

Minutes of the October 23, 2023
Somerset County Agriculture Development Board

Following the Pledge of Allegiance, October 23, 2023, Somerset County Agriculture Development Board (SCADB) Meeting began at 8:15 A.M. This meeting was held in person in the Commissioner's Meeting Room at the Somerset County Administration Building in Somerville, N.J.

Open Public Meetings Act Compliance Statement

Chairman Mark Kirby reported the meeting had been duly advertised in accordance with Open Public Meetings Act as follows:

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*, adequate notice of this meeting has been provided. The date and time information for this meeting was published in The Star Ledger and the Courier News. The agenda for this meeting was also posted on the Somerset County Agriculture Development Board's website.

Roll Call

Roll call was taken. There was a Quorum.

Members in Attendance:

Mark W. Kirby, Chair
W. Peter Staats, Vice Chair
Laura De Prado
Sandra D. Rhue, Secretary/Treasurer
Debbie Norz
Matt D'Alessandro, Soil Conservation District
Paul Drake, Commissioner Liaison

Members Not in Attendance:

Kenneth Osterman
Robert Schultz

Somerset County Staff:

Kate Katzer, Principal Planner- Office of Planning, Policy, and Economic Development
Walter Lane, Director – Office of Planning, Policy, and Economic Development
Patrice Brown, Administrative Assistant, Office of Planning, Policy, and Economic Development
Josephine Taranto, Preservation Planner, Office of Planning, Policy, and Economic Development
Alyssa Puccio, Deputy County Counsel

Public Members Present:

Dave Zaback, State Agricultural Development Committee

APPROVAL OF MINUTES: SCADB Regular Meeting – September 25, 2023

A motion to approve the SCADB minutes of the September 25, 2023, meeting was made by Laura DePrado and seconded by Pete Osterman. A roll call vote was taken, and the motion passed.

PUBLIC COMMENT & PRESENTATIONS:

Attorney Amanda Curley of Day Pitney representing Mr. Sandy Kerzner of Kerzner Properties in Hillsborough, stated that assistance is being sought in moving forward with the farming operation on the Kerzner property. The attorney for Kerzner shared that Hillsborough Township has stopped the work occurring on the farm, causing the owner to lose their Farmland Assessment standing. The official Right to Farm documentation will be read to the Board so that the official hearing can be scheduled.

A Right to Farm complaint against House Farm in Montgomery Township was presented by neighbor Jennifer Dinardi. In the complaint, Ms. Dinardi expounded to the Board citing the sizeable hay bales that have allegedly been on the House property for a considerable length of time and to which she considers an eyesore in the community. Ms. Dinardi is requesting the Board's assistance in convincing Mr. House to remove the hay bales in a timely manner. Mr. House's father, Chuck House, was in attendance to represent House Farm. Mr. House addressed the complaint, explained the owner's intentions concerning the hay bales, and agreed to comply with removal of said bales if that was the decision made by the Board.

INFORMATION ITEMS**1. SADC Meeting -Update**

Dave Zaback of the State Agricultural Development Committee, reported that the last meeting held was on September 28, 2023. The Soil Protection Standards comment deadline has been extended for 30 days (November 6, 2023) and the deadline was once again expanded until after Ag Convention in February. All letters were mailed out that calculate and highlight soil disturbances – if a farmer has not received their letter have them reach out to the State Agriculture Development Committee (SADC) Staff. A virtual public hearing was held on September 27, 2023 which gave the public a chance to directly speak to the SADC about concerns relating to the proposed rules. There are two full-time positions open for Next Gen and beginning Farmers. If there are any recommendations, please forward them to the SADC. Non-Profit round was posted and will be placed in the register by December 4, 2023. The minimum quality standards for eligibility were readopted. The State acquisition criteria was readopted unchanged except for the vineyard portion of the Special Occasion Events portion which was removed.

2. County/State Boards of Agriculture – Update

Debbie Norz shared that the deadline for submissions to the position of Secretary of Agriculture had been once again pushed back. They have quite a few candidates to review and are hopeful of announcing a name soon. Currently Joe Atchison, Assistant Secretary of Agriculture, is acting Secretary of Agriculture until a new name is announced.

3. Staff Comments

Kate Katzer, Principal Planner, shared that during the SADC's last meeting, State Agriculture Development Committee Board members brought up their concerns that so many CADB's around the State were not supportive of the proposed rules as written- it was found deeply concerning.

Walter Lane, Director, shared that he and Kate Katzer were told to share their four minutes for comment even though they were commenting as different organizations during the Soil Protection Standards Public Meeting held on September 27, 2023. Multiple family members from the same farms were allowed to have their own four minutes each to speak. Mr. Lane shared that there were many members of the public that were not allowed to speak as they had not signed up prior to the event. The SADC ended the hearing 90 minutes prior to the scheduled end of the hearing without allowing any additional verbal comments.

**At 8:55am, Laura DePrado made a motion to take a brief recess due to a disfunction of the recording device. The motion was seconded by Debbie Norz. A voice vote was taken, and the motion passed unanimously. At 9:03am, a motion for the meeting to resume was made by Laura DePrado and seconded by Peter Staats. A voice vote was taken, and the motion passed unanimously. The disfunction was resolved and corrected.*

DISCUSSION AND ACTION ITEMS

1. Dealaman Enterprises (Warren)

Planning, Policy and Economic Development Principal Planner, Kate Katzer read the resolution stating the allowances for onsite manure composting to be spread only on the owner's fields and cannot be sold. The resolution outlines what protected practices are covered under the Right to Farm rules. A motion was made by Pete Staats to approve the Site-Specific Agricultural Management resolution as read. The motion was seconded by Laura DePrado. A roll call vote was taken, and the motion passed unanimously.

2. House Farm (Montgomery)

To be discussed during closed session.

3. Balogh Associates (Franklin)

Chairman Kirby went over information regarding the Balogh Farm. Franklin Township put out a Stop Work Order when many trees were cleared from the property. The intention is to make a hay field out of the cleared land prompted a site visit to the 5-acre property. Kate Katzer explained that Franklin Township reached out in hopes of getting guidance for the owner. There had been a large amount of dumping that has occurred on the property prior to the current owner. The owner requested to remove the garbage that has been uncovered during the tree removal process. Staff shared that the garbage removal would be fine. Local Farmer, Bob Puskas was contacted by Franklin Township and is interested in taking over farming the property to be used for Wheat or Rye. He will begin farming once the property has been made ready for farming. Staff will work with the Soil Conservation District so that silt fencing can be placed onsite to ensure there is no soil movement off the property. Once this has been completed, the Board can then move forward with the SSAMP request.

To be discussed further in closed session.

4. Kerzner Property (Hillsborough)

Kate Katzer said that this Property owner filed a Right to Farm complaint. Hillsborough Township put forth a Work Stop Order claiming that the owner had been clearing trees and affecting Wetlands. The owner has

corresponded with the DEP providing information requested by Hillsborough Township and further explained in detail what was taking place on the property. Hillsborough Township would not allow the owners to farm the property, which caused the owner to lose their Farmland Assessment status. Kerzner's attorney submitted a letter to the Board which she discussed in Public Comment. Kate Katzer, Principal Planner, read the letter to the Board. To be discussed during closed session.

5. Smith Farm Cost Share Reso (Peapack-Gladstone)

Ms. Katzer reminded the Board that this property is one of the cost share opportunities that the Board is completing with the New Jersey Conservation Foundation. This will be a cost share between Somerset County Agriculture Development Board, the Township of Peapack-Gladstone, and the State of New Jersey. Kate Katzer read the resolution in its entirety to the Board. A motion to approve the resolution with corrections was made by Laura DePrado and seconded by Debbie Norz. A roll call vote was taken, and the motion passed.

6. Soil Protection Standard Letter

Kate Katzer reported that the Right to Farm committee met last week and a letter has been drafted with minor adjustments. Ms. Katzer read the letter to the Board. To be discussed during closed session.

7. Board of Agriculture Soil Protection Standards Meeting

Kate Katzer shared that in the Board's packet is the Soil Protection Standards Q&A flyer being held by the Somerset County Board of Agriculture at the 4H Center on October 26, 2023 at 7pm. This is an opportunity for farmers and the public to ask any questions they may have about the proposed rules and share their concerns. Susan Payne will be present to answer questions. This meeting has been opened to other counties as well as all preserved farms in Somerset County.

8. Closed Session

At 9:33 a.m., a motion was made by Laura DePrado and seconded by Peter Staats to go into Closed Session. A roll call was taken, and the motion passed unanimously.

*At 10:03 Matt D'Alessandro left the meeting.

At 10:45 a motion was made by Laura DePrado for the meeting to come out of Closed Session. The motion was seconded by Pete Staats. A roll call vote was taken, and the motion was passed unanimously.

9. Results and Actions from Closed Session:

House Farm (Montgomery Township)

A motion for staff to send a letter regarding the results of the Right to Farm hearing to the tenant farmer - Matt House, Montgomery Township, the Somerset County Park Commission, and the complainant was made by Laura DePrado and seconded by Peter Staats. A roll call vote was taken, and the motion was passed.

Balogh Associates – (Franklin)

A motion to direct Staff to begin the process of a Site-Specific Agricultural Management Plan for the site was made by Laura DePrado and seconded by Debbie Norz. A roll call vote was taken, and the motion was passed.

Kerzner Property – (Hillsborough)

A motion to direct Staff to begin the process of a Right to Farm Hearing, starting with a site visit, was made by Debbie Norz and seconded by Laura DePrado. A roll call vote was taken, and the motion was passed.

Closed Session minutes from August 28, 2023

A motion to approve the minutes was made by Laura DePrado and seconded by Peter Staats. A roll call vote was taken, and the motion passed.

Closed Session minutes from September 25, 2023

A motion to approve the minutes was made by Laura DePrado and seconded by Peter Staats. A roll call vote was taken, and the motion passed.

At 10:58am a motion was made to adjourn the meeting by Debbie Norz and seconded by Laura DePrado, a voice vote was taken, and the motion was passed unanimously.

The next meeting will be held in person on November 27, 2023, at 8:15 a.m. in the same location.

Respectfully Submitted by,

Sandra Rhue

Secretary/Treasurer