Salem County. He reviewed the specifics of each applicant with the Committee and stated that staff recommendation is to grant final approval to both applicants.

It was moved by Dr. Dey and seconded by Ms. Reade to approve Resolution FY2010R1(12) granting final approval of the Gary and Shirley Hitchner Farm (Farm # III) , Block 65, Lots 1 and 26, Upper Pittsgrove Township, Salem County and Block 88, Lots 1 and 2, Pilesgrove Township, Salem County, 274 net acres, for the direct acquisition of the development easement at a value of \$8,500.00 per acre for approximately \$2,329,000.00 based on 274 acres, with the SADC approving two (2) severable exceptions that shall be limited to one single family residence and contain Right to Farm language in the deeds, subject to any conditions of said resolution. The motion was approved. (Chairman Fisher was absent for the vote.) (A copy of Resolution FY2010R1(12) is attached to and is a part of these minutes.)

It was moved by Dr. Dey and seconded by Ms. Reade to approve Resolution FY2010R1(13) granting final approval of the Gary and Shirley Hitchner Farm (Farm # IV) , Block 88, Lot 3, Pilesgrove Township, Salem County, 131 net acres, for the direct acquisition of the development easement at a value of \$10,000.00 per acre for approximately \$1,310,000.00 based on 131 acres, with the SADC approving two (2) severable exceptions that shall be limited to one single family residence and contain Right to Farm language in the deeds, as presented and discussed and subject to any conditions of said resolution. The motion was approved. (Chairman Fisher was absent for the vote.) (A copy of Resolution FY2010R1(13) is attached to and is a part of these minutes.)

F. Requests for Final Approval - Nonprofit Grant Program

Mr. Knox referred the Committee to five (5) requests for final approval under the Nonprofit Grant Program. He reviewed the specifics of each request with the Committee. He stated that staff recommendation is to grant final approval to the following applicants as presented and discussed.

It was moved by Mr. Waltman and seconded by Dr. Dey to approve Resolution FY2010R1(14) through Resolution FY2010R1(18) granting final approval to the following farms, as presented and discussed, subject to any conditions of said Resolutions:

1. The Land Conservancy of New Jersey/Sam Santini (Resolution FY2010R1(14))
Block 43, Lots 1 and 11
Franklin Township, Warren County, 74 Acres
SADC cost share grant shall not exceed \$3,200.00 per acre (total of approximately \$236,800.00 based on 74 acres); the SADC recognizes a 1.5 acre nonseverable exception for a future single family residence; the SADC shall provide a cost share grant to the Land Conservancy of NJ for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to availability of funds; the SADC acknowledges the Land Conservancy of NJ assignment of the deed of easement and monitoring responsibilities to Warren County for no value.

2. Hunterdon Land Trust Alliance/Stamets Farm (Resolution FY2010R1(15))
Block 25, Lot 60, Holland Township, Hunterdon County, 183 Acres
SADC cost share grant in the amount of \$500,000.00, not to exceed \$3,875.00 per acre; the SADC approves the use of New Jersey Conservation Foundation Federal Farm and Ranch Lands Protection Program funds for this acquisition, which will include an impervious coverage limitation of three (3) percent, leaving approximately 5.5 acres available for agriculturally related structures outside the exception areas and other restrictions required under the Federal program; the SADC recognizes a two (2) acre nonseverable exception area around an existing single-family residence and a ten (10) acre severable exception to be attached to adjacent Lot 97, Block 25, which is not owned by the landowner of the property. The combined lot shall be limited to one (1) single-family residence; the SADC shall provide a cost share grant to the Hunterdon Land Trust Alliance for up to fifty (50) percent of the eligible ancillary costs, which will be deduced from its appropriation and subject to availability of funds; the SADC acknowledges the Hunterdon Land Trust Alliance assignment of the deed of easement and monitoring responsibilities to Hunterdon County.

DISCUSSION: Mr. Knox stated that the landowner is requesting a two-acre nonseverable exception around an existing residence plus a ten (10) acre severable exception to be attached to adjacent Lot 97, Block 25, which is owned by a family member who wants to acquire an additional ten acres to expand his operation. The large lot created by combining the ten-acre severable exception to the adjacent lot shall be limited to one single family residence. Mr. Danser asked

if that restriction states that the severable exception cannot be subdivided only resubdivided, in other words that it can only be attached to that out parcel and it cannot be created as a separate lot. Mr. Knox responded yes it can only be attached to that adjacent lot and it is being restricted to one housing opportunity. Ms. Winzinger stated that actually it is zero housing opportunities if it was not being combined. If they are combined and merged it is the one residence that is already existing. Staff can make sure to clarify that.

3. South Jersey Land & Water Trust/Yetneck Farm (Resolution FY2010R1(16))
Block 230, Lot 6, and Block 233, Lot 13
Carney's Point Township, Salem County, 75 Acres
SADC cost share grant shall not exceed \$3,500.00 per acre (total of approximately \$262,500.00 based on seventy five (75) acres; the SADC recognizes a one (1) acre nonseverable exception area around the existing single-family home with the exception to be restricted to one (1) single-family residence; the SADC approves the use of SADC federal Farm and Ranch Lands Protection Program funding, which will include an impervious coverage limitation of two (2) percent and other restrictions required under the federal program; the Federal Grant of \$3,300.00 per acre (total of \$247,500.00 based on seventy five (75) acres) shall be passed through to the South Jersey Land and Water Trust as part of its matching cost share; the SADC shall provide a cost share grant to SJLWT for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to available funds.

Discussion: the South Jersey Land and Water Trust (SJLWT) received a soils waiver from the USDA, Natural Resources Conservation Service (NRCS) because the property did not meet the USDA/NRCS standards for Prime, Statewide or Unique soils and the farm was included on the SADC FY2008 First Amendment FRPP grant application as a targeted farm. Also, the SJLWT has notified the SADC that since it has a severe shortfall of funding due to the lack of local participating it would like the SADC to pass through the entire FRPP grant of approximately \$247,500.00 in order to assure the preservation of the Yetneck farm. The SJLWT has also indicated that the purchase and preservation of this property will not occur unless the SADC is able to utilize and "pass through" the entire FRPP grant.

4. South Jersey Land & Water Trust/DiGregorio Farm (Resolution FY2010R1(17))
Block 230, Lots 7 and 23
Carney's Point Township, Salem County, 67 Acres

SADC cost share grant shall not exceed \$3,400.00 per acre (total of approximately \$227,800.00 based on sixty-seven (67) acres; the SADC recognizes a one (1) acre nonseverable exception area around the existing single-family home with the exception to be restricted to one (1) single-family residence; the SADC approves the use of SADC federal Farm and Ranch Lands Protection Program funding, which will include an impervious coverage limitation of two (2) percent and other restrictions required under the federal program; the Federal Grant of \$2,850.00 per acre (total of \$190,950.00 based on sixty seven (67) acres) shall be passed through to the South Jersey Land and Water Trust as part of its matching cost share; the SADC shall provide a cost share grant to SJLWT for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to available funds.

Discussion: The South Jersey Land and Water Trust (SJLWT) received a soils waiver from the USDA, Natural Resources Conservation Service (NRCS) because the property did not meet the USDA/NRCS standards for Prime, Statewide or Unique soils and the farm was included on the SADC FY2007 First Amendment FRPP grant application as a targeted farm. Also, the SJLWT has notified the SADC that since it has a severe shortfall of funding due to the lack of local participation it would like the SADC to “pass through” the entire FRPP grant of approximately \$190,950.00 in order to assure the preservation of the DiGregorio farm. The SJLWT has also indicated that the purchase and preservation of this property will not occur unless the SADC is able to utilize and “pass through” the entire FRPP grant.

5. Monmouth Conservation Foundation/Keris Farm (Resolution FY2010R1(18))
Block 12, Lots 8 and 8.05
Upper Freehold Township, Monmouth County, 22 Acres
State cost share not to exceed \$15,500.00 per acre for a total of \$341,000.00 based on 22 acres; the SADC recognizes a 1.2 acre non-severable exception area around an existing farm market and an existing single-family residence; the SADC shall provide a cost share grant to the Monmouth Conservation Foundation for up to fifty (50) percent of the eligible ancillary costs, which will be deducted from its appropriation and subject to available funds.

The motion was approved. (Chairman Fisher was absent for the vote.) (A copy of Resolution FY2010R1(14) through Resolution FY2010R1(18) is attached to and is a part of these minutes.)

G. Requests for Final Approval - New Rule County Planning Incentive Grant Program

Note: Chairman Fisher returned to the meeting at this point and presided over the meeting.

Ms. Winzinger stated that there are twelve (12) applications before the Committee that are ready for final approval. She reviewed the specifics of each farm with the Committee and stated that staff recommendation is to grant final approval to the following farms as presented and discussed:

It was moved by Mr. Danser and seconded by Dr. Dey to approve Resolution FY2010R1(19) and Resolution FY2010R1(22) through FY2010R1(30) granting final approval to the following landowners, as presented and discussed and subject to any conditions of said Resolutions. For the Krowicki farm in Plumsted Township, Ocean County and the Demeter # 2 farm in White Township, Warren County the Committee grants final approval as amended below:

1. Burlington County/Bell Estate Farm (Resolution FY2010R1(19))
Block 604, Lot 7
North Hanover Township, Burlington County, 125 Net Acres
State cost share of \$8,316.73 per acre (60% of the adjusted easement purchase price, \$13,861.22 per acre), for a total grant of \$1,060,674.16; the SADC grant will be funded from the competitive grant fund and no additional SADC competitive grant funds can be sought for this property resulting from any increase in final surveyed acreage above the estimated \$1,060,674.16 identified in this final approval. The property includes a two (2) acre nonseverable exception for a future single-family residence and flexibility of use.

Discussion: Burlington County purchased this farm in fee simple title in December 2007. Pursuant to N.J.A.C. 2:76-6.23(c) where the county has acquired land in fee simple title and is requesting an SADC cost share for the purchase of a development easement and the county resold the restricted premises prior to the SADC providing its cost share grant, the SADC's cost share grant shall be based on the development easement value determined pursuant to N.J.A.C. 2:76-10 and certified by the SADC, on the purchase price of the premises paid by the county minus the certified "after" value of the restricted premises or on the purchase price paid by the county less the payment received for the resale of the restricted premises, whichever is less. It has been determined that pursuant to N.J.A.C. 2:76-6.23(c) a development easement value of \$13,861.22 (\$19,861.22 purchase price minus \$6,000.00 SADC certified "after" value) will be utilized as a basis for the SADC's cost share. In March 2009 the Burlington County Board of Chosen Freeholders conveyed a development easement on 127.182 acres to itself and the United

States of America, acting by and through the Department of the Army. The Department of the Army contributed 25% of the cost share (\$388,064.20) for the purchase of the development easement at no additional restrictions, to provide a three (3) mile buffer from the existing military installations.

2. Burlington County/Catherine Economakis and Anastasia Thanopoulos
Block 701, Lot 10.01 (Resolution FY2010R1(22))
Springfield Township, Burlington County, 85.3 Acres
State cost share of \$5,520.00 per acre (60% of the certified market value) for a total grant of approximately \$470,856.00; the SADC cost share grant will be funded from the competitive grant fund and no additional SADC competitive grant funds can be sought for this property resulting from any increase in final surveyed acreage above the estimated \$470,856.00 identified in this final approval. The property includes one (1) three-acre nonseverable exception around an existing residence and agricultural buildings.
3. Denis and Janice Krowicki (Resolution FY2010R1(23))
Block 79, Lot 25
Plumsted Township, Ocean County, 28.7 Net Acres
State cost share of \$15,300.00 per acre (60% of the certified market value) for a total grant of approximately \$452,283.30; the County has requested to encumber an additional three (3) percent buffer for possible final surveyed acreage increases, therefore 29.561 acres will be utilized to calculate the grant need; The SADC will utilize base grant funds for this project.

DISCUSSION: Dr. Dey stated that this landowner has a farm stand on this property. He commented that the landowner has not taken an exception for the farm stand. Ms. Winzinger indicated that there was a long discussion about that. She stated that staff had highly recommended it and the landowner has decided to not take an exception area. Ryan Allen, Administrator for the Ocean County Agriculture Development Board indicated that there was a difference in the easement value in taking the exception and the landowner chose to go for the higher value. Dr. Dey stated that there is a lot of heavy equipment on the property and he believed that the landowner does other activities with that equipment than the farm. Mr. Allen stated that he was not aware of any nonagricultural use on the property. Ms. Winzinger stated that if the SADC is not aware of that and goes to closing and it is not listed on the Schedule B of the deed of easement, and the conversation did not happen with the farmer, it can be troublesome because they cannot have it unless it has been recognized. Ms. Winzinger stated that staff and Mr. Allen will look into that to be sure. Dr. Dey stated that this equipment is not farm machinery type of heavy equipment. He stated that it looks to be land moving, excavating type of equipment.

Chairman Fisher asked how big was the farm stand. Dr. Dey indicated that it was not a large farm stand. Mr. Allen stated that the exception that the CADB proposed was 0.88 acre. He stated that the landowner had intended to expand his farm stand but he chose not to do that. He stated that the landowner was well informed of his ability to do whatever to the farm stand in either direction but he chose not to. Mr. Waltman stated that this is a minority because there are not many farmers that do not have an exception area around areas like this. Ms. Winzinger indicated that she has not had a conversation with the landowner herself. Mr. Burns stated that the SADC certified a value with and without the exception. Mr. Allen stated that the CADB did have lengthy discussions with the landowner and he is well informed of the program. Ms. Winzinger stated that the dollar figure with the exception area came to approximate difference of \$60,000.00. Mr. Allen stated that the landowner is aware of the fifty percent rule for the farm stand. He produces a lot of product from his orchards.

Ms. Craft stated that the fifty percent rule is in the Right to Farm Act. The SADC has dealt with this only once that she recalls, on a winery. She stated that the SADC has never issued a formal statement about what the limitations of what you can sell from the farm stand are. The deed of easement says wholesale, retail marketing of products and related commodities. If the landowner is relying on your absolute guarantee that the fifty one percent rule, she is just saying that the rule does not exist today and she doesn't know how much more strongly you can recommend to this landowner about the exception, for the record.

Mr. Waltman asked if the resolution referenced the fact that the landowner has been made aware of this opportunity. Ms. Winzinger responded no. Mr. Waltman stated that he hopes that if and when some owner of this property brings this back with a dispute about a puppy kennel or selling beach chairs, or something else, that we have institutional memory here. Ms. Winzinger asked Mr. Allen if the landowner would be offended if there was one more discussion with the County and SADC staff and the landowner to discuss this issue? Mr. Allen stated that he would be happy to table this. Ms. Winzinger stated that they are not suggesting to table the resolution but approve it and then make it subject to the additional discussion with the CADB, SADC and the landowner. Mr. Danser stated that it is easy to report back to the landowner that there is concern by the Committee and it wanted to make certain that the property owner is aware of the implications of what he was doing and if that gives him concern then you can amend it later. Mr. Waltman indicated that even if there was an additional "Whereas" clause in the resolution that stated the landowner was made aware of the exception opportunity or something similar. Mr. Schilling stated that Dr. Dey mentioned the fact that there may be heavy equipment there which could be problematic, he felt that clarification of that may drive the point home, if that turns out to be the case and he doesn't take an exception then

he would have to cease that activity and remove the heavy equipment.

Ms. Craft stated that if there is a nonagricultural use occurring it needs to be documented as to the extent, the size, and location, so that we can preserve the landowner's ability to continue that activity. If it was something substantial then we would go back to the appraisers and ask if there was any effect on value. She stated that staff will need to clarify this immediately whether or not they decide to move forward with an exception.

Chairman Fisher asked if there is a motion to approve pending clarification of these issues? Ms. Winzinger stated that they would like to lock down their money today so if the Committee could pass the resolution with some amendments that would work. Ms. Reade suggested that staff could add the additional whereas clause as Mr. Waltman suggested. Ms. Craft indicated that staff could do that. Ms. Winzinger indicated that staff could do that after staff has met with the landowner and then staff could write a clarification letter as to the outcome of that. Mr. Danser stated that you could say "whereas the property owner has decided not to take an exception area after due consideration" into the resolution now because that was what was represented. That way the Committee could pass the resolution. He stated that the landowner could amend it afterwards but he would have an approval on record if he wants to proceed as is.

It was moved by Mr. Germano to amend the Krowicki Farm resolution to add an additional "Whereas" clause stating that the property owner has decided not to take an exception area after due consideration. Mr. Danser seconded the motion and it was unanimously approved.

4. John and Bernadette Petruski (Resolution FY2010R1(24))
Block 17101, Lot 27
Jackson Township, Ocean County, 34.37 Net Acres
State cost share of \$6,600.00 per acre (60% of the certified market value) for a total grant of approximately \$233,653.20; the SADC grant will be utilized from the base grant fund; a three (3) percent buffer will be encumbered for possible final surveyed acreage increases, therefore 35.402 acres will be utilized to calculate the grant need; and the SADC acknowledges one (1), one-acre non-severable exception for a future dwelling.
5. Jeff Vogel (Holgate Farm) (Resolution FY2010R1(25))
Block 1101, Lot 7
Jackson Township, Ocean County, 33.17 Net Acres
State cost share of \$8,100.00 per acre (60% of the certified market value) for a total grant of approximately \$276,744.60; the SADC grant will utilize base grant funds; a three (3) percent buffer will be encumbered for possible final surveyed acreage increases, therefore 34.166 acres will be utilized to calculate the grant

need; the SADC acknowledges one (1) one-acre nonseverable exception for a future dwelling; the proposed fifty (50) foot access easement that crosses the severable exception must be recorded prior to the purchase of the development easement.

DISCUSSION: There is one 2.73 acre severable exception surrounding the pre-existing non-agricultural use, which includes a fuel pump station, vehicle maintenance area and ancillary buildings associated with the business on the exception area and adjacent to lands north of the property. The County has prepared the following language to be included in the Deed of Easement against the 2.73 acre exception: "The owner of said severable exception area (or new lot) as described in the attached Schedule "B" acknowledges that the said exception area is located adjacent to a farm preserved through the Ocean County Farmland Preservation Program. The owner of said exception area agrees that the operations and use of that exception area shall never negatively affect the agricultural operations on the surrounding preserved property. This agreement shall bind not only the owner, also his or her heirs, devisees, successors and/or assigns." The Ocean County legal counsel has proposed a fifty foot access easement against the 2.73 acre severable exception along the southerly boundary of the exception to provide access from the west side of the property to the smaller parcel on the east side of the property.

6. Robert DiGregorio (Resolution FY2010R1(26))
Block 3, Lots 17 and 19
Mannington Township, Salem County, 76.84 Net Acres
State cost share of \$4,400.00 per acre (62.86% of the certified market value and purchase price) for a total grant of approximately \$348,964.00; the SADC grant will consist of an estimated \$277,585.00 from the base grant fund and \$71,379.00 from the SADC FY2008 Federal Farm and Ranch Lands Protection Program, which will include an impervious coverage restriction of four (4) percent, equal to approximately 3.17 acres of land available for agricultural buildings on the land being preserved. (Note: There is approximately 0.134 acre of existing impervious cover on the property.) The County has requested to encumber an additional three (3) percent buffer for possible final surveyed acreage increases, therefore 79.31 acres will be utilized to calculate the SADC grant to be secured for this property.

DISCUSSION: Due to a lack of available funds Salem County has requested that the FRPP grant funds be passed through to cover the entire local cost share.

7. Sickler Brothers Farm (Resolution FY2010R1(27))
Block 32, Lot 2; Block 34, Lots 2 and 4; Block 35, Lots 1.01, 1.03 and 3; Block 36, Lots 1 and 3, Alloway Township, Salem County
Block 68, Lot 5, Upper Pittsgrove Township, Salem County

Block 92, Lot 5, Pilesgrove Township, Salem County

141 Net acres

State cost share grant of \$4,650.00 per acre (62% of the certified market value and purchase price) for a total grant of approximately \$675,319.50; the SADC grant will consist of an estimated \$580,920.00 from the base grant funds and \$94,399.50 from the SADC's FRPP grant, which the County has requested that the SADC pass through the FRPP funds to cover the entire local cost share; use of the FRPP funds will include an impervious coverage restriction of three (3) percent, equal to approximately three (3) additional acres of land available for agricultural buildings above the approximately 1.3 acres of existing impervious cover on the property. As noted in the Resolution the property contains multiple lots in three (3) townships, some of which are noncontiguous. The landowner has signed a confirmation of understanding that the property may be sold collectively or individually for continued agricultural use as defined by Section 2 of the Deed of Easement, however, a division of the premises is not guaranteed and no division of the premises shall be permitted without the joint approval in writing of the CADB and the SADC.

8. Richard Prant (Resolution FY2010R1(28))

Block 501, Lot 8

Allamuchy Township, Warren County, 108 Acres

State cost share of \$3,400.00 per acre (68% of the certified market value) for a total grant of approximately \$378,216.00; the SADC grant will be funded from the competitive grant fund and no additional SADC competitive grant funds can be sought for the property resulting from any increase in final surveyed acreage above the estimated \$378,216.00 identified in this final approval; the County has requested to encumber an additional three (3) percent buffer for possible final surveyed acreage increases, therefore 111.24 acres will be utilized to calculate the grant need.

9. Frank Demeter (Farm # 3) (Resolution FY2010R1(29))

Block 11, Lot 4, White Township, Warren County

Block 13, Lot 14, Harmony Township, Warren County

59 Acres

State cost share of \$4,250.00 per acre (63.43% of the certified market value) for total grant of approximately \$258,316.28; the SADC grant will be funded from the competitive grant fund and no additional SADC competitive grant funds can be sought for this property resulting from any increase in final surveyed acreage above the estimated \$258,316.28 identified in this final approval; the County has requested to encumber an additional three (3) percent buffer for possible final surveyed acreage increases, therefore 60.78 acres will be utilized to calculate the grant need; the property includes one (1), one-acre nonseverable exception for

one future single-family residence. The property also has one existing residence.

10. Frank Demeter (Farm # 2) (Resolution FY2010R1(30))
Block 13, Lot 23
White Township, Warren County, 55.5 Acres
State cost share grant of \$3,900.00 per acre (65% of the certified market value) for a total grant of approximately \$222,943.50; the County has requested to encumber a three (3) percent buffer for possible final surveyed acreage increases, therefore 57.165 acres will be utilized to calculate the grant need; the SADC grant will be funded from the competitive grant fund and no additional SADC competitive grant funds can be sought for this property resulting from any increase in final surveyed acreage above the estimated \$222,943.50 identified in this final approval. The property includes one (1) one-acre nonseverable exception for a future single family residence and it has one (1) existing single family residence.

DISCUSSION: Ms. Craft stated that this is in the Highlands Preservation Area and this is all one lot and it already has a house. There are no remaining exemptions for future housing opportunities under the Highlands regulations. She stated that we need to make sure that, if we are approving an exception for an additional house that there is actually that potential to build that house under the Highlands regulations. She stated that she doesn't want to create an expectation on the landowner's part that is impossible to get through the Highlands. She stated that she wants to make sure that the SADC, the landowner and the Highlands is clear on what the landowner has to go through to get that second house on that lot. Ms. Reade suggested that the resolution could be amended to reflect this. Mr. Waltman stated that the "Whereas" clause could state that the SADC does not have the authority to grant permission for the additional housing opportunity and that the SADC authorization is subject to local and regional planning and development regulation requirements.

It was moved by Mr. Germano and seconded by Dr. Dey to amend the Demeter Farm # 2 resolution to reflect the SADC does not have the authority to grant permission for the additional housing opportunity and that the SADC authorization is subject to local and regional planning and development regulation requirements. The motion was unanimously approved.

The motion granting final approval to the above farms was unanimously approved. (A copy of Resolution FY2010R1(19) and Resolution FY2010R1(22 through Resolution FY2010R1(30) is attached to and is a part of these minutes.)

Mr. Germano recued himself from any discussion/action pertaining to the following two farms (Miller and Thompson farms) to avoid the appearance of a conflict of interest. Mr. Germano represents members of the Miller family and his law partner represents Mr. Thompson in a personal matter.

It was moved by Mr. Danser and seconded by Dr. Dey to approve Resolution FY2010R1(20) and FY2010R1(21) granting final approval to the following landowners, as presented and discussed and subject to any conditions of said Resolutions:

1. Burlington County/William Miller Farm (Resolution FY2010R1(20))
Block 5, Lots 19 and 20.02
New Hanover Township, Burlington County, 19.819 Acres
State cost share of \$6,975.00 per acre (49.82% of the certified market value and 60% of the purchase price) for a total grant of approximately \$138,237.53; the SADC grant will be funded from the competitive grant fund and no additional SADC competitive grant funds can be sought for this property resulting from any increase in final surveyed acreage above the estimated \$138,237.53 identified in this final approval; the property includes one (1), one-acre nonseverable exception around the existing farm stand and for a future single-family residence.

Discussion: In August 2009 Burlington County purchased the development easement on 19.819 along with the United States of America, acting by and through the Department of the Army for less than the SADC certified value of \$14,000.00. The Department of the Army contributed 35% of the cost share (\$80,638.56) for the purchase of the development easement at no additional restrictions, to provide a three (3) mile buffer from the existing military installations.

2. Burlington County/T. Stephen and Katherine Thompson and Fenwick Manor Farm. L.P. (Resolution FY2010R1(21))
Block 846, Lots 2.01 and 6; Block 848, Lots 32.01 and 32.02
Pemberton Township, Burlington County, 89 Acres
State cost share of \$2,130.00 per acre (45.86% of the certified market value) for a total grant of approximately 195,257.10; the County has requested to encumber an additional three (3) percent buffer for possible final surveyed acreage increases, therefore 91.67 acres will be utilized to calculate the grant need; the SADC grant will be funded from the competitive grant fund and no additional SADC competitive grant funds can be sought for this property resulting from any increase in final surveyed acreage above the estimated \$121,921.10 identified in this final approval. The property includes one (1) 1.5 acre nonseverable exception for a future single family residence and one (1) two-acre nonseverable exception around an existing single family residence.

DISCUSSION: The property is located in the Pinelands Agricultural Production Area and 3.5 Pinelands Development Credits will be retired through the preservation of this property.

The motion was approved. (Mr. Germano recused himself from the vote.) (A copy of Resolution FY2010R1(20) and Resolution FY2010R1(21) is attached to and is a part of these minutes.)

H. Green Light Approval Review - New Rule County Planning Incentive Grant Program

1. Campusome, Inc., Upper Freehold Township, Monmouth County

Ms. Winzinger referred the Committee to the SADC Memorandum dated January 28th, dealing with the Campusome, Inc. property in Upper Freehold Township, Monmouth County, known as Block 16, Lot 13.01, comprising approximately 52.6 acres. She stated that the Monmouth CADB is requesting SADC review and approval of this application. She stated that the CADB is questioning the SADC staff requirement that certain critical subdivision approval conditions be active at the time of closing on the easement for purposes of ensuring an accurate appraisal valuation. Specifically, a New Jersey DEP stream encroachment permit.

Ms. Winzinger stated that this property received final major subdivision approval for the construction of ten (10) homes with certain conditions. One of the most noted conditions was evidence of the appropriate permit from the NJ DEP being provided. This condition is notable because the property is only accessible from Rues Road where the access road must cross a tributary of Doctor's Creek, which requires a NJ DEP Stream Encroachment Permit. The landowner currently has the needed permit that was issued May 3, 2005 and expires on May 5, 2010. She stated that during staff review of the application staff was concerned that the NJ DEP permit was about to expire in May 2010. She stated that staff sent correspondence to the Monmouth CADB in November 2009 indicating that the application was complete and that a staff level approval was granted for the purpose of allowing the county to proceed with conducting appraisals. Staff further noted that a valid NJ DEP Stream Encroachment Permit would have to be in effect for disturbance in the regulated flood hazard zone or that the actual roadway crossing would need to be in place at the time of the county's purchase of a development easement on this property. This condition was imposed to ensure a proper appraisal valuation of the development easement, which was based on this property having final major subdivision approval to construct ten (10) homes, subject to the NJ DEP permit that was due to expire in May 2010. Staff also requested a copy of the soil logs that were conducted on the property be submitted to the appraisers and the SADC prior to the SADC's certification of values.

Ms. Winzinger stated that the Monmouth CADB responded via letter dated January 6, 2010 questioning both the authority of the SADC staff imposing the condition that the NJ DEP permit be active at the time of closing or that the roadway be installed and also questioning SADC staff's authority to make this determination without the Committee's approval.

Ms. Winzinger stated that staff contacted the NJDEP and was informed that the owner's project engineer requested information regarding an extension of the stream encroachment permit and the NJ DEP responded in writing in December 2009. SADC staff understands that under the Permit Extension Act of 2008 the permit may be extended until December 31, 2010 if the owner performed any work associated with the permit prior to that date. Staff further understands that the "work" described could be as minimal as upgrading the entrance to the property to service the owner's planned single family house and equine operation. Staff also understands that proposed New Jersey Senate Bill S-3137, which was introduced in December 2009, would likely further extend the permit until December 31, 2012. Staff reports there is no fee associated with the application and issuance of an extension.

Ms. Winzinger stated that the issue before the Committee is whether or not the SADC approval contains the conditions of certification imposed by SADC staff. The CADB argues that the condition of requiring the permit be in place at the time of the purchase of development easement or that the roadway be constructed is arbitrary and capricious. Staff is of the opinion that the timing of the expiration of the permit being as close as it is to the date of valuation of the appraisals raises concerns of having an accurate appraisal valuation. If the permit is not in place or if the owner fails to initiate any work associated with the permit within the required timeframe, the appraisers' assumptions and valuations may not be accurate. She stated that following staff's conversation with the NJDEP staff, it would not be onerous for the owner to secure an extension of the permit as requested.

Amanda Brockwell addressed the Committee. She stated that she wanted to relay the county's concerns. The county is in agreement that the permit needs to be active but the concern is the length of the extension being linked to the closing date, particularly since this project doesn't have readily available funds because of the need for the money to be appropriated through the most recent ballot question. She stated that the landowner has applied for an extension of the permit. She stated that the issue is that the extension isn't going to run until the closing because of the funding issue for several years, that is the reality of the issue. The likelihood of them getting an extension for that period of time when the closing date is not available to the county is a concern. She stated that they agree that the permit should be in place at the time of appraisal of the property and at the time of certification of values but because of the funding environment that they are in right now it is very difficult for the county to say when it can bring in all of the money to the table and close on this property.

Ms. Craft asked what the county would suggest. She stated that was not what was indicated in the letter from Monmouth County Counsel. She stated that Mr. Messina's letter did not concede your agreement on the main point at all. Ms. Brockwell stated that she is speaking as the staff person for the Monmouth CADB and he is speaking as counsel. She is bringing the county's concerns and Mr. Messina drafted that letter based on the county's concerns but she wanted to point out the underlying point, which unfortunately was perhaps not presented as accurately as it could have been in that letter and that the real issue here is the length of the extension that would be required due to the fact that the closing may not take place for years. Ms. Craft asked if Ms. Brockwell had a sense of what the standard extension time from DEP would be. Ms. Brockwell indicated that she did not know. Ms. Winzinger stated that the Permit Extension Act allows a permit that was valid during this time frame to be extended, however there is apparently a new bill that would extend it until 2012 that has been introduced. Ms. Rendeiro stated that if it is a permit in Area 4, 4B or 5 it is not extended.

Ms. Winzinger stated that the owner's engineer did inquire about an extension and was given the information. She stated that a letter from DEP stated that if work had commenced on this permit prior to the expiration date of the flood hazard area permit, which is May 5, 2010, the Department has determined that the permit can be extended until December 31, 2010, as long as work has commenced. She stated that she contacted DEP and asked for clarification as to what "work" means because she was under the same impression that you could pave a little area, or a portion of a driveway that you were going to construct anyway to accommodate a house or any barns and DEP responded that would qualify. She stated that DEP also indicated there would be no cost for the extension. Ms. Yeany stated that she thought the reason that DEP doesn't issue permits that last indefinitely is because things could change in the course of two or three years.

Ms. Craft asked the Committee if it would be comfortable, as long as everything is valid and active on the day it gives final approval. Mr. Danser stated he was going to suggest that, except you don't lock it in until we have funding and if we are holding up closing for funding then we have to hold up final approval as well. He asked when would this be appraised? Ms. Brockwell stated that it has not been appraised as yet because they were waiting on this determination. Ms. Craft commented that if the county received the letter this month what would the next step for the county be? Ms. Brockwell indicated that they would move forward with appraisals. Ms. Winzinger stated that the SADC would be certifying values in May or June possibly. Mr. Danser stated that if they have an automatic extension until the end of this year it doesn't seem fair to penalize the applicant and make him go through a lot of process and or expense just to maintain a permit that we hope he doesn't ever need or use. If the absolute deadline expiration date was May 5th he would feel differently but given the fact that we know he has an automatic

extension until the end of this year and he may be able to get another one after that he didn't know if you want to tie up that process based on that speculation.

Ms. Craft stated that she wanted to make sure that if the Committee decides to go in that direction, it is aware of the fact that, and increasingly, landowners may be seeking certain approvals for the purposes of the farmland preservation program, and that starts getting very difficult to sort out. She wants to be very clear that if we are going to do this, it is not that a landowner secured a permit of any kind or an approval that is conditioned upon the property going into farmland preservation, and that is the case – this permit was issued five years ago and there were subdivision approvals and at that time farmland preservation wasn't even being considered and that is an important distinction. Ms. Brockwell stated that this was not a landowner who originally wanted to come into the program, they were looking for it to be developed. She stated that they are in a rural area and surrounded by preserved farms and it is an economic situation and if they cannot move forward with this they will try to get subdivision and that is something that no one wants to see happen. Mr. Danser stated that he doesn't want anyone to do anything easy or minor to inflate values but if they have final subdivision approval, he cannot imagine that the planning board granted that on the assumption that it was just going to inflate their farmland preservation values and it was going to be preserved. He stated that they had to have had buildable plans and have done a review and had an understanding that there is a potential that those lots can be developed.

Ms. Craft stated that it sounds like what would happen is if we move forward and the county begins appraisals and then makes them an offer and they are willing to accept, you will then be entering into an option agreement and pursue closing on that farm without SADC funding. Ms. Brockwell responded that she could not say that at this point and they still have to work out those details with their Board. Ms. Craft stated that at a minimum the permit needs to be active at the point of certification of values. She would feel very uncomfortable doing anything less than that. She stated that what we would need is for the Treasurer to indicate that, while the bonds may not be sold, Treasury will commit to making those funds available. She stated that is what occurred with the 2007 bond funds.

Dr. Dey stated that he didn't think the Committee could act on this because there are too many questions. Mr. Danser asked if the Committee could give it green light approval, requiring that the permit be active through certification of values. He asked how much flexibility does the Committee have when it comes time to certify values if we think something has happened? Could the Committee not do it at that point based on the status of the permitting process? Ms. Craft responded yes. Mr. Danser felt that is what the Committee should do, say that the permit must be active through certification of values and when it comes time to do that make sure that we still think those values are real

values.

It was moved by Mr. Danser and seconded by Dr. Dey to authorize SADC staff to move forward with Green Light approval of the Campusome, Inc. Farm, known as Block 16, Lot 13.01, approximately 52.6 acres, Upper Freehold Township, Monmouth County, conditioned upon having an active NJ DEP Stream Encroachment Permit at the time of certification of values on said property, at which time the Committee will determine whether the certification values are considered real values, as discussed above. The motion was unanimously approved.

I. Request for Final Approval - New Rule Municipal Planning Incentive Grant Program

1. Sigler Farm, Franklin Township, Warren County
2. Holland Brook Farm, Readington Township, Hunterdon County

Ms. Winzinger stated that there are two requests for final approval under the new rule municipal planning incentive grant program. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolution FY2010R1(31) and Resolution FY2010R1(32) grant final approval to the following landowners, as presented and discussed, subject to any conditions of said resolutions:

1. Ronald Sigler, Sr. and Shirley Sigler (Resolution FY2010R1(31))
Block 45, Lot 46
Franklin Township, Warren County, 20.3 Acres
Stated cost share of \$3,525.00 per acre for an estimated total of \$71,557.50 (67.14% of the certified market value and estimated total cost); the SADC shall provide a cost share grant to the Township for up to fifty (50) percent of the eligible ancillary costs for the purchase of a development easement, which will be deducted from its Planning Incentive Grant appropriation and subject to available funds. The property includes a one (1) acre nonseverable exception around an existing residence.
2. Holland Brook Realty, LLC (Resolution FY2010R1(32))
Block 53, Lot 5.02
Readington Township, Hunterdon County, 23.328 Acres
State Cost Share of \$10,500.00 per acre for an estimated total of \$244,944.00 (60% of the certified market value and 60% of the purchase price and estimated total cost); the SADC shall provide a cost share grant to the Township for up to

fifty (50) percent of the eligible ancillary costs for the purchase of a development easement, which will be deducted from its Planning Incentive Grant appropriation and subject to available funds. The property includes a two (2) acre nonseverable exception for one future single-family dwelling.

The motion was unanimously approved. (A copy of Resolution FY2010R1(31) and Resolution FY2010R1(32) is attached to and is a part of these minutes.)

J. Farmland Stewardship

1. Request for House Replacement
 - a. Joseph and Grace Visalli, S. Harrison Township, Gloucester Co.

Mr. Roohr referred the Committee to Resolution FY2010R1(33) for a request by Charles Visalli, who is the contract purchaser and son of Joseph and Grace Visalli, owners of Block 14, Lot 13, in South Harrison Township, Gloucester County, consisting of 60.70 acres, to replace the single family residence on the property. The Visallis intend to transfer ownership to their son and his wife in the near future. The contract purchaser and his brother are partners in a grain and processing vegetable farm that operates on approximately 1,200 acres in the surrounding area. The Visalli family has been in farming since 1926.

Mr. Roohr stated that due to residential development encroaching around the Visalli family home farm, which is in very close proximity to Exit 2 of the NJ Turnpike, they have decided to relocate the base of farm operations to the subject farm, which is surrounded by preserved farmland in a much less developed section of the township. The contract purchaser is also under contract to purchase an adjacent 22-acre preserved farm and is negotiating to purchase the preserved farm across the street from the subject farm. He is also in the process of extending an underground irrigation main to the subject farm from an adjacent parcel to service approximately 20 acres of drip irrigation for tomatoes planned for this year. Mr. Roohr stated that the contract purchaser intends to demolish the existing residence and reside in the new house with his family. The proposed new residence will be built approximately fifty to seventy-five feet behind the existing home and will utilize the existing farm lane as the driveway. The new house will be approximately 2,500 to 3,000 square feet of heated living space. The original farmhouse is approximately 2,200 square feet. There are numerous structural problems with the existing house, which are compromising the structure, including a deteriorating foundation, continual settling and extensive termite damage in the basement. He stated that the existing house will be removed and that area filled, graded and seeded approximately sixty (60) days after the certificate of occupancy is received for the new residence.

Ms. Reade stated that the existing residence is very early and that it has pattern brick on it, probably 18th century. Mr. Roohr stated that staff verified that the existing house is not included on the NJ Register of Historic Places. Mr. Roohr stated that the deed of easement states that if it is on the list of historic places at the time of preservation, which it is not, then the SADC would have to approve of its demolition. Mr. Danser stated that the only issue here is to make sure they don't wind up with two houses and if after they build the new residence someone won't allow them to take down the existing one. He asked that the Committee make its approval conditioned on the contract purchasers having a demolition permit for the existing house.

Ms. Reade stated that this is a very early piece of South Jersey construction. She felt that the Committee should give some consideration to the historical architecture rather than just doing away with it for agricultural purposes because we may regret that in the future. Mr. Danser stated that if another body states that there is no significance, he doesn't suggest that the SADC should knock everything down but it is not in the purview of this Committee to make that determination. Ms. Reade stated that there is a provision in the deed of easement about historic structures. Mr. Germano stated that Mr. Danser's suggestion of conditioning its approval on the landowners obtaining a demolition permit for the existing house will allow the local government the opportunity to determine if the house has historical significance before it issues a demolition permit. Ms. Reade stated that we need to be thinking about these types of issues. She stated that in her township, an important historic asset was lost because you cannot have two houses on a single lot and the township permitted the demolition of some very historical structures and she didn't think that was in the long-term best interest of the residents of New Jersey. Ms. Craft stated that the issue needs to be addressed at the time of application. Mr. Waltman stated that he is sympathetic to Ms. Reade's concerns but we need to be cautious of the transactions that we execute. It is just a public perception of paying for rights and then not getting those rights.

Ms. Rendeiro asked if the Committee would consider asking the historic preservation committee to make a determination, not for the fact of keeping the historic asset that we have but for protection against having the two houses so that you get what you want but within the purview of what this committee is authorized. Ms. Craft stated that getting to Mr. Germano's point, we don't want to seek a different agency coming in and interfering with the ability of the landowners to exercise their right to take this down because that is what the deed says. She stated that the suggestion by Mr. Danser that we condition approval that the building permit is conditioned upon obtaining the demolition permit seems appropriate if the Committee concurs.

Ms. Reade stated that she would be attending an historic function in Harrison Township soon and she could mention this at that time. Chairman Fisher stated that she could

mention the issues surrounding this and possibly this might be something they would want to think about. However, in the interim this Committee is going to ask that it be removed within the sixty days mentioned earlier in order to get the building permit for the new residence.

It was moved by Mr. Danser and seconded by Dr. Dey to approve Resolution FY2010R1(33) granting a request by Charles Visalli, son of Joseph and Grace Visalli and also Contract Purchaser of Block 14, Lot 13, South Harrison Township, Gloucester County, 60.70 acres, to replace the existing single family residence with a new residence, approximately fifty to seventy-five feet behind the existing residence, with the new residence having approximately 2,500 to 3,000 square feet of heated living space, condition upon the landowners obtaining a demolition permit to remove the existing residence in order to construct the new residence. The motion was unanimously approved. (A copy of Resolution FY2010R1(33) is attached to and is a part of these minutes.)

PUBLIC COMMENT

None

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, February 25, 2010, beginning at 9:00 a.m. Location: **Health/Agriculture Building, First Floor Auditorium.**

CLOSED SESSION

At 1:05 p.m. Ms. Reade moved the following resolution to go into Closed Session. The motion was seconded by Dr. Dey and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, attorney-client matters and personnel, pursuant to N.J.S.A. 10:4-12, the NJ State Agriculture Development Committee declares the next one hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

Action as a Result of Closed Session

A. Real Estate Matters – Certification of Values

County Planning Incentive Grant Program

It was moved by Mr. Danser and seconded by Dr. Dey to certify the development easement values for the following landowners as presented and discussed in closed session:

1. Sussex County/James Chirip Farm
Block 19, Lot 20
Green Township, Sussex County, 18 Acres
2. Clifton and Dorothy Jones
Block 18, Lot 28
Greenwich Township, Cumberland County, 70 Acres
3. Everett Dickinson et al (Dickinson/Mazza/Bidwell/Wendell/Davis)
Block 12, Lot 6
Shiloh Boro, Cumberland County, 40 Acres
4. Norman and Lynette Kacewich
Block 25, Lot 12; Block 16, Lots 11 and 11.03
Stow Creek Township, Cumberland County, 17 Acres
5. **(AMENDED CERTIFICATION OF VALUE)**
Jeffrey and Nancy Vermeulen (John Vermeulen & Son Farm)
Block 88, Lots 4 and 5; Block 13.01, Lot 3
Branchburg Township, Somerset County, 55 Acres

The motion was approved. (Chairman Fisher and Ms. Kreipke were absent for the vote.)
(Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

Municipal Planning Incentive Grant Program

It was moved by Ms. Reade and seconded by Mr. Danser to certify the development easement values for the following landowners as presented and discussed in closed session:

1. Steven C. Linz (formerly Manak)
Block 1803, Lot 12
Frelinghuysen Township, Warren County, 121 Acres
2. Homayoon David Sadeghian
Block 2004, Lot 36
Pittsgrove Township, Salem County, 58 Acres

3. Buchman Farm/Knowlton Township
Block 48, Lot 23
Knowlton Township, Warren County, 62 Acres

The motion was approved. (Chairman Fisher and Ms. Kreipke were absent for the vote.)
(Copies of the Certification of Value Reports are attached to and are a part of these minutes.)

Direct Easement Purchase Program

It was moved by Mr. Danser and seconded by Dr. Dey to approve the development easement value for the following landowner as presented and discussed in closed session:

1. Estate of Sarah Kurtz
Block 36, Lot 6
Hopewell Township, Mercer County, 30 Acres
Certification of value is conditioned upon the following: House on three acres must be established on its own tax lot prior to closing of the deed of easement.

The motion was approved. (Chairman Fisher and Ms. Kreipke were absent for the vote.)
(A copy of the Certification of Value Report is attached to and is a part of these minutes.)

B. Request for Approval – Direct Easement Purchase Program

1. Kurtz Farm, Hopewell Township, Mercer County

It was moved by Dr. Dey and seconded by Mr. Danser to approve Resolution FY2010R1(34) granting final approval to Estate of Sarah Kurtz Farm, Block 26, Lot 6, Hopewell Township, Mercer County, 30 acres, for the acquisition of a development easement at a value of \$12,000.00 per acre for a total of \$360,000.00, based on 30 acres, subject to any conditions of said Resolution. The motion was approved. (Chairman Fisher and Ms. Kreipke were absent for the vote.) (A copy of Resolution FY2010R1(34) is attached to and is a part of these minutes.)

B. ATTORNEY/CLIENT MATTERS

3. Woldorf Farm, Waterford Township, Camden County

Ms. Craft stated that staff is seeking Committee authorization to declare Jay and Nina Woldorf in breach of an SADC direct easement contract and to pursue recovery of application processing costs, as presented and discussed in closed session.

It was moved by Dr. Dey and seconded by Mr. Danser confirming SADC Staff's recommendation that Jay and Nina Woldorf, owners of Block 283, Lots 3.01 and 3.02, Waterford Township, Camden County, 30 acres, is in breach of SADC contract and gave authorization to pursue the collection of the application processing fees, which may include institution of a lawsuit. The motion was approved. (Chairman Fisher and Ms. Kreipke were absent for the vote.)

Dr. Dey inquired about the Mazza issue that was discussed at the last SADC meeting. He asked if there were any updates. Ms. Craft stated that the landowner sent in a letter suggesting to remove the heater and to permanently seal the duct work. She stated that her reaction to that was that would just be transferring the problem to the next landowner of that property. Staff sent correspondence stating the need to "unfinish" the basement. Staff is waiting for a response from the landowner. She wants to exhaust the conversation at the staff level before it comes back to the Committee.

Ms. Reade inquired about the Fichera farm that the Committee approved substantive minutes for. She asked if the property had closed. Mr. Knox stated that it did not and that they were waiting for the federal funding. He stated that he spoke with Mr. Romano of the New Jersey Conservation Foundation (NJCF) the other day and Mr. Romano stated that Mr. Fichera still has to supply information to the NJCF, which to date he has not supplied that information. He stated that they are now looking at mid February but the SADC did finish its review.

Ms. Craft stated that the State Board annual conference will be on February 9th and 10th. She stated that the SADC will not be making presentations but there will be listening sessions. On the 9th there will be one on right to farm matters and on the 10th there will be one on farmland preservation. The goal here is to open the doors and let farmers have a say about these and other subjects. Anyone who wishes to attend may do so.

ADJOURNMENT

There being no further business, it was moved by Dr. Dey and seconded by Mr. Waltman and unanimously approved to adjourn the meeting at 1:45 p.m.

Respectfully Submitted,

Susan E. Craft, Executive Director
State Agriculture Development Committee

Attachments