

STATE AGRICULTURE DEVELOPMENT COMMITTEE

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

REGULAR MEETING

December 6, 2018

Chairman Fisher called the meeting to order at 9:07 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 Douglas Fisher
Denis Germano (arrived at 9:10 a.m.)
Ralph Siegel (rep. Treasurer Elizabeth Maher Muoio) (arrived at 9:16 a.m.)
Cecile Murphy (rep. NJDEP Commissioner Catherine R. McCabe)
James Waltman (arrived at 9:13 a.m.)
Thomas Stanuikynas
Jane Brodhecker
Scott Ellis
Alan Danser

Members Absent

Pete Johnson
Brian Schilling (rep. Executive Dean Robert M. Goodman)

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

Others present as recorded on the attendance sheet: Donna Rue, Public; Bob Hornby, Hunterdon County Agriculture Development Board (CADB); Brian Wilson, Burlington CADB; Sean Pizzio, Monmouth CADB; Katherine Fullerton, Farm Bureau.

Minutes

A. SADC Regular Meeting of October 25, 2018 (Open and Closed Sessions)

It was moved by Mr. Siegel and seconded by Mr. Stanuikynas to approve the Open and Closed Session minutes of the SADC regular meeting of October 25, 2018. Mr. Danser, Ms. Murphy, Ms. Brodecker, and Mr. Ellis abstained. The motion was approved.

Report of the Chairman

Chairman Fisher congratulated Ms. Payne and her staff for taking on many new initiatives for the State Agriculture Development Committee (SADC). Chairman Fisher stated that the deer fencing program and new/beginning farmer initiative are operating successfully and allow farmers to avail themselves of all the opportunities that New Jersey has to offer. The administrative streamlining proposed by staff of the Farmland Preservation Program will also be effective in allowing more of the Committee's time to be dedicated to policy. Chairman Fisher stated that everyone is doing a great job. Ms. Payne thanked Chairman Fisher for his kind words.

Chairman Fisher noted that the appropriation bills are being adopted by the legislature and it appears that the original funding percentages in the Preserve New Jersey Act will remain intact. There is a lot of farmland across the state that will continue to be preserved and the people in New Jersey will appreciate that.

Report of the Executive Director

Ms. Payne stated that staff has conducted productive meetings with 47 municipalities during the fall 2018. Staff had the opportunity to reconnect with local partners through face-to-face meetings and get a better understanding of their needs.

Staff has also created a newsletter which summarizes the outreach meetings and what was accomplished. The newsletter explains who attended the meetings; provides feedback on the workshops; and the goals that need to be achieved. A follow-up survey was taken, and partners are requesting more in-person training. Ms. Payne thanked Ms. Winzinger, Chief

of Acquisition, Ms. Lemrye, Record Retention TES, and the rest of the Acquisition staff for their great work on creating the newsletter.

Ms. Payne noted that there was a hearing on Monday, December 3, on S2920, which establishes funding allocations for the various preservation programs under the Preserve New Jersey Act. The dedicated share of the corporate business tax (CBT) for funding the programs will increase from 4% to 6%. S2920 also allows the GSPT to determine whether or not the appropriations for each program are being spent in a timely fashion, and to reallocate funding under appropriate circumstances.

Ms. Payne reported that the appropriations bills for FY2019 are being heard in both the assembly and senate committees today. Mr. Distaulo, Senior Financial Analyst, will be covering the hearings for staff.

David Clapp, SADC resource conservationist, provided an update on the SADC's grant from the Natural Resource Conservation Service (NRCS) under the Regional Conservation Partnership Program (RCPP), which allows the SADC to leverage federal dollars for conservation practices on eligible farms. The first RCPP project is completed and paid for at the Helming Farm, which installed a manure storage facility using 75% federal (RCPP) funding, 15% funding from NJDA's Division of Agriculture and Natural resources, thereby reducing the landowner's contribution to 10%. There have been several other contracts awarded through the RCPP grant program, so there will be more projects like this in the future. This is one example of a project that was completed without SADC funding and that reduced the costs to the landowner. Chairman Fisher asked if there was an NRCS farm conservation plan for the Helmlinger farm, and Mr. Clapp stated that the NRCS wrote a plan and a contract for the farmer, oversaw the construction and design of the storage facility and verified that the structure was built according to NRCS standards. Ms. Payne thanked Mr. Clapp for his hard work and stated that his expertise has been an asset to this project.

Communications

Ms. Payne stated that the communications packet that is before the Committee discusses the Foodshed Alliance and their proposed program to use a piece of preserved farmland as an agricultural incubator. The Foodshed Alliance is a nonprofit organization focused on food system issues in northern New Jersey, and it will be leasing preserved farmland owned by the Ridge and Valley Conservancy and then subleasing individual farm plots to new and beginning farmers.

Mr. Everett explained to the committee that the SADC was exploring a similar incubator project on the preserved Case farm, which the agency owns in fee and leases to a farmer.

Under the proposed incubator project, the farmer leasing the Case farm would continue farming a majority of the land and the beginning farmers could farm on 1- to 5-acre parcels alongside the established farmer . It results in a positive outcome for both the farm and conservation communities.

Public Comment

There was no public comment.

New Business

A. Resolution of Final Approval: County PIG

Ms. Mazzella referred the Committee to one request for final approval under the County 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. Danser and seconded by Mr. Siegel to approve Resolution FY2018R12(1), granting final approval to the following application under the County PIG Program, as presented, subject to any conditions of said resolution:

1. Cedar Rose Winery, SADC ID #06-0194-PG, Resolution FY2018R12(1)
Block 67, Lot 9.01, Deerfield Township, Cumberland County, 31 Net Acres.

The motion was unanimously approved. A copy of Resolution FY2018R12(1) is attached to and is a part of these minutes.

B. Resolutions of Final Approval: Municipal PIG

Ms. Mazzella, Ms. Miller and Ms. Mandelbaum referred the Committee to four requests for final approval under the Municipal PIG Program. They reviewed the specifics of the applications 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 FY2019R12(2), granting final approval to the following application under the Municipal PIG Program, as presented, subject to any conditions of said resolution:

1. Donald E. Williams (Carriage House Farm) (Owner)
SADC ID # 19-0049-PG, Resolution FY2019R12(2)

Block 19, Lot 8, Frankford Township, Sussex County, 39.5 Net Acres

The motion was approved. Ms. Brodhecker recused as she is a member of the Sussex CADB. A copy of Resolution FY2018R12(2) is attached to and is a part of these minutes.

It was moved by Mr. Danser and seconded by Mr. Germano to approve Resolutions FY2019R12(3) through FY2019R12(5), granting final approval to the following applications under the Municipal PIG Program, as presented, subject to any conditions of said resolution:

2. Robert Silva, et al, SADC ID #10-0419-PG, Resolution FY2019R12(3)
Block 14, Lot 20, and Block 10, Lot 43, Holland Township, Hunterdon County, 129 Net Acres.
3. Franklin T. Atkinson Jr., SADC ID #06-0168-PG, Resolution FY2019R12(4), Block 76, Lot 11.01, Hopewell Township, Cumberland County, 50 Gross Acres.
4. Benjamin L. Sr. & Charlotte Gentile, SADC ID #17-0189-PG, Resolution FY2019R12(5), Block 37, Lots 13 & 14, Alloway Township, Salem County, 43.4 Net Acres

The motion was unanimously approved. A copy of Resolutions FY2018R12(3) through FY2018R12(5) is attached to and is a part of these minutes.

C. Resolutions of Final Approval: Direct Easement Purchase

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

Ms. Reynolds stated that at the October 2018 SADC meeting, the Committee had several questions about the Ag-Mart direct easement acquisition project which staff has researched further. Ms. Reynolds stated that the alleged violations against Ag-Mart by the New Jersey Department of Environmental Protection (DEP) were: delaying DEP access to the property for inspection purposes; maintaining inadequate records of pesticide applications; improperly stored and applied pesticides; posting incorrect re-entry times when a restricted entry interval was in effect; and improperly trained farm workers. Ms. Reynolds stated that DEP personnel advised her that they had searched the DEP's database and that there were no records of any other enforcement actions against the Ag-

Mart property. Ms. Reynolds explained that a recent inspection of the property by Ms. Mazzella disclosed no erosion or other deed compliance issues. Ag-Mart did give Cumberland County permission to lay pipes on the property in conjunction with a gas line replacement project occurring on an adjacent property. The gas line project is now completed; therefore, staff requested all pipes be removed from the property which will be a condition of final approval before closing on the property. Lastly, the Committee had asked if there were any pending lawsuits against Ag-Mart for pesticide violations and Ms. Reynolds stated that a search of the New Jersey court database resulted in no such litigation.

It was moved by Mr. Germano and seconded by Mr. Siegel to approve Resolutions FY201R12(6) through FY201R12(8), granting final approval to the following applications under the Direct Easement Purchase Program, as presented, subject to any conditions of said resolution:

1. Ag Mart Produce, Inc., SADC ID #06-0004-DN, Resolution FY2019R12(6), Block 194, Lots 2 and 3, Lawrence Township, Cumberland County, 80.7 Gross Acres
2. Duane A. and Lois H. Cruzan, SADC ID# 06-0077-DE, Resolution FY2019R12(7) Block 3, Lot 10, Stow Creek Township, Cumberland County, 110 Net Acres
3. Estate of Gladys Case, SADC ID #10-0247-DE, Resolution FY2019R12(8), Block 77, Lot 7, Raritan Township, Hunterdon County, 65.6 Net Acres.

The motion was unanimously approved. A copy of Resolutions FY2018R12(6) through FY2018R12(8) is attached to and is a part of these minutes.

D. Nonprofit Grant Program FY2020 Round Approval

Ms. Winzinger stated that the SADC is preparing for the Nonprofit Grant Program FY2020 round approval and that staff would be publishing the announcement to the nonprofits to submit their applications. The deadline for the applications to be submitted to the SADC is April 8, 2019. Staff plans to do site visits and give applicants preliminary green light approval and then present the Committee with the information at the June 2019 meeting .

It was moved by Ms. Murphy and seconded by Ms. Brodecker to approve the publication of the application submission deadline of April 2019 for the Nonprofit Grant Program FY2020 Round. The motion was unanimously approved.

E. Stewardship

1. House Replacement Request

- a. Rue Brothers Inc., Resolution FY2019R12(9), Block 15.04, Lot 17 & 18, Upper Freehold Township, Monmouth County, 139 Acres

Ms. Armstrong stated that the original 332-acre farm was preserved in 1996, but the farm went through two divisions. The first division was in 2015, when 78 acres were severed and sold; and the second division was in 2017, when 138 acres were severed and sold. The parcel in question is the 139-acre property owned by Ms. Donna Rue. There are 3 single family homes on the premises, but the owner is requesting that one of those homes be torn down and re-built due to structural and termite damage.

It was moved by Ms. Murphy and seconded by Mr. Siegel to approve the request to replace a single-family residence that is in a state of disrepair. A copy of Resolution FY2018R12(9) is attached to and is a part of these minutes.

2. Agricultural Labor Housing

- a. Buchert Farm, Resolution FY2019R12(10), Block 2601, Lot 5, Franklin Township, Gloucester County, 40.76 Acres

Mr. Roohr stated that during the annual monitoring inspection in August 2018, the Gloucester CADB identified two travel trailers on the Buchert Farm being used to house two farm laborers and notified the owner that these units would be considered a violation of the Deed of Easement unless they received approval from the CADB and SADC as agricultural labor units. On September 3, 2018, the owner made a request to the Gloucester CADB to utilize the two trailers onsite as agricultural labor units for the two year-round employees of the farm currently living in the units. The primary duties of the employees residing in the two trailers will be directly related to equine care. There is no residential opportunity for the owner on the premises and his home is approximately 20 miles from the farm. Mr. Roohr stated that staff believes that this request meets agricultural labor requirements and recommends approval.

It was moved by Mr. Ellis and seconded by Mr. Danser to approve the owners request to utilize two trailers consisting of approximately 160 square feet and 320 square feet for onsite agricultural labor housing. The motion was unanimously approved. A copy of Resolution FY2018R12(10) is attached to and is a part of these minutes.

3. Division of Premises

- a. Landis Farm, Resolution FY2019R12(11), Block 105, Lot 12, and Block 202, Lot 1, Allamuchy Township, Warren County, 431.85 Acres

Mr. Roohr stated that the Landis Farm is requesting a division of preserved premises located on the north and south side of Gibbs Road. Parcel A is 35 acres located on the north side and has a single-family house where Mr. and Mrs. Landis live. Parcel B is 62 acres on the south side and has an agricultural labor unit. The proposal is to separate Parcel A and Parcel B. The Landises would retain ownership of Parcel A, where they have a mixed operation of goats and hay, while Parcel B would be sold to J&T Van Vught Farms, who plan to utilize it for mixed vegetables, pumpkins and hay. Staff believes that this request meets the agricultural purpose and viability tests and recommends approval. The Landises and Van Vught would like Parcel B to be transferred before the end of the calendar year, so an approval issued today would be contingent on the Warren CADB also approving the division in a similar fashion at the board meeting later this month.

It was moved by Mr. Siegel and seconded by Mr. Danser to approve a request for the division of premises from the Warren CADB on behalf of the owners. The motion was unanimously approved. A copy of Resolution FY2018R12(11) is attached to and is a part of these minutes.

F. Soil and Water Conservation Project Cost-Sharing

1. Resolutions of Approval

- a. John F. Hoefling, SADC ID #03-0157-EP, Resolution FY2019R12(12), Block 47.01, Lot 4, Mansfield Township, Burlington County, 106.607 acres.

Mr. Clapp stated that Mr. Hoefling wants to install a water well and an electric-powered pump to supply a new irrigation system. The estimated cost is \$22,644 and SADC cost share are \$11,322.03. Mr. Hoefling's total eligibility is \$40,660 so he has plenty of funding available for this project.

- b. Down to Earth Farms, LLC, SADC ID #13-0076-DE, Resolution FY2019R12(13), Block 47.01, Lot 4, Upper Freehold Township, Monmouth County, 74.1263 acres

Mr. Clapp stated that Down to Earth Farms, LLC wants to install a water well and an electric-powered pump, some pipeline and 24.3 acres of micro irrigation. The estimated cost is a little over \$100,00 and SADC cost share is \$34,825.26, which is the maximum eligibility for this farm.

It was moved by Mr. Germano and seconded by Ms. Brodhecker to approve the Hoefling and Down to Earth soil and water cost share project applications. Construction of the projects are subject to all applicable local, state and federal regulations. The motion was unanimously approved. A copy of Resolutions FY2018R12(12) and FY2018R12(13) is attached to and is a part of these minutes

2. Policy P-48 Revisions

Mr. Everett explained that at the June 28, 2018 SADC meeting, revisions to Policy P-48 were discussed. The impetus for revising this policy is the enactment of the Preserve New Jersey Act, which provides funding for the Soil and Water Cost-Share Program (S&W). Questions have since arisen as to how the expenditure of these funds are prioritized by the SADC, as well as whether properties preserved independently by CADBs without SADC funds are eligible for S&W funding. The revisions to Policy P-48 respond to these issues and effectuate other statutory provisions.

The draft version of this revised policy was circulated to the agriculture community in September 2018 with a deadline to submit comments by October 31. In addition, the draft policy was reviewed with CADB administrators at their September meeting. Having received no comments during this outreach, the revised policy is ready for the Committee's final review and approval for adoption. The comments made by Committee members and the public at the June 2018 SADC meeting have been addressed in the latest document. Margin notes in the attached revised policy provide some additional background information. Collectively, the revisions to the policy are designed to expand opportunities for landowners to avail themselves of S&W cost-share funding with the goal of enhancing farm viability.

It was moved by Mr. Siegel and seconded by Mr. Germano to approve the revised Policy P-48 Revisions. The motion was unanimously approved.

Public Comment

There was no public comment.

TIME AND PLACE OF NEXT MEETING

SADC Regular Meeting: 9 a.m., Thursday January 24, 2018

Health/Agriculture Building Auditorium

CLOSED SESSION

At 10:42 a.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, and/or any matters falling within the attorney-client privilege. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.”

It was moved by Ms. Murphy and seconded by Mr. Danser to approve the resolution to go into closed session. The motion was unanimously approved.

ACTION AS A RESULT OF CLOSED SESSION

A. Real Estate Matters – Certification of Values

It was moved by Mr. Danser and seconded by Mr. Siegel to approve the Certification of Values for the following applications as discussed in closed session:

1. County Planning Incentive Grant Program
 - a. Kris Anema, SADC ID #21-0612-PG, Block 66, Lot 1.06, Washington Township, Warren County, 19.66 Net Acres
 - b. America’s Grow-a-Row, Inc., SADC ID #10-0424-PG Block 10, Lot 6, Franklin Township, 37.06 Net Acres
 - c. Christian G. Jannen & Barbara L. Jannen, SADC ID #03-0429-PG, Block 1205, Lot 3.01 and 3.03, Southampton Township, Burlington County, 32 Net Acres.
2. Municipal Planning Incentive Grant Program
 - a. Charlotte Holladay, SADC ID #17-0202-PG, Block 4, Lot 14 Mannington Township, Salem County, 20. 54 Acres.

- b. Michael and David Seery, SADC ID #17-0187-PG, Block 4, Lot 26, Upper Pittsgrove Township, Salem County, 18.5 Net Acres
 - c. St. Clare of Assisi Parish, SADC ID #08-0204-PG, Block 13, Lot 5.01, Woolwich Township, Gloucester County, 25 Net Acres
 - d. George and Lillian Mosley, SADC ID #13-0470-PG, Block 20, Lot 2.01, Colts Neck Township, Monmouth County, 26 Net Acres
3. Direct Easement Purchase
- a. Haring, Mary Lou & Lucas, SADC ID #10-0256-DE, Block 12, Lot 33.01, Kingwood Township, Hunterdon County, 58 Acres.
 - b. Adam, Victoria & Darlene Jakelsky, SADC ID #10-0257-DE Block 22, Lot 20, Kingwood Township, Hunterdon County, 96 Net Acres.
 - c. John H. Walter, Mannington & Alloway Township, SADC ID #17-0329-DE, Block 15, Lots 4 and 23, Mannington Township, Salem County Block 10, Lot 10, Alloway Township, Salem County, 88.50 Net Acres
 - d. Dennis J. Jr. & Dennis J. Sr. Kelly (E & D Farms), SADC ID #17-0317-DE, Block 22, Lots 1, 3 and 4, Oldsmans Township, Salem County, 212.5 Acres
 - e. Judith A. & Pasquale F. Sr. Garoppo, SADC ID #08-0041-DE, Block 7101, Lot 45, Franklin Township, Gloucester County, 114.4 Net 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.

B. Attorney/Client Matters

None.

ADJOURNMENT

The meeting was adjourned at 11:10 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan E. Payne". The signature is written in a cursive style with a large, stylized initial 'S'.

Susan E. Payne, Executive Director
State Agriculture Development Committee

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