

MIDDLESEX COUNTY AGRICULTURE DEVELOPMENT BOARD

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ALAN A. DANSER

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JAMES GIAMARESE

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STAFF

MIRAH A. BECKER, PP, AICP
Supervising Planner

LAURIE SOBEL
Senior Environmental Planner



MINUTES

MIDDLESEX COUNTY AGRICULTURE DEVELOPMENT BOARD

Meeting of July 9, 2014

8:00 p.m.

Held at the Cranbury Township Municipal Building

ATTENDANCE:

Voting Members:

Alan Danser
Jim Giamarese
Robert Von Thun
John Riggs

Staff:

Mirah Becker
Laurie Sobel
Barbara Koonz, Esq.

General Public:

David Kimmel, SADC
Alan Godber
Tom Mancuso

I. Notification of Adequate Public Meeting Notice

Mr. Danser called the meeting of the Middlesex County Agriculture Development Board to order at 8:00 p.m. Ms. Sobel stated that the meeting had been properly noticed according to the Open Public Meetings Act and all notifications had been provided to all local media outlets.

II. Roll Call

Ms. Sobel called the roll as follows:

Mr. Danser	present
Mr. Riggs	present by telephone
Mr. Giamarese	present
Mr. VonThun	present
Mr. Moskowitz	not present

III. Approval of Minutes of the Regular Meeting and Closed Sessions I & 2 of March 12, 2014

The minutes of the regular meeting and Closed Sessions 1 & 2 of March 12, 2014 were distributed to the members in advance of today's meeting. A motion was made by Mr. Giamarese, seconded by Mr. Von Thun and approved to adopt the minutes as presented.

IV. Correspondence

A. Press Release – Indyk Farm Closing

Ms. Sobel distributed a press release which announced the closing on the Indyk Farm. The closing occurred on June 10 making it the 10th preserved farm in Monroe Township and the 52nd preserved farm in Middlesex County.

B. 2013 State Agriculture Development Committee Annual Report

Ms. Sobel distributed information on the SADC's 2013 Annual Report. The report is available on the SADC's Website at: <http://www.nj.gov/agriculture/sadc/publications/2013annualreportFINAL.pdf> .

C. Articles – “Sustainable Farming on the Urban Fringe”

Ms. Sobel distributed three articles on farm energy efficiency from Sustainable Farming on the Urban Fringe.

D. 2014 Preserved Farm Monitoring Program

Ms. Sobel announced that staff has begun the Annual Monitoring Program. Lengthy questionnaires were mailed to all owners of preserved farms in May. To-date staff has received around 20 questionnaires. Staff will begin using the SADC's electronic monitoring system this year. Staff will be making site visits this month.

E. Proposed Rule - Waters of the US

Ms. Sobel distributed information on the proposed Waters of the US Rule. This is a proposed rule from the EPA and the Army Corps of Engineers. The purpose of the rule is to clarify the types of waters that are and are not covered by the Clean Water Act and to bring certainty and predictability to certain areas including agriculture. The rule can be found at: <http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf>. If the members would like to comment on the rule, they should contact Ms. Sobel. Comments are being accepted until October 20, 2014.

F. Rutgers Cooperative Extension Service-- Annual Garden Field Day Open House

Ms. Sobel stated that Mr. Hlubik of the Cooperative Extension Service had invited the CADB members to participate in the Annual Garden Field Day Open House on August 16 (rain date August 17). Mr. Hlubik is planning a legislative farm tour in the morning and asked the CADB to co-sponsor this event. Mr. Danser asked that Ms. Sobel keep the members informed on the details of the legislative farm tour. Staff will be manning a table highlighting the farmland preservation program at the Open House.

IV. Correspondence (continued)

G. New CADB Members

Ms. Sobel announced that the Freeholders are scheduled to appoint two new members to the CADB at their July 17 meeting. Mr. Roger Jany and Mr. Thomas Mancuso will be joining the Board. Mr. Mancuso was in attendance at this evening's meeting.

V. Old Business

A. Update on the Individual Farm Easement Purchase Applications

Ms. Sobel presented a report on the current status of easement purchase application as listed below:

<u>Applicant</u>	<u>Status</u>
Jesse Voight	The landowner's attorney prepared "Release of Easement" to convey 1.0 acre easement area in question. The landowner made an offer to the neighbor to purchase the 1.0 acre. However, the matter is now pending in the NJ Superior Court in Middlesex County. A hearing date has been scheduled for July 31.
Roy Reinhardt	Title company to provide additional title endorsements to the title binder regarding description; MCIA legal staff to then submit revised title binder, Deed of Easement and Affidavit of Title to SADC for final review.
Benjamin Konopacki (Indyk Farm)	Closing took place on June 10, 2014
Protnick Farm	Waiting for SADC's determination of granting "Green Light Approval" to PIG Application.
EJG Properties	SADC certified a development easement value at the June 26, 2014 SADC meeting. Certified value will be reviewed at a Closed Session later in the meeting.
J,B, Heatherwood Farms	Waiting for SADC's determination of granting "Green Light Approval" to PIG Application.

VI. New Business

A. Status of SADC Funding for MCADB and Update on NJ Senate/Assembly Open Space Funding Bills

Ms. Sobel distributed a memorandum dated May 12, 2014 regarding Farmland Preservation Account Balances and a memo dated May 14, 2014 regarding FY 2009, 2011, and 2013 Funding Status Reports. Basically, Middlesex County only has \$41,237 remaining in the FY11 base grant funding. The county is also eligible for up to \$5,000,000 in FY13 competitive funding, however there is only \$15,000,000 remaining and many other counties are also eligible to compete for this funding. Currently, Middlesex County has three potential applications that may be without funding (EJG, Protnick and JB Heatherwood Farms).

VI. New Business (continued)

- B. Status of SADC Funding for MCADB and Update on NJ Senate/Assembly Open Space Funding Bills (continued)

Two bills were being proposed to fund the preservation of undeveloped land, farmland and historic structures. ACR-130 would amend the State Constitution to dedicate six percent of the NJ's Corporate Business Tax revenue from FY2016 to FY2045 to provide a stable source for Open Space, Farmland Preservation and Historic Preservation Programs. A similar measure passed the Senate in a 35-1 vote in June. Chairman Danser sent a memorandum to all Assemblypersons in Middlesex County encouraging their support of ACR-130. A copy of the correspondence was distributed to the members. There is one last chance that the Assembly will meet in August which would allow the question to appear on the November ballot.

- C. Brief Presentation by David Kimmel of the SADC's Recently Published Guidebook, "New Jersey Agricultural Mediation Program Handbook, A Guide for Farmers, Neighbors and Municipalities"

Mr. Kimmel stated that the SADC recently published the NJ Agricultural Mediation Program Handbook to promote the use of mediation in resolving agriculture-related disputes. The handbook explains how the program works and provides examples of successful mediations. Mediation can be used as an alternative to the state's Right to Farm Act's formal conflict resolution process or to the federal process for resolving US Dept. of Agriculture program disputes. It also can be used to resolve agricultural credit issues with private lenders.

Mediation is a voluntary process in which a trained, impartial and certified mediator helps disputing parties examine issues, identify and consider options, and determine if they can agree on a solution. The mediator serves as a facilitator to help the parties focus on the key issues and explore potential solutions. Because the mediator has no decision-making authority, successful mediation is based on voluntary cooperation of all parties. Mediation is confidential, free and generally takes only a meeting or two to complete.

Ms. Sobel mentioned that she received a complaint from preserved farm owner, Sharon Farmer who is having a property boundary dispute with her neighbor. Mr. Riggs and the Monroe Township Zoning Officer toured the property, but have not been able to resolve the issue. Monroe Township has advised the landowner to file suit in civil court. Use of the mediation program may be appropriate to resolve this dispute.

VII. Public Comment

There were no Public Comments made at this evening's meeting.

VIII. Convene a Closed Session

A motion was made by Mr. Giamarese, seconded by Mr. Von Thun and approved to convene a closed session to discuss an acquisition matter.

IX. Reconvene the Regular Meeting

A motion as made by Mr. Giamarese, seconded by Mr. Von Thun and approved to reconvene the regular meeting.

X. Action as a Result of Closed Session

A motion was made by Mr. Giamarese, seconded by Mr. Von Thun and approved to accept the SADC's certified value and to authorize the Chairman to send an offer letter to the landowner of EJM Properties at Independence Acres, LLC. A motion was made by Mr. Giamarese, seconded by Mr. Von Thun to authorize the Wilentz Firm to follow-up with the title insurance company regarding the Sharon Farmer property.

XI. Next Meeting

The next meeting was scheduled for August 13, 2014 at 8:00 p.m. at the Cranbury Township Municipal Building.

XII. Adjournment

A motion was made, seconded and approved to adjourn the meeting at 9:00 p.m.