

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

JULY 28, 2011

Acting Chairperson Purcell called the meeting to order at 9:05 a.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present

Douglas H. Fisher, Chairman (Arrived at 9:10 a.m.)
Monique Purcell, Acting Chairperson (Left at 9:10 a.m.)
Brian Schilling (rep. Executive Dean Goodman)
Ralph Siegel (rep. State Treasurer Andrew P. Sidamon-Eristoff)
James Requa (rep. DCA Commissioner Grifa)
Alan Danser
Torrey Reade
Jane Brodhecker (via speaker phone)

Members Absent

Denis Germano
James Waltman
Richard Boornazian (rep. DEP Commissioner Martin)

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

Others present as recorded on the attendance sheet: Heidi Winzinger, Brian Smith, Charles Roohr, Timothy Brill, Paul Burns, Steve Bruder, Patricia Riccitello, SADC staff, Daniel Pace, Mercer County Agriculture Development Board, Nicole Crifo, Governor's Authorities Unit, Nicole Goger, New Jersey Farm Bureau, Barbara Ernst, Cape May County Agriculture Development Board, Jennifer McCullough, Morris County Agriculture Development Board, Corey Tierney, Warren County Agriculture Development Board, Harriet Honigfeld, Monmouth County Agriculture Development

Board, Gade S. Reddy, Roosevelt Borough, Monmouth County.

Minutes

A. SADC Regular Meeting of June 23, 2011 (Open and Closed Session)

It was moved by Ms. Reade and seconded by Mr. Danser to approve the open session minutes and the closed session minutes of the SADC regular meeting of June 23, 2011. The motion was approved. (Ms. Brodhecker and Mr. Schilling abstained.)

REPORT OF THE ACTING CHAIRPERSON

Ms. Purcell stated that yesterday the State Board of Agriculture held its re-organization meeting with two members of the Board tenure ended. Those members were Scott Ellis and Ann Dorset. Those members were replaced by Rich Swanecamp and Richard Norz as new members. Henry DuBois was voted as the new State Board of Agriculture President. Jim Giamarese is the new Vice President.

Ms. Purcell stated that State budget news has quieted down somewhat but we are now awaiting word on the Federal discussions, as they will have huge impacts on the state, especially with the federal programs. There is a lot going on and being talked about in terms of significant cuts that are going to be happening on the federal level that will impact all programs, including the NASS, FSA, and NRCS programs.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne discussed the following with the Committee:

- Remaining Soil and Water Funds

Previously staff reported that the remaining soil and water cost share funds that the SADC had was around \$220,000.00, which had been frozen by the Department of the Treasury. The Administration did agree to release those remaining funds and that is why there is a list of projects before the Committee today. When those projects are approved that will deplete any remaining funds. Staff will be meeting to discuss what can be done to identify other funding sources for this program, until such time as State funding can be made available again. She asked Mr. Schilling if he would be willing to sit in on the discussions and she stated that Mr. Siegel would also be a part of those discussions.

- Greenhouse Tours

SADC staff has set up a tour for greenhouse operations in furtherance of the Deed of Easement Subcommittee's work on soil disturbance. That tour is scheduled for August 4th. Three farms will be visited in an area close to Trenton, trying to look at a variety of how greenhouse operators manage the land and what type of improvements are required and how permanent they are. This will give the Committee an opportunity to go out and speak to farmers who do this type of work for a living and to understand what is required.

- Personnel Issues

At the last meeting of the SADC, staff discussed some personnel vacancies created in the last several months. The Committee reviewed plans and recommendations for reorganizing the office. She and Secretary Fisher had a meeting with the Governor's Office and she is happy to report that the Governor's Office is supportive of the SADC filling its vacancies. She stated that she will be hiring for those positions and she will be communicating to staff formally what the reorganization looks like and what it means. Staff will be advertising positions as appropriate to hire as soon as possible, getting the right folks in place.

Secretary Fisher arrived at this point and presided over the meeting.

- PDC Bank Board

The Pinelands Development Credit Bank Board (PDC Bank Bd.) was a Transfer of Development Rights (TDR) type of a board that was set up to facilitate and support implementation of the PDC program, after the creation of the Pinelands Act in 1979. The PDC Bank is housed in but not of the Department of Banking and Insurance (DOBI) and was active for approximately ten years. In the past five years it has been inactive and has suffered from the lack of administrative support and resources to do what needs to be done. The Executive Director of the PDC Bank Board retired recently, creating a vacuum and she has been in conversations with DOBI and has recommended that the PDC Bank Board administrative duties be transferred to the State TDR Bank Board staff, which is SADC staff. DOBI has supported that transfer of duties and so does the Governor's Office and a Memorandum of Understanding transferring those duties is being finalized. Secretary Fisher stated that the moving of the PDC Bank Board to the TDR Bank Board is a good move for all landowners and he is looking forward to seeing that move happen.

- FY2011 Figures for Various Programs

Staff has not had a chance to complete an analysis of the SADC's FY2011 figures for various programs so staff will report to the Committee at its September meeting with that information.

- Bill Signing – Farmland Preservation

The SADC is working with the Governor's Office to arrange a bill signing for the Farmland Preservation bills. Staff expects that to happen soon and she will keep everyone informed as they identify a date and location for that.

COMMUNICATIONS

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

PUBLIC COMMENT

None

NEW BUSINESS

A. Reorganization

1. Appointment of Vice Chairperson

It was moved by Ms. Reade and seconded by Ms. Brodhecker to nominate Alan Danser to be re-appointed as Vice Chairperson of the SADC. There were no other nominations made. The motion was unanimously approved.

It was moved by Mr. Requa and seconded by Mr. Siegel to re-appoint Alan Danser as Vice Chairperson of the SADC. The motion was unanimously approved.

2. **August 2011 through July 2012 SADC Meeting Dates**

Ms. Payne referred the Committee to the Regular Meeting Dates for the SADC from August 2011 through July 2012. She stated the list indicates a meeting date for the month of August. That date is being reserved in the event the SADC needs to call a meeting; however, she does not anticipate having an August meeting. She stated that the months of October and November are combined and that the Committee will meet the first Thursday of the month in November due to the holiday season and that the Committee will meet the second Thursday in

December, also due to the holiday season.

It was moved by Mr. Danser and seconded by Ms. Reade to accept the August 2011 through July 2012 meeting dates for the State Agriculture Development Committee as presented and discussed. The motion was unanimously approved (A copy of the August 20101 through July 2012 meeting dates is attached to and is a part of these minutes.)

Chairman Fisher left the meeting at this point. Vice Chairman Danser presided over the meeting.

B. Soil and Water Conservation Cost Share Grant Requests and Extension of Project Requests

Mr. Lofberg referred the Committee to the Status Report for the Soil and Water Conservation Project Grants Program. He stated that there is \$263,452.84 available for soil and water conservation cost share grant projects as outlined on the Status Report. He indicated that if the Committee approves today's soil and water conservation cost share grant requests the remaining balance available for projects will be \$1,451.36.

Cost Share Grant Requests

Mr. Lofberg reviewed the soil and water cost share grant requests with the Committee and stated that staff recommendation is to grant approval to the cost share grant requests and extension requests as presented and discussed.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2012R7(1) through Resolution FY2012R7(8), Resolution FY2012R7(10) through Resolution FY2012R7(14), and Resolution FY2012R7(17) through Resolution FY2012R7(18), granting soil and water conservation cost share grants to the following landowners as presented and discussed, subject to any conditions of said Resolutions.

ATLANTIC COUNTY

1. Paul, Mike and Nick Macrie (Resolution FY2010R7(1))
SADC # 01-0040-PN/ 01-0074/PN/01-0029-8F
Grant Amount: \$39,309.60 (Obligation # 2)
2. Paul Macrie, Jr. and Joan Macrie (Resolution FY2010R7(2))
SADC # 01-0058-PN
Grant Amount: \$29,160.00 (Obligation # 1)

BURLINGTON COUNTY

1. Home Farm, LLC (Probasco) (Resolution FY2010R7(3))
SADC # 03-0012-EP
Grant Amount: \$6,000.00 (Obligation # 1)
2. John C. and Judith E. Probasco (Resolution FY2010R7(4))
SADC # 03-0172-EP
Grant Amount: \$3,600.00 (Obligation # 1)
3. Lawrence and Carol Durr (Resolution FY2010R7(5))
SADC #03-0181-EP/03-0182-EP/03-0207-EP/03-0003-TDR
Grant Amount: \$8,750.00 (Obligation # 2)

GLOUCESTER COUNTY

1. Lena Coco (Agent - Russell Leone Farms, LLC) (Resolution FY2010R7(6))
SADC #08-0069-PG
Grant Amount: \$22,925.00 (Obligation # 1)
2. Leigh and Donna Weiss (Resolution FY2010R7(7))
SADC # 08-0019-FS
Grant Amount: \$1,350.00 (Obligation # 2)

MERCER COUNTY

1. Gregory S. McLaughlin (Resolution FY2010R7(8))
SADC # 11-0041-EP
Grant Amount: \$8,129.00 (Obligation # 1)

MONMOUTH COUNTY

1. Kildee Farms LLC (Agent-C & J Farms, LLC) (Resolution FY2010R7(10))
SADC # 13-0070-EP
Grant Amount: \$13,949.50 (Obligation # 1)
2. Bullock Family Ltd. Partnership (Resolution FY2010R7(11))
SADC #13-0007-EP
Grant Amount: \$8,097.00 (Obligation # 3)

MORRIS COUNTY

1. Timothy Jones (Resolution FY2010R7(12))
SADC #14-0066-EP
Grant Amount: \$6,860.00 (Obligation # 1)
2. Centenary College (Resolution FY2010R7(13))
SADC #14-0059-EP
Grant Amount: \$10,500.00 (Obligation # 2)

OCEAN COUNTY

1. South Land Farms, Inc. (Eng & Huie) (Resolution FY2010R7(14))
SADC #15-0005-DE
Grant Amount: \$6,750.00 (Obligation # 2)

WARREN COUNTY

1. Hensler-Unangst Farms, LLC (Resolution FY2010R7(17))
SADC #21-0196-EP
Grant Amount: \$40,028.13 (Obligation # 2)
2. James and Raelene Venner (Agent-Mitchell Jones) (Resolution FY2010R7(18))
SADC #21-0147-EP
Grant Amount: \$10,576.25 (Obligation # 1)

The motion was unanimously approved. (A copy of FY2012R7(1) through Resolution FY2012R7(8), Resolution FY2012R7(10) through Resolution FY2012R7(14), and Resolution FY2012R7(17) through Resolution FY2012R7(18) is attached to and is a part of these minutes.)

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

MIDDLESEX COUNTY

Mr. Danser recused himself from any discussion/action pertaining to the following soil and water conservation cost share grant request to avoid the appearance of a conflict of interest. Mr. Danser is the Chairperson of the Middlesex County Agriculture Development Board.

It was moved by Mr. Siegel and seconded by Mr. Requa to approve Resolution FY2012R7(9) granting a soil and water conservation cost share grant to the following landowners as presented and discussed, subject to any conditions of said Resolution:

1. Robert and Sylvia VonThuns (Agent-VonThuns Country Farm Market, LLC)
SADC #12-0047-EP
Grant Amount: \$4,800.00 (Obligation # 1)

The motion was approved. Mr. Danser recused himself from the vote. (A copy of Resolution FY2012R7(9) is attached to and is a part of these minutes.)

SALEM COUNTY

Ms. Reade recused herself from any discussion and action pertaining to the following soil and water conservation cost share grant request to avoid the appearance of a conflict of interest. Ms. Reade is a Supervisor for the Salem Soil Conservation District.

It was moved by Mr. Danser and seconded by Mr. Siegel to approve Resolution FY2012R7(15) granting a soil and water conservation cost share grant to the following landowners as presented and discussed, subject to any conditions of said Resolution.

1. Elmer S. Coles and Larry Coles
SADC # 17-0024-EP
Grant Amount: \$24,000.00 (Obligation # 1)

The motion was approved. Ms. Reade recused herself from the vote. (A copy of Resolution FY2012R7(15) is attached to and is a part of these minutes.)

SUSSEX COUNTY

Ms. Brodhecker recused herself from any discussion and action pertaining to the following soil and water conservation cost share grant request 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 Mr. Danser and seconded by Mr. Siegel to approve Resolution FY2012R7(16) granting a soil and water conservation cost share grant to the following landowners as presented and discussed, subject to any conditions of said Resolution.

1. William and Charmaine VanWingerden
SADC #19-0093-EP

Grant Amount: \$17,217.00 (Obligation # 1)

The motion was approved. Ms. Brodhecker recused herself from the vote. (A copy of Resolution FY2012R7(16) is attached to and is a part of these minutes.)

Extension of Project Requests

Mr. Lofberg reviewed specifics of the soil and water cost share grant extension requests with the Committee as listed on the Extension of Project Approvals Summary. He stated that staff recommendation is to grant approval to the extension requests.

CUMBERLAND COUNTY

Ms. Reade recused herself from any discussion and action pertaining to the following soil and water conservation cost share grant extension request for Cumberland County to avoid the appearance of a conflict of interest. Ms. Reade is a supervisor for the Cumberland Soil Conservation District.

It was moved by Mr. Danser and seconded by Mr. Schilling to approve Resolution FY2012R7(19) granting an extension of a soil and water conservation cost share grant for the following landowner, as presented and discussed, subject to any conditions of said Resolution.

1. Lee C. Mixner
SADC #06-0002-DE
Extension Request Amount: \$40,985.00 (Obligation # 1)
Extension Request Expires on: December 26, 2011

The motion was approved. Ms. Reade recused herself from the vote. (A copy of Resolution FY2012R7(19) is attached to and is a part of these minutes.)

MERCER COUNTY

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2012R7(20) through Resolution FY2012R7(22) granting an extension of a soil and water conservation cost share grant for the following landowners, as presented and discussed and subject to any conditions of said Resolutions.

1. Mount Farms, LLC (Resolution FY2012R7(20))
SADC #11-0014-EP
Extension Request Amount: \$13,975.00 (Obligation # 1)
Extension Expiration Date: June 26, 2012

2. Chong II Kim and Tai Jo Kwan (Resolution FY2012R7(21))
SADC #11-0047-EP
Extension Request Amount: \$44,243.00 (Obligation # 1)
Extension Expiration Date: June 26, 2012

OCEAN COUNTY

1. Kazimier Daniecki (Resolution FY2012R7(22))
SADC # 15-0029-EP
Extension Request Amount: \$20,276.34 (Obligation # 1)
Extension Expiration Date: June 26, 2012

The motion was unanimously approved. A copy of Resolution FY2012R7(20) through Resolution FY2012R7(22) is attached to and is a part of these minutes.)

Mr. Schilling stated that regarding a funding source for soil and water we should talk about federal grant funds. He stated that there are some eligibility issues for some of the funding sources and we will have to think creatively in order to qualify.

C. Resolutions for Certification – Agricultural Development Area Amendments

1. Atlantic County
2. Somerset County

Mr. Bruder referred the Committee to Resolution FY2012R7(23) for a request for certification of the countywide agricultural development area map and criteria for Atlantic County (Amended). He reviewed the specifics with the Committee and stated that staff recommendation is to certify the amendments to the Atlantic County map and criteria.

It was moved by Ms. Reade and seconded by Mr. Danser to approve Resolution FY2012R7(23) certifying the countywide agricultural development area map and criteria for Atlantic County (Amended) as presented and discussed, and subject to any conditions of said Resolution. The motion was unanimously approved. A copy of Resolution FY2012R7(23) is attached to and is a part of these minutes.)

Mr. Brill referred the Committee to Resolution FY2012R7(24) for a request for certification of the amended agricultural development area map for Somerset County. He reviewed the specifics with the Committee and stated that staff recommendation is to certify the amendments to the agricultural development area map.

It was moved by Mr. Schilling and seconded by Mr. Danser to approve Resolution

FY2012R7(24) certifying the amendments to the agricultural development area map for Somerset County as presented and discussed, and subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R7(24) is attached to and is a part of these minutes.)

D. Resolutions for Final Approval – Township Planning Incentive Grant Program

Ms. Winzinger referred the Committee to four resolutions for final approval under the Township Planning Incentive Grant Program. She reviewed the specifics for each request and stated that staff recommendation is to grant final approval.

It was moved by Mr. Danser and seconded by Ms. Reade to grant final approval to the following landowners as presented and discussed, and subject to any conditions of said Resolutions:

1. Theodore and Grace Peters (Resolution FY2012R7(25)) *
Block 39, Lots 49, 49.12; Block 40, Lot 2
Readington Township, Hunterdon County, 61 Acres
State cost share of \$11,400.00 per acre for an estimated total of \$695,500.00 (60% of the certified market value and estimated total cost.) Due to anticipated federal grant funds, the SADC cost share from Readington Township's Planning Incentive Grant funds approved in this resolution will be reduced by sixty (60) percent of the total federal FY2010 grant received. The SADC grant is conditioned upon the appropriation of funding by the legislature and approval by the Governor and the availability of those funds within Readington Township's SADC Planning Incentive Grant account. The landowner has agreed to the additional restrictions involved with using federal funding that includes a seven percent maximum impervious coverage restriction. **At this time the appraisal determining the federal easement value has not been received, therefore the final amount of the federal grant is not yet known.**

* The property includes a one acre nonseverable exception for one future single family residence and a six acre severable exception around an existing residence. The SADC previously conditioned the certification of value on a reconfiguration of the severable exception in order to provide for more road frontage to the preserved farmland. Due to negotiations with the landowner regarding this request by the SADC and an ultimate shortfall in Readington Township's former rule PIG funds the Township was unable to close on the easement. Because the property was previously appraised with easement values certified by the SADC prior to June 30, 2009 and the application remained continually active between the first submission and the revised submission, SADC staff determined the application could retain the ability to be appraised based upon

zoning and environmental regulations in place at the time of the original appraisal and as of January 1, 2004 (pre-Highlands Act). Based on the current potential grant need for two current projects there is a potential \$190,344.00 shortfall in the SADC grant funding until the \$500,000.00 in FY 2011 funding becomes available. Therefore SADC staff submitted the application for FY 2010 federal funding that had not been utilized. The landowner has agreed to the additional restrictions involved with the use of federal funding, including a seven percent maximum impervious coverage restriction (approximately 4.27 acres available for impervious cover) on the lands being preserved outside of the exception areas. The SADC, municipality and the county have agreed to utilize a sixty/fifty split of the federal funding, using the same percentages as the overall project for this farm.

2. Jeffrey and Deborah Garton-Farm # 2 (Resolution FY2012R7(26))
Block 603, Lots 8 and 9
Upper Deerfield Township, Cumberland County, 32.766 Acres
State cost share of \$4,650.00 per acre for an estimated total of \$152,361.90 (62% of the certified market value and purchase price).
3. Sigismondi Dey Grove Road Farm (Resolution FY2012R7(27))
Block 59, Lot 4
Manalapan Township, Monmouth County, 96.5 Acres
State cost share of \$2,200.00 per acre for an estimated total of \$212,300.00 (73.33% of the certified market value and 48.89% of the purchase price).
4. Steven C. Linz (Resolution FY2012R7(28))
Block 1803, Lot 12, Frelinghuysen Township, Warren County, 121 Acres
State cost share of \$2,500.00 per acre for an estimated total of \$302,500.00 (71.44% of the certified market value and estimated total cost.)

The motion was unanimously approved. (A copy of Resolution FY2012R7(25) through Resolution FY2012R7(28) is attached to and is a part of these minutes.)

E. Resolutions for Final Approval – County Planning Incentive Grant Program – FY 2009 Funding

1. Louis Tommaso, Green Township, Sussex County

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

Ms. Winzinger referred the Committee to Resolution FY2012R7(29) for a request for

final approval for the Louis Tommaso farm, located in Green Township, Sussex County. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution
Fy2012R7(29) granting final approval to the following landowner, as presented and
discussed:

Louis Tommaso *

Block 19, Lots 7, 7.02 and 7.03

Green Township, Sussex County, 47 Acres

State cost share of \$5,820.00 per acre (60% of the certified market value and 59.59% of the purchase price). A three (3) percent buffer has been applied to the funds encumbered from the County's base grant, which would allow for a maximum SADC cost share of \$281,746.20. SADC grant funds are conditioned upon the appropriation of the funding by the legislature and approval by the Governor and the availability of those funds. Should federal funding be utilized and applied at closing the SADC will utilize \$40,890.00 in federal grant funds to reduce the SADC's grant taken from the County's base grant for this property.

* This property includes one, one acre nonseverable exception for a future residence, one 2.11 acre severable exception for an existing duplex, one 4.6 acre severable exception for an open space donation to the Township and one, 1.27 acre severable exception for a lot line adjustment with the neighboring parcel. Sussex County has requested that the SADC seek supplemental funding through the USDA, NRCS program because it does not have enough funding to process all of its pending applications, and Green Township is also seeking to offset its limited funding for farmland preservation projects. The SASDC, therefore, submitted this application to the FY2011 USDA, NRCS program for consideration of a grant. It has been approved by that agency for a grant of \$4,750.00 per acre up to a maximum of \$250,260.00, based on fifty percent of the federal certified current value of \$9,500.00 per acre, which will be available once a cooperative agreement has been signed by the NRCS and the SADC. The landowner has agreed to the additional restrictions associated with the use of federal funds, including a seven percent impervious cover limit (approximately 3.15 acres) for the construction of agricultural infrastructure on the property outside of the exception areas. Federal grant funds will be passed through to cover the entire local cost share. The SADC shall pass through the federal grant in order to cover an amount up to forty percent of the SADC certified value; however, it will not offset the additional fifty dollars per acre above the SADC certified value being paid by the Township for the easement. The county has requested to encumber an additional three percent buffer for possible final surveyed acreage increases, therefore, 48.410 acres will be utilized to calculate the grant need.

The motion was approved. Ms. Brodhecker recused herself from the vote. (A copy of Resolution FY2012R7(29) is attached to and is a part of these minutes.)

2. John and Caroline Olbis, Freehold Township, Monmouth County

Ms. Winzinger referred the Committee to Resolution FY2012R7(30) for a request for final approval for the John and Caroline Olbis farm, located in Freehold Township, Monmouth County. She reviewed the specifics with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve Resolution FY2012R7(30) granting final approval to the following landowner, as presented and discussed:

John and Caroline Olbis
Block 89, Lots 8 and 8.02
Freehold Township, Monmouth County, 17 Acres
State cost share of \$3,400.00 per acre (59.31% of the certified market value and purchase price). The County has requested to encumber an additional three percent buffer for possible final surveyed acreages increases; therefore, 17.51 acres will be utilized to calculate the grant need. The three percent buffer has been applied to the funds encumbered from the FY 2009 competitive grant, which would allow for a maximum SADC cost share of \$602,344.00.

The motion was unanimously approved. (A copy of Resolution FY2012R7(30) is attached to and is a part of these minutes.)

F. Resolutions for Final Approval – County Planning Incentive Grant Program – FY 2011 Funding

Ms. Winzinger referred the Committee to two resolutions for final approval under the FY 2011 Planning Incentive Grant Program. She reviewed the specifics for each request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Ms. Reade to approve Resolution FY2012R7(31 and Resolution FY2012R7(32) granting final approval to the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

1. Carmen Adamucci # 2 (Resolution FY2012R7(31))
Block 78, Lot 24.04
Hopewell Township, Cumberland County, 48 Acres

State cost share of \$4,500.00 per acre (62.50% of the certified market value and purchase price). The County has requested to encumber an additional three percent buffer for possible final surveyed acreage increases, therefore, 49.44 acres will be utilized to calculate the grant need. SADC FY2011 funding (2009 Bond Referendum Funds) for use by Cumberland County is conditioned to appropriation by the Legislature, approval by the Governor and availability of those funds.

2. Cumberland County/Robert J. and Donna L. Riggins (Resolution FY2012R7(32))
Block 13, Lot 27
Stow Creek Township, Cumberland County, 76 Acres
State cost share of \$2,500.00 per acre (71.43% of the certified market value and purchase price). SADC FY2011 funding (2009 Bond Referendum Funds) for use by Cumberland County is conditioned to appropriation by the Legislature, approval by the Governor and availability of those funds.

Note: Since the County has already closed on this property it is not requesting to use the additional three percent buffer for possible surveyed acreage increases. Therefore the SADC cost share shall be based on the certified easement value at \$3,500.00 per acre and 76.154 surveyed acres. The SADC cost share grant will consist of \$190,385.00 from the competitive grant fund only.

The motion was unanimously approved. (A copy Resolution FY2012R7(31) and Resolution FY2012R7(32) is attached to and is a part of these minutes.)

G. Resolution for Amended Final Approval – county Planning Incentive Grant Program

1. Robert Smith, Washington Township, Morris County

Mr. Brill stated that at the last meeting of the Committee there was a discussion in closed session as well as open session with representatives from Morris County and the Washington Township Municipal Utilities Authority (WTMUA), along with the landowner, Mr. Smith in attendance. This is an amended final approval based on the discussion at the last meeting.

Mr. Brill stated that the WTMUA was successful in an eminent domain condemnation taking to establish a public community well on a portion of the Smith farm. At this point in time the WTMUA is pursuing a permit through the NJ DEP and the Highlands review process. As discussed last month, the SADC is unable to decisively determine what the implications of this community well will be on this soon to be preserved farm. As a result of the Committee's deliberations last month the resolution before it today, Resolution FY2012R7(33), reflects the one year timeframe during which the WTMUA

will be encouraged to resolve the permit issues associated with this community well, do the testing of the well to determine that it will be approvable for public water use and that will help the SADC determine the long-term implications for agriculture on this parcel, for the existing and future farmers. We are trying to avoid a situation where we preserve the farm and then the WTMUA determines that it needs additional buffer areas that would require the SADC to go back in to undo a portion of the deed restrictions via further eminent domain actions.

Mr. Brill reviewed with the Committee the proposed areas where the monitoring well will be for the testing period. As he understands it, those wells will be removed once the NJ DEP process is completed. He stated that two of the monitoring wells are in the proposed easement but the third monitoring location would have to still be on a portion of the proposed preserved farm so it further calls for this one year period to resolve these implications. The resolution before the Committee today memorializes what the Committee discussed last month.

Mr. Brill stated that the SADC also intends to hold Morris County harmless from any impacts that delaying the process of this application would have on the county's future program funding and this provision is included in the resolution and the resolution reflects a provision for additional extensions to this one-year period, subject to SADC approvals of any extensions. The SADC reserves the right to revisit the certification of values, pending the outcome of this permit process. It was reiterated the recommendation strongly encouraging the WTMUA to expedite the process. Staff was advised last month that they are moving quickly to do the testing and the processing of applications in order to not take a full year.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2012R7(33) granting amended conditional final approval of a planning incentive grant for the Robert Smith Farm, as outlined in said Resolution, and subject to any conditions of the Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R7(33) is attached to and is a part of these minutes.)

H. Request for Final Approval – Nonprofit Grant Program

1. Hunterdon Land Trust Alliance/Gordeuk Farm

Ms. Winzinger referred the Committee to Resolution FY2012R7(34) for a request for final approval of the Hunterdon Land Trust Alliance/Gordeuk farm, located in Kingwood Township, Hunterdon County. She reviewed the specifics of the request with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Requa and seconded by Ms. Reade to approve Resolution FY2012R7(34) granting final approval to the following landowner as presented and

discussed, subject to any conditions of said Resolution:

1. Hunterdon Land Trust Alliance/Gordeuk Farm
Block 23, Lot 17, 17.03, Kingwood Township, Hunterdon County, 26 Acres
Cost share grant not to exceed \$5,200.00 per acre (capped at \$135,077.05) to the Hunterdon Land Trust Alliance. The SADC approves Hunterdon Land Trust Alliance's use of federal funds for the preservation of this farm, which will include an impervious coverage limitation of three percent outside the exception area, which the landowner has agreed to the additional restrictions associated with the use of federal funding, including the three percent impervious coverage limitation on the farm, equal to approximately 0.75 acre available for agriculture infrastructure outside the exception area.

The motion was unanimously approved. (A copy of Resolution FY2012R7(34) is attached to and is a part of these minutes.)

I. Minimum Standards

1. County Planning Incentive Grant Program
2. State Acquisition Program

Ms. Winzinger referred the Committee to Resolution FY2012R7(35) for the yearly minimum standards for the County Planning Incentive Grant Program and Resolution FY2012R7(36) for the yearly minimum standards for the State Acquisition Program. She reviewed the specifics of each with the Committee and stated that staff recommendation is to grant approval to both minimum standards.

Ms. Winzinger stated that on the spreadsheet for the Minimum Standards for the State Acquisition Program, she noticed that three of the Counties had incorrect rounded numbers. For Gloucester County, under the Priority Column in the 90% category, it read the average quality score as 56, it should read 55; for Hunterdon County it read 59 and it should read 58 and for Salem County it read 63 and should read as 62. Those three figures should have been rounded down and they were rounded up in error, so with the corrected numbers it would bring the threshold down by one point. Ms. Payne stated that staff would double check all the calculations and will consistently round down on all of them. The Committee's approval would therefore be subject to clarification of these figures for correctness.

It was moved by Mr. Danser and seconded by Ms. Reade to approve Resolution FY2012R7(35) – Memorializing Standards for Determining Eligible Farms Pursuant to

the County Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said Resolution, and to approve Resolution FY2012R7(36) – Memorializing Standards for Determining Priority and Alternate Farms Pursuant to the State Acquisition Programs, as presented and discussed, subject to any conditions of said Resolution and subject to staff clarification of all figures in the spreadsheets for both minimum standards. The motion was unanimously approved. (A copy of Resolution FY2012R7(35) and Resolution FY2012R7(36) is attached to and is a part of these minutes.)

J. Farmland Stewardship

1. Solar Installations on Existing Rooftops

- a. Clark Farm, Pittsgrove Township, Salem County
- b. Gade Farm, Roosevelt Boro, Monmouth County

Mr. Roohr referred the Committee to two requests to install solar generation facilities on portions of rooftops on two farms. The first farm is the Robert and Lisa Clark farm, located in Pilesgrove Township, Salem County and the second farm is the Sreenivasa and Kanigiri Gade farm, located in Roosevelt Borough, Monmouth County. He reviewed the specifics of each request with the Committee and stated that staff recommendation is to grant approval to both requests.

Chairman Fisher commented that prior to the legislation for solar panels on rooftops, the SADC didn't have to approve these types of applications. He asked what would be the reason that the SADC would deny someone the opportunity to do that based on the way it is written now. Ms. Payne stated that the reason we are able to move forward on these requests is that they are not creating any new impervious cover. When the statute was passed it required the SADC to adopt regulations in conjunction with the NJ DEP to deal with reviewing projects that are going to create new impervious cover on a preserved farm.

Chairman Fisher asked if there would be any reason why the SADC would deny an application on an existing rooftop. Ms. Payne stated not unless they were generating any more electricity that the statute allows. Chairman Fisher felt that in some ways it is a waste of staff time to have to go look at the buildings to see if it will be approved. Ms. Payne stated that if the Committee wants to delegate its authority to approve these kinds of applications to the staff, we can review them internally and not necessarily have to wait for an SADC meeting to approve them. Mr. Siegel suggested that you could do that and that there be a resolution to the Board and it includes a report provision so that in twelve months staff would report back on how that is going. Ms. Payne stated that the Committee could decide to delegate a limited scope of authority for approval of these projects if they meet certain perimeters, and that can be laid out in a resolution with a reporting requirement, for the Committee to adopt. Ms. Reade commented regarding the

need to prevent applicants from putting up buildings just so that they can erect solar panels that are not related to the agricultural operation, and that if an existing structure had clearly been there, or there is a new structure that serves an agricultural purpose, those are fairly easy decisions; but if not, it would probably need a discussion by the Committee. Chairman Fisher stated that he would not ask for a motion today until staff comes back with what appears to be the issue that has been brought up today and the Committee will review that. Mr. Stypinski asked that staff provide the Attorney General's Office an opportunity to review that document first to make sure it conforms with the SADC Bylaws and is within the scope of delegating.

It was moved by Mr. Requa and seconded by Ms. Brodhecker to approve Resolution FY2012R7(37) approving a request for the construction, installation, operation and maintenance of a photovoltaic energy generation facility, structures and equipment consisting of approximately 700 square feet and having a rated capacity of 8.28 kW of energy to be located on the roof top of an existing building as identified in Schedule "B" of said Resolution on the Robert and Lisa Clark Farm, Block 41, Lot 3.02, Pilesgrove Township, Salem County, 22 Acres, as presented and discussed and subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R7(37) is attached to and is a part of these minutes.)

It was moved by Mr. Requa and seconded by Ms. Brodhecker to approve Resolution FY2012R7(38) approving a request for the construction, installation, operation and maintenance of a photovoltaic energy generation facility, structures and equipment consisting of approximately 3,000 square feet and having a rated capacity of 35 kW of energy to be located on the roof top of a barn being constructed in the location identified in Schedule "B" of said Resolution on the Sreenivasa and Kanigiri Gade Farm, Block 1, Lots 1, 2, and 3, Roosevelt Borough, Monmouth County, 149 Acres, as presented and discussed and subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R7(38) is attached to and is a part of these minutes.)

2. Request for a Division of the Premises

Mr. Roohr referred the Committee to Resolution FY2012R7(39) for a request for a division of the premises on property known as Kenco Land Company, located in Allamuchy Township, Warren County, totaling approximately 51.06 acres. The original farm (James C. Gibbs), consisted of approximately 431.85 acres, which has been divided several times since the original preservation, as outlined in the resolution. He stated that staff received a request to divide the premises (Parcel "C" Block 202, Lots 2, 3, and 5, 51.06 acres) on June 29, 2011. The landowner proposes to divide the property along the lot line of Block 202, Lot 5 (see Schedule "A") with the intention to transfer this approximately 6.04 acre tract to a contract purchaser, who is the owner of an adjacent

preserved 101-acre farm. The contract purchaser would like to acquire Parcel "B" to merge it with his adjacent preserved farm securing the existing access point and adding to his farm acreage. The contract purchaser operates a substantial greenhouse operation on a nearby farm. The resulting parcels would be as follows:

Parcel "A" – 45.02 acres, improved with underground irrigation mains, and an agricultural labor residence.

Parcel "B" – 6.04 acres, improved with a currently uninhabitable agricultural labor unit.

Mr. Roohr stated that staff is recommending that approval be conditioned on the permanent association of Parcel "B" with the contract purchaser's adjacent preserved farm, Block 202, Lot 7 and Block 201, Lot 10 and that the owner shall incorporate a deed restriction on the 6.04 acre, Parcel "B", requiring that it be combined with Block 202, Lot 7 and Block 201, Lot 10, prohibiting any future conveyance of these parcels separate and apart from each other. Staff further recommends that the agricultural labor unit associated with Parcel "B" may only be utilized on the lot it was originally allocated to, currently described as Block 202, Lot 5.

It was moved by Mr. Danser and seconded by Mr. Schilling to approve Resolution FY2012R7(39), as presented and discussed, granting a request by Kenco Land Company, owners of Block 202, Lots 2, 3, and 5, Allamuchy Township, Warren County, 51.06 acres to divide the premises as outlined in said Resolution, and subject to any conditions of said Resolution. The motion was unanimously approved. (A copy of Resolution FY2012R7(39) is attached to and is a part of these minutes.)

K. NRCS Cooperative Agreement and Deed of Easement Language Changes

Ms. Payne stated that the Committee discussed at the last meeting a recent requirement being set forth by the USDA, NRCS with respect to the SADC's cooperative agreement with it for FY 2011 and deeds of easement that flow from that agreement in light of New Jersey's medical marijuana law. The Federal government is taking the position that on lands funded in part with federal funds, no activity that is contrary to federal law can be conducted, whether it is permitted under New Jersey law or not.

Ms. Payne referred the Committee to a letter dated July 11th from Donald J. Pettit, State Conservationist for the USDA, Natural Resources Conservation Service, regarding medical marijuana on preserved farms. She stated that the letter indicates that the 2011 Cooperative Agreement template now includes a provision that states no activities shall be permitted on the land in violation of federal criminal statutes, even if these activities do not violate state criminal statutes or are specifically authorized by the State of New Jersey. The letter further states that this is a national change and applies to all

agreements signed by all entities. The NRCS has requested that this language be added to the end of Paragraph 2 of the Federal Farm and Ranch Lands Protection Program (FRPP) easement template deed. The letter goes on to state that the requested language does not and is not intended to alter the definition of “agricultural use”, it only states that federal criminal law cannot be violated on property acquired under a FRPP agreement. Ms. Payne stated that at this point in time it is not a negotiable item and if the SADC wants federal funding she needs to be able to sign the Cooperative Agreement that agrees to this language and the deeds of easement will be respecting that. Mr. Siegel stated that the Department of the Interior is also requiring this on all its agricultural leases. Ms. Payne stated that she doesn’t know what the growing sites of any of the six approved privates are; one allegedly is in Ocean County on a preserved farm but then we received information that growing site had been withdrawn but she has not received any information stating where these growing sites are. She wanted to make sure that the Committee has no objection to her executing the Cooperative Agreement so that the SADC can continue to receive federal funds. She stated that unless she hears from the Committee today concern with staff moving forward, that is the direction she will be going. Mr. Stypinski stated that staff did advise his office and that the USDA, NRCS can do that. She stated that this was information and no motion was needed.

PUBLIC COMMENT

Jennifer McCullough from the Morris County Agriculture Development Board thanked SADC staff for the Smith farm and all of the time and effort that they put into that issue. She inquired about some language in the Smith farm resolution requiring authorization from the Office of the Attorney General’s Office. She stated she had never seen that language before. Ms. Payne stated that she thought it was standard language put in for all the final approvals, but staff would follow up with the county.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: Thursday, September 22, 2011, beginning at 9:00 a.m.
Location: Health/Agriculture Building, First Floor Auditorium.

CLOSED SESSION

At 11:15 a.m. Mr. Danser moved the following resolution to go into Closed Session. The motion was seconded by Ms. Reade and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, and 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. Real Estate Matters - Certification of Values

County Planning Incentive Grant Program

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

1. Cumberland County/Mooneyham Farm
SADC #06-0097-PG
Block 607, Lot 16.05, Upper Deerfield Township, Cum. Co, 23 Acres
2. Cumberland county/Mary K. Sheppard
SADC # 06-0098-PG
Block 21, Lot 16, Stow Creek Township, Cumberland County, 71 Acres
3. Joseph and Edith Cimino
SADC # 06-0120-PG, Block 8, Lots 8, 8.02
Hopewell Township, Cumberland County, 52 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.)

State Acquisition Program

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

1. Hill and Dale Farms, Inc. (Rothpletz)
SADC # 10-0914-DE, Block 51, Lot p/o 80
Tewksbury Township, Hunterdon County, 41 Acres
Certification is contingent upon the subject subdivision being perfected and creating the herein described parcel that is the subject of this certification report.

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.)

Nonprofit Grant Program

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

1. New Jersey Conservation Foundation/Senti LLC
Block 48, Lot 2, Hopewell Township, Mercer County, 17 Acres
Certification is contingent upon the applicant being in possession and clear title of Block 48 Lot 2, as per the proposed subdivision map prepared by David F. Stration dated February 17, 2009, prior to the imposition of the deed of easement.
2. New Jersey Conservation Foundation/Hopewell Valley Enterprises
Block 48, Lot 3.02, Hopewell Township, Mercer County, 51 Acres
Certification is contingent upon the applicant being in possession and clear title of Block 48 Lot 3.02, as per the proposed subdivision map prepared by David F. Stration dated February 17, 2009, prior to the imposition of the deed of easement.

The motion was unanimously approved. (Copies of the Certification of Value Reports are attached to and are a part of the closed session minutes.)

B. Attorney/Client Matters

None

ADJOURNMENT

There being no further business, it was moved by Mr. Siegel and seconded by Ms. Reade and unanimously approved to adjourn the meeting at 11:47 a.m.

Respectfully Submitted,

Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachments
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