

STATE AGRICULTURE DEVELOPMENT COMMITTEE (SADC)

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

REGULAR MEETING

February 27, 2020

Chairman Fisher called the meeting to order at 9:13 a.m. The flag salute was conducted.

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

Chairman Fisher
Cecile Murphy
Gina Fischetti
Martin Bullock
Scott Ellis
Roger Kumpel (alternate farmer member for Mr. Johnson)
Brian Schilling
Denis Germano
Ralph Siegel
Richard Norz

Members Absent

Pete Johnson
James Waltman

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

Others present as recorded on the attendance sheet: Bob Hornby, Hunterdon County Agriculture Development Board (CADB); Sean Pizzio, Monmouth CADB; Tim Willmott, Burlington CADB; Tom Thorsen, Ocean CADB; Katherine Coyle, Morris CADB; Emily Blackman, Mercer CADB; Kurt Alstede, Alstede Farms; Amy Hansen, New Jersey Conservation Foundation; Katherine Fullerton, East Amwell and Delaware Township.

Minutes

A. SADC Regular Meeting of January 23, 2020 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the Open and Closed Session minutes of the SADC regular meeting of January 23, 2020. Ms. Murphy abstained from the vote. The motion was approved.

Report of the Chairman

Chairman Fisher welcomed Mr. Roger Kumpel, the alternate farmer member, who is serving on the Committee today in Pete Johnson's absence. Chairman Fisher noted that Mr. Kumpel is an outstanding farmer and has been president of the State Board of agriculture twice. Mr. Kumpel stated that he is from Burlington County, has been a member of the Burlington County Board of Agriculture for more than 30 years, served on the Board of Managers for Rutgers University for six years, served as President of the State Board of Agriculture, and is a Farm Bureau Director. He noted that he has been involved in agriculture his entire life and he is willing to do whatever it takes to make the farming industry healthy.

Chairman Fisher noted that Special Occasion Events (SOEs) will be discussed today and it is a very intricate and involved topic that has an extraordinary impact on the farming community. He noted that agriculture is changing across the country and the world. In NJ's case the sector has changed from decade to decade, and we're adjusting to how farms operate, ag tourism being a prime example. Staff has spent many years working on SOEs, starting with the preserved farm winery bill. It's important that legislation be put in place because it helps farmers know what they can and can't do and avoid uncertainty. The non-farming community also has expectations of what's going to happen on these farms, so their rights need to be kept intact as well. Staff will be making recommendations to the legislature based on the discussion here today.

Report of the Executive Director

Ms. Payne introduced new appraisal staff member, Ms. Jolyn Czerniecki, who will be working with Mr. Martin. .

Ms. Payne noted that the SADC will be holding a Farm Succession Planning Workshop with guest speaker Keith Dickinson from Farm Credit East. The workshop will be an informal discussion with local farmers regarding their farm transition experiences.

Ms. Payne noted that the Committee members received an invitation from Casey Jansen to Holland Ridge Farm for a naming ceremony for a brand-new tulip variety. She encouraged the Committee members to attend the event as it is an amazing place to visit in the spring.

Ms. Payne noted that there has been a lot of legislative activity going on lately. She noted that last week the Assembly Agriculture Committee released four bills related to the SADC . One bill reintroduced special occasion events legislation from last session, A2773, which allows special occasions on farms except for wineries. The second bill, A2775, would make the winery program permanent for wineries. The third bill was an assembly concurrent resolution finding that the rules the SADC adopted to implement the winery SOE law are inconsistent with statutory intent. Ms. Payne stated that she doesn't agree with that assessment and that the proposed legislation can be discussed further if this bill continues. Lastly, A2774 requires the Executive Director of the SADC be appointed by the governor based on recommendation of the State Board of Agriculture.

Communications

Ms. Payne encouraged the Committee to take the communications packet with them as there are interesting articles to read regarding solar technology , the Penn East pipeline project, and soccer tournaments on preserved farms.

Public Comment

Mr. John Diet, a farmer , asked the Committee how he could move an exception area on his farm from one area to another so that he could have an opportunity to build a house. Ms. Payne stated that this issue has come up before, but there is no legal way for the Committee to approve that because there is no statutory authority to unreserved land in order to move the exception area . Mr. Diet noted that there is soil erosion associated with the exception area making it an inappropriate location for a future house.

Mr. Norz stated that agriculture is changing, so what would have to take place for this to happen. Ms. Payne answered that this would have to go to the legislature. Mr. Norz asked for staff to investigate this more closely. Chairman Fisher stated that legislation is not done to solve all issues, and that it depends on how egregious the situation is.

Old Business

A. Approval of SADC Final Report- Special Occasion Events

Note: Ms. Payne stated that three of the present farmer members of the SADC, Richard Norz, Martin Bullock and Scott Ellis, are recused from the discussion because current SADC ethics rules prevent them from participating at the SADC level given that they discussed and authorized official action on SOE's at the CADB level. Mr. Kumpel is the only farmer member that can act today as he is not a member of his local CADB.

Ms. Payne stated that the SADC is required to submit to the Governor and the legislature a final report on the winery special occasion events law, including recommendations for the program to be amended, extended or made permanent. Based on the Committee's feedback at the last meeting, staff has drafted the final report for the Committee's consideration.

Ms. Payne stated that the report contains an executive summary which recommends that SOEs be allowed on all farms and that standards be applied to their frequency and size, and further recommends that the legislature consider that agritourism be allowed for all farms, not just preserved farms.

Ms. Payne gave an overview of the preserved farm winery pilot program and noted that the SADC's working group consisted of representatives of several CADBs, the NJ Farm Bureau, the SADC, Rutgers University and the NJ League of Municipalities. She explained that the CADBs gave feedback and comments which included concerns that all preserved farms should be given the opportunity for SOEs, the potential administrative burdens, and the need for clarity as to SOEs and Right to Farm protection.

Committee members expressed concern that the definition of an SOE needs to be clarified. Ms. Payne agreed that an SOE should be described more clearly, and the on-farm direct marketing AMP definitions provide some guidance. She noted that the report characterizes the types of events held, and that they are broken down into four categories which include private events with a meal served (wedding receptions) which accounts for 54% to 60% of all SOEs reported; public events with a meal served (wine festivals); public events with no meal served (farmers market) and public recreational events which is a subset of public events with no meal.

Ms. Payne explained that a provision in the statute requires that wineries can only derive 50% of their income from SOEs, not including the sale of wine. As far as grape production and use in wine production, wineries must produce 50% of their grapes that they use from their own farm management unit. The report also addresses food and other beverage

services, as the SADC recognizes if there is an event, food will be served, but there should be no restaurants or food establishments on the property. The winery law requires that SOEs be conducted in an enclosed area or open canopy, and the recommendation is that the legislature provide a distinction as to how much of the property can be used to host events.

Ms. Payne stated that the report lists recommendations for future legislative action. The first recommendation is that the overriding goal of the SOE law be to enable all preserved farms, not just wineries, to hold an appropriate number and scale of SOEs over and above the events and activities already permitted on preserved farms in NJ in order to attract more members of the public to their farms, thereby increasing the opportunity to market their agricultural output, and provide an opportunity for supplemental, farm-based income.

Ms. Payne stated that the Committee has before them a chart that contains fifteen evaluation factors with parameters for SOEs on Preserved Farmland along with the summary of legislative recommendation, and suggested the Committee go through each evaluation factor and vote to amend, extend or make permanent the parameters for the SOEs and decide whether these parameters be allowed for all farms and not just wineries.

Ms. Murphy stated that her concern lies with the IRS and the impact of allowing SOEs on farms preserved by non-profits organizations .

Mr. Schilling stated that the deed of easement (DOE) needs to be looked at, but the changing agricultural industry needs to be taken into consideration.

Mr. Siegel stated his concern is the potential jeopardy with conservation easements, tax deductions and donations of easements to non-profits. Mr. Germano stated that he agreed with Mr. Siegel and Ms. Murphy's points .

Chairman Fisher asked for a motion that the SOE parameters outlined in the report include all farms, not just wineries.

It was moved by Mr. Germano and seconded by Mr. Kumpel to approve the parameters that all preserved farms, not just wineries, be allowed to have SOEs. Ms. Murphy voted against the motion.. Mr. Ellis, Mr. Norz and Mr. Bullock recused. The motion was approved.

Ms. Payne stated that the tax implications of having SOEs on farms preserved nonprofit organizations may be the landowner's responsibility to address . Ms. Payne suggested that this issue be raised in the report. She noted that the second concern in the nonprofit community is the limited resources it has available to monitor and enforce easements.

Ms. Payne asked if the Committee wishes to require that in order to qualify to hold SOEs, the farm must be owned and operated by the farmer, as is the standard under the rural microenterprise law that was passed. Such a requirement would disallow landowner who

rent their farms out to the farming community to hold SOEs on the farm, and would similarly disallow a farmer who rents land from being able to conduct an SOE on that land. Mr. Schilling suggested a motion to strike this parameter from the report.

It was moved by Mr. Schilling and seconded by Mr. Kumpel to strike from the SOE report the text that reads “farm owner must be a farmer (like RME law/rules)”. Ms. Murphy voted against the motion. Mr. Ellis, Mr. Norz and Mr. Bullock recused. The motion was approved.

Ms. Payne addressed the next evaluation factor of the report that defines SOEs. The Committee discussed in detail the RTF process and how it could apply to SOEs. Mr. Germano stated that he would like to change the text in the report from “SOEs are in addition to events that **receive** Right to Farm (RTF) protection” to “SOEs are in addition to events that **are eligible** for Right to Farm protection” because it is avoiding a situation where permissible things don’t get counted as SOEs. The concern is that SOEs, RTF issues, AMPs and things that are allowed by the deed overlap. Chairman Fisher concluded that the term “eligible” would be used instead of “receive”.

The next evaluation factor was size and frequency of events for all farms. Ms. Payne that under current law a farmer’s income determines whether SOEs can be held, and staff’s recommendation instead is to utilize size and frequency of events as the bases for approval. Farm Bureau recommended that farms have \$10,000 in minimum income in order to have 15 SOEs per year, and farms with \$100,000 or more in income can have 26 SOEs per year. The SADC’s working group recommended that for farms holding up to 15 events per year, up to 4 large events could be “large”, i.e., greater than 250 people.

Ms. Payne noted that the report says there should be some limit on what is considered a large event so as not to disrupt the surrounding community. Mr. Schilling stated that this pilot program was predicated on wineries and feels that the number of people allowed at the event should be 300 and not 250. Chairman Fisher stated that the law must follow all the zoning and parking rules regarding these numbers and feels that the number “250” should be removed from the report and the number should be larger, and a limit of 4 shows may be problematic as well. Ms. Murphy stated that the evaluation factor for the size and frequency of the SOE events for farms should remain as written.

Chairman Fisher asked for a motion from the Committee as to whether it wants to limit the number of large events to 4, or not limit it at all, or change the number.

It was moved by Mr. Germano and seconded by Ms. Murphy to maintain the size and frequency of all farms as it stands in the report. Chairman Fisher suggested the number be changed from 4 to 6 large events. Mr. Germano withdrew his original motion. It was moved by Mr. Germano and seconded by Mr. Kumpel to increase the number from 4 to 6 large shows for farms with over \$100,000 in income. Mr. Ellis, Mr. Norz and Mr. Bullock were recused. Ms. Murphy and Mr. Siegel voted against the motion. The motion was approved.

Ms. Payne noted that the next evaluation factor in the report involves the ag production requirement for processing the output of the farm, which states that at least 50% of raw agricultural commodity used at the SOE must be grown on the farm management unit. The SADC will recommend that the legislature not disturb this parameter.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the parameters for the agriculture production requirement for processed output on the farm for SOEs. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused

Ms. Payne noted that the evaluation factor of the duration of the SOE states that an event would be considered 1 day or less and a 2-day event counts as 2 separate events.

Chairman Fisher explained that one event can last more than 1 day so he thinks this number is restrictive. Ms. Payne clarified that the definition of an event should be expanded to read that a single event should not last more than 2 consecutive days.

It was moved by Chairman Fisher and seconded by Mr. Germano that the definition of an “event” be expanded such that an event cannot last more than two consecutive days Mr. Kumpel, Ms. Fischetti, Mr. Germano and Secretary Fisher voted in favor of the motion. Mr. Schilling, Ms. Murphy and Mr. Siegel voted against it. The motion was approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused

Ms. Payne touched on the topic of eligibility for RTF protection and stated that this is not a topic that needs a vote as it is a statement rather than a recommendation.

Ms. Payne addressed the evaluation factor of local approvals, which provides that the “law should enable SOE use without the need for municipal zoning/land use approval and that the landowner is required to secure all necessary public health and safety approvals. If a site plan is required, a copy should be provided to the grantee and SADC”.

Mr. Germano stated that the language that reads “If a site plan is required, a copy should be provided to the grantee and SADC” should be removed because a site plan can have lots of requirements and become complicated and expensive.

Ms. Payne noted that the parameters state that the “legislature may consider extending SOE use to all farms, not just preserved farms” and asked if the Committee is comfortable with this recommendation.

Mr. Schilling stated that this falls outside of the SADC’s authority. Ms. Payne stated if all farms have the right to SOEs it allows a preserved piece of farmland to do things not permitted on unpreserved pieces of farmland. Mr. Siegel stated that there is no harm in making the recommendation. Ms. Fischetti stated that this is an incentive for people to

preserve their farms. Ms. Payne stated that these parameters recommend to the legislature that SOEs are permitted, subject to the limitations. This would result in removal municipal authority to prohibit these uses, so the preserved farms have an opportunity to conduct SOEs that non-preserved farms do not.

The Committee agreed that the wording in the report should read “legislature **may** consider extending SOE use to all farms, not just preserved farms” to make it appear as an option rather than mandatory and that the parameter that reads “If a site plan is required, a copy should be provided to the grantee and SADC” should be removed entirely from the report.

It was moved by Mr. Germano to have the wording for local approvals remain as they are worded in the report. There was no second . It was moved by Mr. Siegel and seconded by Secretary Fisher to change the word “should” to “may” in the report for local approvals and remove “If a site plan is required, a copy should be provided to the grantee and SADC”. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused

Ms. Payne addressed the parameters for the occupied area for an SOE and stated that there is a minimum of 2.5 acres or up to 5% of the premises with a maximum of 5 acres to support SOE use which includes, for example, parking, vendors, tents and porta-potties . Portions of a farm where attendees just walk around are not included in occupied area. As far as utilities, no new utilities are permitted for SOEs, just the use of temporary structures such as generators and porta-potties. Regarding parking, the legislature used the parking standards that the SADC adopted in its on-farm direct marketing AMP because that deals with safety standards . As far as vendors and food offerings are concerned, only catering, food vendors and the sale of farm output is permitted.

Ms. Payne stated that the report talks about administrative burdens on the CADBs . The goal is to have a one-time approval process in which the landowner submits to the deed of easement grantee a plan for hosting SOEs . The recommendation for large events would be reviewed by the CADB staff. A “permit by rule” approach would be considered that authorizes grantees to delegate approvals to CADB staff as appropriate. Ms. Murphy asked if there can be a limit of delegation to CADB staff for only smaller events and not large events. Chairman Fisher asked for a motion to Ms. Murphy’s recommendation. There was no second, so the motion died.

It was motioned by Chairman Fisher and seconded by Mr. Germano to follow the grantee approval/registration process. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Ms. Payne discussed enforcement of the current SOE law, pointing out that the enforcement provisions are unworkable and not a deterrent. There needs to be an administrative process where a warning is issued, the CADB can bring non-compliant farmers into a meeting, and a hearing is held on a monetary penalty.

Ms. Payne reviewed the ‘Relationship to On Farm Direct Marketing (OFDM) AMP’ which recognizes that some SOE type events can be eligible for RTF protection, and she noted that earlier in the meeting when the definition of SOE was discussed a determination was made that SOEs did not need to receive, but that they could be eligible for, RTF protection . She suggested that this piece could be removed from the report since it was addressed earlier in defining an SOE.

It was motioned by Mr. Schilling and seconded by Mr. Siegel to remove ‘Relationship to On Farm Direct Marketing (OFDM) AMP’ from the SOE report. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Ms. Payne went on to address all alcohol-based agricultural operations for an SOE and noted that many people wanted to know if the same standards would be recognized for breweries and distilleries as they were for wineries. She recommended that all alcohol-based operations be included in future legislation and AMPs adopted by the SADC and that all alcohol-based agriculture be treated equally.

It was moved by Mr. Germano and seconded by Ms. Murphy to accept staff recommendation regarding all alcohol-based agriculture operations for an SOE. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Chairman Fisher noted that many of the provisions of the SOEs discussed today were voted on by the Committee as stand-alone provisions; however, there were several that were not voted on. He asked for a motion to approve all the other provisions of the SOE report that did not receive separate votes.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve all the other provisions of the SOE report that were not voted on separately. The motion was unanimously approved. Mr. Ellis, Mr. Norz and Mr. Bullock recused.

Amy Hansen of the New Jersey Conservation Foundation (NJCF) commented that the NJCF helped start the Farmland Preservation Program in 1983 and helped market, promote and secure funding for the program. She stated that over the years, the Farmland Preservation Program, which had been originally intended to promote agriculture, has transformed to recognize more non-ag commercial rights such as cell phone towers, rural microenterprises and solar installations. She noted that as the owner of a working preserved farm, she does not think it is right to have SOEs permitted for those who have no connection to preserved farmland and where the public has paid for these commercial rights.

The NJCF urges the SADC to reduce the amount of permitted SOEs to 6 to 12 events a year for 1 day only, and to no more than 250 people per event, on preserved farmland, and nonprofit easement holders should be exempt from having to approve these events on

farmland The NJCF must meet rigorous standards as a non-profit and must do regular monitoring and address violations, and the SOEs increase the potential for violations of NJCF-held easements. In addition, the League of Municipalities does not support RTF protection for SOEs and the NJCF urges SADC to not extend RTF protection to SOEs and remove the language in the report that says so.

Mr. Siegel reiterated that the request of the NJCF is that the easement holders for the land trusts, be built into the statute and be allowed to prevent SOEs on their easement properties. Ms. Hansen stated that was correct.

Chairman Fisher noted that would be the decision of the legislature and not the SADC. Ms. Hansen stated that she has had discussions with the legislature about this. Ms. Payne noted that the report says the grantee that holds the easement must approve the SOEs, including the SADC. Ms. Payne reiterated that while the SADC spends most of its time on farmland preservation and RTF, from a statutory standpoint, SADC is obligated to be an advocate for all farms in NJ and that's why there are certain standing recommendations made to the legislature.

B. Resolution: Delegation of Authority – Post Closing Stewardship Actions

Ms. Payne noted there was a chart prepared for the Committee that Mr. Roohr would review that outlines the proposal to delegate certain stewardship matters.

Chairman Fisher stated that the Committee previously discussed a proposal to delegate approval of certain routine matters to the Executive Director so that they would not have to be brought to an SADC meeting for action. This delegation would speed up the approval process for applicants and partners and reduce staff resources needed to prepare materials for SADC meetings . He stated that staff has done a great job and put a lot of hard work and effort into putting this together, but in the interest of time asked that only those items Committee members had questions about should be addressed today.

Mr. Roohr stated that he would just review minor clarifications and edits and noted that if the landowner does not like a staff decision in any case, they can appeal the decision to the Committee . Mr. Roohr stated that in the resolution, the very last 'whereas' in the resolution that reads "...this resolution amends and supersedes any prior resolutions delegating review and approval authority to the Executive Director", will be corrected to say "...this resolution amends and supersedes any prior resolutions related to actions as requested in Schedule D of this document" . There are two edits that need to be made on the chart. The first edit is for the description listed under Agricultural Mediation Program Roster of Mediators, which will say "certification of all mediators". The second edit comes under the agenda item for Non

ARDA Preserved farms and should say approval of non-ARDA deeds to qualify “and have the ability to approve, revise or amend”.

Chairman Fisher asked for a motion to approve the Delegation of Authority for Post-Closing Stewardship Actions.

It was moved by Mr. Ellis and seconded by Ms. Murphy to approve Resolution FY2020R2(1) granting approval for the Delegation of Authority for Post-Closing Stewardship Actions, as presented, subject to any conditions of said resolution. The motion was unanimously approved. The motion was unanimously approved. A copy of resolution FY2020R2(1) is attached to and is a part of these minutes.

New Business

A. Resolution for Certification – Agricultural Development Area (ADA) Map Amendment- Hunterdon County

Mr. Bruder stated that there is an amendment to the Hunterdon ADA to accommodate a farmland preservation application received by the SADC for a parcel that was not included in a recent 2018 map amendment. The landowner cleared previously wooded land, the CADB reviewed the application, and the board has requested an ADA amendment to allow for the preservation of the property, which meets minimum eligibility criteria . The property to be preserved includes two additional lots, 3.10 and 3.11, so that the lots can be adjacent to the existing ADA area. Staff ‘s recommendation is to approve the resolution authorizing the ADA map amendment.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve Resolution FY2020R2(2) for the Agricultural Development Area Map Amendment for Hunterdon County, as presented, subject to any conditions of said resolution. The motion was unanimously approved. A copy of resolution FY2020R2(2) is attached to an is a part of these minutes.

B. Review of a Non-Agricultural Development Project in an ADA on Preserved Farmland- Medford Township Temporary Construction Access; Jennings Farm, Medford Township, Burlington County

Ms. Payne stated that this item was removed from the agenda at the request of Medford Township and will be presented at the March SADC meeting.

C. Resolutions: Final Approval – Municipal PIG Program

Ms. Roberts referred the Committee to one request for final approval under the Municipal PIG Program. She reviewed the specifics of the application with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolution FY2020R2(3) granting approval to the following application under the Municipal PIG Program, as presented, subject to any conditions of said resolution.

1. ABNC Enterprise LLC, SADC ID #08-0206-PG, Resolution FY2020R2(3), Block 5802, Lot 21, Franklin Township, Gloucester County, 87.972 acres.

The motion was unanimously approved. A copy of Resolutions FY2020R2(3) is attached to and is a part of these minutes.

D. Resolutions: Final Approval – Direct Easement Purchase Program

Ms. Mazzella referred the Committee to five requests for final approval under the Direct Easement Purchase Program. She reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant final approval.

It was moved by Mr. Kumpel and seconded by Mr. Germano to approve Resolutions FY2020R2(4) through FY2020R2(8) granting approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution.

1. Donald & Lillis Bowlby- Estate of (Lot 19), SADC ID#10-0270-DE, Resolution FY2020R2(4), Block 71, Lot 198, 19.01 and 81, Raritan Township, Hunterdon County, 49.1 net acres.
2. Donald & Lillis Bowlby- Estate of (Lot 81), SADC ID#10-0271-DE, Resolution FY2020R2(5), Block 72.07, Lot 81, Raritan Township, Hunterdon County, 94.9 net acres.
3. Donald & Lillis Bowlby- Estate of (Lot 19.02), SADC ID# 10-0269-DE, Resolution FY2020R2(6), Block 71, Lot 19.02, Raritan Township, Hunterdon County, 18.8 net acres.
4. Carl & Mিকেle Mehaffey, SADC ID# 17-343-DE, Resolution FY2020R2(7), Block 110, Lots 2 and 5.01, Alloway Township, Salem County, 97.3 net acres.

5. Hitchner Land Holdings, LLC (CP- Mehaffey Sunset Farm LLC), SADC ID #17-0344-DE, Resolution FY2020R2(8), Block 105, Lots 5.01, 9, and 11; Block 107, Lots 2 and 3; Block 108, Lots 1 & 1.02, Alloway Township, Salem County, and Block 3, Lots 2 & 7; Block 4, Lots 1 & 1.01, Hopewell Township, Cumberland County, 259.3 net acres.

The motion was unanimously approved. A copy of Resolutions FY2020R2(4) through FY2020R2(8) is attached to and is a part of these minutes.

E. Soil Protection Standards- Best Management Practices (BPMs) (Discussion Only)

Mr. Clapp and Ms. Doyle continued the discussion of BMPs in connection with the soil protection standards being drafted by staff. They reviewed three preliminary BMPs related to hoop houses and run sheds, temporary parking and storage areas, and semi-permanent parking and storage areas. The BMPs set forth standards for the proper installation of certain practices so that if followed, the property owner can avoid or minimize certain practices counting as a disturbance of the farm's soil resources.

Mr. Clapp noted that the BMP for Temporary Structures and temporary parking and storage areas would be listed under the yellow (low intensity use) land use area and would not count as disturbance limits if they met the requirements of the BMP and were installed in a way that would minimize erosion. Things that would be considered temporary structures would be high tunnels or low tunnels, temporary tents, movable structures, run-in and turn-out sheds, and garden-type utility sheds. Mr. Clapp specified that the use of temporary tents for more than 120 days in a 12-month period does not qualify for BMP certification as a temporary structure. Mr. Norz stated that the 120 day period is very stringent and suggested that time frame be extended due to public health and safety. Mr. Siegel stated that the 120 days is a standard to say this should not be added to the acreage inventory of disturbed soil. Mr. Clapp stated that they are looking at relatively small surfaces and the intent is to preserve the integrity of the soil.

Mr. Clapp reviewed the BMPs for Semi-Permanent Parking and Storage areas, stating that the land use area would be orange indicating medium intensity use. The purpose is to provide guidance for the use, maintenance, and restoration of semi-permanent vegetated parking and storage. The use of semi-permanent parking and storage areas shall be compliant with the deed of easement and applicable local and state regulations. Mr. Clapp stated that for semi-permanent vegetated parking and storage areas, at least once per 30 days of active use during the growing season, the area shall be aerated utilizing a hollow core aerator to alleviate soil compaction, except where mats or coarse mulch are used.

Mr. Norz stated that 30 days is not enough time and noted that in the case of his own farm, he has an area of land that he uses to chop hay 2 times a year to feed his cattle. He suggested extending the period to 60 days. Mr. Clapp stated the days are cumulative and not consecutive. Mr. Norz stated that 60 days is the better option.

Chairman Fisher suggested that the number be extended in the interest of the farmers since this is just a draft proposal that can be changed. Mr. Siegel stated that the basis of these BMPs is about the soil and what's going to damage the soil, not the duration of the farmers' season, and if a farmer is going to use land as a parking lot it's got to be counted as disturbed soil. Mr. Ellis stated that temporary parking is not a problem as the soil gets fixed and people move on. Chairman Fisher noted that the den Hollander case was an extreme example of this. Mr. Schilling stated that these BMPs are a guide not a regulation and are more of a practice to be followed. Mr. Everett stated that these are all performance-based practices that will help farmers comply with the soil protection rules.

Mr. Clapp stated that draft versions of the BMPs would be drafted every month and then brought to the Committee for comment. The Committee comments will be reviewed and revised, and the next step would be to publish the document and issue it for comment from the public. Ms. Payne stated that each month as the staff and Committee review these drafts, they get posted to the web. Chairman Fisher thanked staff for their hard work on this effort.

F. Policy 48- Soil and Water Conservation Project Cost-Sharing Amendment

Mr. Roohr and Mr. Clapp reviewed an amendment to Policy P-48, "Soil and Water Conservation Project Cost-Sharing", explaining that it establishes the maximum cost-share reimbursement rate for grants awarded through the Soil and Water Conservation Cost-Sharing Program (SW). Applicants to the program are eligible to receive up to 50% of the actual costs expended to install a project, not to exceed the estimated cost-share grant obligated at the time an application is approved. Currently, grants are obligated based on 50% of the estimated cost to install the project, as determined by NRCS cost records for similar projects.

Several applicants to the SW program, as well as some Soil Conservation Districts, have noted the estimated per-unit cost to install wells and occasionally other practices, based on these NRCS figures, is substantially lower than the actual cost to install these projects. Staff has discussed amending the cost rates with NRCS; however, NRCS policy makes it difficult to modify the data used to estimate project costs.

State Soil Conservation Committee (SSCC) rules require that NRCS cost data be used for estimating project costs and it is not feasible in the short term to amend the rules to address this shortfall between estimated and actual costs .

In order to reimburse farmers for as close to 50% of the actual cost of projects as possible, staff recommends a modification to P-48, allowing SADC to obligate funding for an application based on 75% of the NRCS cost estimate in compliance with SSCC rules and to reimburse up to 50% of the actual cost of installing the project. Obligating based on 75% of the estimated project cost will increase the base of funding available for a project, and reimbursing on 50% of the actual costs will allow SADC to continue to offer funding to as many farmers as possible without being in direct competition with NRCS programs that offer a roughly 75% cost share.

To be fair to prior applicants to the program, staff recommends the Committee allow staff to increase, when necessary, the amount of cost share obligated to existing, unpaid projects when actual costs exceed 50% of the original estimate. The increase would be limited to the proposed 75% estimate. Staff proposes payments be limited to the actual extent of a project installed and staff recommends the Committee adopt the changes proposed in P-48.

It was moved by Mr. Germano and seconded by Mr. Bullock to approve the amendment to Policy 48 Soil and Water Conservation Project Cost Sharing. The motion was unanimously approved.

NOTE: Mr. Norz left the meeting at 2:45 p.m.

G. Resolutions of Approval: Soil and Water Conservation Project Cost- Sharing

Mr. Clapp referred the Committee to three requests for approval under the Soil and Water Conservation Project Cost Sharing Program. He reviewed the specifics of the applications with the Committee and stated that staff recommendation is to grant approval.

It was moved by Mr. Kumpel and seconded by Mr. Bullock to approve Resolutions FY2020R2(9) through FY2020R2(11) granting approval to the following applications under the Soil and Water Conservation Project Cost-Sharing Program, as presented, subject to any conditions of said resolution. Mr. Ellis and Mr. Siegel recused from the vote as they know Mr. Hart.

1. TD Farms, LLC (Time Doyle), SADC ID #17-0024-EP, Resolution FY2020R2(9), Block 37, Lot 4, and Block 38, lots 5, 6, 7, 8, Upper Pittsgrove Township, Salem County, 301.37 acres.
2. John Hart, SADC ID #11-0002-EP, Resolution FY2020R2(10), Block 37, Lot 23, Hopewell Township, Mercer County (1), 15.004 acres.

3. John Hart, SADC ID #11-0038-EP, Resolution FY2020R2(11), Block 37, Lot 23.01, Hopewell Township, Mercer County (2), 58.821 acres.

The motion was approved. A copy of Resolutions FY2020R2(9) through FY2020R2(11) is attached to and is a part of these minutes.

Public Comment

There was no public comment.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 A.M., Thursday March 26, 2019
200 Riverview Plaza, Trenton NJ
200 Building, 1st Floor

CLOSED SESSION

At 2:48 p.m. Ms. Payne read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss certain matters including the certification of values for property acquisitions under the farmland preservation program, personnel matters, any pending or anticipated litigation, including the Quaker Valley Farms settlement offer, and any matters falling within the attorney-client privilege. The certifications of value for each property acquisition shall remain confidential until a closing on that particular acquisition occurs or until the application for that particular acquisition is withdrawn. Otherwise the minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by and seconded by Mr. Schilling and seconded by Ms. Murphy to approve the resolution to go into closed session. A roll call vote was conducted. All Committee members present were in favor of moving into closed session.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters – Certification of Values

Note: Mr. Kumpel recused from the Giberson Farm discussion and Mr. Schilling recused from the Lee Ware discussion.

It was moved by Mr. Schilling and seconded by Mr. Germano to approve the Certification of Values for the following applications, except for the Giberson and Ware Farms as discussed in closed session. The motion was approved.

It was moved by Mr. Germano and seconded by Mr. Schilling to approve the Certification of Value for the Giberson Farm application. Mr. Kumpel recused. The motion was approved.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve the Certification of Value for the Ware Farm application. Mr. Schilling recused. The motion was approved.

1. County Planning Incentive Grant Program
 - a. RTE, III Farms, LLC (Eckert East), SADC ID# 03-0433-PG, Block 903, Lot 22.01, Tabernacle Township, Burlington County, 54 acres.
 - b. Edward Allen (Pointville), SADC ID #03-0434-PG, Block812, Lot 5.05, Pemberton Township, Burlington County, 28 net acres.
 - c. Daniel and Pamela Giberson, SADC ID #03-0430-PG, Block 1601, Lots 11, 12, 13.01, and 14, Southampton, Burlington County, 52 acres.
 - d. Dennis and Nancy Dare, SADC ID #17-0223-PG, Block 43, Lot 13, Upper Pittsgrove Township, Salem County, 70.9 net acres.
 - e. Donald Stimpson, SADC ID #17-0221-PG, Block 42, lot 8 and Block 43, Lot 4, Upper Pittsgrove Township, 39.86 acres.
 - f. Henry Raab, SADC ID #17-0222-PG, Block 19, Lot 3, Mannington Township, Salem County, 84.2 acres.
 - g. Mary Durkin and Catherine Larose, SADC ID #08-0202-PG, Block 5802, Lot 1, Franklin Township, Gloucester County, 18.56 acres.
 - h. Martin and Cathleen DeSapio, SADC ID #10-0430-PG, Block 6, Lot 11, Kingwood Township, Hunterdon County, 45.6 net acres.
2. Municipal Planning Incentive Grant Program

- a. Brook Hollow Winery, LLC (Lot 6), SADC ID #21-0617-PG, Block 10, Lot 6, Knowlton Township, Warren County, 12.5 net acres.
3. Direct Easement Purchase
- a. Lee Ware, SADC ID #17-0345-DE, Block 34, Lots 12 & 12.04, Elsinboro Township, Salem County, 86.4 net acres.

ADJOURNMENT

The meeting was adjourned at 3:35 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee