

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

REGULAR MEETING

May 28, 2015

Chairman Fisher 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
James Requa (rep. Acting DCA Commissioner Richman)
Brian Schilling (rep. Executive Dean Goodman)
Cecile Murphy (rep. DEP Commissioner Martin)
Ralph Siegel (rep. State Treasurer Sidamon-Eristoff)
Jane Brodhecker
Denis C. Germano, Esq.
James Waltman

Members Absent

Alan Danser, Vice Chairman
Peter Johnson

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

Others present as recorded on the attendance sheet: Timothy Brill, Steve Bruder, Heidi Winzinger, Cindy Roberts, Stefanie Miller, Paul Burns, Hope Gruzlovic, Jeffrey Everett, David Kimmel, Charles Roohr, Dan Knox, Sandy Giambrone and Patricia Riccitello, SADC staff; Michael Collins, Esq., Governor's Authorities Unit; Harriet Honigfeld, Monmouth County Agriculture Development Board; Daniel Pace, Mercer County Agriculture Development

Board; Ed Wengryn, New Jersey Farm Bureau; Tara Kenyon, Somerset County Agriculture Development Board; and Michell Hartung and Kenneth Lea, landowners, Pohatcong Township, Warren County.

Minutes

A. SADC Regular Meeting of April 24, 2015 (Open and Closed Sessions)

It was moved by Ms. Brodhecker and seconded by Mr. Schilling to approve the Open Session and Closed Session minutes of the SADC regular meeting of April 24, 2015. The motion was approved. (Mr. Germano abstained from the vote.)

REPORT OF THE CHAIRPERSON

Chairman Fisher made the following comments:

- Funding

Chairman Fisher stated that everyone will have to wait until after June 30th when the State budget is adopted and sent over to the Governor's Office to see where that leaves us in terms of funding.

REPORT OF THE EXECUTIVE DIRECTOR

Ms. Payne made the following comments:

- Retirement of Tim Brill

Ms. Payne stated that Tim Brill has notified her that he will be retiring effective July 1, 2015, after 16 years of service with the State Agriculture Development Committee and 11 years of service with Cumberland County in its farmland preservation program, as well as service to the City of Bridgeton before that. Mr. Brill has dedicated his entire career to preserving New Jersey's historic, farmland and open space resources. Ms. Payne stated that the SADC is very sorry to see Mr. Brill go.

Mr. Brill stated that he is proud to have been a part of the program over an exciting period. It has been an incredible run for him personally. It has been a privilege for him to work with everyone in the room. He thanked the SADC for its support over the years. Chairman Fisher wished Mr. Brill all the best in his future endeavors and stated that Mr.

Brill has been a great asset to State government and to the Farmland Preservation Program.

- Pinelands Commission – Agritourism

Ms. Payne stated that the Pinelands Commission has started to look at agritourism activities in the Pinelands and has created an internal subcommittee. SADC staff became aware of this effort and contacted the group. Mr. Everett visited with the group for one meeting and staff will reach out to them and suggest that the SADC have a little more involvement in the conversation so that landowners in the Pinelands will have some clarity as to how Right to Farm applies or doesn't apply. The efforts that they are looking at are both for unpreserved lands as it relates to Pinelands zoning and municipal zoning, and additionally they are also looking at what is permitted on PDC-preserved farms. The agricultural community is very engaged and it was discussed at the State Board of Agriculture meeting yesterday. She wanted to let the Committee know that staff will be making an effort to participate so that the SADC can stay on top of what is going on.

- End of Year Closings

Ms. Payne stated that the Committee has been provided with closing statistics in the binders. The SADC has passed the 215,000-acre mark since the last meeting. So far this year the SADC has closed on 75 farms, just under 6,000 acres. The SADC is on track to potentially exceed last year's numbers, depending on how many closings can occur in the next month. For those counties that have been working with staff diligently in an effort to try to wrap up closings, staff appreciates it very much. Burlington County had a banner week, with the SADC closing on six farms with them last week, and they sent a very nice email stating that they appreciated staff's efforts to coordinate and problem-solve.

COMMUNICATIONS

Ms. Payne reminded the Committee to take home the various articles provided in the meeting binders. The first item in the communications section of the meeting binders is a letter to former SADC member Torrey Reade thanking her for her 6 ½ years of service on the Committee. Behind that is a copy of a letter that the Committee was previously sent to Senate President Sweeney and Speaker of the Assembly Prieto requesting, as the Committee discussed last month, legislation to allow for alternate farmer and public members of the SADC. Behind that is a sample of a letter that was provided to landowners affected by the FERC and Columbia pipeline takings to clarify the SADC's role in that is, based on our findings from the law. Staff had a conference call with

Transco earlier this week and Ms. Payne will meet with staff after today's meeting to be brought up to speed on that conference call. Ms. Payne stated that we are trying to get those closed as soon as possible because there are many more to follow.

Ms. Payne stated that she wanted to point out in the regular communications packet a letter to the editor from the New Jersey Farm Bureau in response to the New Jersey Conservation Foundation's letter criticizing the SADC for withdrawing the initial soil disturbance proposal. Farm Bureau's letter counters that letter. On the issue of soil disturbance, staff reported at the last meeting that the State Board had submitted its comments to the SADC. Those comments have been referred to the Soil Disturbance Subcommittee. She would like to hold a subcommittee meeting in June so that we can have an opportunity to discuss their input. She would also like to invite members of the State Board to that subcommittee meeting so that we can have a frank exchange. Part of what we learned going through this process is that it is important for us to keep the agricultural community well informed of what is going on. She felt that what was going on was a lack of communication. She would like to start that process formally and have them to that meeting to discuss it. Members of the subcommittee should anticipate a call from staff to begin the process of setting up a meeting in June.

Ms. Payne stated that there are also articles on the open space allocation and pipelines.

PUBLIC COMMENT

None

NEW BUSINESS

A. Approval of Soil and Water Conservation Project Cost Sharing

Mr. Everett and Mr. Clapp referred the Committee to the Soil and Water Conservation Project Cost Share Grants Summary showing six soil and water conservation cost-share grant requests under Priority. Mr. Clapp reviewed the specifics of each request with the Committee. Staff stated that one of their concerns when reviewing the 17 projects on the list was to make sure that because some of the projects were from FY 2011, that they were still technically feasible and that nothing had changed from a technical standpoint before staff obligated funds. Staff worked through State Soil Conservation Committee staff to discuss these projects with the NRCS to make sure that they were feasible.

Mr. Clapp stated that for the first landowners listed on the summary sheet (William Pettit, Sr. and Dorothy Pettit), the project involved a permanent open drainage system and ditch cleaning project, taking the sediment that deposited in the ditches and removing it to an outlying area to make the drain functioning again. The trouble with this project was that the landowner doesn't own all the way to the outlet of those structures and the neighbors are not interested in cleaning their ditches. So you can clean as much as you want but you are going to run into the downstream end where the ditch is not clean. The NRCS determined that because the neighbors are no longer interested in doing their work, it wouldn't be feasible to complete the open drainage project. Mr. Everett stated that staff had provided an approval resolution for this project prior to the NRCS indicating that the project was not feasible so staff recommendation now would be to not approve the draft resolution that was provided to the Committee.

Mr. Siegel stated that you will see a big infusion in soil and water grant funding – it is contemplated in the Legislature and he does think it will happen in some form, hopefully in the next 24 months or optimistically in the next 12 months, because of the new emphasis on stewardship that was built into the referendum. Mr. Siegel questioned having a resolution for every project. There are six in front of us now but what happens when we do very large lists? Previously we would vote on the list, not individual resolutions. Ms. Payne stated that she thinks the agency has done it both ways in the past. Chairman Fisher stated that he favors the way Mr. Siegel discussed going forward.

Ms. Payne stated that she wanted to ask about the drainage issue on the Pettit project. Ever since she has been doing farmland preservation, farmers have complained about regional drainage issues and this is what you are getting at on this project. What does the NRCS or the Soil Conservation District do to try to address that issue, if anything, or is it a conversation that we should try to have? Mr. Clapp responded that New Jersey doesn't have any method or mechanism to enforce or make anyone clean their ditches. The NRCS is non-regulatory and they will help a farmer who is interested in doing that sort of work. They don't have a funding source for ditch cleaning, which is why they come through this program. Ms. Payne stated that she isn't necessarily looking for a regulatory approach but noted that in some of these areas, including this one, everything around it is preserved. If the district could approach this group of landowners, they could suggest that everyone's drainage could be improved if we all work together and possibly have some coordination to try to get applications submitted in groups. This may be something we want to discuss with the districts. Mr. Clapp stated that the NRCS did work with Brian Wilson from the Burlington CADB to look at those properties and talk to the neighbors so it isn't like there was no effort put into trying to get the entire project done.

Mr. Clapp stated that staff did contact the landowners listed on the summary. Allen Williams and Patricia McCormick were not interested in moving forward with their water impoundment reservoir project, cleaning out a pond. Instead they want to work on a more pressing issue for them, which was beef waste, making sure they had a way to properly manage their beef operation. Therefore, their project for the water impoundment reservoir will not move forward today as originally provided for in the draft resolution for that project. Mr. Clapp stated that staff recommendation would be to approve all the projects that are listed as feasible, which would be the Anthony Mortellite, Jr., project, the Donald and Louise Garrison project, the Gary and Shirley Hitchner project and the Allen Williams animal waste control facility project.

It was moved by Ms. Murphy and seconded by Mr. Germano to approve Resolution FY2015R5(1) through Resolution FY2015R5(4) granting approval of the soil and water conservation cost-share grants for the following landowners, as presented and discussed, subject to any conditions of said Resolutions:

PRIORITY # 1

Camden County

1. Anthony M. Mortellite, Jr., SADC # 04-0012-PN/04-0010-PN (Resolution FY2015R5(1))
Soil and Water Conservation Cost Share Grant Request: \$5,000.00

Salem County

1. Donald and Louise Garrison, SADC # 17-0002-EP/06-0003-EP (Resolution FY2015R5(2))
Soil and Water Conservation Cost Share Grant Request: \$5,330.00
2. Gary and Shirley Hitchner, SADC # 17-0172-DE/17-0202-DE/17-0203-DE (Resolution FY2015R5(3))
Soil and Water Conservation Cost Share Grant Request: \$14,862.50
3. Allen G. Williams, ADC # 17-0143-DE/17-0129-EP (Resolution FY2015R5(4))
Soil and Water Conservation Cost Share Grant Request: \$51,421.60

The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (Copies of Resolution FY2015R5(1) through Resolution FY2015R(4) are attached to and

are a part of these minutes.)

B. Renewals and Terminations of Eight Year Farmland Preservation Programs

Renewals:

Mr. Everett referred the Committee to the Eight Year Program Summary showing two renewals of eight-year programs as follows:

1. Nicholas F. and Martha S. Muth, SADC # 0811-02F-01/08-0025-8F
Monroe Township, Gloucester County 45 Acres
2. Albert P. and Donna M. Butterhof, SADC # 0117-24F-01/01-0056-8F
Mullica Township, Atlantic County, 32.74 Acres

Terminations:

SADC staff stated that there were two terminations of eight-year programs as follows:

1. Scott G. Franceschini, SADC # 0117-25F-01/01-0057-8F
Mullica Township, Atlantic County, 108 Acres
2. Charles and Rita Muzzarelli, SADC 3 0105-17F-01/01-0049-8F
Buena Vista Township, Atlantic County, 34.32 Acres

Mr. Everett stated that the information was for the Committee's information only and that no action was needed.

C. Resolutions for Approval - Planning Incentive Grant (PIG) Program

1. Final Approval of County Planning Incentive Grant Applications
Including Comprehensive Farmland Preservation Plans and Project Area
Summaries – FY 2016 PIG Program

Mr. Bruder referred the Committee to Resolution FY2015R5(5) for a request for final approval of the annual County Planning Incentive Grant Program (PIG) Plans for the Fiscal Year 2016 PIG program for Bergen, Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Salem, Somerset, Sussex and Warren counties.

Mr. Bruder reviewed the specifics of the request with the Committee and recommended that the Committee grant final approval.

It was moved by Mr. Requa and seconded by Mr. Waltman to approve Resolution FY2015R5(5) granting final approval of the Bergen, Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Salem, Somerset, Sussex and Warren County Planning Incentive Grant Applications, including Comprehensive Farmland Preservation Plans and Project Area Summaries, as summarized in the attached Schedule B. The decision by Ocean County and Camden County to not apply to the 2016 County Planning Incentive Grant Program does not preclude their use of previously appropriated funds in a manner consistent with their existing Planning Incentive Grant plans. The SADC will monitor each county's funding plan pursuant to N.J.A.C. 2:76-17.17 and adjust the eligibility of funds based on the county's progress in implementing the proposed funding plan. Each Planning Incentive Grant county should expend its grant funds within two years of the date the funds are appropriated. To be considered expended, a closing must have been completed with the SADC. Any funds that are not expended within two years are subject to re-appropriation and may no longer be available to the county. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2015R5(5) is attached to and is a part of these minutes.)

2. Final Approval – Municipal Planning Incentive Grant (PIG) Applications Including Comprehensive Farmland Preservation Plans and Project Area Summaries – FY2016 PIG Program

Mr. Bruder referred the Committee to Resolution FY2015R5(6) for a request for final approval of the Municipal Planning Incentive Grant Applications, including Comprehensive Farmland Preservation Plans and Project Area Summaries.

Mr. Bruder reviewed the specifics of the request with the Committee and recommended that the Committee grant final approval.

It was moved by Mr. Requa and seconded by Mr. Waltman to approve Resolution FY2015R5(6) granting final approval of the Municipal Planning Incentive Grant Applications, Including Comprehensive Farmland Preservation Plans and Project Area Summaries, as summarized in the attached Schedule B. Funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and the SADC's approval of State funding is subject to legislative appropriation of funds and the Governor signing the

respective appropriation bills. The SADC will monitor a municipality's funding plan pursuant to N.J.A.C. 2:76-17A.17 and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each Planning Incentive Grant municipality should expend its grant funds within three years of the date the funds are appropriated. To be considered expended, a closing must have been completed with the SADC. Any funds that are not expended within three years are subject to re-appropriation and may no longer be available to the municipality. The SADC will continue to assist the remaining 10 municipal Planning Incentive Grant applicants in obtaining SADC final approval. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2015R5(6) is attached to and is a part of these minutes.)

3. Conditional Preliminary Approval – Municipal PIG Program Plan
 - a. Mannington Township, Salem County Planning Incentive Grant Application Including Comprehensive Farmland Preservation Plan and Project Area Summaries.

Mr. Bruder referred the Committee to Resolution FY2015R5(7) for a request for conditional preliminary approval of the Mannington Township, Salem County Planning Incentive Grant Application, including the Comprehensive Farmland Preservation Plan and Project Area Summaries.

Mr. Bruder reviewed the specifics of the request with the Committee and recommended that the Committee grant conditional preliminary approval.

It was moved by Ms. Brodhecker and seconded by Mr. Siegel to approve Resolution FY2015R5(7) granting conditional preliminary approval of the Municipal Planning Incentive Grant Application, Including Comprehensive Farmland Preservation Plan and Project Area Summaries, for Mannington Township, Salem County, as summarized in the attached Scheduled B, as presented and discussed, subject to the following:

1. Submission of all required information identified in the FY2016 Municipal Planning Incentive Grant Application Review Checklist within 60 days of the receipt of the correspondence accompanying the notice.
2. SADC determination that all of the components of the Comprehensive Farmland Preservation Plan are fully addressed and complete.

3. SADC determination that each designated project area is complete and technically accurate.
4. SADC receipt of evidence of the adoption of the Comprehensive Farmland Preservation Plan by the municipal Planning Board after a properly noticed public hearing.
5. SADC receipt of an electronic and paper copy of the approved Comprehensive Farmland Preservation Plan.

The SADC shall not grant Final Approval to any farm contained within a municipal PIG application prior to these conditions being satisfied. Funding eligibility shall be established pursuant to N.J.A.C. 2:76-17A.8(a), and the SADC's approval of State funding is subject to Garden State Preservation Trust approval, legislative appropriation of funds and the Governor signing the respective appropriation bills. The SADC will monitor the municipality's funding plan pursuant to N.J.A.C. 2:76-17A.17 and adjust the eligibility of funds based on the municipality's progress in implementing the proposed funding plan. Each Planning Incentive Grant municipality should expend its grant funds within three years of the date the funds were appropriated, pursuant to N.J.A.C. 2:76-17A.8(c)1. To be considered expended, a closing must have been completed with the SADC. Any funds that are not expended within three years of the date the funds were appropriated are subject to re-appropriation and may no longer be available to the municipality. The motion was unanimously approved. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey. (A copy of Resolution FY2015R5(7) is attached to and is a part of these minutes.)

D. Resolutions for Final Approval – Municipal PIG Program

SADC staff referred the Committee to four applications for final approval under the Municipal Planning Incentive Grant Program. Staff reviewed the specifics of each application with the Committee and stated that the recommendation is to grant final approval.

It was moved by Ms. Brodhecker and seconded by Mr. Waltman to approve Resolution FY2015R5(8) through Resolution FY2015R5(11) granting final approval to the following applications under the Municipal Planning Incentive Grant Program, as presented and discussed, subject to any conditions of said resolutions:

1. Estate of Joyce M. Kaut, SADC # 13-0447-PG (Resolution FY2015R5(8))
Block 35, Lot 2, Millstone Township, Monmouth County, 54 Easement Acres
State cost share of \$8,010 per acre (60% of the certified market value), for an estimated total grant need of \$432,540.00, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property is approved with a 1.5-acre nonseverable exception area limited to one existing single-family residence; zero housing opportunities, zero agricultural labor housing and no pre-existing nonagricultural uses outside of the exception area. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
2. Hopewell Township/Else Farm, SDAC # 11-0176-PG (Resolution FY2015R5(9))
Block 92, Lot 2.011, Hopewell Township, Mercer County, 92.3829 Easement Acres
State cost share of \$6,240 per acre (60%) for a total grant need of \$575,632.51, pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has one single-family residential unit; zero agricultural labor units, and no pre-existing nonagricultural uses on the area to be preserved. The SADC will hold title to the easement. The SADC shall accept the assignment of a development easement from Hopewell Township. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
3. Thomas and Garry Fitton, SADC # 17-0054-PG (Resolution FY2015R5(10))
Block 91, Lots 19 and 20, Pilesgrove Township, Salem County, 53 Net Easement Acres
State cost share of \$5,820 per acre (60%) for a total grant need of approximately \$308,460 (Schedule B), pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property has zero housing opportunities, zero agricultural labor units and no pre-existing nonagricultural uses. This approval is considered a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.
4. Ruth A. Peters, SADC # 17-0054-PG (Resolution FY2015R5(11))
Block 91, Lot 19.01, Pilesgrove Township, Salem County, 36 Net Easement Acres
State cost share of \$5,580 per acre (60%), for a total grant need of approximately \$200,880 (Schedule B), pursuant to N.J.A.C. 2:76-6.11 and the conditions contained in Schedule C. The property includes a 2-acre nonseverable exception

