

**Ocean County Agriculture Development Board
Minutes of January 11, 2024
Manchester Township Council Meeting Room/Courtroom**

Attendance: Doug Hallock, Chair; Casey Hunter, Vice Chair; Glenn Riccardi (OCADB); Jeff Vogel (OCADB); Kathleen Sucharski (OCADB); Timothy Gleason (OCPLD); Thomas Thorsen (OCPLD); Mat Thompson (County Counsel); Charles Roohr (SADC); Dr. Stephen Yergeau (OC Ag Ext); Jessica Pinto (OC Soil Conservation District).

Public Attendees: Diane Vogel, Robert Bowen

I. Flag Salute

II. Call to order and Compliance with Open Public Meetings Act- Mr. Thompson called the meeting to order at 7:00 pm by stating the Open Public Meetings Act requirements had been met.

III. Roll Call

IV. Reorganization

A **MOTION** was made by Mr. Hunter to re-nominate Doug Hallock as Chairman of the Ocean County Agricultural Development Board. Ms. Sucharski seconded. Roll Call. Mr. Hallock abstained. All in favor, motion carried.

Mr. Hallock stated a nomination for Vice Chairman of the Board was needed.

A **MOTION** was made by Mr. Hunter to nominate Kathleen Sucharski as Vice Chair of the Ocean County Agricultural Development Board. Mr. Riccardi seconded. Roll Call. Ms. Sucharski abstained. All in favor, motion carried.

Mr. Hallock stated a nomination for Secretary of the Board was needed.

A **MOTION** was made by Kathleen Sucharski to nominate Glenn Riccardi as Secretary of the Ocean County Agricultural Development Board. Mr. Hunter seconded. Roll Call. Mr. Riccardi abstained. All in favor, motion carried.

V. Approval of Minutes

A **MOTION** was made by Mr. Hunter to approve the December 13, 2023 minutes on the condition that the meeting start time is changed from 8:00 pm to 7:00pm and that an error on one of the motion descriptions is corrected. Mr. Vogel seconded. Roll call. All in favor, motion carried. Ms. Sucharski abstained.

VI. Old Business:

- Assembly Bill A4729 – Mr. Gleason informed the Board that as of January 8th, this bill has been passed and became law. He reminded the Board that in December of 2022, the Board sent a letter of support and passed a resolution stating their support for this bill. The bill establishes a new process for the determination of the value of a development easement to be acquired for farmland preservation purposes by the SADC, a local government, or a qualifying tax-exempt nonprofit organization. The new process will be used in addition to the appraisal processes in the current law and a formula called the “Statewide Farmland Preservation Formula” will be adopted. The landowner will be provided the values determined under the two different methods and the highest value will be used as the basis for negotiation with the landowner concerning the acquisition price. Mr. Hunter asked if this is a statewide appraisal formula for all farmland and Mr. Thorsen replied that no, it is a statewide process for preserved farms that is similar to the pinelands process. The SADC is expected to hire a qualified appraisal firm to assist in the evaluation and development of the formula. The formulation process will most likely take a while. There was no action taken by the Board on this matter.
- Parson’s Mariculture Update – Mr. Gleason updated the Board that both parties agreed to mediation through the SADC Mediation Program. The participants are currently working on a date and staff will update the Board on the outcome of the mediation meeting. There was no action taken by the Board on this matter.
- Cier/Denson Farm, Plumsted Township – The Board was reminded that this farm is at 58 Fischer Road in Plumsted Township and is about 64 acres. Mr. Gleason informed the Board that an offer letter with the highest appraisal value was sent to the owner. There is still confusion as to what the approved zoning is of the property. Staff has been in contact with the township to determine the approved zoning. An extension was placed for a response to the offer letter to February 7th, 2024. Mr. Gleason asked Mr. Hallock if he knew of any updates. Mr. Hallock responded that he does not know of any updates as the tax assessor has been out sick and other factors have prohibited him from being able to discuss this topic with the township staff. Mr. Gleason stated that staff will continue to reach out to the township and see if they can clear up any confusion. There was no action taken by the Board on this matter.

- Van Kirk (Canka/GreenCELL) Deed of Easement Violation – This property is at 149 Brindletown Road in New Egypt. There were reports of importation of fill material onto the property. A site inspection was conducted on December 19th, 2023. The property owner, tenant farmer, Board member, OCADB staff, SADC staff, OCSCD staff, and County Counsel all were in attendance. It was found that the material was being deposited in a pasture area and farm access lane. The fill material contained rocks, boulders, concrete, asphalt chunks, embedded and independent building materials, bricks and mortar, metal rebar, asphalt millings, and unconsolidated soils. The owner and tenant farmer indicated that the fill material was brought onto the farm to improve the pasture field for crop production, improve/create a road, and create berms around certain fields as water control structures.

The SADC sent a Notice of Deed of Easement Violation and Cease and Desist letter to notify the property owner and tenant farmer of one or more potential Deed of Easement violations on December 23, 2023. The letter also recommended stopping soil importation activities and any other non-agricultural activities. Staff has been working with the SADC and was informed that they are contracting a soil expert to go to the site and do testing. They also plan on doing another site inspection with some of their Committee members along with the scientists.

In the deed of easement, an action such as this is prohibited if it is not for agricultural purposes. The landowner and tenant farmer believe the importation of the soil is for agricultural purposes. To determine a violation of the deed of easement, the Board must notify the owner that a determination will take place at a meeting and allow him to speak. The owner and tenant will have the opportunity to collect evidence, present it to the Board, and speak to justify their actions before the Board makes an official determination whether he is in violation of the deed of easement or not.

Mr. Hunter asked staff if the owner or tenant are still bringing more fill onto the farm. The SADC advised them not to do so. Ms. Sucharski asked how the fill could be removed from the fields and expressed that it is potentially dangerous even to have such materials on a field. She was told that in the past, farmers were asked to remove the soil, and if it turns out that the soil is clean, they will most likely still have to remove the debris. Mr. Hallock asked if there had been any determination as to where the soil was from. The paperwork the tenant farmer provided says the soil is from “Papaianni Spash Park”.

Mr. Thompson stated that the Board will have a chance to ask the owner and tenant farmer that question as well. Staff will send a letter out to the owner and tenant farmer that there will be a hearing to determine if there is a violation of the deed of easement on the property. They will be given an opportunity to submit documents to the Board a week prior to the meeting for their review and consideration. They will also have an opportunity to speak before the Board. There was no formal action taken by the Board on this matter.

VII. Public Comment

- Ms. Pinto from the Ocean County Soil Conservation District informed the Board that their staff also attended the Van Kirk site inspection. The OCSCD suspects that the soil importation will need a soil erosion/sediment conservation plan. Discussions are being had with other agencies, including the NRCS to determine what the OCSCD's role is in this issue. A determination has not been made yet.
- Mr. Roohr from the State Agriculture Development Committee informed the Board that they put out an RFP for a soil scientist and may wait for a soil report before they discuss the Van Kirk farm at their meeting. As soon as a determination is made as to when the issue will be brought to their Committee he will let staff know. He further informed the Board that the soil report has a 30-day turnaround, so it should be available for the SADC February meeting, however, they will most likely not have the results for the CADB February meeting. Mr. Hallock said that it would be wise for this Board to wait until March to have the hearing so the Board can have the report to make a decision.

Mr. Hunter asked if the DEP had been contacted about this matter. He was informed that the OCSCD plans on contacting the solid waste department of the DEP. Mr. Hallock asked if the SADC makes a determination that the soil must be removed from the farm, will the CADB need to make a determination as well. Mr. Roohr replied that yes, both the SADC and the CADB hold the easement so both parties share the same enforcement rights. He further explained that a similar situation occurred in a different county and the process followed was that the SADC hired a soil scientist to create a soil report, and such report determined that the soil was not farmable. The SADC then decided to have the farmer remove all the soil imported.

Mr. Roohr also informed the Board that in December, new Agricultural Management Practices were passed. He further informed the Board that

the SADC Agricultural Mediation Program has been amended to expand on what topics or issues could be brought to mediation.

The Board was informed that the Soil Protection Standards comment period has been extended to February 23rd. The SADC is asking for constructive comments on the standards as they want to ensure reasonable legislation. SADC staff is currently taking soil disturbance map discrepancies and conducting site visits to fix said discrepancies. Mr. Roohr also recalled that the formula-based value bill was signed by the Governor. He explained the new process for appraisals and how the bill will affect acquisition. There was also an amendment to the Deer Fencing Program signed by the Governor. The amendment allows for a higher cost-share to purchase and install deer fencing.

Mr. Roohr also informed the Board that the legislature for Special Occasion Events requires easement holders to submit a report on their SOEs to the SADC annually.

A MOTION was made by Mr. Hunter to move into closed session at 7:47 pm. Mr. Vogel seconded. Roll call. All in favor, motion carried.

A MOTION was made by Mr. Hunter to move out of closed session into open session at 7:51 pm. Mr. Vogel seconded. Roll call. All in favor, motion carried.

There will be action taken on the single farm application that was discussed in closed session:

Lewis Farm Application, Plumsted Twp. **A MOTION** was made by Mr. Hunter to approve the purchase of the Lewis Farm for a development easement of approximately 6.5 acres at a cost not to exceed \$130,000. Ms. Sucharski seconded. Roll Call. All in favor, motion carried.

VIII. Adjournment

A MOTION to adjourn at 7:54 pm was made by Mr. Hunter and Mr. Vogel seconded. All in favor, motion passed.

**Next Meeting: February 8th, 2024 at 7:00pm
Manchester Township Council Meeting Room/Courtroom**

Respectfully Submitted,



Larisa Paxton
Planner Trainee