

Minutes of the October 26, 2020
Somerset County Agriculture Development Board
Virtual Meeting

Following the Pledge of Allegiance, the October 26, 2020 Somerset County Agriculture Development Board (CADB) Meeting began at 8:00 AM. This meeting was held virtually due to the Covid-19 pandemic.

Members in Attendance

Mark Kirby, Chairman
W. Peter Staats, Vice Chairman
Sandra Rhue, Secretary/Treasurer
Richard Norz
Laura DePrado
Ben Auletta
Melonie Marano, Freeholder Liaison

Somerset County Staff

Walter Lane, Dir., Planning Div.
Anthony McCracken, Asst. Dir., Planning Div.
Kate Katzer, Principal Planner, Planning Div.
Catherine Bunting, Admin. Assistant, Planning Div.
Thomas Boccino, Engineering
Greg Pasquale, Deputy County Counsel
Kevin Boris, County Counsel Staff

Public

Amy Mandelbaum, State Agriculture Development Committee (SADC)
Michael Mueller, Hillsborough Preserved Farm Owner
Lauren Dooley, Counsel for Michael Mueller
Dave Eilbacher, Hillsborough Preserved Farm Owner

Approval of Minutes

The following changes were requested for the September CADB Meeting Minutes;

- Change time from "8:00" am to "6pm"
- Include the whole date (August 24, 2020)
- Under Section D-2 change the word "dates" to "days"

A motion to approve the September 24, 2020 CADB Meeting Minutes with the requested changes was made by Richard Norz and was seconded by Laura DePrado. The motion was passed and carried.

Public Comment

Preserved Farm Owner Dave Eilbacher, attended the meeting to discuss his farm housing application. He explained that he plans on repurposing an existing structure for farm labor housing. He also explained that it is completely in the exception area and that it will not impact the preserved property at all. He shared the copy of his plans with the Board. The Board discussed briefly but then decided to discuss further during Closed Session.

I-2) SADC Meeting Update:

Richard Norz and Amy Mandelbaum provided the Board with updates from last Thursdays SADC Meeting. The items that were discussed are as follows;

- Both Doyle parcels given final approval
- Soil Protection Standards were discussed (Richard Norz recused himself from discussing with the Board). Various best management practices were discussed.
- Segal & Morel application is being processed for Green Light Approval
- Fiscal year 2021 appropriations were discussed, then after the meeting it moved to the Garden State Preservation Trust and got approved. It is now waiting for the bill to be drafted by the legislature for funding. Funding for farmland preservation, if approved, would be approximately 57 million dollars.
- Outreach and training on farmland preservation is being planned for municipal officials in partnership with Rutgers on December 1, 2020 and December 9, 2020.

I-3) County/State Boards of Agriculture – Update

County: The Board was informed that the annual meeting would be held on Friday, November 6, 2020.

State: The Board was informed that the next meeting would be held on Wednesday, October 28, 2020.

I-4) Monitoring Fall 2020

Kate Katzer informed the Board that fall monitoring had just started and is projected to continue until the end of November.

I-5) Board of Agriculture Response to Vacancy Letter

Ms. Katzer explained that she had received a response from their inquiry regarding a vacant position on the CADB. She explained the Board of Agriculture informed her that interested parties should send their resumes to the Somerset County Freeholder's Office. Freeholder, Melonie Marano urged staff and Board members to submit their paperwork as soon as possible so they can put the item on the soonest Freeholder agenda possible.

I-6) Ag Day 2021

Plans for the Ag Day 2021 were discussed. Ms. Katzer explained that staff members are considering a virtual event.

I-7) Staff Comments

There were no staff comments.

D-1) Mueller Settlement Documents (Hillsborough)

Ms. Katzer included field notes and photos in the Board's packets for their review. Deputy County Counsel Greg Pasquale informed the Board upon inspection of the property on October 15, 2020, the progress with removing the millings on the property has not been sufficient. He explained that Mr. Mueller was asked to provide a written report of his progress; however we only received a receipt for a dump truck that was used to haul millings for approximately one day.

D-2) Hunter Farms (Montgomery)

Ms. Katzer explained that staff has been corresponding with all parties involved in the Hunter Farm issues. All correspondence was included in the Board packets for their review. She explained that during the process of scheduling a site visit to the property she was informed that the State Department of Agriculture had already performed one in order to approve their manure plan. She explained they stated that he was in compliance and that the SCADB is working to get the written details. The Board agreed to discuss it in more detail during Closed Session.

D-3) Dorn (Branchburg)

The Board was informed that green light approval was given for the Dorne property. Ms. Katzer explained that she had sent out an RFP for appraisals and that Carlin appraisals and Valuation Consultants came in the lowest. Details were discussed in Closed Session.

D-4) Doyle (Hillsborough)

Discussed in Closed Session.

Mueller

Mike Mueller addressed any concerns that he had. He started with a brief history of when he purchased the property in 2015, explaining that the farm was in very bad condition and that he put a lot of time and money into the farm. He explained that he placed millings on the property to address a drainage issue that was running out onto Wertsville Road. He stated that he was unaware that it was not allowed and he was unable to afford stone. He explained that when he was told he needed to get rid of the millings he was under the impression that the stock piled millings were what was being referred to. He stated he removed them immediately. He stated that he was unaware that he was required to remove all the millings on the property. He estimated that he would need to pay approximately \$100,000 - \$150,000 to remedy the issue.

Mr. Mueller's Counsel Lauren Dooley addressed the Board and explained that they are in the process of creating a plan to replace the millings once they are removed.

Mr. Mueller proposed to the Board that he purchase his driveway area in order to have it in an exception area.

The Board explained that they would discuss in Closed Session,

Motion to Enter/Exit Closed Session

A motion to enter Closed Session was made by Peter Staats and was seconded by Laura DePrado. The motion was passed and carried and the Board entered Closed Session.

A motion to exit Closed Session was made by Peter Staats and was seconded by Laura DePrado. The motion was passed and carried and the regular portion of the meeting resumed.

D-5) Results and Actions from Closed Session

Dorne: A motion to approve the proposed bid from Carlin Appraisals for the Dorne property was made by Peter Staats and was seconded by Richard Norz. The motion was passed and carried.

Doyle: Laura DePrado made a motion approving staff to write a letter to the owners of the Doyle property explaining that it is not part of the Board's practice to pre purchase properties. The motion was seconded by Ben Auletta and was passed and carried.

Mueller: Greg Pasquale explained that the Board has agreed that they are not able to under the Agriculture Retention and Development Act to purchase back property in order to create an exception area on Mr. Mueller's property. He also explained that he has a report due on the remediation of his property by the end of October that will address items 1-9 of the consent order.

Mr. Mueller then confirmed that the paintball course has been removed off of the property. He also asked what material he should replace the millings on the driveway with and Mr. Pasquale said everything needed to be removed and the area brought back to its original condition before replacing it with any items.

Public Comment/Eilbacher: Laura DePrado made a motion to authorize staff to write a letter to Hillsborough Township explaining that they have no issues with Mr. Eilbacher's plans for housing in his exception area because it will remain in his exception area and therefore out of the Board's jurisdiction. The motion was seconded by Sandra Rhue and the motion was passed and carried.

D-6) Adjournment

A motion to adjourn the meeting was made by Laura DePrado and was seconded by Peter Staats. The motion was passed and carried and the meeting was adjourned.

Respectfully Submitted by,

Sandra Rhue

Sandra Rhue

Secretary/Treasurer