

## **VIII. Agricultural Industry Sustainability, Retention and Promotion**

Preservation of the agriculture industry has a number of components. Preservation of farmland is one of them. Another component is promotion and development of the industry, as well as, enhancement of its economic viability. Promotion of the future viability of agriculture as a profession has always been a goal of the Morris CADB, as evidenced in the Morris CADB “Mission Statement” (see Appendix A). The Morris CADB has used and plans to use the following methods, which will enhance the viability of agriculture in the county.

### **A. Existing Agricultural Industry Support**

#### 1. Right to Farm Assistance for Farmers

The amended Right to Farm Act assigned new responsibilities to the CADBs. These responsibilities include administration of the Conflict Resolution Process and development of site specific agricultural management practices (AMPs) for eligible farms. The Morris CADB has developed a Right to Farm education package for landowners and municipal officials. The package includes the following materials:

- Brochure – “Protecting the Right to Farm in New Jersey”
- Morris CADB – “Am I Protected by the Right to Farm Act?”
- Morris CADB – “Request for a Site Specific Agricultural Management Practice (AMP)”
- Morris CADB – “Conflict Resolution Process”
- Article from New Jersey Municipalities, February 1999
- Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

The Morris CADB has also developed a PowerPoint presentation concerning the Right to Farm Act to be used during meetings with municipal officials and boards. The Morris CADB handles Right to Farm complaints and inquiries on an as-needed basis and prepares site specific AMPs as requested.

#### 2. Right to Farm Cases

The Morris CADB has had many Right to Farm matters adjudicated. This is an important safeguard for the agricultural industry in Morris County. The role of the Morris CADB is to impartially hear cases brought before it. Morris County has had landmark Right to Farm cases. In fact, a case in Morris County (*Morris County Superior Court Docket No. MRS-L-2936-93PW, Kielblock vs Township of Harding and Harding Twp Board of Adjustment*) resulted in the invalidation of the original Right to Farm Act. As a result of that case, a lengthy effort was a major amendment to the Right to Farm Act, resulting in P.L. 1998, c. 48. This amendment created a system for the hearing of cases by County Agriculture Development Boards, before action can be taken in the courts. The result is a forum for farmers, as well as aggrieved parties such as neighbors and public agencies to adjudicate a matter expeditiously and with minimal financial consequences. Since passage of the amended law in 1998, the Morris CADB has had 39 inquiries about the Right to Farm Act from landowners, has closed 21 cases presented and has another 10 cases that are pending.

### 3. Municipal Right to Farm Ordinances

As stated in Chapter IV, in order for a farm to be eligible for farmland preservation Morris County requires that the municipality in which the farm is located must have a Right to Farm ordinance. The Morris CADB is of the opinion that a Right to Farm ordinance helps to ensure the public's investment in farmland preservation. When the Morris CADB looks to preserve a farm in a municipality without a Right to Farm ordinance, the town is contacted and provided an information package, which includes the SADC's model ordinance. The municipality is advised of the necessity and importance of having a Right to Farm ordinance. Morris CADB staff will assist towns and provide technical support during the ordinance adoption process. This process has proved effective. Since the year 2000, four new municipal Right to Farm ordinances have been adopted. A fifth is now pending.

A summary of Right to Farm ordinances in Morris County follows. A number of ordinances contain a notification clause. Where non-agricultural and agricultural land uses exist side by side, agricultural operations frequently become the subject of nuisance complaints due to lack of information about such operations. Right to Farm ordinances containing a notification clause require that upon the transfer of real property and as a condition of issuance of a development permit, the purchaser or applicant must sign a statement acknowledging the existence of a neighboring agricultural use and all activities related to it. Easement purchase applications from municipalities with ordinances containing a notification clause receive additional points during the application review and ranking.

#### **Municipal Right-to-Farm Ordinances**

<b>Municipality</b>	<b>Total Farmland Acres</b>	<b>R-T-F Ordinance?</b>	<b>Notification Clause?</b>	<b>Date of Passage</b>
Boonton	15			
Boonton Township	1,123	Yes	Yes	April 22, 1996
Butler	6			
Chatham	2			
Chatham Township	527			
Chester	154	Yes	Yes	December 16, 1998
Chester Township	2,957	Yes	No	1996
Denville	378	Pending	Yes	Introduced Ord 40-07; 12/18/07 hearing
Dover	0			
East Hanover	0			
Florham Park	70			
Hanover	12			
Harding	1,933	Yes	Yes	December 27, 2000
Jefferson	1,320	Yes	No	September 2, 1998
Kinnelon	428			
Lincoln Park	280	Yes		May 15, 2006
Long Hill	153	Yes	Yes	May 1, 1996

<b>Municipality</b>	<b>Total Farmland Acres</b>	<b>R-T-F Ordinance?</b>	<b>Notification Clause?</b>	<b>Date of Passage</b>
Madison	0			
Mendham	976	Yes	Yes	February 22, 2000
Mendham Township	1,568	Yes	Yes	August 25, 1998
Mine Hill	76			
Montville	746	Yes	Yes	July 8, 1997
Morris Plains	0			
Morris Township	603			
Morristown	0			
Mountain Lakes	9			
Mt. Arlington	31			
Mount Olive	3,035	Yes	Yes	April 22, 1997
Netcong	0			
Parsippany	7			
Pequannock	269			
Randolph	385	Yes	No	January 21, 1988
Riverdale	42			
Rockaway	0			
Rockaway Township	443	Yes	No	July 3, 2007
Roxbury	1,610			
Victory Gardens	0			
Washington	10,815	Yes	No	October 20, 1980
Wharton	25			
<b>COUNTY TOTALS</b>	<b>29,998</b>	<b>14 (1 pending)</b>	<b>9</b>	

Source: Morris County Agriculture Development Board (Dec. 2007)

“Total Farmland” is defined as all land receiving Farmland Tax Assessment for year 2007.

#### 4. Municipal Ordinance Review

The Right to Farm Act protects responsible commercial farmers against municipal regulations that may unnecessarily restrict agricultural activities. To that end, the board reviews all proposed municipal land use ordinances that may have a negative effect on agriculture and/or may be in violation of the Right to Farm Act. The board provides comments and recommendations to the municipalities. The Morris CADB has developed a PowerPoint presentation concerning the Right to Farm Act to be used during meetings with municipal officials and boards.

#### 5. Farmland Assessment

With farmland acreage shifting to the land use needs of suburbia at the rate of 50,000 to 60,000 acres a year during the 1950s, and farm taxes rising faster than farm income, it was assumed that the Garden State would soon become the first ‘asphalt’ state in the nation,” wrote Dr. George W. Luke, Professor of Agricultural Economics & Marketing, College of Agriculture & Environmental Science, Rutgers University, in his 1976 report *Actively Devoted: The First*

*Decade of the Farmland Assessment Act.* “Since the real estate tax is ad valorem, (tax imposed as a percentage of the value) those who own land faced the paradox of anticipated higher land values followed by higher taxes to feed the development that caused the higher taxes.”

In 1962, State Secretary of Agriculture Phillip Alampi prodded then-Governor Richard J. Hughes to appoint a special committee consisting of representatives of farm organizations, local assessors, members of the Department of Agriculture and the College of Agriculture, and concerned legislators to study the farm tax problem, and make recommendations on a more equitable system of assessing and taxing farm property. In addition to tax equity, an important objective was the preservation of agriculture in the Garden State. The committee was co-chaired by Senators John Waddington of Salem County and Wayne Dumont of Warren County.

“In 1959, about 1.4 million acres were counted in four major land-use categories of agricultural production in the state. It was this 1.4 million acres which the committee endeavored to protect by use value assessing and taxing abatement.”

After studying the problem for more than a year, the Farmland Assessment Committee recommended an amendment to the state constitution allowing for agricultural or horticultural lands to be taxed on land use. The State Senate and General Assembly passed a concurrent resolution to amend the Constitution of the State of New Jersey as recommended by the committee and to submit the proposed amendment to the people at a general election, as follows:

“The legislature shall enact laws to provide that the value of land, not less than five acres in area, which is determined by the assessing officer of the taxing jurisdiction to be actively devoted to agricultural or horticultural use, and to have been so devoted for at least the two successive years immediately preceding the tax year in issue, shall, for local tax purposes, on application by the owner, be that value which such land has for agricultural or horticultural use” (Article VIII, Section 1, Paragraph 1).

A second paragraph stipulated that if the use of land valued for agriculture changed, the new valuation would be applied to the preceding two years as well as to the year of change. Source: *Applying Farmland Assessment to Woodlands*, August 1999, Ronald Sheay and Richard F. West.

In 1986, Morris County had a total of 40,597 acres of farm assessed property. As of tax year 2007, a total of 29,998 acres on 1,835 tax lots are receiving farm assessment. This represents a 26% loss over the 21 year period. This equates to roughly one percent loss per year. It is certainly arguable that the Act has proved effective.

## **B. Other Strategies**

### **1. Educational and Technical Assistance**

The Rutgers New Jersey Agricultural Experiment Station (NJAES) assists Garden State farmers in facing the challenge of operating a business in a heavily regulated environment, while

enhancing market potential and using integrated management systems that are profitable, environmentally sound, and socially and politically acceptable. Rutgers NJAES also helps consumers and agriculture and other businesses develop and implement practices that maintain an efficient balance among the environment, human health, and economic benefits.

The Rutgers NJAES Cooperative Extension of Morris County (RCEMC) office provides educational and technical services to the agricultural community as well as the general public. RCE can provide one on one, on-site consultations with farmers to assist with management of pest infestations for field crops, fruits, vegetables, nursery crops and ornamentals. Similar consultation for livestock producers can be provided in cooperation with Robert Mickel the area livestock agent from RCE of Hunterdon County. During these site visits, technical scientific research is relayed to the farmer in a useful and applicable manner.

During the growing season, RCEMC coordinates with other RCE offices in northwest NJ to conduct on-site farm meetings regarding a range of agricultural issues including vegetable growing, safe operation of farm equipment, and programs to certify and recertify farmers for pesticide application licenses. Morris County farmers are invited and frequently attend.

In the winter months, regional and local classes are conducted by in cooperation with RCE of Warren and Hunterdon Counties on a diverse set of agriculture topics. Two meetings of special significance are the North Jersey Commercial Fruit and Vegetable Growers Meetings. The Vegetable Meeting is typically conducted at the Rutgers Snyder Research and Extension Farm in Pittstown, NJ, while a similar class on fruit growing is held at the Warren Grange in Franklin Township, Warren County.

RCEMC also provides practical assistance to farmers. Examples include:

- Soil testing for fields and pastures;
- Linkages with the Rutgers Integrated Pest Management (IPM) program. The IPM program offers on farm pest scouting and pest management recommendations in cooperation with RCEMC
- Assistance in obtaining water certification and registration permits from the New Jersey Department of Environmental Protection, for groundwater and/or surface water allocations;
- Assistance with obtaining farmer certificates for N.J. Division of Motor Vehicle registrations;
- Assistance with grant applications to the NJDA for various types of economic assistance. Examples include “Jersey Fresh” grants to advertise;
- Distribution of “Jersey Fresh” and “Jersey Grown” promotional material such as bumper stickers, banners and t-shirts;

- Assistance to connect owners of farmland with tenant farmers, so that land may stay in farmland assessment;
- Assist new farmers with various regulatory requirements, and acquaintance with various farmer organizations;
- Provide outreach through the RCEMC website, and at the annual 4-H Fair; and
- Joint publication with RCE of Warren and Hunterdon Counties of the Northwest Jersey Production News newsletter, which is mailed to County farmers, which contains production information and information on educational events.

The RCEMC performs applied research on area farms and at the Rutgers Snyder Research and Extension Farm in Pittstown, NJ to further knowledge on a wide range of issues pertaining to agricultural crops. Results of any research are used to advise local farmers on an as needed basis. One example includes ongoing research evaluating tomato varieties on yield, fruit quality and flavor attributes.

All of the aforementioned available programs and assistance offer an individual farm operator the opportunity to gain the latest information on numerous and pertinent agriculture topics, which are important to agricultural sustainability.

Through its Division of Agriculture and Natural Resources' Natural Resource Conservation Program, the New Jersey Department of Agriculture offers technical, financial and regulatory assistance, and provides educational outreach to landowners throughout the state. The Department also offers, in conjunction with the U.S. Department of Agriculture, farm risk management and crop insurance education programs to assist farmers in understanding what assistance is available to reduce agricultural risks. (*Agricultural Smart Growth Plan 2006*).

Hired farm workers continue to be one of the most economically disadvantaged groups in the United States due to low wages, seasonal employment and limited participation in the non-farm labor market. Therefore, as an important statewide resource to the agricultural industry, the New Jersey Department of Labor recommends that more must be done to ensure a well-trained, educated farm labor workforce, that has adequate living and working conditions, and is trained in worker safety. (*Agricultural Smart Growth Plan 2006*)

Agriculture labor education and training funding may be available through the New Jersey Department of Labor and Workforce Development programs. These programs can help to assist in upgrading the skills and productivity of the agricultural workforce. (*Training*)<sup>12</sup> Some of the programs which may be applicable include Customized Training Initiative, Basic Skills Program, and Occupational Safety and Health Training Program.

Finally, as a form of "education", government agencies at the state and county level can provide continuous outreach information to farmers, to ensure they take full advantage of all federal and state loan, grant, education, and technical assistance programs. This is especially important since these programs are meant to aide the farming business to thrive and survive. Due to the

complexity and vast array of the programs, they may be unknown to many farmers.  
( *Peter Nitzsche, NJAES, Extension Agent* )