

Minutes of the November 27, 2023
Somerset County Agriculture Development Board

Following the Pledge of Allegiance, November 27, 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
Laura De Prado
Debbie Norz
Kenneth Osterman
Robert Schultz
Matt D'Alessandro, Soil Conservation District
Paul Drake, Commissioner Liaison

Members Not in Attendance:

W. Peter Staats, Vice Chair
Sandra D. Rhue, Secretary/Treasurer

Somerset County Staff:

Kate Katzer, Principal Planner- Office of Planning, Policy, and Economic Development
Walter Lane, Director – Office of Planning, Policy, and Economic Development
Tom Boccino, Supervising Planner, 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
Rich Dodds, New Jersey Conservation Foundation

APPROVAL OF MINUTES: SCADB Regular Meeting – October 23, 2023

A motion to approve the SCADB minutes of the October 23, 2023 meeting was made by Laura DePrado and seconded by Robert Schultz. A roll call vote was taken, Kenneth Osterman abstained, and the motion passed.

PUBLIC COMMENT & PRESENTATIONS:

Attorney Amanda Curley of Day Pitney was in attendance representing Mr. Sandy Kerzner of Kerzner Properties in Hillsborough. Ms. Curley testified that assistance is being sought from the Board to resume the farming operation on the Kerzner property. The attorney for Mr. Kerzner shared that Hillsborough Township has issued a stop work order for farming activities occurring on the farm, causing the owner to lose his Farmland Assessment. Mr. Kerzner is currently being charged \$1,000.00 per day in violation fees by the Township. Planning, Policy and Economic Development Principal Planner, Kate Katzer reported that a site visit would be performed on Thursday November 30th at 9:00a.m. Ms. Katzer also announced that the tentative hearing date is January 22, 2024 during the Board's regular meeting.

INFORMATION ITEMS1. SADC Meeting -Update

Dave Zaback of the State Agricultural Development Committee, reported that there was no meeting in November and that the December 2023 meeting date has been moved to December 12, 2023.

The Drenchko Farm and Smith Farm are on the SADC's December 12, 2023 meeting agenda for final approval.

2. County/State Boards of Agriculture – Update

Debbie Norz shared that the interview process is currently taking place for Secretary of Agriculture. The North and South caucuses met to discuss their recommendations for the positions on the State Board of Agriculture. Joel Berek was nominated from the south and Rick Gardner was nominated from the north.

The County Board of Agriculture held its annual dinner meeting, and the Farm Bureau held its convention.

3. Staff Comments

Kate Katzer, Principal Planner, shared that the closing for the Segal and Morel property took place on November 17, 2023. The baseline monitoring has been completed. The Drenchko and Smith properties are on the agenda for the SADC December meeting for final approval.

The new start time of 8:15 will be voted on by the Board at the next meeting in preparation for the 2024 meeting dates.

DISCUSSION AND ACTION ITEMS1. Axcel (Hillsborough)

Kate Katzer reported that a complaint was received by a neighbor regarding certain activities taking place on the Axcel property. The complaint states that the property has a large number of landscaping vehicles that sometimes idle and allegedly cause disruption and noise in this neighborhood. This farm is a preserved farm.

The Right to Farm Committee reviewed the complaint and recommends that a site visit be conducted. This issue will be discussed further in Closed Session.

2. Soil Protection Standard Letter

Ms. Katzer reminded the Board that its letter had been submitted in September commenting on the Soil Protection Standard rules as currently proposed. The topic of protecting the topsoil was repeatedly brought up during the Q&A session held by the Somerset County Board of Agriculture meeting. Susan Payne stressed that the proposed rules are intended to address the concern of impacts to the topsoil, and that certain types of disturbance cannot be remediated. It was suggested at the meeting that the scraping of the topsoil for storage by following the National Resource Conservation Services and Soil Conservation District regulations for the storage of soil should be adequate to protect the topsoil. This issue will be discussed further during Closed Session.

3. Monitoring Dates

Kate Katzer announced the tentative dates for 2023 monitoring and requested that the Board approve the following dates.

Wednesday December 13, 2023

Thursday December 14, 2023

Tuesday December 19, 2023

Wednesday December 20, 2023

Thursday January 4, 2023

Monday January 8, 2024

Wednesday January 10, 2024

Wednesday January 17, 2024

Thursday January 18, 2024

Tuesday January 23, 2024

Wednesday January 24, 2024

Kate Katzer explained the process of site visits and monitoring to the Board members for clarification. Ms. Katzer asked for any interested Board member to sign up for monitoring dates in which they would like to participate.

8. Closed Session

At 8:52 a.m., a motion was made by Laura DePrado and seconded by Robert Schultz to go into Closed Session. A roll call vote was taken, and the motion passed unanimously.

At 9:23 a.m., a motion was made by Laura DePrado and seconded by Robert Shultz for the meeting to come out of Closed Session. A roll call vote was taken, and the motion passed unanimously.

9. Results and Actions from Closed Session:

A motion was made by Laura DePrado and seconded by Robert Shultz to send a letter scheduling a site visit to the Axcel farm in Hillsborough. A roll call vote was taken, and the motion passed.

Closed Session minutes from October 23, 2023

A motion to approve the Closed Session minutes was made by Debbie Norz and seconded by Laura DePrado. Kenneth Osterman and Robert Schultz abstained. A roll call vote was taken, and the motion passed.

At 9:26 a.m., a motion to adjourn the meeting was made by Laura DePrado and seconded by Robert Schultz. A voice vote was taken, and the motion was passed unanimously.

The next meeting will be held in person on December 18, 2023 (a week early due to the Holiday), at 8:15 a.m. in the same location.

Respectfully Submitted by,

Sandra Rhue

Secretary/Treasurer
Sandra D. Rhue