



# County of Burlington

## Department of Resource Conservation

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Eve A. Cullinan, *County Administrator*

## Board of County Commissioners

Daniel O'Connell, Director  
Tom Pullion, Deputy  
Allison Eckel  
Felicia Hopson  
Balvir Singh

### Burlington County Agriculture Development Board

#### Minutes

May 12, 2022

**Meeting held in-person at Burlington County Lyceum, 307 High St., Mt. Holly, NJ**

**Members in Attendance:** Phillip Prickett, Dan Kennedy, Ed Cohen, Paul Shinn, Brian Lestini (7:42), Sherry Dudas, Stephen Specca, Jeff Tober, Bill Bamka, Tom Budd

#### **(Quorum Established)**

**Members Absent:** Kevin Sparkman, Randi Rothmel, John Hlubik, Pete Johnson, Ila Vassallo, Thomas Stanuikynas

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

**Public in Attendance:** Cindy Roberts (SADC), Steven V. Lee IV (Lee Brothers Inc.), Elizabeth H. Rossell (Southampton Twp. Deputy Mayor), Ron A. Rossell (Member of public)

#### **I. Call to Order**

##### **A. Opening Statement and Sunshine Law Compliance**

Brian Wilson (BW) called the meeting to order at 7:30 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.

##### **C. Flag Salute**

a. BW called for the flag salute.

#### **II. Reorganization of the CAD**

BW announced that the first matter of business during the meeting would be to complete reorganization of the Board.

A. Nomination / Election of Chair

- a. **(Motion) Paul Shinn made a motion to nominate Phil Prickett as Chair. Dan Kennedy seconded the motion. There were no other nominations made. Stephen Specca motioned to close nominations and vote, Dan Kennedy seconded the motion. The motion passed unanimously by role call vote.**

B. Nomination / Election of Vice Chair

- a. **(Motion) Paul Shinn made a motion to nominate Dan Kennedy for Vice Chair. Stephen Specca seconded the motion. There were no other nominations made. Stephen Specca motioned to close nominations and vote, Dan Kennedy seconded the motion. The motion passed unanimously by role call vote.**

**Newly Re-elected CADB Chair Phil Prickett assumed role as meeting facilitator at this point.**

**III. Minutes of**

A. January 13, 2022 (Open Session)

- a. **(Motion) Dan Kennedy motioned for approval of the January 13, 2022 Open Session Minutes, Paul Shinn seconded the motion. The motion passed unanimously.**

B. January 13, 2022 (Closed Session)

- a. **(Motion) Stephen Specca motioned for approval of the January 13, 2022 Closed Session Minutes, Dan Kennedy seconded the motion. The motion passed unanimously.**

**IV. Staff Update**

A. Administrative Update

- a. General Items
  - i. BW announced that CADB members were re-appointed to the board during the February Commissioners meeting. That appointment will run for a year, through February 2023.

- ii. BW announced the appointment of new Board member Ila Vassallo, however, she was unable to attend the May meeting so she will be welcomed at the July meeting.
- iii. BW announced that the SADC will now consider making outright, fee simple purchases of farms to then preserve and sell at auction.
- iv. BW reported that he had the opportunity to participate as part of a steering committee for NRCS strategic planning in NJ recently. He had an opportunity to bring some of the conservation and conservation plan issues that the CADB/Staff faces at the preservation level to the group. BW will likely participate in several follow-up meetings.

**Brian Lestini arrived at this point.**

- v. Brad Hansen (BH) announced that he will be out on NJ Family Leave starting at the end of May and going through part of August.

**b. FPP Applications**

- i. BW reported that there will be 5 new applications for preservation brought to the Board at the July meeting (2022 Round).
- ii. BW reported that of the 2 farms from the 2021 round that were extended preservation offers, 1 rejected the offer (Clayton West Farm) and 1 accepted the offer (Zimmermann Farm). The Zimmermann farm was also on the agenda for Final Approval from the Board at this meeting.
- iii. BW updated the Board concerning the 2020 round of farms as well. The county has closed on Whalen and Stevens Farms, and should be closing on both Emmons Farms sometime later this year.
- iv. BW reported that the Pepper farm has still not closed from the 2019 round while reminding the Board that NJCF is the lead on this project and the County is just providing funding at closing.

**c. Stewardship/Monitoring**

- i. BW reported that Staff's monitoring season just ended and that they monitored ~300 farms this year between the beginning of February and the end of April. Staff will address as many follow-up issues as possible over the summer and bring any remaining issues to the Board at the September meeting as part of the annual monitoring report.

**d. Right to Farm**

- i. There was nothing to report on this matter.

**B. Relevant Legislation**

- a. BW referenced assembly bill #2772, Special Occasion Events (SOEs). He reported that it looks like this bill is probably going to make it through and get signed into law. This will give most preserved farm owners the ability to hold a certain number of SOEs each year. Details to follow after bill passes out of both houses and is signed into law. Board member Jeff Tober asked a question about monitoring/enforcement responsibilities and a conversation ensued with speculation on how that would look. All details yet to be determined. Board member Brian Lestini also made a suggestion that the Board seek funding from the State to help with added administrative and monitoring responsibilities on the Staff side.

C. Communications, Press & Other Items of Interest

- a. There was nothing to report on this matter.

D. Economic Development and Regional Planning

- a. There was nothing to report on this matter.

E. SADC

- a. Cindy Roberts (CR) was in attendance and introduced herself as Burlington's covering SADC regional coordinator as Amy Mandelbaum is going out on maternity leave. CR gave a brief history of her previous experience with Burlington County as Staff before she went to the SADC.
- b. CR clarified that the SADC is currently only approving fee simple acquisitions of properties with vacant land, no buildings or infrastructure.
- c. CR also brought the SOE legislature up and explained why she believes the County will be mainly responsible for monitoring and enforcement with these events. She reported that she believes the landowners will be required to bring event plans to the CADB for approval before conducting the events, so it will be up to the CADB/Staff to enforce the parameters of their approvals. CR also encouraged the idea of seeking funding assistance (grants) from the state for efforts surrounding administration and enforcement of SOEs.

F. Commissioner Update

- a. There was nothing to report on this matter.

**V. Old Business**

A. Revised SADC Soil Protection Standards

- a. BW presented the updated proposed SADC Soil Protection Standards regs to the Board. He reported that it is a much more simplified, improved version of the Standards compared to previous versions. BW highlighted the major changes as presented at the last SADC meeting and as identified by CADB Staff. He explained that he would be giving a summary presentation of the same presentation that SADC Staff provided to the Committee at the April meeting, and then would be giving Staff recommendations for CADB comment back to the SADC. He further explained that the SADC opened an informal comment period for the proposed Standards that closes at the end of June. A fairly lengthy conversation between Board members and Staff ensued following the presentation which ultimately concluded with the following motions for official CADB comments to the SADC to be conveyed as follows:
  - b. **(Motion) Stephen Specca motioned and Ed Cohen seconded the motion to authorize Staff to convey a comment to SADC from the CADB similar to: Revise the definition of ‘Cranberry Bog’ to the following: “Cranberry bog” also known as a cranberry bed, means a naturally acidic bog that has been drained, cleared, leveled, covered with sand, and includes the appurtenant canals and earthen dikes (primarily constructed from sand and/or other appropriate, locally-sourced soil mediums) for purposes of cultivating cranberry varieties developed from the native species Vaccinium macrocarpon Aiton. The motion passed unanimously.**
  - c. **(Motion) Stephen Specca motioned and Dan Kennedy seconded the motion to authorize Staff to convey a comment to SADC from the CADB similar to: Recognize that the Soil Rehabilitation Standards would benefit from less restrictive language that may require specific practices that would not be necessary in all situations. It would be best to include some level of analysis and recommendation on a site-specific approach.**

**As well as:**

**Recommend creating a distinction on how to rehabilitate soils based on previous disturbance. Rehabilitating a former 3 acre livestock turn-out area should require a much less burdensome process as opposed to rehabilitating a 10 acre area that included much more intense disturbance such as impervious coverage, cut & fill, buildings and storm water structures.**

**The motion passed unanimously.**

- d. **(Motion) Dan Kennedy motioned and Paul Shinn seconded the motion to authorize Staff to convey a comment to SADC from the CADB similar to:**

**Recognize that 'Minimum Vegetative Cover' may not be achievable in all areas / all soil types. Specifically in sandy soils within the Pinelands.  
The motion passed unanimously.**

- e. **(Motion) Sherry Dudas motioned and Ed Cohen seconded the motion to authorize Staff to convey a comment to SADC from the CADB similar to: Recommend that landowners also be allowed to request additional exempted activities, not just grantees.  
The motion passed unanimously.**
- f. **(Motion) Paul Shinn motioned and Stephen Specca seconded the motion to authorize Staff to convey a comment to SADC from the CADB similar to: Analyze each 'shall' statement within the proposed regulations and consider revising to the word 'may' or other such less restrictive terms, whenever possible, to allow for the potential of addressing concerns in ways that may be more practical. However, 'shall' statements within the context of the agency's responsibilities should remain so that landowners clearly know the obligation / responsibility placed upon the agency (this comment does not apply to section 25.11).  
The motion passed unanimously.**
- g. **(Motion) Brian Lestini motioned and Dan Kennedy seconded the motion to authorize Staff to convey a comment to SADC from the CADB similar to: Include list of any SADC cost share or NRCS programs that would potentially pay for rehab practices within the initial notification packet to landowners.  
The motion passed unanimously.**
- h. The Board also expressed strong concern as to the additional burden placed upon CADB staff to identify and report each disturbance and the CADB staff's ability to accurately identify and classify each type of disturbance. This comment will be conveyed to the SADC as well.

**B. 2021 Farm Stewardship Award Presentation**

- a. BW announced that the 2021 FSA would be presented to Lee Brothers, Inc with Steven Lee IV being in attendance to receive the award. BW gave a brief overview to remind everyone in attendance of the farming practices and conservation practices performed by the Lees. Chairman Prickett recited the Farm Stewardship Award statement and handed the award off to Mr. Lee. After taking a few photos with the Chairman to memorialize the occasion, Mr. Lee gave a short speech in receipt of the award and expressed his appreciation to the Board for recognizing them for this award.

**VI. New Business**

A. 2021 Batch Final Approval – Zimmermann Farm – Tabernacle Twp.

- a. BH reported that the owners of the Zimmermann farm have accepted the county's offer for preservation and that it is time for the Board to decide if they would like to grant Final Approval. BH gave a quick recap presentation of the conditions of the farm and reported that Staffs' recommendation was for Board to approve a Resolution to grant Final Approval for the preservation of the farm as well as to recommend the County Board of Commissioners do the same.  
**(Motion) Brian Lestini made a motion to approve the Staff prepared Resolution, Paul Shinn seconded the motion. The resolution was approved by unanimous vote.**

**VII. Public Comment**

- A. There were no comments from the public.

**VIII. Closed Session**

- A. Dragonland Development, LLC – Status of Litigation

**IX. Next Meeting**

- A. BW announced that the next CADB meeting will be held on July 14, 2022 at 7:30 pm. The meeting is to be held in-person at the Burlington County Lyceum again.

**X. Adjournment**

- A. Chairman Prickett adjourned the meeting at 9:23 pm.