

**MINUTES**  
**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD**  
**30 Schuyler Place, 4<sup>th</sup> Floor, Morristown, New Jersey**  
**January 14, 2010**

The meeting was called to order by Secretary Ashley Myers at 7:36 p.m. Members present:

Dale Davis  
Louise Davis  
Rick Desiderio  
Gregory Keller  
Harvey Ort

Also in attendance:

John DeNeufville  
Thomas DeNeufville  
David Smith

Staff in attendance:

Frank Pinto  
Ray Chang  
W. Randall Bush  
Katherine Coyle  
Jennifer McCulloch

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Ms. Coyle introduced two new CADB members: Ms. Louise Davis and Mr. Rick Desiderio. The new members filled the two vacancies left by members Roehrich and Thomson.

Ms. Coyle thanked Ms. McCulloch who managed the Farmland Preservation Program while Ms. Coyle was out on Family Leave.

**COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW**

Secretary Ashley Myers announced that in compliance with the Open Public Meetings Act, adequate notice of this meeting has been provided and filed with the Town of Morristown, the Morris County Clerk, the Daily Record and the Star Ledger.

**BOARD REORGANIZATION**

**Election of Officers**

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

*Chairman*

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

Aye: Ashley Myers, D. Davis, L. Davis, Desiderio, Keller and Ort

Nay: None Abstain: None

Mr. Keller was elected Chairman.

Chairman Keller chaired the meeting from this point forward.

*Vice-Chairman*

On motion of member L. Davis, seconded by member Ashley Myers, Mr. Kenneth Wightman was nominated for Vice-Chairman. There being no other nominations a roll call vote was taken.

Aye: Ashley Myers, D. Davis, L. Davis, Desiderio, Keller and Ort

Nay: None Abstain: None

Mr. Wightman was elected Vice-Chairman.

*Secretary*

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

Aye: Ashley Myers, D. Davis, L. Davis, Desiderio, Keller and Ort

Nay: None Abstain: None

Ms. Ashley Myers was re-elected Secretary.

**Meeting Dates Resolution**

On motion of member Ort, seconded by member Ashley Myers, the board members unanimously approved Resolution 2010-01, which establishes the time, date, place and agenda for the meetings of 2010 and January 2011. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, L. Davis, Desiderio, Keller and Ort

Nay: None Abstain: None

**REVIEW OF MORRIS CADB'S MISSION STATEMENT**

The board reviewed its Mission Statement, which was last revised on January 7, 1999, and agreed that no changes were necessary.

**APPROVAL OF MINUTES**

The minutes of the December 10, 2009 meeting were not available.

**OPEN TO PUBLIC FOR NON-AGENDA ITEMS**

There were no comments from the public.

## **CLOSED SESSION**

On motion of member L. Davis, seconded by member D. Davis, the board closed the open portion of the meeting and voted to conduct a closed session.

## **RETURN TO MEETING**

The meeting reopened to the public at 8:53 p.m.

## **ACTIONS RESULTING FROM CLOSED SESSION**

No actions were taken.

## **RIGHT TO FARM**

*Stephens Farm, Mt. Olive Township.* Ms. Coyle informed the board that Mr. Frank Wilpert, Jr., Health Officer, Mount Olive Township, filed a formal complaint against Mr. Stephens regarding dumping of leaves and commercial truck parking. Ms. Coyle stated that she will process the complaint. The complaint concerns activities that are not addressed by an agricultural management practice recommended by the SADC or a site-specific agricultural management practice adopted by the Morris CADB. Accordingly, pursuant to the Right to Farm Act, Ms. Coyle will forward the complaint to the SADC requesting the SADC's determination of whether the disputed agricultural operation constitutes a generally accepted operation or practice.

## **CORRESPONDENCE**

There was no correspondence to review.

## **OLD BUSINESS**

*Condemnation in the ADA – R. Smith Farm and H. Searles Farm.* Ms. Coyle informed the board that on January 12, 2010, a letter, which was jointly signed by Frank Pinto and Susan Craft, was sent to Mr. James Gregory, attorney for the Washington Township MUA, listing the multitude of deficiencies of the MUA's Notice of Intent (NOI) dated August 19, 2009. The letter also expressed strong disapproval of the MUA's December 30, 2009 filing of a condemnation action against Mr. Smith, an action that served to bypass county and state review of the MUA's project, including the authority to declare that the MUA's activities on the Smith Farm be suspended pending a public hearing. In their letter, Mr. Pinto and Ms. Craft also notified Mr. Gregory that the SADC and the CADB deemed the MUA's action invalid, and the CADB and SADC will require the MUA's compliance with statutory and regulatory requirements by February 1, 2010. If the MUA fails to do so by that date, then the county and state will be forced to refer this matter to the offices of the County Counsel and State Attorney General for appropriate legal action. Lastly, Mr. Pinto and Ms. Craft suggested a meeting of all parties to review the facts of the situation in order to resolve the matter amicably.

*S1538 – Biomass, Solar and Wind Energy Generation on Farms.* Ms. Coyle and Ms. McCulloch informed the board that S1538/A2859 became law and provided a précis of the law's details. The new law permits Energy Generation Facilities (EGF) on preserved farmland provided that certain conditions are met. The SADC will develop new regulations to administer the statute with technical assistance from the Board of Public Utilities.

## **NEW BUSINESS**

*Resolution 2010-02: Revised Preliminary Approval: Lare, Chester Twp. & Mendham Twp.* On motion of member D. Davis, seconded by member Ashley Myers, the board adopted Resolution 2010-02. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, L. Davis, R. Desiderio, Ort and Keller  
Nay: None     Abstain: None

*Open Space Trust Fund Committee – new CADB representative.* The board discussed nominating a new representative to the Open Space Trust Fund Committee. Members L. Davis and R. Desiderio were nominated and agreed to consider the nomination.

## **OPEN TO THE PUBLIC**

There were no comments from the public.

## **ADJOURNMENT**

There being no further business, on motion of member Ashley Myers, seconded by member D. Davis, the meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Katherine Coyle  
Director