

**AGRICULTURAL ADVISORY COMMITTEE**

**Regular Meeting Minutes**

**March 7, 2017**

**7:00PM**

**Call to Order**

The Regular meeting of Agricultural Advisory Committee was called to order at 7:15P.M. Chairman William Pandy 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 January 19, 2017 and by telefaxing a copy of the notice to the Express Times on January 11, 2017. Copy of this notice was also posted in the Kingwood Township Municipal Building on January 11, 2017.**

**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**

<b><u>Present</u></b>	<b><u>Absent</u></b>
Sandra McNicol	John Mathieu
Thomas Ciacciarelli	Lee Frank
Karen Hertzog	Phil Lubitz
	Heather Haberle

**Agricultural Advisory Committee**

<b><u>Present</u></b>	<b><u>Absent</u></b>
William Pandy	Cynthia Niciecki
Richard Dodds	
Edward Kralovich	

There were not enough members present to have a quorum on the Open Space Advisory Committee. Chairman William Pandy began the meeting for the Agricultural Advisory Committee.

2.

The members of the Open Space Advisory Committee that were present stayed and listened and briefly participated in the meeting. They will not be participating in any motions made.

### **Approval of Minutes**

#### **Motion and Approval of the February 7, 2017 Regular Meeting Minutes of the Open Space/Agricultural Advisory Committees**

There were not enough members present to approve the minutes from February 7, 2017. These minutes will be tabled until the next month in April.

### **Correspondence**

#### **Article - Grants Aim to Protect Farms From Deer**

Chairman William Pandy, who is also a farmer commented on his thoughts of the article. He feels that the funds should go towards land preservation.

The Agricultural Advisory Committee had a lengthy discussion, reviewed the article and gave their comments. They feel that this is not the best choice to install fences, and do not approve of this idea.

There was a suggestion to write a letter to the SADC expressing the Agricultural Advisory Committee's suggestions. Liz Schmid offered to write the letter to the SADC representing the Agricultural Advisory Committee. Chairman William Pandy will sign the letter from the Ag Committee.

#### **Article - Acreage Added to Sourland Mountain Preserve**

Chairman William reviewed the article. The Agricultural Advisory Committee reviewed the properties that were preserved.

#### **Letter from the NJDEP - Re: Starting Ash Tree Management Along the Towpath in Delaware and Raritan Canal State Park**

Chairman William Pandy reviewed the letter from the NJDEP. Richard Dodds noted they are only treating the trees within 1500 feet of the towpath. The trees that are further away from the public will be left alone and they will drop on their own in time.

3.

He noted that the township volunteers have been monitoring the trees along some of the trails at the Horseshoe Bend Park.

HCPB - Save the Date - March 28<sup>th</sup> Municipal Informational Roundtable

Chairman William Pandy briefly reviewed.

### Reports

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

Liz Schmid was present and reviewed the following report:

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

**March 7, 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 February are in bold face type.

1. **Herring (Bl 12, Lot 33.01) 58 acres - Rt. 519** - This property is now on the market for \$525,000. The realtor involved with the property contacted HLT to see if there is interest in open space or farmland preservation. Does the Township have any interest?

Richard Dodds brought the property up over the projector for everyone to review. The Committees discussed possibly speaking to the owner of the property.

2. **Varela (Bl 33, Lot 12 - 63 acres, Bl 32, Lots 5 - 11 acres and 6 -16 acres) on Barbertown-Idell Rd.** 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. They are presently getting a new appraisal on the property to see what the 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. **The family has decided that they wish to make an application for farmland preservation. I am working on doing a municipal PIG application, unless the Township would prefer that the application be a County PIG.**

4.

**The major difference is that the Township would have to pay for technicals up front, with partial reimbursement after closing.**

The Agricultural Advisory Committee feels that this application should be applied as a municipal PIG. Liz Schmid thanked the Committee for their help.

3. **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. 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. I am checking with the County and the State. 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.
  
4. 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.

5. CADB has rejected the idea of a ROW on the northern edge of this property. The CADB attorney has been researching how their requirement of signatures from all property owners in an ADA was enacted. She will bring her findings to CADB meeting on Thursday and it would seem that all they have to do is pass another resolution eliminating the requirements. As all members seemed to be of that mind last month, the requirements will go away and all we have to do to change the ADA is have both CADB and SADC agree to the change. This will make life much easier for all. **County attorney has found no problem in changing the policy. CADB has reportedly agreed to change this policy but as I was unable to be at the meeting, they chose to hold it over so that I could participate in the passage of the more reasonable policy. That should happen on Thursday. Also, the draft of the proposed deed for use with Federal funding is being circulated for final comments. Hopefully, the County will find this acceptable so that we can continue to preserve farms with this resource.**

6. **Dalrymple** - Block 6 lots 26 (33.4 acres) and 26.01(18.55 acres) - The landowners have completed an application for the Municipal FIG 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.

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.

6.

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 Goeckeler, 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. The modified version was sent back to the landowner's attorney last week. **The contract has been returned to the Township Attorney and will be presented to the Mayor for signing. We will then have the second appraisal done. As cited above, a draft deed for use with Federal funding is being circulated.**

**7. Maritan** - (Bl 33 Lot 25), 104.71 acres. 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.

The State has suggested if the property qualifies for Federal funding, the Township could do a municipal PIG on it and by-pass the County as the Federal money would cover both municipal and County share. The State would then hold the easement on the property. I did not think that the Township was interested in this option, but am running it by you. **The State has suggested that the owners might be interested in an NRCS program that would preserve all or part of the property as disturbed wetlands and help finance restoration of the preserved area. We can explore this with the owners after NRCS does preliminary checking to make sure that the property is appropriate.**

Richard Dodds reviewed the property over the projector for the Committee to review. Liz Schmid asked if she should contact the landowner. The Agricultural Advisory Committee suggested that Liz Schmid contact the landowner and speak to them more on the preservation.

**8. 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.

7.

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 bids for technicals.**

**9. 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. **The contract has been signed and returned and the Township is arranging for a survey and preliminary assessment.**

Richard Dodds noted that they are waiting to get the remainder of the contract and that it should be coming together soon.

**10. 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.

**11.** 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. Bid packages for appraisals went out from the County last week.

**Appraisal packages to go out soon.**

**OTHER ISSUES**

8.

With any luck, the problem with expanding the Township Agriculture Development area will be resolved on Thursday. It would be good for the Township to decide where we want to expand the area (must be contiguous). Would the area that we put on the annual Township PIG update be acceptable? The Township Committee should pass a resolution indicating the expanded area that would then be passed along to the CADB and the SADC for approval.

\*\*\*\*\*

**12. Siano - Block 30 Lots 8. 2 and 2.01 (73.81 acres) - No Change -**

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. The landowner failed to complete the paper work required to apply for Federal funding so will have to wait for the next round to make an application. She also failed to sign the form required to change the ADA, but hopefully that will no longer be an issue. **There has been no further contact.**

**13. 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. The Agricultural Advisory Committee did not seem to have an interest in preserving this piece at last month's meeting. **It would be a long shot, but maybe this would qualify for the WRE program also. NRCS is doing preliminary checking.**

**14. 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.

**15. 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. **Bid packages for appraisals went out last week.**

9.

**16. 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.

**17. 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. 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?

**18. 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.

**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.

10.

**New Business**

Subdivision Application for Minor Subdivision - Block 40, Lot 8  
Tax Map of Block 40, Lot 8

Chairman William Pandy reviewed briefly.

**State Agricultural Development Committee & DSDA - Agricultural Easement - Attachments:**

Major Changes of Proposed ALE Deed From Prior FRPP Deed Template - Resolution of Issues - February 2017

The Agricultural Advisory Committee reviewed the major changes of proposed ALE Deed from prior FRPP Deed template resolution of issues for February 2017.

Agricultural Land Easement (ALE) Program - Deed of Easement Template

The Agricultural Advisory Committee reviewed the Deed of Easement Template.

Agricultural Conservation Easement Program - Template

The Agricultural Advisory Committee reviewed the Template.

Liz Schmid noted that this is up for comments at this time. The Agricultural Advisory Committee advised Liz Schmid to respond with her comments as the liaison representative for the Agricultural Advisory Committee.

**Old Business**

Horseshoe Bend Park - Update

Richard Dodds noted the township is negotiating a preliminary draft agreement for farmland preservation, which is the Axelrod property. He noted it is south to the Horseshoe Bend Park. He noted this would not include the house, but they are interested in obtaining the 58 acres. He explained that the township is willing to do the appraisals on the property. He briefly reviewed the property over the projector. He noted that he will be meeting with the State Department of Transportation, the Hunterdon Land Trust, the Scenic Byway and a representative from Green Acres at Bulls Island.

Interpretive Sign Pollinator Meadow

Chairwoman Sandra McNicol reviewed the sign she created for the Pollinator Meadow at the Horseshoe Bend Park. She described all the points of interest such as the butterflies that are in the Meadow. She explained that the Environmental Commission applied to the Washington Crossing Audubon Society two years ago for a Grant to put in a Butterfly Meadow. She noted they received enough money to purchase seeds and to put up a sign.

11.

**PennEast Pipeline - Update**

Chairman William Pandy noted that there is not much happening at this time.

**Public Comment - Privilege of the Floor**

There were no public comments.

**Adjournment**

It was moved by William Pandy, seconded by Edward Kralovich and carried to adjourn the meeting at 8:40P.M. **All voted Aye on Roll Call Vote.**

**Respectfully submitted,**

**Cynthia L. Keller  
Secretary**