

Hunterdon County Agriculture Development Board Meeting
Rt 12 County Complex Building 1 Assembly Room
June 9, 2022 @ 8:00 pm

Members in Attendance:

Dave Bond-Chair
Bob Hoffman-Vice Chair
Susan Blew
Bill Bowlby
Dave Kyle
Forest Locandro
John Perehinys
Liz Schmid (*Via Phone*)

CADB Staff Present:

Shana Taylor, Esq. County Counsel
Aaron Culton, Esq., Asst County Counsel
Bob Hornby, CADB Administrator
Carrie Fellows, Director, Planning
Katherine Fullerton, Supervising Planner
Kevin Milz (HCSCD)

This meeting was held in person with respect to Public Health guidelines.

Open Public Meeting Act:

Chairman Bond opened the meeting at 8:00 p.m. and read the Open Public Meeting Act:

"This meeting is being held in accordance with the provisions of the Open Public Meeting Act. Adequate notice has been provided by prominently posting and maintaining so posted throughout the year on the first floor of the County Administration Building, Main St., Flemington, New Jersey a public place reserved for such announcements, and by mailing on or before January 15, 2022, to The Hunterdon Democrat, Star Ledger, The Trenton Times, The Courier News and The Express Times newspapers, and TAP Into it newspaper and designated by the Hunterdon County Agriculture Development Board to receive such notices, and by filing with the Hunterdon County Clerk a schedule of the times and dates of such meetings."

Pledge of Allegiance:

Roll Call: Forest Locandro arrived at 8:04 pm. Absent - Megan Muehlbauer (NJAES) (Excused), Christian Bench, & Marc Phillips

Approval of Minutes:

- **Minutes of the May 12th CADB Meeting** – Liz Schmid made a MOTION to approve, John Perehinys SECONDED. All in favor by Voice Vote.

Communications and Administrative Business:

- **CADB Staff Update** – Bob Hornby
 - **Assemblymen Freiman**, letter on the table to the Board.
 - **Morgan Solar Farm** (Readington Twp.) Block 55 Lot 22. Was preserved as the Wallendjack Farm. Wants to put solar panels on the roof of existing barns. Need permission from the Grantee (Hunterdon). No soil will be disturbed except for minor utility trenching. Previously discussed with Chairman Bond, he approved. Bob sent back a letter of approval to SADC.
 - **SADC FY23 Appropriation Bill** – Hunterdon County has just over \$3.4 million in funding available in the Planning Incentive Grant (PIG) program. Also has an additional 2 million in competitive funding. The money has been encumbered for 3 farms but not yet distributed, the Saums Farm, Onuschak Farm, and Magnolia Creek.
 - A letter was sent to SADC last month requesting an extension for comments on the Soil Protection Standards, there has been no response. The comments are due June 10.

- **Active Applications**

- **MHD2 LLC** (Alexandria Twp.) - Equine farm. They applied to Alexandria Twp. Open Space committee for preservation, they were approved. Forwarded to SADC for Green Light Review. Alexandria will be paying for the appraisals; they may also come back to this Board to request a cost share. Can set up a site visit at that point.
- **Collins Farm** (East Amwell Twp.) County Commissioners approved at their last meeting. Appraisal RFP went out yesterday.
- There was discussion about the appraisal process and how the market value is established.
- **Farmland Plan**
 - June 8th lunch talk over Zoom. ~35 participants, a mix of public, non-profit and residents. Took a poll on what people thought were the barriers to preservation, Number 1 was the price offered to farmers, after that it was the threat from residential development, and lack of support from Governing body. Had another poll on challenges faced by the Board; they were appraisal requirements and the time between the application and the actual closing. Closings average about 2 ½ years from the time of application.

- **Monitoring Update**

- Kevin Milz stated out of 317 farms there are 15 left to inspect. Has been working with owners that have closed in the last year to review Deed of Easements and Covenants. Goal is to have all the farms completed by June 30th. Followed up on some concerns from last meeting with Peacefield Farm in Alexandria Twp. Discussed the need for Farm Conservation Plans that need to be updated and the issues with backlogs.

State Agriculture Development Committee (SADC) Updates:

Bob spoke on behalf of SADC

- Bob went to the May 26th meeting. Discussed the Special Occasion Events (SOE) on preserved farms, no decisions have been made yet, it's still in the legislature. Some discussion ensued.

Chair Comments:

- None at this time.

Old Business:

- **Soil Protection Standards: Discussion and SADC Request for Comments.** Asked for extension time for comments last month and received no reply. Comments due to SADC tomorrow (June 10). From previous discussion, should we use NRCS standards? How accurate are the maps and how much is that going to add to our workload? Kevin Milz and Board members voiced some of their concerns. Bob Hoffman made a MOTION to write a letter to SADC with Soil Standards comments, to be approved by Chair Bond prior to posting. Bill Bowlby SECONDED. All in favor by voice vote.

New Business:

- **Cervenka Farm: Century Farm Award nomination** – Every year the New Jersey Agricultural Society gives awards for farms that have been in the same family and operational for 100 years. The Cervenka Farm was nominated. The Board has the option to approve the nomination then forward to the Hunterdon County Board of Agriculture. They then forward it to the New Jersey Agricultural Society. George Cervenka gave an overview of the farm and their history. Bill Bowlby made a MOTION for Cervenka Farm to be nominated for the Century Award. John Perehyns SECONDED. All in favor by voice vote.

Right To Farm Matters:

- **Commercial Farm Certification: West View Vineyards, Raritan Twp. Block 25 Lot 4 –**
 - Applicant, Allen Funk, in attendance and sworn in by Assistant County Counsel Aaron Culton.
 - Mr. Funk gave an overview of the farm. Mr. Funk and his wife are owner operators of West View Vines. They do all the spraying and vegetation management. Harvest is in September and October. Grow and sell grapes commercially. They are in the 5th growing season. Usually get a viable crop in the 3rd growing season.
 - Bought the farm in 2015, it was a hay farm. Has been farmland assessed by Raritan Twp since then. 5 acres of grape growing. Want to start making wine on site.
 - Testified regarding the income and acreage criteria to be considered a commercial farm. The farm is 5 acres and income is \$2,500 or greater, confirmed by submitted receipts for grape sales. Agriculture is a permitted use? Yes. To the best of your knowledge your operation is in compliance with all Federal and State statutes? Yes.
 - Liz Schmid made a MOTION to grant Commercial Farm certification, Susan Blew SECONDED. Chairman Bond asked for a Roll Call vote.

	<i>ROLL CALL</i>	<i>MOVED</i>	<i>SECONDED</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
David Bond, Chair				<i>X</i>			
Robert Hoffman, Jr., Vice Chair				<i>X</i>			
Susan Blew			<i>X</i>	<i>X</i>			
Marc Phillips							<i>X</i>
John Perehinys				<i>X</i>			
Bill Bowlby				<i>X</i>			
Christian Bench							<i>X</i>
Dave Kyle				<i>X</i>			
Liz Schmid	<i>X</i>			<i>X</i>			
Forest Locandro				<i>X</i>			

8 IN FAVOR, 2 ABSENT, MOTION CARRIED

- Bob stated that they have a Right to Farm Subcommittee Liz Schmid, Susan Blew, John Perehinys, Marc Phillips, will arrange to do a site visit.

Public Comment:

- **Board member Bill Bowlby** requested the CADB write a letter to the sponsors of a bill that the Hunterdon County CADB is against Governor Murphy being able to appoint an Executive Director of the SADC. Letter will also go to SADC, New Jersey Farm Bureau, and Local Representatives. Bill Bowlby made a MOTION to write a letter opposing the Governor Appointment of the SADC Executive Director. John Perehinys SECONDED. All in favor by voice vote.

- **Daniel Herr (Clinton Township):** Wanted to thank the board for its opposition to make the Soil Standards retroactive. Spoke of the difficulty he's had with encroachment and trespassing and dealing with the courts. He submitted revisions to the trespassing statute to Senator Dougherty to better protect farmers. Senator Dougherty forwarded to Sec. of Agriculture, who has endorsed the changes. Senator Dougherty has submitted a request to the legislature for a Bill for these changes.
- **Patricia Springwell (Clinton Township):** Stated she submitted comments to the SADC Soil Protection Standards and read the letter she sent.
- **Board Member Susan Blew** commented that she is having problems with neighboring farm and water runoff, causing damage being done to her farm. Kevin Milz stated he has tried talking to landowners, but it's really a Township issue.
- **Daniel Herr (Clinton Township):** Regarding the Board Member's issues, commented on his own experience with working with townships and civil courts. An option is a Water Rights Attorney.

Adjournment:

- MOTION to Adjourn made by Bob Hoffman, John Perehyns SECONDED. All in favor.

Respectfully submitted,

Bob Hornby, CADB Administrator

Prepared with the assistance of Colleen Runge, Planning Department Clerk

Hunterdon County Agriculture Development Board

Hunterdon County Administration Building #1
Route 12 County Complex
PO Box 2900
Flemington, New Jersey 08822-2900

June 10, 2022

RE: Soil Protection Standards

Members of the State Agriculture Development Committee:

The Hunterdon County Agriculture Development Board (CADB) has a long history of supporting farmland preservation and has invested in the continuation of agriculture as a viable industry in Hunterdon County. Farmland Easements in Hunterdon County cover almost 35,000 acres at a public cost exceeding \$290 million. 1,500 acres are currently in the process of preservation. 28% of the Farm Assessed acreage in Hunterdon County is permanently restricted for agricultural use.

The CADB appreciates the work done by the State Agriculture Development Committee (SADC) on the Soil Protection Standards and commends the Staff outreach in gathering stakeholder comments on the draft version. The Hunterdon CADB accepts the draft Best Management Practices as a solid foundation in protecting a valuable resource.

Hunterdon CADB respectfully requested an extension on providing comment on the Draft Standards until November 15, 2022 in order to provide time to get a full understanding of the impacts of the Standards. The summer is a busy time for Farmer and Public members of the CADB to give the review the attention it deserves. Without response to the request, Hunterdon CADB would like to offer an initial response to the draft Standards.

The CADB objects to the retrospective nature of the Soil Protection Standards as they serve to change the terms of Easements that have been previously agreed to and abided by most easement holders. Roughly half of the 458 Easements in Hunterdon are at least 15 years old. Many easements are no longer held by the original applicant and farm purchasers have made a monetary judgement of value based upon an understanding of the agreed terms. Once a landowner has signed a permanent easement the SADC should not further restrict agricultural uses. Confidence in the Preservation Program relies on landowners understanding what they are agreeing to and those terms not changing over time or with subsequent owners. The CADB is concerned that the Standards set a precedent to undermine a popular program that has been beneficial to continued viable agriculture in Hunterdon County.

The CADB would like to recommend that upon completion of the mapping stage, one full cycle of annual monitoring is allowed for landowners to meet individually with monitoring staff to review the maps and propose any amendments to the map of disturbed area. An additional period should follow this initial monitoring year for landowners to request a waiver or variation to the map. This will allow landowners to be fully invested in the program and allow the SADC and CADB ample time to review requests for waivers in a timely and educated manner.

The CADB is concerned about the increased workload on the Monitoring staff to track annual development on individual easements and accurately calculate the disturbance percentage over time.

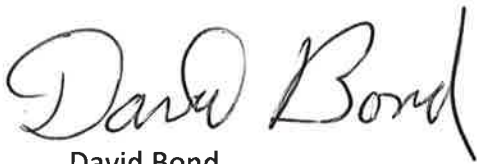
Hunterdon County Agriculture Development Board

Hunterdon County Administration Building #1
Route 12 County Complex
PO Box 2900
Flemington, New Jersey 08822-2900

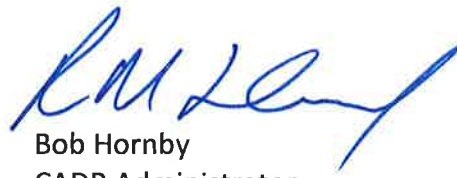
This added monitoring aspect will increase the time required to accurately judge whether farms remain in easement compliance. As the easement grantee, Hunterdon County takes easement compliance to be a foundational element of public trust in the program.

The CADB would like to reward easement holders that pursue conservation projects with partner agencies like the Natural Resources Conservation Service (NRCS) and Soil Conservation Districts. Conservation based projects that improve water quality, prevent flooding, or reduce erosion serve a public good and should be exempted practices from the disturbance percentage.

On behalf of the Board, thank you for your time and attention,



David Bond
CADB Chair



Bob Hornby
CADB Administrator

Cc: State Agriculture Development Committee and Staff
Hunterdon Board of County Commissioners
Hunterdon Board of Agriculture
New Jersey State Board of Agriculture
Governor Phil Murphy
Senator Shirley Turner (15th District)
Assemblywoman Verlina Reynolds-Jackson (15th District)
Assemblyman Anthony Verrelli (15th District)
Senator Andrew Zwicker (16th District)
Assemblyman Roy Freiman (16th District)
Assemblyman Sadaf Jaffer (16th District)
Senator Michael Doherty (23rd District)
Assemblyman John DeMaio (23rd District)
Assemblyman Erik Peterson (23rd District)