

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625**

REGULAR MEETING

April 28, 2011

Acting Chairperson Purcell called the meeting to order at 9:04 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

Monique Purcell, Acting Chairperson
Richard Boornazian (rep. DEP Commissioner Martin)
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Eristoff)
Brian Schilling (rep. Executive Dean Goodman)
James Requa (rep. DCA Commissioner Grifa)
Torrey Reade
Jane Brodhecker

Members Absent

Alan Danser
Denis C. Germano, Esq.
James Waltman

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

Others present as recorded on the attendance sheet: Robert Baumley, Heidi Winzinger, Hope Gruzlovic, Brian Smith, Charles Roohr, Ed Ireland, Timothy Brill, Cassandra McCloud, Daniel Knox, Paul Burns, David Kimmel, Steve Bruder, Patricia Riccitello and Sandy Giambrone, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Donna Traylor, Sussex County Agriculture Development Board, Nicole Crifo, Governor's Authorities Unit, Nicole Goger, New Jersey Farm Bureau, William Millette, Hunterdon County Agriculture Development Board, Barbara Ernst, Cape May County Agriculture Development Board, Gregory Romano, New Jersey Conservation Foundation.

Minutes

A. SADC Regular Meeting of March 24, 2011 (Open Session)

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve the open session minutes of the SADC regular meeting of March 24, 2011. The motion was unanimously approved.

B. SADC Regular Meeting of March 24, 2011 (Closed Session)

It was moved by Mr. Requa and seconded by Mr. Siegel to approve the closed session minutes of the SADC regular meeting of March 24, 2011. The motion was unanimously approved.

REPORT OF THE CHAIRPERSON

Acting Chairperson Purcell discussed the following with the Committee:

- Take Your Child To Work Day

Ms. Purcell commented that today was the annual Take Your Child To Work Day.

- Budget Hearings

Ms. Purcell stated that the Department of Agriculture goes before the Assembly Budget Committee today for budget hearings. There are also a couple of other hearings that will be occurring, one on the Highlands Council and one on the

D&R Canal Commission before the Senate Judiciary Committee. She stated that there are also hearings that will be held for the four nominees for the appointment to the Highlands Council.

- DEP Stakeholders Meetings

Ms. Purcell stated that the NJ DEP is continuing its stakeholder meetings. There was one on the wetlands regulations earlier this month, which was very well attended and was very productive. The Department of Agriculture had a very good meeting with the new State Conservationist for the USDA, NRCS. His name is Don Pettit and he is originally from New York State. He has many great ideas and the Department had a very good conversation as there is a lot going on the federal level in terms of funding cuts that may impact some of the Department's cooperative agreements that it has with the NRCS and maintaining field staff, which is very critical as we have more and more conservation needs throughout the state. Mr. Pettit will be meeting with Secretary Fisher next month.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- 2,000th Farm Preserved

Ms. Payne stated that the SADC celebrated its 2,000th farm preservation event in Mannington Township, Salem County. The event was scheduled to be at the Tark Farm but due to inclement weather it was held at the Salem County Agricultural Facility. It was well attended.

- Princeton Nurseries Preservation Event

Ms. Payne stated that last week the public signing of the Princeton Nurseries preservation contract was held. She stated the preservation of those properties encompassed 1,900 acres of land, 900 acres of which will be preserved under the farmland preservation program, about 500 acres of which will be a new wildlife management area for the NJ DEP and approximately 500 acres to be added to the Monmouth and Mercer County Park Systems. It was a great event and the Flemer family was very appreciative of the SADC and Green Acres Program and how hard everyone worked to put all the partners together and make this acquisition work.

- Funding Status

Ms. Payne stated that a notice was sent to the counties, nonprofits, townships and all of the SADC's funding partners to let them formally know that the SADC has received authorization from the Administration to proceed on the first half of funding that is dedicated for farmland preservation from the 2009 bond referendum. Of the \$400 million, \$146 million is SADC funds and staff is moving forward on getting approval of an appropriation on \$73 million, which will be discussed later in the agenda. She stated that the SADC will be appearing before the GSPT on May 4th for appropriations approvals and, assuming that gets approval, staff will proceed to submit the appropriation bills to the Legislature by the end of June.

- SADC Outreach Efforts

Ms. Payne stated that the SADC sent out its first newsletter, which has been provided to the Committee, to keep everyone apprised as to what is happening. It went out to all of the SADC partners and staff is encouraging feedback. She stated that staff has been assigned to almost every one of the CADB meetings with the goal being to have an SADC contact there on a regular basis to bring back issues as they arise at the county level so that issues can be resolved before they become critical.

- Solar and Wind AMP Status

Ms. Payne stated that the public comment period for the solar energy generation facility agricultural management practice (AMP) concluded on April 8th and staff is drafting the response document. She stated that she expects that would be on next month's agenda for the Committee meeting. Staff has been working on a draft wind energy generation facility AMP that went out yesterday to the Interagency Alternative Energy Task Force and staff will be meeting with the Task Force next week to discuss the draft AMP.

- On-Farm Direct Market AMP

Ms. Payne stated that staff is developing a draft On-Farm Direct Marketing AMP. She stated that staff has coordinated with a subcommittee and in order to finish the work in developing standards, additional research was needed. Dave Kimmel has been working with county contacts to visit number of farm markets, take photos, measurements them and understand scale issues to understand what are the major obstacles that farm market operators are encountering to ensure that the AMP is responsive to such issues. She stated that a draft will be presented to the SADC later in the year. Staff still needs to discuss the research with the subcommittee to develop a more refined draft.

- Robert Resker, Warren CADB Administrator

Ms. Payne stated that staff received notification that Mr. Resker would be retiring in the next couple of months.

- Soil and Water Conservation Cost Share Funding

Ms. Payne stated that at the last SADC meeting the Committee requested Mr. Siegel, as its Treasury representative, to weigh in on the issue of soil and water conservation cost share funds that had been frozen by Treasury, which comprised approximately \$217,000.00, which is still frozen. She stated that Mr. Siegel wrote a memo to the Office of Management and Budget containing justification and support as to why those funds should be released. She stated that staff really appreciated Mr. Siegel's efforts.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders.

PUBLIC COMMENT

None

NEW BUSINESS

A. Eight Year Farmland Preservation Program – Renewals, Terminations and Withdrawals

Ms. Winzinger referred the Committee to the Eight Year Program Summary for FY2011 for renewals, terminations and withdrawals of eight year programs, listing one (1) termination of an eight year program for William Augustine, SADC #0111-04F-01/01-0114-8F, Galloway Township, Atlantic County, 32 acres. This farm had \$19,200.00 in soil and water conservation cost share eligibility at the time of termination with zero (\$0.00) funds expended. She stated that there were three (3) terminations of eight year programs, the first being the Duane and Pamela Demaree (former Roesch) farm, SADC #0111-13F-01/01-0026-8F, Galloway Township, Atlantic County, 38 acres, with \$22,800.00 in soil and water conservation cost share fund eligibility and expending \$4,900.00 of those funds with a remaining balance at the time of termination of \$17,900.00; the second termination being the James and Nancy Quarella farm, SADC # 0104-12F-01/01-0025-8F, Buena Boro, Atlantic County, 34.4 acres, with \$6,880.00 in

soil and water conservation cost share fund eligibility, expending \$3,508.50 of those funds, with a remaining balance at the time of termination of \$3,371.50; and the third being the Duane and Pamela Demaree farm, SADC #0111-14F-01/01-0008-8F, Galloway Township, Atlantic County, 20 acres, with \$12,000.00 in soil and water conservation cost share fund eligibility, expending zero (\$0.00) of those funds. She stated that there were no withdrawals of eight year programs. Ms. Winzinger indicated that the summary was for informational purposes only and that no action is needed by the Committee.

B. Soil and Water Conservation Cost Share Grant Extension Request

Mr. Lofberg referred the Committee to the Extension of Project approvals Summary listing one request for an extension of a soil and water conservation cost share grant that was approved by the Committee in March 2008. He reviewed the specifics with the Committee and stated that staff recommendation is to grant an extension of the cost share grant for a period of twelve months, as presented and discussed.

It was moved by Ms. Reade and seconded by Ms. Brodhecker to approve Resolution FY2011R4(1), granting an extension of a soil and water conservation cost share grant to the following landowners, as presented and discussed and subject to any conditions of said Resolution:

1. Gerald and Nancy Lyness (SADC #10-0088-EP)
Alexandria Township, Hunterdon County
Cost Share Grant Extension Amount: \$2,216.27
Expiration Date of Extension Period: March 27, 2012 (12 month extension period)

The motion was unanimously approved. (A copy of the Extension of Project Approvals Summary and Resolution FY2011R4(1) is attached to and is a part of these minutes.)

C. Request for Final Approval – FY2012 Annual County Planning Incentive Grant Program (PIG) Applications including Comprehensive Farmland Preservation Plan Updates and Project Area Summaries

1. Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, and Warren Counties

Mr. Bruder referred the Committee to Resolution FY2011R4(2) for a request for final approval of the Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, and Warren Counties' Planning Incentive Grant Program applications, including the

comprehensive farmland preservation plan updates and project area summaries. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2011R4(2) granting final approval to the Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, and Warren Counties' Planning Incentive Grant Program Applications, including the Comprehensive Farmland Preservation Plan Updates and Project Area Summaries, as presented and discussed and subject to the conditions of said resolution. The motion was approved. (Ms. Brodhecker abstained.) (A copy of Resolution FY2011R4(2) is attached to and is a part of these minutes.)

D. Request for Final Approval – FY2012 Municipal Planning Incentive Grant Program (PIG) Applications including Comprehensive Farmland Preservation Plan Updates and Project Area Summaries

Mr. Bruder referred the Committee to Resolution FY2011R4(3) for a request for final approval of the FY2012 Municipal Planning Incentive Grant Program applications, including the comprehensive farmland preservation plan updates and project area summaries. He reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval as presented and discussed.

It was moved by Mr. Siegel and seconded by Ms. Reade to approve Resolution FY2011R4(3) granting final approval to the FY2012 Municipal Planning Incentive Grant Program Applications, including the Comprehensive Farmland Preservation Plan Updates and Project Area Summaries, as presented and discussed and subject to the conditions of said resolution. The motion was approved. (Ms. Brodhecker abstained.) (A copy of Resolution FY2011R4(3) is attached to and is a part of these minutes.)

E. Request for Conditional Preliminary Approval – Municipal Planning Incentive Grant Program (PIG) Application including Comprehensive Farmland Preservation Plan and Project Area Summaries

1. Frankford Township, Sussex County

Mr. Brill referred the Committee to Resolution FY2011R4(4) for a request for conditional preliminary approval of the Frankford Township, Sussex County Planning Incentive Grant Program application, including the comprehensive farmland preservation plan and project area summaries. He reviewed the specifics with the Committee and stated that staff recommendation is to grant conditional preliminary approval as presented and discussed.

It was moved by Mr. Schilling and seconded by Mr. Requa to approve Resolution FY2011R4(4) granting conditional preliminary approval to the Frankford Township, Sussex County Planning Incentive Grant Program Application, including the Comprehensive Farmland Preservation Plan and Project Area Summaries, as presented and discussed and subject to the conditions of said resolution. The motion was unanimously approved. (Note: Ms. Brodhecker had no involvement in any discussions/actions at the county level pertaining to this particular application.) (A copy of Resolution FY2011R4(4) is attached to and is a part of these minutes.)

F. Requests for Amended Final Approval - Nonprofit Grant Program

1. New Jersey Conservation Foundation/Gilde Farm, Delaware Township, Hunterdon County

Mr. Knox referred the Committee to Resolution FY2011R4(5) for a request for amended final approval under the Nonprofit Grant program for the New Jersey Conservation Foundation (NJCF)/Gilde Farm, located in Delaware Township, Hunterdon County, comprising 20 acres. The landowner was granted final approval in November 2010. At that time the NJCF was utilizing federal funding as part of its matching acquisition funds to purchase the Gilde farm in fee title and a condition of the federal funding was that the entity receiving federal funds could not retain fee simple interest in the farm. SADC final approval entailed the transfer of the deed restricted premises from the NJCF to NJCF Preserves, LLC. However, it has been determined that the Federal Farm and Ranch Lands Protection Program requires that the fee simple interest be held by an entity that is not a subsidiary of the NJCF, therefore the NJCF is requesting approval to transfer its fee simple interest to the Hunterdon Land Trust Alliance (HLTA). Mr. Knox stated that staff recommendation is to grant amended final approval, transferring the restricted ownership from the NJCF to the Hunterdon Land Trust Alliance, subject to any conditions of said resolution.

It was moved by Mr. Siegel and seconded by Ms. Brodhecker to approve Resolution FY2011R4(5), granting amended final approval to the New Jersey Conservation Foundation/Gilde Farm, block 22, Lot 21, Delaware Township, Hunterdon County, 20 Acres, transferring the restricted ownership from the New Jersey Conservation Foundation to the Hunterdon Land Trust Alliance, as presented and discussed and subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2011R4(5) is attached to and is a part of these minutes.)

G. State Acquisition – Request for Preliminary Approval

- William and Ruth Deutschlander, Bethlehem Township, Hunterdon County

Mr. Knox referred the Committee to Resolution FY2011R4(6) for a request for final approval under the State Acquisition Program for the William and Ruth Deutschlander farm, located in Bethlehem Township, Hunterdon County, comprising 37 net acres. He reviewed the specifics with the Committee and stated that staff recommendation is to grant preliminary approval, as presented and discussed.

It was moved by Mr. Requa and seconded by Ms. Brodhecker to approve Resolution FY2011R4(6), granting preliminary approval to the William and Ruth Deutschlander farm, Block 32, Lot 23, Bethlehem Township, Hunterdon County, 37 net acres, as presented and discussed and subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2011R4(6) is attached to and is a part of these minutes.)

H. FY2011 Appropriations Request – All Programs

1. FY2011 Nonprofit Program – Grant Awards

Mr. Knox referred the Committee to Resolution FY2011R4(7) dealing with the Nonprofit Acquisition of Fee Simple and Development Easement projects for the 2011 funding Round.

Mr. Knox stated that staff is recommending the following allocations for the Non Profit entities that submitted only one farm application each, with allocations representing an amount equal to the amount requested by the Non Profit, or \$500,000, whichever is less:

- \$411,000 to the Monmouth Conservation Foundation
- \$500,000 to Montgomery Friends
- \$ 87,000 to Ridge and Valley Conservancy
- \$500,000 to Lamington Conservancy; and
\$1,498,000

Mr. Knox stated that staff is recommending that the balance of the funds proposed to be allocated to the Non Profits, or \$7,333,000 (\$8,831,000 minus \$1,498,000) be awarded to HLTA, NJCF, TLCNJ, and D&R based on the following factors (Schedule B):

- performance of the nonprofit in previous rounds (2005-09)
- total acres submitted in the current round
- total estimated cost of the farms submitted

Mr. Knox stated that applying equal weight to each of the above noted three factors yields the following grant allocation, as set forth more specifically in Schedule B of the resolution:

- \$1,445,000 to the Hunterdon Land Trust Alliance
- \$2,552,000 to the New Jersey Conservation Foundation
- \$1,393,000 to The Land Conservancy of New Jersey
- \$1,943,000 to Delaware and Raritan Greenway;
\$7,333,000

Mr. Knox stated that staff recommendation is to grant preliminary approval of the nonprofit projects and grant amounts identified in Schedule A of the resolution and that each nonprofit organization should expend its grant funds within two years of the appropriation of the grant, that to be considered expended a closing must have been completed with the SADC; and that any funds that are not expended within two years of the date of the grant appropriation are subject to reappropriation and may no longer be available to the nonprofit.

It was moved by Mr. Siegel and seconded by Mr. Schilling to approve Resolution FY2011R4(7) granting preliminary approval for the Nonprofit Acquisition of Fee Simple and Development Easement Projects for the 2011 Funding Round, as presented and discussed and subject to any conditions of said resolution. The motion was unanimously approved. (A copy of Resolution FY2011R4(7) is attached to and is a part of these minutes.)

2. FY2011 Appropriations Request – Final

Ms. Payne referred the Committee to Resolution FY2011R4(8) for the FY2011 Funding Allocation for Programs. She reviewed the specifics with the Committee. She stated that for the FY2011 program year, staff is recommending submission of an appropriation request to the Garden State Preservation Trust and thereafter, to the New Jersey legislature, totaling \$94,419,760.00, which includes \$73 million in bond funds authorized pursuant to the Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2009, \$14,699,088.00 in reprogrammed funds and \$6,720,572.00 in fee simple revenues, as set forth in Table 1 attached to Resolution FY2011R4(8) and summarized as follows:

Administration:	\$ 3, 650,000
State Acquisition:	\$19,938,760
Municipal Planning Incentive Grant Program:	\$23,000,000
Nonprofit Grant Program:	\$ 8,831,000
County Planning Incentive Grant Program	
Base grant @ \$1.5 million per county:	\$24,000,000
<u>Competitive Grant Fund:</u>	<u>\$15,000,000</u>

TOTAL FUND ALLOCATION \$94,419,760

Ms. Payne stated that the expenditure of funds associated with these appropriations is subject to Legislative approval of appropriations bills, signing of the bills into law and funding availability as approved by the NJ State Treasurer.

It was moved by Mr. Requa and seconded by Ms. Reade to approve Resolution FY2011R4(8) granting approval to the submission of an appropriation request to the Garden State Preservation Trust and thereafter, to the New Jersey legislature, totaling \$94,419,760.00, which includes \$73 million in bond funds authorized pursuant to the Green Acres, Farmland, Blue Acres and Historic Preservation Bond Act of 2009, \$14,699,088.00 in reprogrammed funds and \$6,720,572.00 in fee simple revenues, as set forth in Table 1 attached to Resolution FY2011R4(8) and summarized above, subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2011R4(8) is attached to and is a part of these minutes.)

I. Proposed Appraisal Handbook Amendments

Mr. Burns referred the Committee to the Summary of Changes to the SADC Appraisal Handbook-2011. He reviewed the draft changes to the Handbook with the Committee. He stated that staff recommendation is to send the draft summary of changes and handbook out for public comment and return back to the Committee at its next meeting with any changes as a result of public comments to adopt the 2011 Handbook.

It was moved by Ms. Reade and seconded by Mr. Siegel to accept staff's summary of changes to the SADC Appraisal Handbook-2011 and to send it out for public comment. The motion was unanimously approved. (A copy of the Summary of Changes to the SADC Appraisal handbook-2011 is attached to and is a part of these minutes.)

J. Policy – Stormwater Detention Facilities Servicing Exception Areas

Mr. Smith referred the Committee to draft Policy P-51 Construction of Stormwater Management Facilities to Service Residential and Agricultural Uses Located on Exception Areas. He stated that this policy has been in existence since approximately 2009. It finally went out in the fall of 2010 to various funding partners and other entities that would have an interest. The policy is designed to guide the SADC in its consideration of requests by landowners to site stormwater management facilities on the preserved portion of the farm to service residential and agricultural uses in a nonseverable exception area. The permission to site such facilities does not apply if a severable exception area is on the preserved farm. It is modeled after the septic policy P-

49. The draft went out in July and there was a deadline for responses by September 30, 2010. Staff received one response from Mercer County on December 13, 2010 generally questioning the procedures section of the draft policy and after giving it some thought staff decided to move ahead as written. The procedures section is not complicated and is easily understood. There are essentially three elements to the draft policy: 1) the landowner has to provide an alternatives analysis demonstrating why the stormwater management facility cannot be located within the nonseverable exception area; 2) the landowner must demonstrate that there is a minimal impact to agricultural activities if the facility is going to be sited on the preserved portion of the farm and 3) included was a requirement that a landowner did not impose the hardship on himself/herself by creating a use in the nonseverable exception area that is so large that it created the problem to begin with of having to site stormwater management facilities on the preserved portion of the farm. Staff recommendation is to adopt this draft policy.

It was moved by Mr. Siegel and seconded by Mr. Requa to adopt the draft Policy P-51 "Construction of Stormwater Management Facilities to Service Residential and Agricultural Uses Located on Exception Areas" as presented and discussed.

Mr. Schilling asked that regarding the one element of the draft policy dealing with self inflicted hardship, if it is a large agricultural facility that is germane to the operation of the farm, is this going to be a case by case determination by the SADC as to what is reasonable and what is not in terms of hardships? Ms. Payne responded yes. Ms. Purcell stated that what the Department is also doing is working with the NJ DEP because we are trying to meet the requirements of the stormwater regulations through nonstructural means as much as possible so that would eliminate the need for retention basins, etc.

Deputy Attorney General Stypinski asked if the intent of this is as an interim policy to eventually adopt as a rule. Mr. Smith responded yes. Ms. Payne stated that this policy is to give some guidance until the SADC can get to the point of updating its rules.

The motion was unanimously approved. (A copy of Draft Policy P-51 "Construction of Stormwater Management Facilities to Service Residential and Agricultural Uses Located on Exception Areas" is attached to and is a part of these minutes.)

PUBLIC COMMENT

Gregory Romano from the New Jersey Conservation Foundation stated that on the issue of the nonprofit fee simple ownership he asked that when the SADC is considering that if it would look at the legislative history of the GSPT Act and when it was passed. He stated it was his recollection that it was originally drafted to require nonprofits to resell it and then it had been amended to allow for nonprofits to hold it but they would have to lease it for agricultural purposes. He believed that was the final language of the GSPT

Act.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, May 26, 2011, beginning at 9:00 a.m. Location:
Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 10:52 a.m. Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Schilling and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, attorney-client matters, pursuant to N.J.S.A. 10:4-12, the NJ State Agriculture Development Committee declares the next one half 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. Certification of Values

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

1. Alfred VanMeter (#2)
SADC #06-0110-PG
Block 11, Lot 3, Hopewell Township, Cumberland County, 41 Acres
2. James Doyle et al
SADC #18-0200-PG
Block 11, Lot 28, Hillsborough Township, Somerset County, 56 Acres
3. Burlington County/Murphy Farm
SADC #03-0356-PG
Block 110, Lot 16.01, Hainsport Township, Burlington County
Block 34, Lot 6, Lumberton Township, Burlington County
80 Total Acres

The motion was unanimously approved. (Copies of the Certification of Value Reports

are attached to and are a part of the closed session minutes.)

Ms. Brodhecker recused herself from any discussion/action pertaining to the Louis Tommaso farm to avoid the appearance of a conflict of interest. Ms. Brodhecker is the Chairperson of the Sussex County Agriculture Development Board.

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

3. Louis Tommaso
SADC #19-0014-PG
Block 19, Lot 7, 7.02, 7.03, Green Township, Sussex County, 45 Acres

The motion was approved. (Ms. Brodhecker recused herself from the vote.) A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

Nonprofit Grant Program

It was moved by Mr. Siegel and seconded by Mr. Schilling to certify the development easement values for the following landowner as presented and discussed in closed session:

1. New Jersey Conservation Foundation/Millburn 78 Associates c/o Millstein
SADC #21-0025-NP
Block 26, Lot 33, Greenwich Township, Warren County, 92 Acres

The motion was unanimously approved. (A copy of the Certification of Value Report is attached to and is a part of the closed session minutes.)

B. Attorney/Client Matters

1. **Right to Farm – Final Decision**
Peter LeCompte, Petitioner vs. Hunterdon County Agriculture
Development Board

Ms. Payne stated that the Committee has been provided a draft final decision in the matter of Peter LeCompte petitioner vs. the Hunterdon County Agriculture Development Board (HCADB). This matter involved a request for a site-specific agricultural management practice (SSAMP) by Charles Fisher for the purposes of protecting the harvesting and sale of spring water from his property. The HCADB denied that SSAMP due to finding that the activity was not eligible for protection under the Right to Farm

Act. A second property owner appealed that decision, which went to the Office of Administrative Law and is now subject to a proposed settlement through an initial decision by the Administrative Law Judge. She stated that the SADC has been provided a copy of that initial decision and what it says is that Mr. LeCompte has the opportunity to file in the future for right to farm protection for his own spring water harnessing and sale operation and that the SSAMP decision in the Fisher matter does not prevent him from doing so. The SADC staff is recommending to affirm that initial decision; however that the SADC add that its affirmation of that decision can not be construed as SADC support for the proposition that the harnessing and sale of spring water on a commercial farm are protected agricultural activities under the Right to Farm Act.

It was moved by Mr. Siegel and seconded by Ms. Reade to affirm the Final Decision in the matter of Peter LeCompte, Petitioner, vs. the Hunterdon County Agriculture Development Board, as presented and discussed based on the "Findings of Fact" set forth in the Final Decision. This affirmance shall not be construed as SADC support for the proposition that the harnessing and sale of spring water on a commercial farm are protected agricultural activities under the Right to Farm Act. The motion was unanimously approved. (A copy of the Final Decision in the Matter of Peter LeCompte, Petitioner vs. the Hunterdon County Agriculture Development Board is attached to and is a part of the open session minutes.)

2. Denial of Request for Reconsideration – Certification of Value
a. Riamede Farm, Morris County (Deborah Post)

Ms. Payne stated that this is a case where the property owner has appealed the SADC's certification of value. That appeal was denied at a prior SADC meeting based on the discussion held in closed session. Because the property owner has appealed that decision the SADC is taking this opportunity to amplify the public record so that it helps in the understanding of the basis for the Committee's previous denial decision. The SADC has a memorandum dated January 5, 2011 by the SADC Review Appraiser, Paul Burns, which is the basis for the staff's analysis and recommendation to the Committee and before the Committee is a draft resolution of denial of a request for reconsideration of the certification of values and the attachment to the resolution is the January 5th memorandum by Mr. Burns. Staff recommendation is to approve that resolution.

It was moved by Ms. Reade and seconded by Ms. Brodhecker to approve Resolution FY2011R4(9) affirming the denial of a request for reconsideration of the certification of value of a development easement on the Riamede Farm (Deborah Post), in Morris County, as presented and discussed in closed session. The motion was unanimously approved. (A copy of Resolution FY2011R4(9) is attached to and is a part of open session.)

C. Request for Final Approval – Nonprofit Grant Program

1. New Jersey Conservation Foundation/Millburn 78 Farm
Greenwich Township, Warren County

Mr. Knox referred the Committee to Resolution FY2011R4(10) for a request for final approval of the New Jersey Conservation Foundation/Millburn 78 Farm, located in Greenwich Township, Warren County. He stated that the Committee just certified the development easement values in closed session today. Staff recommendation is to grant final approval.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2011R4(10) granting final approval to the following landowner as presented and discussed:

1. New Jersey Conservation Foundation/Millburn 78
Block 26, Lot 33, Greenwich Township, Warren County, 92 Acres
Cost share grant not to exceed \$15,000.00 per acre (capped at
\$399,000.00) to the New Jersey Conservation Foundation for the
development easement acquisition of this property. The SADC approves
the New Jersey Conservation Foundation's use of its Federal Farm and
Ranch Lands Protection Program funds, which will include an impervious
coverage limitation of five (5) percent, equal to approximately 4.6 acres
available for agriculture infrastructure outside the exception area and that
the SADC grant is subject to the assignment of the Deed of Easement
from the New Jersey Conservation Foundation to Warren County for no
value. Approval is also subject to any conditions of said resolution.

The motion was unanimously approved. (A copy of Resolution FY2011R4(10) is attached to and is a part of these minutes.)

ADJOURNMENT

There being no further business, it was moved by Ms. Reade and seconded by Mr. Schilling and unanimously approved to adjourn the meeting at 11:30 a.m.

Respectfully Submitted,

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments

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