

1
2 MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD
3 MEETING HELD MONDAY MARCH 16, 2009
4 IN THE EXTENSION SERVICE BUILDING
5 930 SPRUCE STREET, TRENTON, N.J.
6 2ND FLOOR CONFERENCE ROOM
7

8 I. CALL TO ORDER

9 Chairwoman Nancy Tindall called the meeting to order at 7:05 PM.

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11 II. COMPLIANCE STATEMENT

12 Pursuant to the Open Public Meetings Act, notice of this postponed meeting was given to the
13 Trenton Times, Trentonian, Mercer County Clerk, and posted in the Mercer County
14 Administration Building.
15

16 III. ROLL CALL

17 A. Voting Members:

18 Nancy Tindall, Chairwoman – Present
19 Steve Jany, Vice-Chairman - Present
20 Earl Tindall - Absent
21 Peggy McNeill – Absent
22 Charles Appelget – Present
23 Scott Ellis - Present (arrived at 7:20)
24 Frank D’Amico, Jr. – Present
25

26 B. Non -Voting Members:

27 Bill Agress, County Planning Board – Absent
28 Rodger Jany, Rutgers Cooperative Research and Extension – Present
29

30 C. Others Present:

31 Dan Pace, MCADB Secretary
32 Leslie Floyd, Assistant County Planning Director
33 New Jersey Turnpike Representatives: John Keller, Larry Pesesky., Don Ehrenbeck, Ryan
34 Scerbo

35 Members of the public: See attached sign-in sheet
36

37 IV. APPROVAL OF MINUTES

38 Ms. Tindall asked for a motion to approve the February 2, 2009 meeting minutes. The motion
39 was made by Mr. Jany to approve the minutes with a correction to page 3, line 8. He asked that
40 the word “stockholders” be corrected to “stakeholders”. Mr. Appelget seconded the minutes as
41 corrected. The minutes were approved.
42

43 V. PUBLIC COMMENT – Ms. Tindall explained that a significant agenda item for this meeting was
44 to hear a presentation by the Turnpike and that interested members of the public could ask
45 questions or make comment about the Turnpike widening project at that time. Ms. Tindall then
46 asked if there was any other public comment. There was none.
47

48 VI. CORRESPONDENCE

49 Mr. Pace reported on one piece of correspondence. The SADC recently distributed a memo to all
50 CADB’s describing an imminent domain action taken by a County government in relation to the
51 repair of a county owned bridge. That County utilized a farm lane on a preserved farm adjacent to
52 the bridge for a traffic detour. However, they did so without filing a “Notice of Intent” (NOI)
53 with the County CADB as required by State Statute. The SADC’s memo was to advise all
54 CADB’s of the law’s requirements. Mr. Pace commented to the Board that Mercer County was
55 well aware of NOI requirements - which was why the Turnpike was here this evening.

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2 VII. COMMITTEE AND STAFF REPORTS

3 A. SADC

4 1. Appraisal Rule – As directed by the Board in February, Mr. Pace prepared and sent a
5 formal comment letter to the SADC during the public comment phase of the rule
6 introduction.

7
8 2. Solar and Wind legislation – Mr. Pace reported that this proposed legislation was not on
9 the Senate or Assembly agenda's for today's sessions. In addition, he had not seen the
10 legislation on the Assembly Appropriation Committee agenda (its supposed next step).

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12 B. Land Development Activity – None

13
14 C. Status of Farmland Preservation Applications

15 • 2001 Round; 2002 Round; and 2008 Round: No change in status.

16
17 • 2009 PIG –

- 18 ○ County of Mercer (Briarholm, Hights, and Sawmill) applications will be forwarded to
19 the SADC for final review by the April 1st deadline for SADC action at their May
20 meeting. Ms. Tindall has approved the Board's Final Resolutions as directed by the
21 Board last fall. Mr. Jany asked about "bid-down" on these farms. Staff replied that at
22 this time, that was still an unknown matter.

23
24 VIII. OLD BUSINESS

25
26 A. **Monitoring** – First monitoring visits will be to Hamilton next week. There are only six
27 farms and the visits will not extend in time beyond the morning. The monitoring team will leave
28 from the Extension building at 8:30am on the 25th.

29
30 B. **JEM Site Specific Agricultural Management Practice (SSAMP) Request** – Staff reported
31 that the Esposito's have substantially completed the documentation required for their SSAMP
32 request (conservation plan and clearer copies of their FA-1's still needed). The Board could now
33 accept the request and schedule a site visit by a team of agricultural specialists. However, the
34 Esposito's have told Mr. Pace that they will soon be meeting with Robbinsville Township to
35 discuss the Township's proposed Agreement for the purchase of the Esposito's development
36 rights. It was staff's recommendation that the Board delay decision to approve the SSAMP site
37 visit until its April 6th meeting. By then, it may be known if the Esposito's will be accepting the
38 Agreement as is, or, negotiating revisions to it with the Township. Staff makes this
39 recommendation because the findings of the site team could be affected by the requirements of
40 the Agreement. Ms. Tindall asked if there were any time constraints on the Board with regard to
41 promulgating the SSAMP. Mr. Pace replied that there were none – except for noticing the two
42 municipalities, wherein the farm lies, that a request had been received by the CADB. That was
43 done within the 10 day regulatory window after receipt of the completed request.

44
45 Ms. Tindall asked Board members if they had any questions for Mr. and Mrs. Esposito and if the
46 Esposito's had anything to discuss with the Board.

47
48 The Esposito's discussed with Board members what the Township was requiring in its current
49 proposed Agreement, as opposed to what the Township asked for when the purchase was first
50 offered. They expressed their opposition to several of the Township's requirements. They also
51 expressed a desire for the SSAMP process to continue expeditiously.

52
53 Ms. Tindall remarked that the SSAMP process was meant to determine if best management
54 practices were being used on the farm and the CADB would undertake the process expeditiously
55 – but in a comprehensive and efficient manner.

1
2 Board member's agreed with the staff recommendation and directed that staff follow-up with the
3 Esposito's before the April 6th CADB meeting.
4

5 **C. Turnpike Widening Project** – Turnpike Project Manager John Keller gave a visual
6 presentation and summary of the turnpike project to date. Responding to questions from Board
7 members, Mr. Keller focused on preserved farm impacts, stormwater treatment facilities,
8 phasing of fee and easement acquisitions related to the widening, and bridge crossings over the
9 Turnpike. He also said that Turnpike reps have met with agricultural land owners to better
10 understand the possible impacts on their lands and appraisers hired by the Turnpike would also
11 be visiting these owners – if they haven't already – to further discuss what the impacts from the
12 widening process will be on individual operations.
13

14 After Mr. Keller's presentation, there followed a brief break in the formal discussion and
15 members of the public approached the Turnpike representatives to look more closely at the maps
16 they brought.
17

18 After Ms. Tindall re-convened the meeting, Mr. Pace reported to the Board that he had spent an
19 hour with Mr. Ehrenbeck reviewing formatting concerns, errors, and omissions in the Reports
20 associated with the Notice of Intent (NOI) received by the Board. This was important because if
21 the Board determined that the NOI was complete, then it had 30 days from receipt to determine
22 if there was an "unreasonable adverse impact" on the ADA. The three Counties impacted by the
23 widening project had let the SADC make the initial determination of NOI completeness in early
24 2008; however, the SADC had yet to make a determination for this current version. Mr. Scerbo,
25 attorney for the Turnpike, suggested that the Board table its review of the current NOI until its
26 next meeting. This would allow Mr. Ehrenbeck to make Mr. Pace's revisions to the Reports and
27 return them to the Board for review. It would also allow more time for the SADC to make a
28 finding of "completeness". Members agreed with the suggestion especially since they concurred
29 with Mr. Pace's findings that the NOI needed to be presented to the Board in as complete and
30 correct way as possible. On a motion by Mr. Jany and seconded by Mr. Appelget, the Board
31 approved tabling the review of the NOI.
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33 Further assisting the Board in this matter, Mr. Appelget made a motion that the Board's regular
34 April 6th meeting be postponed until April 20th thereby giving both the Turnpike more time to
35 prepare the Reports and the Board more time to review. Mr. Jany seconded and all voted in
36 favor.
37

38 **IX. ADJOURNMENT AND NEXT MEETING**

39 There being no significant New Business or Other Business of the Board, the meeting was
40 adjourned at 9:50PM. As discussed by the Board, the April 6th regular meeting of the CADB will
41 be postponed until April 20th.
42

43 Respectfully submitted,
44

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46 Daniel Pace
47 MCADB, Secretary
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49 Date adopted:
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51 Attachments and related correspondence, if any, are made a part of the permanent record and are filed
52 with these minutes in the Agricultural Development Board Book located in the Mercer County Planning
53 Division Office. All copies are available upon request.