

**OPEN SPACE & AGRICULTURAL ADVISORY COMMITTEES**

**Reorganization and Regular**

**Meeting Minutes**

**January 10, 2017**

**7:00PM**

**Call to Order**

The Reorganization and Regular meeting of Open Space and Agricultural Advisory Committees was called to order at 7:10 P.M. Secretary Keller called the meeting to order and read the following notice requirements.

**Notice Requirements**

**Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act by publication of the notice in the Hunterdon Democrat and Courier News on December 15, 2016 and by telefaxing a copy of the notice to the Express Times on December 7, 2016. Copies of the notice were also posted in the Kingwood Township Municipal Building and Baptistown Post Office on December 7, 2016.**

**In order to ensure full public participation in this meeting, all members of these Committees, and also members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.**

**Roll Call**

**Open Space Advisory Committee**

**Present**

Sandra McNicol

Phil Lubitz

Thomas Ciacciarelli

John Mathieu

Karen Hertzog

**Absent**

Heather Haberle

Lee Frank

**Agricultural Advisory Committee**

**Present**

William Pandy

Edward Kralovich

Richard Dodds

**Absent**

Cynthia Niciecki

2.

**Reorganize**

**Nomination for Chairperson for Open Space Advisory**

It was moved by Phil Lubitz, seconded by John Mathieu and carried to nominate Sandra McNicol for Chairperson for the Open Space Advisory Committee for 2017.

It was moved by John Mathieu, seconded by Phil Lubitz and carried to close the nomination for Chairperson for the Open Space Advisory Committee for 2017.

All Present Voted

Roll Call Vote:	Aye	-Lubitz, Ciacciarelli, McNicol, Mathieu, Hertzog
	Nay	-None
	Abstain	-None
	Absent	-Frank, Haberle

**Nomination for Vice Chairperson for Open Space Advisory**

It was moved by Phil Lubitz, seconded by Sandra McNicol and carried to nominate Karen Hertzog for Vice Chairperson for the Open Space Advisory Committee for 2017.

It was moved by Sandra McNicol, seconded by Phil Lubitz and carried to close the nomination for Vice Chairperson for the Open Space Advisory Committee for 2017.

All Present Voted

Roll Call Vote:	Aye	-Lubitz, Ciacciarelli, McNicol, Mathieu, Hertzog
	Nay	-None
	Abstain	-None
	Absent	-Frank, Haberle

**Nomination for Chairperson for Agricultural Advisory**

It was moved by Edward Kralovich, seconded by Richard Dodds and carried to nominate William Pandy for Chairperson for the Agricultural Advisory Committee for 2017.

It was moved by Richard Dodds, seconded by Edward Kralovich and carried to close the nomination for Chairperson for the Agricultural Advisory Committee for 2017.

3.

All Present Voted

Roll Call Vote:     Aye            -Pandy, Kralovich, Dodds  
                      Nay            -None  
                      Abstain     -None  
                      Absent      -Niciecki

**Nomination for Vice Chairperson for Agricultural Advisory**

It was moved by William Pandy, seconded by Richard Dodds and carried to nominate Edward Kralovich for Vice Chairperson for the Agricultural Advisory Committee for 2017.

It was moved by William Pandy, seconded by Richard Dodds and carried to close the nomination for Vice Chairperson for the Agricultural Advisory Committee for 2017.

All Present Voted

Roll Call Vote:     Aye            -Pandy, Dodds, Kralovich  
                      Nay            -None  
                      Abstain     -None  
                      Absent      -Niciecki

Comments from the Chairpersons nominated:

Chairwoman Sandra McNicol briefly commented and thanked everyone for all their help throughout the past year and she looks forward to working with everyone this year.

Chairwoman Sandra McNicol took over the meeting at this time.

**Motion and approval of scheduled meeting dates for 2017**

**First Tuesday of the Month - Meeting Time to be at 7:00PM**

January 10, 2017	June 5, 2017 (Mon)	Nov 6, 2017 (Mon)
February 7, 2017	July 11, 2017 (Tues)	Dec 5, 2017
March 7, 2017	No Meeting on August	
April 4, 2017	September 5, 2017	
May 2, 2017	October 3, 2017	

The Committees reviewed the dates and time for 2017.



5.

It was moved by Richard Dodds, seconded by Edward Kralovich and carried to approve the December 6, 2016 Regular Meeting Minutes of the Agricultural Advisory Committees.

Roll Call Vote:       Aye           -Dodds, Pandy, Kralovich  
                      Nay           -None  
                      Abstain     -None  
                      Absent      -Niciecki

### Correspondence

#### Article - Ordinance Could Reduce Open Space Tax - Raritan Township

Sandra McNicol reviewed the article. There was a brief discussion by both Committees. The Committees noted that they would not be in favor of adopting this ordinance for Kingwood Township.

**Ordinance No. 16-25** AN ORDINANCE TO THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING CHAPTER 2.88 ENTITLED "OPEN SPACE ADVISORY COMMITTEE AND TRUST FUND" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN, TO EXTEND THE OPEN SPACE TAX AUTHORIZATION.

The Committees reviewed the ordinance from Raritan Township.

### Reports

Farmland Preservation - Liz Schmid (Report for January, 2017)

Liz Schmid was present and reviewed the following report for January 2017:

#### **Open Space/Agriculture Advisory Committee**

**January 10, 2017**

I am going to list the projects that have had some type of change since last month first. I will then list the farms that are still on the radar, but have not moved along significantly since last month. Changes from November are in bold face type.

- 1. Goeckeler** (Bl 30, Lot 6) - As Green Acres has run out of money for this project, the owners would like to pursue a farmland preservation application. In order to do this, The Township must enlarge the farmland preservation project area in the farmland preservation element of the Township Master Plan. The farm is located on Warsaw Rd.

6.

2. The Township will also have to amend its Agricultural Development Area with the County and the State. It is possible that this can be done by resolution.
3. I am checking with the County and the State.
4. At the moment there seems to be some confusion as to exactly where the line for our ADA is at this time, and where the line for the Farmland Preservation Project Area is in the northern part of the Township. What is on maps and what is in legislation seem to conflict. Because of these area issues which must be remedied in order for the application to proceed with the State, and because the farm is in the County ADA, and will be added to their Target Farm List, the County has said that they will include this farm in the County Pig fall round so that there is no hold up. We can then transfer it back to the Municipal PIG when the boundary issues are resolved, if that is OK with everybody. We now have a copy of the map of the Ag Development Area and the PIG Project Area as it is understood by the State, so we should work with that. HLT has submitted an application for federal funding for this farm without the County. SADC and NRCS are reported close to agreeing on minimum deed terms. After that is achieved, CADB staff will approach the Freeholders to approve farms in the pipeline requiring federal funding, which they have been unwilling to do to this point. **As our ADA issue is still up in the air, I have had the issue of requiring signatures from all landowners to expand an ADA put on the CADB agenda this month. If we can get that changed, then all we have to do is get CADB and SADC to agree to it. As most of you have seen from my e-mail, the State is suggesting adding a ROW along the northern edge of this farm to provide access to the Tea Table Property. This requires discussion as to what type of access and what the Township might want to do about taking over a ROW. Much would depend on ownership of the Tea Table.**

**5. Dalrymple** - Block 6 lots 26 (33.4 acres) and 26.01(18.55 acres) - The landowners have completed an application for the Municipal PIG program and it has been approved for Federal funding. CADB has given preliminary approval, as has SADC. The Township Committee has passed a resolution requesting that the State add this farm to our targeted farm list.

7.

The landowners have agreed to partially pay for one appraisal to see if easement value will be acceptable to them. The Township has chosen an appraiser from the proposals submitted.

Things have been complicated by the CADBs refusal to accept the SADC proposal to use Federal language to prohibit selling the two lots separately, without actually merging the lots. They continue to insist that the lots be merged before preservation. SADC is trying to be helpful by developing some sort of new appraisal form that would allow for the appraisal of the properties as one lot without actually being merged. That way the landowners would be able to have the properties appraised and they could make a decision about whether the money is enough to follow through with preservation before they have to spend money on merging the properties. In any case, the properties would have to be merged before the preservation closes. The landowners have decided to proceed with the process if the second appraisal comes in at or above what the first one came in at. They are having their attorney look at the various forms that they must sign to continue with the process. As of 9/28, they had not returned the forms signed. When they do bring them in, we will have the second appraisal done. The attorney raised further questions that we have attempted to address and referred him to County Counsel for further clarification. We have also provided them with the County forms that may be more beneficial to use. The attorney seemed to be satisfied with the information provided, but we have not heard from the landowner about signing a contract or option. As with Goekeler, there is also the issue of County approval of the terms of the Federal program. **The Option form came back from the landowner's attorney with an addendum of two changes. The Township Committee has directed the Twp. Attorney to modify the changes and return it to the landowner's attorney for approval.**

**6. Tranquility Farms LP** - Block 5, Lot 1.01 - For financial reasons, this farm is not eligible for Federal funds so County and Municipal PIGs were not feasible. SADC had approved the farm for State Direct Easement purchase. The owners have accepted the certified value and the Township has sent a letter of support. It should have received final approval from the State last week, and the surveying, etc. will proceed.

8.

**After resolving contract issues with Penn East, the State has given a revised certified value (it was the same) and SADC granted final approval last week. They are now going out for survey and title work.**

7. **DeSapio** properties on Ridge Road - Block 6, Lots 12 and 13.01 have closed and are now preserved.

**Block 5, Lot 6 (69.54 acres known as the Brown Farm)** has gone to the County for a County PIG application as the State is out of Direct money. The County is going to the landowner to see if he is willing to make an application for Federal money that will cover our share of the preservation. The County is also suggesting that the application be carried in the County program through the appraisals and final approval and then be transferred to a Municipal PIG for the survey. This would allow Kingwood funds being held at the State to be used for the State 60% as the County is about tapped out of State money. The landowner has agreed to apply for Federal funding (ALE) so that the application can be fully funded. The HLT board has approved this project. **The landowner returned paperwork for application for Federal funds and HLT has submitted an application. Again, this application will be hanging on the County approval of the terms of the Federal money.** The State is on hold, waiting for CADB to submit its annual update, including this farm on their target list. **HLT is requesting that Kingwood add this farm to our PIG Target farm list as there are many issues with the County, and it would be easier to do it as a Municipal PIG - except that it requires us to expand our Project Area in another place.**

8. **Hudson Grant Group - Block 40, Lot 19)** - HLT is making an application for County Open Space funds for this vertical property. Other funding would come from DEP. There is some question about access. The appraiser was out at the property with Lisa Stern from the DEP, Jackie Middletown and Richard so we should have a value quote soon. Appraisals are back. The County planning Board has approved a \$51,000 grant for the property. The Freeholders have now approved the grant. **A proposed contract has been sent out, but as of last week, it had not been returned.**



9.

**9. Siano - Block 30 Lots 2 and 2.01 (73.81 acres) -** This farm is being done as a County PIG application as the State did not have sufficient funds to do it as a State Direct Application. The landowner has been in contact with HLT to make an application for Federal funding, but has not been approved by the HLT board yet **as she may be selling off a lot before preservation. That issue must be resolved to proceed.**

**This farm is also affected by not having County approval of Federal money terms at this time. It may also have to be held over until next year.**

**10. Kenney - Block 27 Lot 6 (20.77 acres) -** Landowner called the SADC staff to inquire about preserving this lot. He had preserved his other lots a number of years. He had contacted me a few years ago but I discouraged him as the lot appeared to be more than 50% wooded which would make it ineligible for preservation. The lot also has significant wetland areas. State staff believes that the land is more than 50% tillable so should qualify for preservation. Does the Ag Committee have any feeling about this property?

#### **OTHER ISSUES**

In order for the State and the County to consider farms for a Municipal PIG application it must be within our Agriculture Development Area. As of now, Siano and Goeckeler are not within that area. We need signatures from every property owner that is to be included in the expanded area. We have signatures from Goeckeler, but not from Siano at this point. **The County was going to try to get that signature.** If we expand for DeSapio, we will need signatures up in that area also. The State has the Township ADA as delineated and **the County has a different ADA for their projects. They have asked for an expanded ADA in their annual up-date. We do not know at this time whether that has been granted.**

A resolution to expand the PIG Project area would also be good.

\*\*\*\*\*

**11. Smiley - B 26, Lot 17 - Kingwood Locktown Rd (25.98 acres)**

This property is partially farmed and partially wooded. It adjoins the preserved DeCroce farm to the south. The message was that she wishes to create a preserve on her property.

10.

**12. Varela (Bl 33 Lot 12 - 63 acres, Bl 32 Lots 5 - 11 acres and 6 - 16 acres) on Barbertown-Idell Rd. - No Change - The family is trying to decide what to do.** This is a complicated estate situation with squabbling heirs. The heir that lives on the property wants to preserve so that she can keep the farm together as a farm. Others just want money out of it.

**13.** They are presently getting a new appraisal on the property to see what is a realistic value in the current market. The State has no funds available for direct purchase and is sending pending applications to the Counties. Heir on the property wants to put in an application for consideration in the Harvest Round (fall).

She will also have to apply for Federal funding to cover municipal costs. They have chosen to have the property appraised for easement value as well as sales value to better help in decision making. The property has been appraised but the family has not yet made any decisions on what they wish to do.

**14. Dirt Capital Partners, LLC - Block 4, Lot 3, .5 acres. No Change** This is the corner of a farm in Franklin for which Dirt Capital Partners is trying to recoup some money. Kingwood's share of a preservation would be in the area of \$700.

**15. Milford - (Block 9, Lots 26 (13 acres) and 17 (62 acres) No Change** The family is interested in acquiring property across Slacktown Road from other property that they own. They would need preservation money in order to make this happen. We have advised them of the tight money situation at the State and the Township, and about the need to use Federal money (ALE) to cover Township portion of any preservation. We discussed the constraints of being near a C-1 stream and having woods on the property and how it might affect appraisal values. We also discussed how CADB might look at the property. We suggested that if they wish to pursue the preservation they might want to do it with a strict contingency contract with the present owner. They are planning to talk with the realtor.

**16. One Lowell Realty inc. (Lipka) - Bl 17, lot 14 (30.89 acres) No Change** Flag lot on Barbertown-Point Breeze Rd.- The owner of this property just wants to get rid of it and is willing to donate the property. There are wetlands on the property and an open lien from DEP.

11.

He (or maybe his estate) does not want to or cannot pay the lien off. DEP says the lien consists of a \$12,000 fine and a \$6,000 penalty for not having complied with an administrative order. The fine was for placing fill and cut vegetation into wetlands and wetland transition areas. The fine and penalty stay with the offending owner, but DEP would require the situation to be remediated. HLT has no interest in the property.

It is not near any other preserved land. Does the Township have any interest?

**17. Felix II** - (Block 12 Lot 1) - **No Change** - A township resident has contacted me about the possibility of purchasing and preserving this farm. The purchase is dependent on the ability to preserve. In speaking with the interested purchaser, it became clear that possible preservation funding may not be sufficient to purchase the farm.

We discussed the need to for them to discuss specifics with the owner. I spoke with SADC and HLT to see if they had any creative ideas as to how this could be worked out. No one has come up with any new ideas. I will continue to stay in touch.

**18. Maritan** - (Bl 33 Lot 25), 104.71 acres - **No Change** - Richard has had discussions with Jackie Middleton at HLT about possible use of new Green Acres money for this property. After Richard and Tom from HLT walked the property it was decided that the property should be cleaned up before appraisals are done. Jackie will be working with the family to do this, but the family has been told that there is no money available now. Property is now on the market.

**19. Mattison - No change-** (Block 21, Lots 1.01, 1.02, 1.03 and Block 21.01, lot 2) on Rt. 12 and Whiskey Lane - Owner is interested in selling into preservation but only NJCF has any interest and would need other money to complete a sale.

**20. Perrotti - No Change** - Block 7 Lot 14.10 - 52 acres on Oak Grove Road, adjacent on the south side to the preserved DeSapio farm. The owner is looking for the most profitable way to proceed with his investment property. He has 4 approved lots ready to build on when the economy picks up. He is in no rush to do anything. He was really just doing research on how much he could get for preservation when he called the State. He would ideally like to get \$15,000/acre for the easement.

12.

Map of Goeckeler Property

Map of Kenney Property

The Advisory Committees reviewed the Map of the Goeckeler property and the map of the Kenney property.

Everyone thanked Liz Schmid for her report.

### **New Business**

County Open Space Full Draft Plan - October 21, 2016

Chairwoman Sandra McNicol asked if anyone had a chance to review the County Open Space Full Draft Plan. Richard Dodds suggested that the Committees review the Plan and bring their comments to next month's meeting. He suggested everyone at least review the executive summary if they do not have time to review anything else. He reviewed a few points in the Draft Plan.

Franklin Farm Lease 2016 - 2018 Doc#1

Franklin Farm Lease 2016 - 2018 Doc#2

Harmony Farm Lease 2014

Richard Dodds provided these sample leases from other towns. It was suggested that areas that we use for open space as farmland we should have leases.

William Pandy explained as a farmer himself they sign County leases and State leases. He noted that it is a good idea to protect yourself from liability.

### **Old Business**

Horseshoe Bend Park - Update

Richard Dodds noted that there is nothing going on at this time other than the hunting program at the Horseshoe Bend Park.

Copy of Resolution No. 2016 - 122 Hunterdon County Municipal Grant Program Allocation - Adopted by the Twp. Committee

Chairwoman Sandra McNicol reviewed the resolution adopted by the Township Committee.

13.

Updated: Kingwood Township Public Open Space and Preserved Farms Map - December 2016

Chairwoman Sandra McNicol reviewed the updated Open Space and Preserved Farms Map for Kingwood Township's public open space and preserved farms.

**PennEast Pipeline - Update**

William Pandy gave an update on the most recent map of the PennEast Pipeline, which he learned about at a meeting he attended in Stockton NJ.

**Public Comment - Privilege of the Floor**

There were no public comments.

**Adjournment**

It was moved by Richard Dodds, seconded by Phil Lubitz and carried to adjourn the meeting at 8:39P.M. **All voted Aye on Roll Call Vote.**

**Respectfully submitted,**

**Cynthia L. Keller  
Secretary**