

MINUTES OF THE MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD
MEETING HELD MONDAY, OCTOBER 4, 2021
IN THE EXTENSION SERVICE BUILDING
1440 PARKSIDE AVENUE, EWING, N.J.

*****Meeting via Zoom online platform due to Covid-19*****

I. CALL TO ORDER

Chairman Steve Jany called this meeting to order at 7:30 PM.

II. COMPLIANCE STATEMENT

Mr. Jany announced that pursuant to the Sunshine Law, notice of this meeting was mailed to the Trenton Times and the Trentonian, and was posted on the County Planning Department's website, including a public zoom meeting link and instructions.

III. ROLL CALL

A. Voting Members:

Mr. Steve Jany, Chair – Present
Mr. Frank D'Amico, Vice-Chair – Present
Mr. Scott Ellis – Present
Ms. Laurie Emde – Absent
Mr. Gary Mount – Present
Ms. Kristine Walsh – Present
Ms. Theodora Wang – Present

B. Non-voting Members:

Mr. Bill Agress/County Planning Board Liaison – Present
Ms. Meredith Melendez/Rutgers Cooperative Research and Extension – Present

C. Others Present:

Ms. Leslie Floyd/Mercer County Planning Director
Ms. Emily Blackman/Mercer CADB Administrator, Senior Planner
Ms. Susan Bacso, Esquire/CADB Attorney
Mr. David Kimmel/SADC
Guests: Ms. Lynn Bartolone, Ms. Mary Delahanty (Attorney for Ms. Bartolone)

IV. APPROVAL OF MINUTES

On a motion by Mr. Mount and seconded by Mr. D'Amico, the minutes of the June 7, 2021 regular meeting were unanimously approved.

V. PUBLIC COMMENT: None.

VI. CORRESPONDENCE:

a. Hendrickson Farm

Ms. Blackman provided an update on the Hendrickson Farm Canada thistle issue. Board members were provided with a copy of a letter from Mercer County Park Commission staff to the Hendricksons. The letter followed a visit by Park Commission staff to the Hendrickson Farm to discuss the issue of thistle seed drifting from Mercer Meadows to the Hendrickson's adjacent farm fields. The letter explained the Park Commission's efforts over the years to remove Canada

thistle from Mercer Meadows and outlined next steps for the Park Commission and Hendricksons to work together to continue to try to remove thistle. Ms. Blackman expressed her hope that the CADB's recent letter to the Park Commission about the importance of the issue has helped to open communications between the Park Commission staff and farm.

VII. COMMITTEE AND STAFF REPORTS

A. SADC:

Mr. Kimmel of the SADC introduced himself and provided an update on current SADC policy issues – the Soil Protection Standards (SPS) subcommittee met recently to address the comments the SADC received about the draft SPS. The SADC may take up the issue at their October meeting, which will be virtual. Mr. Kimmel also shared that the Corporate Business Tax revenue for preservation funds has come in higher than expected; Fiscal Year 2022 appropriations are expected to be about \$83 million.

B. Land Development Activity:

There are no land development applications on the upcoming County Planning Board agenda within the Agricultural Development Area (ADA).

C. Farmland Preservation Updates:

Ms. Blackman provided an update on County farmland preservation projects. The Kerr and Chowdhury Farm projects continue to move towards completion. The Chowdhury Farm should close within the month. Ms. Blackman let the Board know that the County will be bidding the farm lease for the Chowdhury land for the 2022 season, assuming the property does close soon. Ms. Blackman was also happy to report that the SADC approved the Farm Plan update at their recent meeting and thanked the Board for their work on the plan. Board members thanked Ms. Blackman for her work as well.

IX. OLD BUSINESS:

a. Singh Farm – House Request

Ms. Blackman provided an update on the Singh Farm house request. At the previous CADB meeting in June of 2021, the Board passed a resolution giving Mr. Singh the option to either 1) enter into an escrow agreement with the County, with the posted funds to be used towards the required seeding of the berm and buffer, and receive his house approval upon entering into the agreement or 2) carry out the seeding himself and come back to the Board again for his house approval. Mr. Singh chose to do the seeding himself and informed Ms. Blackman that he seeded the berm and buffer as required in July of 2021. He then requested that the Board revisit his house request at their October meeting.

Ms. Blackman, Ms. Melendez, Mr. Ellis and Mr. Lloyd (of the County Planning Dept) made a site visit to the farm on September 14th, 2021 to assess the current conditions ahead of the October CADB meeting. Mr. Singh was also present at the visit. Ms. Blackman provided notes from the visit, which stated that 1) the berm was in good structural condition and appeared to be keeping water from the neighboring Bartolone property, 2) the berm and buffer were vegetated with annual grass and weeds and 3) there was no sediment accumulation in the entrance to the Township's drainage pipe adjacent to the field on Uncle Petes Road. In addition, Mr. Ellis reported that he drove by the farm on Uncle Petes Road during a recent heavy rainstorm and the water running off the field did not contain much sediment. Ms. Blackman also provided the Board with pictures from the September 14th visit.

The Board discussed the issue and agreed that there does not appear to be significant soil erosion occurring on the farm. It also appears that the berm is successfully keeping stormwater off of the

neighbor's property. The Board expressed concern about erosion in the future after the annual grass dies off in the winter and discussed the need to spread another fescue or other perennial strong-rooted pasture grass on the berm and buffer. The Board also discussed the need for there to be a cover crop on the field in the winter; currently it is planted in soybeans. They also discussed a milk crate in the Township's drainage pipe that appeared to have been put there to slow the flow of water.

The Board then allowed Ms. Delahanty, attorney for Ms. Bartolone, to speak. Ms. Delahanty stated that her client is still experiencing flooding during heavy rains and asked that the Board enforce the escrow agreement from the previous meeting. She requested another site inspection and asked that the Bartolones be able to provide additional photograph and video evidence of the issue.

Ms. Floyd and Ms. Bacso reminded Board members that the CADB's role in this case is to determine whether the farm is in compliance with the Deed of Easement regarding the loss of topsoil due to erosion, not to make a determination about flooding.

Board members then discussed a motion for a resolution to approve the house request with the condition that there be a perennial grass seeded over top of the existing annual grass to guard against erosion in the winter months. The Board discussed an escrow or asking Mr. Singh to provide proof (receipts) of the purchase of seed.

Ms. Bartolone then asked to speak and was given permission. She stated that the five-foot buffer is not nearly enough and that the water flowing from the property is rarely clear. She also stated that she was the one who put the milk crate in the drainage pipe. The Board recommended that Ms. Bartolone take the flooding issue up with the Township – it may be that the drainage structure is too small to handle the natural flow of water in the area.

The Board then returned to the discussion of the resolution to approve the house request with conditions. The Board agreed that the conditions should be that Mr. Singh seed the berm and buffer with a Kentucky 31 fescue or similar grass seed within 15 days and provide proof of seed purchase and seed application to the Board via photographs. Mr. Ellis made a motion to approve the resolution, which was seconded by Mr. Mount. The resolution with conditions was unanimously approved. Ms. Blackman will work with Ms. Bacso to draft the resolution and will send it to the Board for comments before it is finalized.

X. NEW BUSINESS: None.

XI. DISCUSSION: Mr. Mount asked some questions about the SADC's non-profit preservation program, which were answered by Ms. Floyd and Ms. Blackman. Ms. Floyd asked Mr. Kimmel about the SADC mediation program's applicability to the Singh Farm issue. Mr. Kimmel thought that the mediation program could be used by Mr. Singh and Ms. Bartolone if both parties were interested.

XII. PUBLIC PARTICIPATION: None

XIII. EXECUTIVE SESSION: None was required.

XIV. ADJOURNMENT

The meeting was unanimously adjourned at 8:30 pm. The next scheduled meeting of the MCADB is December 6th, 2021.

Respectfully submitted,

Emily Blackman
MCADB Secretary



Lisa K Fritzing 4/5/22

Date adopted: April 5, 2022

Attachments, if any, are made a part of the permanent record and are filed in the Minute Book, and are located in the Mercer County Planning Department Office. All copies are available upon request.