



County of Burlington

Department of Resource Conservation

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Burlington County Agriculture Development Board

Minutes

January 13, 2022

Meeting held remotely via GoToMeeting

Members in Attendance: Chairman Phillip Prickett (7:11pm), Kevin Sparkman, Ed Cohen, Brian Lestini, Randi Rothmel, John Hlubik, Pete Johnson, Sherry Dudas, Stephen Specca

(Quorum Established)

Members Absent: Dan Kennedy, Paul Shinn, Jeff Tober, Bill Bamka, Tom Budd, Thomas Stanuikynas

Staff in Attendance: Brian Wilson, Bradley Hansen, Anthony Drollas (Legal Counsel)

Public in Attendance: Amy Mandelbaum (SADC), Yufei Wu (VGF Group LLC Member), Jeremy Moran (Owner of Mahon-Moran Farm), Colleen Kelly (Owner of Property neighboring Mahon-Moran Farm), Adam Schoen (Owner of Schoen Farm), Mike Wilk (Owner of Wilk Farm), KC (? Member of Public)

I. Call to Order

- A. Opening Statement and Sunshine Law Compliance
Brian Wilson (BW) called the meeting to order at 7:00 PM and indicated that the meeting was held in compliance with the Open Public Meetings Act.
- B. Roll Call
 - a. BW read the roll call and indicated that a quorum was established.

II. Minutes of

- A. October 14, 2021 (Open Session) – Chairman Prickett joined the meeting at this point. **(Motion) John Hlubik motioned for approval of the October 14, 2021 Open Session Minutes, Ed Cohen seconded the motion. The motion passed unanimously.**

III. Staff Update

A. Administrative Update

a. General Items

- i. BW conveyed former Commissioner Hynes' gratitude to the Board members for their service. BW reported the former Commissioner has just been appointed Superior Court judge by the Governor and would no longer be serving at the County.
- ii. BW reported that John Kocubinski had resigned from the CADB for personal reasons.
- iii. BW reported that there is an updated SADC Soil Protection Standard proposal on the table. He stated that revisions made to the last version largely addressed the major concerns of the CADB, as well as of the majority of other parties that commented on the matter. BW reported that the proposal would be moving through the approval process with the SADC and that we would see the updated version soon.
- iv. BW reported that staff sent out the annual ATL letters to townships. He stated that staff does not usually receive responses to the letters but that this year Mansfield, Florence, and Chesterfield townships did respond. BW explained how staff evaluates specific farms that townships request be added to our targeting list for preservation. He explained that staff is working through that now with requests from Florence and Mansfield and that as long as no Board members have questions/concerns they would complete that process and respond to the townships. Board member Sherry Dudas (SD) asked BW if he believed that these townships were making requests in reference to the ongoing warehouse development affecting each of them. BW explained that Chesterfield simply requested that the County not pursue/take applications from any of their landowners as they would like to see their TDR program be completed by preserving the remaining eligible land in the township through that process. He also responded to the question by agreeing with SD and stating that he is speculating that the other towns' responses are likely related to warehouse development.
- v. BW reported that the SADC is now accepting more applications directly as they have increased funding at the moment.

b. FPP Applications

- i. BW reported that there were 2 farms for the CADB to approve offers on that night.

- ii. BW reported that all 4 farms from the previous round are scheduled for closing (Emmons Home & West, Whalen, and Stevens).
 - iii. BW reported again that all of the farms/applications from the 2019 round have closed except for the Pepper farm (effort led by NJ Cons. Fund partnership) which could still close by the end of this calendar year.
 - c. Stewardship/Monitoring
 - i. BW reported that a potential Deed of Easement Violation would be discussed later in the meeting.
 - ii. BW also reported that staff had good news regarding the two farms which had violations declared on them by the CADB previously. A lot of clean-up/progress has occurred on both farms and they are both on track to fulfill the responsibilities placed on them by the Board.
 - d. Right to Farm
 - i. There was nothing to report on this matter.
- B. Relevant Legislation
 - a. Board member Kevin Sparkman mentioned a native plants bill encouraging the propagation and sale of NJ native plants passed both state houses and was signed into law during the week of the meeting.
- C. Communications, Press & Other Items of Interest
 - a. There was nothing further to report on this matter.
- D. Economic Development and Regional Planning
 - a. There was nothing to report on this matter.
- E. SADC
 - a. Amy Mandelbaum (AM) from the SADC reported that the current draft of the Soil Protection Standards are with the sub-committee right now. They will be brought back to the full committee at the February public SADC meeting. A 30 day formal comment period will follow at that time before the rules hit the NJ register.
 - b. AM reported the SADC has a new attorney and a new planner on staff.
 - c. AM reported the SADC is waiting on the Governor to sign the fiscal year appropriation. They are expecting to have -\$83 million in their budget.

- F. Commissioner Update
 - a. There was nothing to report on this matter.

IV. Old Business

- A. Comprehensive Plan Update
 - a. BW reported that the Comprehensive Plan Update sub-committee met back in the late summer to discuss and focus the direction of the plan update. BW explained that after presenting an update on the sub-committee's discussions, they are seeking a motion from the Board to have staff continue to draft updates to the plan following the sub-committee's direction. He reported that the major focus of the update based on the sub-committee's discussion is to prioritize post-preservation efforts, as well as focus on farm profitability, and preservation easement flexibility towards the ever-changing agricultural landscape. BW highlighted discussion points surrounding farm stewardship which included the State Soil & Water Conservation Cost Share Program, easement compatibility with USDA programs, educational outreach, and the development of metrics to quantify successful implementation of stewardship practices beyond just tracking acres preserved and dollars spent. BW also reported that the sub-committee would like to recommend the SADC fund & utilize an underused regulation – the Farmland Stewardship Program. He reported that this is a separate program from the Soil & Water Cost-Share Program and could be utilized to fund projects relating to capital fixed assets, production diversification (conversion from one type of agriculture to another), production efficiency, site diversification, and marketing improvements.
 - b. (Motion) Following the staff update on this matter, Ed Cohen motioned to approve the recommendations of the sub-committee and for staff to incorporate these recommendations into the plan revision. Pete Johnson seconded the motion, and the motion passed by unanimous vote.**
- B. 2021 Farm Stewardship Award Selection
 - a. BW and Brad Hansen (BH) presented more details regarding the operations and stewardship practices of each of the farms nominated for the 2021 Farm Stewardship Award. BW presented the Raftery & Runquist (former Miller) farm background information. BH presented on the Lee Brothers, Inc. farm, and BW finished by presenting on the Gower Properties, LLC (former Chris Pettit) farm. Following the staff presentation BW asked the Board for discussion and a motion to honor one of the nominated farms with the award. Discussion ensued.

- b. At the conclusion of the Board's discussion, member Pete Johnson asked whether they had ever given a cranberry operation the award. Staff confirmed that the Stewardship Award had never been given to a cranberry grower.
(Motion) Pete Johnson motioned to present Lee Brothers, Inc. with the award. Sherry Dudas seconded the motion. The motion carried unanimously.

V. New Business

- A. Deed of Easement Compliance – Mahon (Moran) Farm – Chesterfield Twp.
 - a. BW reported that there was an encroachment issue affecting a preserved farm in Chesterfield Twp. which needed to be addressed by the Board. He continued by presenting background information about the preserved farm and its ownership, as well about the adjacent property and ownership. BW explained when and how staff identified the encroachment of a neighboring garage onto the preserved farm. The preserved farm owner had been made aware of the encroachment. BW further explained that the county had already hired a surveyor to verify the extent of the garage encroachment and that the surveyor had completed the work confirming the entire garage and a portion of the concrete driveway is encroaching upon the preserved farm. BW explained that after consulting with SADC staff, CADB staff concluded that the garage/driveway encroachment is a violation to the Deed of Easement and that they see only two viable/legal options for resolution: The first option determined by staff is to have the garage, as well as the portion of encroaching concrete driveway, removed from the preserved farm. The second option presented was for the Morans (preserved farm owners) to take ownership of the garage. The garage could only be used for agricultural purposes and the encroaching concrete would need to be removed as well. BW explained that the Staff recommendation to the Board was that the Board make a motion declaring the encroachment a violation, while also directing the garage and portion of encroaching concrete driveway be removed from the preserved farm within 6 months of the declaration (7/13/22). BW explained that although this encroachment came about through no fault of the preserved farm owners, they are ultimately who the Board and the County have standing with through the Deed of Easement for enforcement of this violation.
 - b. At this point a period of discussion ensued. Jeremy Moran (owner of the preserved farm) spoke first. He outlined his prior conversations with BW regarding the issue. He mentioned that he brought up the possibility of a 'land swap' between himself and the Gallinas (owners of adjacent property with encroaching garage/driveway) but that unfortunately BW informed him that there was no legal mechanism for this which was further confirmed by SADC staff. Colleen Kelly (owner of adjacent property with encroaching

garage/driveway) spoke next and explained that they had applied for and received all necessary permits/approvals for the construction of the garage from Chesterfield Twp., and that a representative from the township had staked out the boundaries of the property for them. A discussion between board members, land owners, staff, and CADB counsel ensued. Discussion included questions and comments surrounding who is responsible for resolving this matter, other potential options for how it is resolved, and the scope of the CADB on this specific issue.

- c. Upon conclusion of the discussion a motion was made. **(Motion) John Hlubik made a motion to declare the encroachment as a violation of the Deed of Easement and that the encroachment needs to be removed within 6 months. He further stated that if it has not been resolved at that point the parties will have to come back in front of the CADB. Sherry Dudas seconded the motion. Randi Rothmel questioned the wording of the resolution and suggested removing a method to resolving the issue from the motion. John Hlubik withdrew his original motion. Sherry Dudas seconded the removal of the original motion. John Hlubik then motioned that the Board recognize the encroachment as a violation of the Deed of Easement and that the parties involved need to report back to the Board within 6 months on how they are going to resolve the issue. Sherry Dudas seconded the motion. The motion carried unanimously.**

B. Agricultural Labor Housing Unit Request – Bunting (VGF Group, LLC) – Chesterfield Twp.

- a. BH presented the background information pertaining to the farm and the owners' request to use a modified mobile home trailer on the property as an agricultural labor housing unit to the Board. He stated that the farm is now in vegetable and poultry production and that ownership has the need for 3-8 seasonal employees to work and be housed on the farm. BH reported on the proposed size and location of the unit. A discussion between staff and board members ensued. Yufei Wu (owner) clarified a few things for the board (septic/bathroom requirements). Following the discussion, a motion was made. **(Motion) Sherry Dudas motioned to approve the use of the proposed agricultural labor housing unit. Randi Rothmel seconded the motion and the motion carried unanimously.**

C. Recommendation to County Commissioners to Accept Applications – 2022

- a. BH reported that it was the time of the year again when the CADB needed to make a formal recommendation to the County Board of Commissioners to accept a new batch of Farmland Preservation Applications for 2022. **(Motion) Pete Johnson motioned to make the recommendation to the Commissioners. John Hlubik seconded the motion. The motion passed by unanimous vote.**

D. 2022 CADB Meeting Schedule

- a. BH presented the 2022 meeting schedule to the Board. In an effort to simplify scheduling, staff recommended moving the summer meeting times to 7pm rather than keep them at their historical 7:30pm time. A discussion ensued. **(Motion) John Hlubik motioned that the schedule be approved keeping the monthly meeting times at their respective historic times. Sherry Dudas seconded the motion. The motion passed by unanimous vote.**

VI. Public Comment

- A. There were no comments from the public.

VII. Closed Session

- A. Offers – 2021 Batch Applications
 - a. Closed session was held to discuss offers on latest round of preservation applications.

VIII. Next Meeting

- A. BW announced that the next CADB meeting would be held on March 10, 2022 at 7:00pm. The format is TBD. He announced that it will be held virtually via GoToMeeting and possibly in person at the Lyceum depending on County Covid19 policy at that time.

VIII. Adjournment

- A. Chairman Prickett adjourned the meeting at 8:48pm.