

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
February 3, 2022
(Held remotely via Webex)

The meeting was called to order by Chairman Davis at 7:30 p.m. Members present:

Frank Carrajat
Thomas Galfo
Harvey Ort
Jay Thomson

Members with an excused absence:

Aimee Ashley Myers

Also in attendance:

Commissioner Stephen Shaw
Peter Nitzsche, RCE

Staff in attendance:

Joseph Barilla
Staci Santucci, Esq.
Katherine Coyle

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW

Chairman Davis announced that in compliance with the Open Public Meetings Act, adequate notice of the meeting had been provided and filed with the Town of Morristown, the Morris County Clerk, the Clerk of the Board of Chosen Freeholders, the Daily Record and the Star Ledger and posted on the Morris County website.

Ms. Coyle announced that the meeting was being held remotely via WebEx and was being recorded. Ms. Coyle provided instructions for the public to provide comments during the meeting.

BOARD REORGANIZATION

Election of Officers

Chairman Davis turned the meeting over to Ms. Coyle for the purpose of electing new officers. Ms. Coyle served as temporary Chairperson and took nominations for the position of Chairperson.

Chairperson

On motion of member Ort, seconded by member Thomson, Mr. Davis was nominated for Chairman. There being no other nominations, a roll call vote was taken.

Aye: Carrajat, Galfo, Ort, and Thomson

Nay: None Abstain: Davis

Mr. Davis was elected Chairman. Chairman Davis chaired the meeting from this point forward.

Vice-Chairperson

On motion of member Thomson, seconded by member Galfo, Mr. Ort was nominated for Vice-Chairman. There being no other nominations a roll call vote was taken.

Aye: Carrajat, Galfo, Thomson and Davis

Nay: None Abstain: Ort

Mr. Ort was elected Vice-Chairman.

Secretary

On motion of member Thomson, seconded by member Galfo, Ms. Ashley Myers was nominated for Secretary. There being no other nominations a roll call vote was taken.

Aye: Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

Ms. Ashley Myers was elected Secretary.

Mission Statement

The Board members reviewed the Mission Statement. On motion of member Thomson, seconded by member Ort, the Board agreed that no changes were needed. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

Meeting Dates Resolution

On motion of member Thomson, seconded by member Ort, the Board members approved Resolution 2022-01, which established the time, date, place and agenda for the meetings of 2022 and January 2023. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

RIGHT TO FARM

Backer Farm, Mendham Township: Public Hearing (complaints).

On December 9, 2021, the Morris CADB determined that the Backer Farm operation is a commercial farm pursuant to the Right to Farm Act (“RTF Act”), N.J.S.A. 4:1C-3, and that the

dispute concerns activities that are included in one or more of the permitted activities set forth in the RTF Act and addressed by an agricultural management practice regulation adopted by the State Agriculture Development Committee (SADC).

Pursuant to N.J.A.C. 2:76-2.7(d), if the CADB determines that the farm is a commercial farm and that the dispute concerns activities that are addressed by an agricultural management practice recommended and adopted by the SADC, the CADB shall hold a public hearing in accordance with the hearing procedures set forth in N.J.A.C. 2:76-2.8 and with the provisions of N.J.A.C. 2:76-2.3(k).

Ms. Coyle presented a Staff Report, which addressed compliance with N.J.A.C. 2:76-2A.13, "Agricultural management practice for on-farm direct marketing facilities, activities, and events", outlined the appeal process and contained the following staff comments:

1. The concert that took place on September 11, 2021 on the Backer Farm did not comply with N.J.A.C. 2:76-2A.13, SADC regulations for on-farm direct marketing facilities, activities, and events, because the primary purpose of the event was to host a concert. Music, including background live or recorded music, is a permitted "ancillary entertainment-based activity" only if it is an incidental, accessory component of marketing the output of the farm. In this case, the concert was the primary activity.
2. The SADC had determined that the concert was a violation of the Backer Deed of Easement, and as such, a violation of N.J.A.C. 2:76-6.15, Deed Restrictions. Repeat and continued violations of the Deed of Easement may result in ineligibility of Backer Farm from the protections of the Right to Farm Act.

At this point, the following individuals provided sworn testimony regarding the Backer Farm operation:

Peter Banos
Barret and Barbara Kolton
David and Melissa Rainis

Nicole Voigt, Esq. responded to the testimonies on behalf of Backer Farm.

Following the testimonies, the following individuals provided comments:

Richard Watson
Stephen Dreskin
Nunzio Esposito
George Koenig
Vicki Wayne
Stephen Wayne
Nora Bruechner
Terrill Doyle
Nicole Voigt, Esq.

Kimberly Hart
Mr. Barrett Kolton

On motion of member Ort, seconded by member Galfo, the Board agreed that the concert that took place on September 11, 2021 at the Backer Farm did not comply with N.J.A.C. 2:76-2A.13, “Agricultural management practice for on-farm direct marketing facilities, activities, and events” and is not eligible for the protections of the Right to Farm Act. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort and Davis

Nay: None Abstain: None Recused: Thomson

Backer Farm, Mendham Township: request for SSAMP, SSAMP Review Checklist.

Ms. Coyle presented a Staff Report, which addressed the SSAMP Review Checklist document and contained the following staff comments:

1. Staff recommends that the Morris CADB adopt the “SSAMP Review Checklist”.
2. Staff reviewed the supplemental documentation (A-1 and A-2) that was submitted by Ms. Voigt on January 5, 2022 and January 26, 2022 to determine whether all checklist items were complete. Staff also reviewed the applicant’s requests for waivers from the checklist.
3. Upon initial review, staff may not object to the Morris CADB granting the requests for waivers, but Board discussion may be warranted.
4. Staff further recommends that the Morris CADB allow staff to review additional documents to be submitted by the Applicant in response to the SSAMP Review Checklist, and to determine whether the application and checklist materials are complete.
5. Lastly, staff recommends that pursuant to N.J.A.C. 2:76-2.3(i), if the application and checklist items are deemed complete, staff should notify the Applicant to provide written notice regarding a public hearing in accordance with the hearing procedures set forth in N.J.A.C. 2:76-2.8.

Following the review of the Staff Report, Nicole Voigt, Esq. addressed the Board regarding the waiver requests on behalf of Backer Farm.

At this point, the following individuals provided comments regarding the Backer Farm operation:

Susan Rubright, Esq.

Terrill Doyle

Nicole Voigt, Esq.

Peter Banos

George Koenig

Maria Moore

Michael Bubb
Nina Yacavino

On motion of member Ort, seconded by member Galfo, the Board adopted the SSAMP Review Checklist and granted the requested waivers. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort and Davis

Nay: None Abstain: None Recused: Thomson

APPROVAL OF MINUTES

On motion of member Ort, seconded by member Galfo, the Board members approved the December 9, 2021 Open Session meeting minutes. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

On motion of member Ort, seconded by member Galfo, the Board members approved the December 9, 2021 Closed Session meeting minutes. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

CLOSED SESSION

Pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, Chairman Davis announced that in compliance with the Open Public Meetings Act, the Morris CADB considered closing the open portion of the meeting in order to discuss matters related to the purchase, lease or acquisition of real property, and litigation in Closed Session. On motion of member Galfo, seconded by member Ort, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 10:03 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Fasano/Lundberg, Washington Township. On motion of member Thomson, seconded by member Carrajat, the Board directed staff to send a letter to the farm owners as discussed during Closed Session. A roll call vote was taken.

Aye: Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

Legislative Updates. Legislative updates were shared with the Board via email prior to the meeting.

Annual Planning Incentive Grant Application. Ms. Coyle informed the Board that she had submitted the annual PIG Application to the SADC in December.

Monitoring: Western Region. Ms. Coyle informed the Board that monitoring of Western Region farms was completed in December. Reports were submitted to the SADC.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

There was no old business to review.

NEW BUSINESS

There was no new business to review.

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member Thomson, seconded by member Carrajat, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,



Katherine Coyle
Director