



County of Burlington

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Board of Commissioners

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Burlington County Agriculture Development Board
Minutes
May 11, 2023

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

Members in Attendance: Phillip Prickett, John Hlubik, Wes Johnson, Sherry Dudas, Ila Vassallo, Dan Kennedy, Ed Cohen, Randi Rothmel, Thomas Stanuikynas, Bill Bamka

(Quorum Established)

Members Absent: Paul Shinn, Kevin Sparkman, Brian Lestini, Stephen Specca, Jeff Tober, Tom Budd

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

Public in Attendance: Alex Sauickie (NJ State Assemblyman), Michael Wilk (preserved farm owner), Cindy Roberts (SADC)

I. Call to Order

A. Opening Statement and Sunshine Law Compliance

Chairman Phillip Prickett (Chairman, PP) called the meeting to order at 7:33pm. He read the Opening Statement and Sunshine Law Compliance statement in compliance with the Open Public Meetings Act.

B. Roll Call

a. The Chairman called for the Roll Call. Brian Wilson (BW) completed the Roll Call and indicated that a quorum was established.

C. Flag Salute

a. PP called for the flag salute.

II. Minutes of

A. March 9, 2023 (Open Session)

- a. **(Motion) John Hlubik motioned for approval of the March 9, 2023 Open Session Minutes. Ed Cohen seconded the motion. The motion passed unanimously.**

III. Staff Update

BW took a moment to recognize the passing of former County Freeholder Robert C. Shinn. BW described Bob as “the vision behind, and the father of, the Farmland Preservation Program in Burlington County.” BW gave the Board a summary of Bob’s contributions and accomplishments related to farmland preservation and other conservation efforts. Reference the meeting recording for full remarks.

A. Administrative Update

- a. General Items
 - i. BW announced that Staff meant to include the annual CADB Member Oath in the meeting packet materials for member review and signature but did not. He stated that it would be included with the July meeting packets. Bylaws were distributed via email.
- b. FPP Applications
 - i. BW announced that Staff was bringing 3 farms in front of the Board later in the meeting to be considered for Preliminary Approval for preservation.
 - 1. Roohr, Larry & Betty – Southampton Twp.
 - 2. Durr, James & Lisa – North Hanover Twp.
 - 3. Russo Fruit & Vegetable Farm, Inc. – Tabernacle Twp.
 - ii. BW reported that Staff is continuing to work through processing of the 2022 application round of farms, and that they are in the survey stage of the process. Staff is targeting closing on all 3 farms during the summer of 2023.
 - 1. Brace Lane Holdings, LLC – Tabernacle Twp.
 - 2. Gatley – Shamong Twp.
 - 3. Black Walnut Farm, LLC – Mansfield Twp.
 - iii. BW reported that the Pepper farm status (2019 round, NJCF effort) has not changed.

- c. Stewardship/Monitoring
 - i. BW reported that Staff was almost finished monitoring farms for the 2023 season at that time. Staff will have the annual monitoring report to bring to the Board in September.
- d. Right to Farm
 - i. None currently.

B. Relevant Legislation

- a. BW announced that Assemblyman Alex Sauickie had contacted him the week prior and asked if he could attend the meeting, the Assemblyman was in attendance for the meeting. BW introduced the State Assemblyman and gave him the floor to further introduce himself to the Board and update them on agriculturally related legislature he has/is sponsoring or is involved with.

Assemblyman Sauickie explained that many of the ag bills that he has been able to introduce have come directly out of the updated Burlington County Comprehensive Farmland Preservation Plan. The assemblyman highlighted the following bills:

- i. A4729 Statewide Formula Value
- ii. A5079 Funding for Updated Farm Equipment
- iii. A5031 Require DOT to Consult with CADB's on New Road Projects
- iv. A285 New Farmer Improvement Grants
- v. A5223 Increase SADC Farm Stewardship Program Cap

The Assemblyman also commented on the efforts being undertaken to prevent the loss of additional prime farmland to warehouse development. He reported that they are introducing bills requiring municipalities to re-evaluate their master plans and with added monetary support.

A short discussion between Board members and the Assemblyman followed. Reference meeting recording for full remarks.

C. Communications, Press & Other Items of Interest

- a. BW referenced an article from the May 4th issue of the *Lancaster Farming* publication highlighting the warehouse development situation in the region. The article highlighted a number of remarks made by the Executive Director of the SADC, Susan Payne, during the NJ Assembly Budget Committee hearing the previous week regarding the need for the Statewide Formula Value legislation.

D. Economic Development and Regional Planning

- a. Tom Stanuikynas announced that the Economic Development and Regional Planning departments have been decoupled and that his position, along with the rest of the Regional Planning department, has been moved back with the County under Engineering. Economic Development is staying with the Bridge Commission.
- b. Tom also reported that the Joint Base Regional Compatible Use Study is being finalized (May) and that he will bring results/recommendations to Board Staff when he has the information.
- c. Tom also reported the County Planners Association invited the SADC to come speak about SOE legislation at their most recent meeting.

E. SADC

- a. Cindy Roberts (CR) provided an update on the proposed Soil Protection Standards rule. She announced that the SADC approved the proposed rules to be submitted to the Governor's office for review. Once approved there, the rule will return to the SADC for a formal vote to publish the rule into the NJ registry triggering the start of a 60 day comment period.
- b. CR also reported that during the SADC's May meeting the Committee approved some Agricultural Management Practices (AMPs) that will be published in the register for public comment. There were amendments made to multiple AMPs to reflect updated Rutgers technical support work and studies.
- c. CR mentioned that the SADC had been holding SOE webinars for various stakeholders and partners. SOE resources are posted on the SADC website.

F. Commissioner Update

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

IV. Old Business

A. Soil Protection Standards – Discussion

- a. BW reported that the SADC finally reached a consensus on the proposed Soil Protection Standards rule and is recommending it be published in the NJ register. BW gave a brief overview of the most recent changes made to the rules before the preliminary approval was granted. The minor changes included:
 - i. Disturbance Limit: Allowing an additional 2% or 1 acre for farms approaching or already over 12% allowance

- ii. Waiver eligibility: All farms prior to rule adoption now eligible for waiver. The waiver now runs with the land.
 - iii. Waiver requirements: 'Stewardship approach' requiring implementation of enhanced resource protections for water, soil, forests/woodlands now included.
 - iv. Compacted livestock confinement areas: Now an exempt practice (not disturbance)
 - v. Vegetated parking and storage areas: New mapping category assigned to match rule exemption (not disturbance)
- b. BW reported that if this rule is adopted and once farm mapping is completed and distributed, Staff's next role will be to meet with all of the preserved farm owners in BC with disturbance amounts exceeding 50% of their allotment and making sure everyone understands the implications of the rules and what their specific constraints/courses of action may be going forward.

A short discussion between Staff and Board members ensued.

V. New Business

A. 2023 Application Batch Preliminary Approval (**Resolutions**)

- a. Brad Hansen (BH) announced that Staff was now bringing the farms from the 2023 batch of applications to the Board for Preliminary Approval. BH gave a brief overview of all 3 farms in the batch. Each farm was considered individually by the Board. BH reported that approval would be memorialized via Staff-prepared resolutions.
- i. Roohr Farm – Southampton Twp.
 - a. 58 easement acres, 3 acre non-severable exception area
 - b. Grain production
 - c. **(Motion) Jon Hlubik motioned to grant preliminary approval for the preservation of the Roohr Farm and to recommend that the BC Board of Commissioners do the same. Randi Rothmel seconded the motion. The motion was passed unanimously.**
 - ii. Russo's Fruit & Vegetable Farm, Inc. – Tabernacle Twp.
 - a. 154 easement acres, 2 acre non-severable exception area
 - b. Vegetable production

- c. **(Motion) Dan Kennedy motioned to grant preliminary approval for the preservation of the Russo East Farm and to recommend that the BC Board of Commissioners do the same. Phillip Prickett seconded the motion. The motion was passed unanimously.**

iii. Durr Farm – North Hanover Twp.

- a. 98 easement acres, no exception area
- b. Vegetable, floriculture, and grain production
- c. **(Motion) John Hlubik motioned to grant preliminary approval for the preservation of the Durr Farm and to recommend that the BC Board of Commissioners do the same. Ed Cohen seconded the motion. The motion was passed unanimously.**

B. SADC Direct Applications - **(Motion)**

a. Choi Farm – Springfield Twp.

BW stated that the SADC is requesting a statement of support from the CADB for processing an application from the Choi Farm in Springfield Twp., Burlington County. He gave a brief overview of the farm and explained that as part of the acquisition the County would retain a ~15 acre piece of the mostly wooded part of the farm to be used for their regional trail network. BW advised the Board that Staff recommends supporting the SADC's effort to preserve the farm. A brief discussion occurred. **(Motion) Randi Rothmel motioned to support the SADC's preservation of the farm. Ila Vassallo seconded the motion. John Hlubik recused himself from the matter and abstained from voting. The motion passed unanimously.**

C. Special Occasion Events on Preserved Farms **(Motions)**

a. BW reported that the Special Occasion Events (SOEs) on Preserved Farms law has gone into effect and that the Grantee is now required to evaluate and process any requests for SOEs that are received. He gave a brief summary of what the law entails:

Special Occasion Events as Adopted

- i. Weddings / reunions / fund raisers etc.
- ii. Not agricultural events – No RTF protection
- iii. Farms must produce \$10,000 / yr in agricultural products
- iv. Owner or operator may apply
- v. To be approved by the Grantee – County Commissioners
- vi. Up to 26 events / yr (6 may have more than 250 attendees)
- vii. Limited to 10% or 10 acres (whichever is less) footprint
- viii. Not permitted in buildings less than 5 years old

- ix. All state & local rules, regulations still apply
 - a. Municipalities could require a use variance
- b. BW further explained that currently, all requests from farms preserved by the County would need to be evaluated and approved by the Commissioners. As with other farmland preservation matters, the Commissioners can choose to delegate that authority to the CADB. Staff suggested that the Board make that recommendation to the Commissioners and, upon receiving that authority, that the Board:
 - i. Adopt a standard application (based on SADC template)
 - ii. Adopt the SADC valuation spreadsheet tool for determining production value

Questions regarding Staff obligations to monitor/enforce these events were raised and a short discussion ensued. Other questions regarding township involvement were discussed as well.

(Motion) Sherry Dudas motioned to recommend to the Board of Commissioners that they delegate the authority to evaluate and approve Special Occasion Event applications on preserved farms to the CADB. Further, the standard SOE application and valuation spreadsheet developed by the SADC are adopted with Staff having authority to modify as needed. John Hlubik seconded the motion. The motion passed unanimously.

D. Special Occasion Event Permit Request – William Pettit Jr. – Southampton Twp.

- a. BH explained that Staff has received the first SOE application and that because the Board does not have the authority to approve these applications yet, Staff is recommending that the Board review the application details and recommend to the Commissioners that the application be approved. BH presented details about the farm and application in question including the following:
 - i. Application from William & Carolyn Pettit, Owners of ‘Pettit Jr.’ Farm
 - ii. Southampton Twp.
 - iii. Requesting permit for 26 social events over Summer and Fall of 2023
 - iv. 2 small picnic areas on the farm
 - v. Offering very basic amenities

After presenting the details of the application, and after a short discussion between Board members and Staff, BH stated that Staff recommends that the Board recommends to the County Commissioners that they approve this application. **(Motion) Dan Kennedy made a motion that the CADB recommend that the County Commissioners approve the application. Ila Vassallo seconded the motion. The motion passed unanimously.**

E. S 3279 – Revised Easement Valuation Method – Letter of Support – **(Motion)**

a. BW explained that there were 2 pieces of relevant legislation that have not been moving through the legislative process as of late. The first bill is the bill for the creation of the revised easement valuation method which is currently sitting with the Senate Economic Growth Committee. Staff recommended that the Board authorize Staff to send a letter of support for the bill to the Chair and Vice-Chair of that committee. **(Motion) John Hlubik motioned to have Staff send the letter of support. Randi Rothmel seconded the motion. The motion passed unanimously.**

F. S 2669 – Expands RTF Protection for Certain Ag labor housing – Letter of support – **(Motion)**

a. BW reported that this bill is waiting to be scheduled to be heard by committees in both the Senate and Assembly. Staff recommended that the Board authorize Staff to send a letter of support for the bill to the appropriate committees in both houses. **(Motion) Ed Cohen motioned to have Staff send the letter of support. Dan Kennedy seconded the motion. The motion passed unanimously.**

VI. Public Comment

A. None.

VII. Closed Session

A. Closed session was not held.

VIII. Next Meeting

A. The next CADB meeting will be held on July 13, 2023, at 7:30 pm. The meeting is to be held in-person at the Burlington County Lyceum again.

IX. Adjournment

A. Chairman Prickett adjourned the meeting at 8:53 pm.