

THE MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS

MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD



Minutes for a Regular Meeting of the MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD

Wednesday, October 7, 2009, 7:30 PM

Planning Board Conference Room, Hall of Records Annex, 2nd Floor
One East Main Street, Freehold, New Jersey

Chairman McCarthy called the meeting to order at 7:35 PM.

ATTENDANCE:

Present: Bullock, Buscaglia, Butch, Geran, Giambrone, Halka, McCarthy, Obal,
Potter, Clayton
Staff: Brockwell, Honigfeld, Messina
Representatives: Jacoby (Colts Neck), Costigan (Howell), Holland (Manalapan)
Public: Wanda Holland, Elias Abilheira, S. Reddy Gade, Mark Mullen,
Richard Meirs

MINUTES:

Mr. Geran offered a motion to approve the Regular Session minutes of the August 2009 meeting. The motion was seconded by Mr. Halka and approved by voice vote.

Mr. Clayton made motion to approve the Executive Session minutes of the August 2009 meeting. Mr. Geran seconded the motion that was approved by voice vote.

CORRESPONDENCE AND OTHER DOCUMENTS

The Board was provided with copies of correspondence related to the Agricultural Mediation Program Update, a summary report of "Farmer-to-Farmer Advice for Avoiding Conflicts with Neighbors and Towns", and a call for nominations for the 2011 Outstanding Young Farmer.

REGULAR REPORTS:

- A. Chairman: Chairman McCarthy provided an update on a meeting held the previous week that included representatives from the MCADB, SADC and various county staff members. Various topics were discussed at the meeting. The SADC shed light on the challenges it faces, such as its need to apply uniform standards across the state for deed compliance issues. Equine agriculture was also a main focus of the discussion.
- B. State: Not present
- C. Staff: The two remaining farms to be preserved through the 2008 round of the County Easement Purchase Program closed during September. This brings the total number of preserved acres to 12,556. In addition, two closing packages are currently awaiting



review at the state. These two closings will mark the first properties to be preserved through the new County PIG program.

In addition, staff informed the members about an exhibit being featured at Holmdel Park that focuses on farmland preservation. Staff attended an Animal Waste Management workshop that was very informative and encouraged others to attend similar sessions.

Allies, Inc. is looking for additional farmland to lease.

The SADC adopted Manalapan's Farmland Preservation Plan at its September meeting.

The Brickyard LLC decision came back from OAL. The appeal was dismissed due to a mistake in the appeal window that was 10 days not 45.

Staff also commented on the meeting held with SADC and MCADB on various stewardship and monitoring issues.

- D. Rutgers Cooperative Extension: Monmouth County has been designated as a natural disaster area in response to serious weather related difficulties encountered by farmers during the growing season. The designation allows farmers to qualify for low interest loans.
- E. Municipal Representatives:
Howell – After being told by the CFO that there was a zero balance on the farmland/open space tax account, an OPRA request revealed that there is slightly over \$1 million available in the account, Mr. Costigan now hopes to move forward with projects.

OLD BUSINESS: None

NEW BUSINESS:

- **Resolution of Support for Garden State Preservation Trust Referendum:** The Planning Board passed a similar resolution based upon a model prepared by Keep it Green. Staff presented a draft for consideration by the Board. The Resolution was approved by roll call vote.
- **Target Farm List Update:** Staff distributed copies of the proposed updates. The required protocol will be followed in preparing the updated submission for SADC review in accordance with the December 15th, 2009 deadline.
- **Termination of McCormack 8-yr Agreement (Middletown B 642, L4):** Mr. Messina recused himself on this matter. The agreement expires in November and must be terminated due to a change in the vesting deed and a need for boundary revisions. The boundary lines of the 8-yr agreement extend into a Right of Way area that is needed for a county bridge replacement project. In addition, the farm was permanently preserved in 2008. Mr. McCormack addressed the Board to confirm that the agreement could be terminated but expressed concerns regarding the bridge project, which he sees as having negative effects, particularly speeding, along the roadway.

Mr. Bullock made motion to terminate the 8-yr agreement resolution. Mr. Giambrone seconded the motion that was approved by roll call vote.

- **Termination of Kohl 8-yr Agreement (Middletown B1117, p/o L 30 & 31):** The Kohls intended to renewing the agreement, yet a change in the vesting deed prevented a straight renewal in this case. Therefore, the original agreement will be terminated, The Kohls will then update their paperwork and re-enroll Municipally Approved 8-yr Program. Mr. Geran made motion to terminate the 8-yr agreement. Mr. Halka seconded the motion that was approved by roll call vote.
- **Gade Apparent Easement Violation (Roosevelt B 2, L 1, 2 & 3):** Mr. Gade built a tennis court outside the non-severable exception area located on the preserved property. Staff conducted a site visit during the winter of 2009 and had county surveyors verify the exact location of court. The survey crew confirmed that the entire court was built outside the bounds of the exception area.

Mr. Gade's legal counsel, Elias Abilheira, Esq., explained that his client was unaware that building the tennis court would violate the terms of the easement. Three options were presented to the board including: allowing Mr. Gade a specific timeframe for removal that would not require him to do so until a change of ownership took place or the court fell into disrepair; allowing it to be used for both tennis as well as farm equipment storage; and granting at least a 24-month removal period to allow Mr. Gade time to determine a possible change in agricultural use of the property that may entail conversion of the court into the floor of a barn.

The Board considered the timeframe they will grant Mr. Gade to remove the court. Mr. Buscaglia made motion that the fence surrounding the court be removed immediately and the concrete must be removed or converted to an agricultural use within 9 months of the meeting. The 9-month timeframe was granted to allow enough time to remove the court after the winter season when the ground would be frozen. Minimizing further soil disturbance was also considered in determining the timeframe. Mr. Giambrone seconded the motion that was approved by roll call vote.

- **Pettit Submission to SADC**
The Board was provided with a packet originally prepared and sent to SADC by Dr. Petit, a preserved farm owner and vet located in Burlington County. The packet cites several preserved operations throughout the state, including two in Monmouth County. The SADC forwarded the packet to the MCADB requesting that Board review the allegations regarding the two Monmouth County farms and determine if the operations were violating the Deeds of Easement.

- **Walnridge Farm Hyperbaric Chamber:**
A vet practice existed on the property at the time of preservation, yet a Schedule B was not used at the time of closing (They were not common in the early years of the Program). The landowners contacted both the MCADB and SADC staff before moving forward with the installation of a hyperbaric chamber that would be used to enhance equine breeding and foaling. The SADC issued written approval for Walnridge to move forward with installation of the chamber.

The Board considered the facts involving the operation and determined no violation to be found. Mr. Geran made a motion to confirm that the equine vet practice, specifically the hyperbaric chamber, on the property does not constitute a violation of the easement and enhances agricultural production activities on the farm. Mr. Giambrone seconded the motion that was approved by roll call vote.

- **Fair Winds Farm Alleged Easement Violation**

Fair Winds Farm has arranged for a veterinary surgeon to operate an equine clinic from the preserved premises on Red Valley Road. The Board discussed the role that the equine clinic plays in the equine operation and how it relates to agricultural production. It was agreed that equine vet care is integral to agricultural operation for both horses located on the farm and for the benefit of horses and other large livestock in the surrounding region. Large livestock vet clinics play a leading role in successfully maintaining agricultural production through breeding and maintaining the overall health of livestock. The availability of large livestock vet care is vital to the success of the preserved parcel as well as the service it provides to other livestock operations in the area that do not have a vet clinic on site. Mr. Mullen, landowner, also noted the importance of the clinic to the health of the foals and yearlings on the farm.

Mr. Geran made a motion that the Board finds the equine clinic on Fair Winds Farm to be integral to the agricultural use of the property, particularly since it supports the agricultural production taking place on the farm. Mr. Halka seconded the motion that was approved by roll call vote.

A point was made about the importance of distinguishing between livestock vet operations that service large livestock and play a leading role in maintaining the health of the animals on a preserved farms and vet operations that service domestic animals such as cats & dogs that should not be permitted on preserved farms. The Board identified this to be the key difference between Dr. Pettit's operation verses Fair Winds/Walnridge Farms.

RIGHT TO FARM ISSUES:

- **Status Reports:** No Report

EXECUTIVE SESSION:

None

PUBLIC COMMENT:

Mr. Costigan commented on the problem with the acoustics in the meeting room and inability of the audience to hear the Board's discussion. Staff and board recommend that his comment be addressed with the Freeholders.

ADJOURNMENT:

The Board made motion to close the meeting at 9:15 PM.