

**MINUTES**  
**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD**  
**30 Schuyler Place, 4<sup>th</sup> Floor, Morristown, New Jersey**  
**March 11, 2010**

The meeting was called to order by Chairman Keller at 7:32 p.m. Members present:

Aimee Ashley Myers (arrived at 7:40 p.m.)  
Dale Davis  
Louise Davis  
Ricci Desiderio (arrived at 7:35 p.m.)  
Harvey Ort

Also in attendance:

Peter Nitzsche, Morris County Rutgers Cooperative Extension  
Tim Brill, SADC  
James Gregory, Esq., Counsel for Washington Twp. MUA  
Paul Costic, Executive Director, Washington Twp. MUA  
Sam Akin, Chairman, Washington Twp. MUA  
Robert Smith, owner of Willow Pond Farm

Staff in attendance:

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

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**COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW**

Chairman Keller 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.

**APPROVAL OF MINUTES**

The minutes of the December 10, 2009 and the January 14, 2010 meetings were not available.

On motion of member D. Davis, seconded by member Ort, the board approved the minutes of the February 18, 2010 regular meeting. A roll call vote was taken.

Aye: D. Davis, Ort and Keller

Nay: None     Abstain: L. Davis

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

There were no comments from the public.

## **CLOSED SESSION**

On motion of member Ort, seconded by member D. Davis, the board closed the open portion of the meeting and voted to conduct a closed session at 7:24 p.m.

At 7:35 p.m. member Desiderio arrived; at 7:40 p.m. member Ashley-Myers arrived.

## **RETURN TO MEETING**

The meeting reopened to the public at 8:20 p.m.

## **ACTIONS RESULTING FROM CLOSED SESSION**

Actions resulting from Closed Session were addressed during New Business.

## **REPORT OF DIRECTOR & ATTORNEY**

There was no report from Director or Attorney

## **RIGHT TO FARM**

There were no Right To Farm issues to discuss.

## **CORRESPONDENCE**

There was no correspondence to review.

## **OLD BUSINESS**

There was no Old Business to discuss.

## **NEW BUSINESS**

**Resolution 2010-05 – Revised Final Approval, Susan Peach**, Washington Twp. On motion of member L. Davis, seconded by member Ashley Myers, the board adopted Resolution 2010-05.

A roll call vote was taken.

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

Nay: None                      Abstain: None

**Resolution 2010-04 – Revised Preliminary Approval, Hickey**, Washington Twp. On motion of member L. Davis, seconded by member Ashley Myers, the board adopted Resolution 2010-04. A roll call vote was taken.

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

Nay: None

Abstain: None

*Farrand 5 Farm, Washington Twp: Offer to Purchase Development Easement.* On motion of member L. Davis, seconded by member Ashley Myers, the board agreed to make an offer to the owners of the Farrand 5 Farm for the amount agreed upon during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

*Farrand 6 Farm, Washington Twp: Offer to Purchase Development Easement.* On motion of member L. Davis, seconded by member Ashley Myers, the board agreed to make an offer to the owners of the Farrand 6 Farm for the amount agreed upon during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

*Washington Township Municipal Utilities Authority (WTMUA)*

*Notice of Intent (NOI): Condemnation in the ADA – R. Smith Farm*

*Notice of Intent (NOI): Condemnation in the ADA – H. Searles Farm*

Board member Ort recused himself from these discussions, stating a conflict of interest.

Chairman Keller reviewed the tasks of the CADB on this topic. Their first decision would be to determine if the Notice of Intent (NOI) is complete or not. If the NOI is deemed complete, then the Board will hear testimony and develop a recommendation, which would reflect whether this project would have an “unreasonably adverse effect on agriculture”.

Katherine Coyle referred the Board to the list of information needed to deem this NOI complete. Among other items not fully addressed was the size of the buffer area required around this well; the WTMUA states the buffer required is 50 ft, but regulations indicate that given the well’s location on an “active farm” – which is considered a “minor pollutant source” - the buffer would need to be the greater of 500 ft or 200 TOT (“time to travel” - the distance the water could travel in 200 days). If the farm was converted at any point to a livestock operation, then it would be considered a “major pollutant source” and the buffer area would be much larger. James Gregory, Esq stated that the buffer is 50 ft per the Safe Water Drinking Act.

Ms. Coyle then asked several questions to be answered by the WTMUA:

1. *Will there be any restrictions on future agricultural wells on this farm as a result of this production well’s existence? If so, the WTMUA should inform this Board of those limitations now.* Mr. Gregory’s answer: There are no documents indicating that there would be limitations, but the farmer would have to comply with all regulations.
2. *Would the WTMUA be seeking an “exemption” from the Highland Council for this well?* Mr. Costic’s answer: The Aquifer Test/Use Permit would trigger a review by the Highlands Council. There would be no change in the WTMUA’s Highlands “allocation” amounts. The WTMUA has received verbal assurances at meetings with the Highlands

Council staff. They encouraged extra wells as long as the allocation permit gallonage amount is not exceeded. Mr. Gregory added: There are many permits required.

3. *Will a testing station/well house be required on-site? If so, won't more land be required for this structure(s) in addition to the 50 ft buffer in your application?* Mr. Costic's answer: Yes.

Chairman Keller asked if there was a motion to deem this NOI complete.

On motion of member L. Davis, seconded by member Ashley Myers, the board deemed the *WTMUA Notice of Intent (NOI) for Condemnation in the ADA of the R. Smith Farm and H. Searles Farm* complete. A roll call vote was taken.

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

Nay: None Abstain: None

Chairman Keller stated that the WTMUA will have time to present their case, as will everyone present who would like to do so. Chairman Keller gave a brief re-cap of events to date:

1. Morris CADB received initial NOI in August of 2009
2. Jennifer McCulloch and Tim Brill met with Mr. Costic in Sept '09 to discuss deficiencies in the NOI; Costic presented the 2007 hydrogeologic reports.
3. January 12, 2009 Morris County requested more complete information from the WTMUA
4. WTMUA response letter dated 1/26/10
5. 2/17/10 letter from Morris County requesting more complete information
6. 3/2/10 response from WTMUA, including an Internal Memo from Mr. Costic

Mr. Gregory began the presentation for the WTMUA stating that the issue at hand was whether or not this public well would have an unreasonable adverse effect on agriculture in the area, not whether the CADB liked the well or not. This well is not being drilled for new development. The wells in the Schooley's Mountain water system went dry Memorial Day weekend of 2007, for which the WTMUA was fined by the DEP. At that point the WTMUA hired Uhl, Baron, Rana & Assoc. and began searching for new wells. Mr. Bush asked if the WTMUA had any documents they would like to introduce. Mr. Gregory responded that all documents had been sent to Frank Pinto already.

Sam Akin presented an overview of the WTMUA. The WTMUA has 2,500 customers, 2 sewer systems and 2 water systems, the "Valley" and the "Mountain" systems, each is stand-alone, not interconnected. The Valley water system has plentiful water and the Mountain water system has a more scarce supply. The WTMUA has annual revenues of \$3 million; \$1 million of this is used to pay the principal and interest on bonds they've issued, and \$2 million is used for operating expenses. On Memorial Day, 2007 they ran out of water because of two issues: not enough water supply and they ran out of storage. As a result, the WTMUA developed a hydraulic model to pump water to higher elevations, and they assessed where there might be new wells. The WTMUA currently has two tanks:

- Schooley's Mountain Tank – holds 790,000 gallons, but it is not at a high enough elevation and can't maintain the proper pressure – they are looking to use pumps to pressurize the system
- Naughtright Road Tank – holds 150,000gallons

Mr. Akin also stated that water stored for too long degrades in quality, so the really big tanks (like the Schooley's Mountain tank) are no good because you can't drain them fully. Mr. Akin also said the WTMUA is constrained by limitations in the system's piping from moving water to where they need it. He finished his presentation with the statement that the WTMUA Board is committed to working with the MCADB.

Chairman Keller asked a series of questions:

1. *What is the GPM (gallons per minute) produced by the Scheffler and Smith wells?* Mr. Costic's reply: Scheffler produces 125 gpm, Smith produces 300 gpm in 24 hour tests that have been done; 72 hour tests have not been performed yet.
2. *Was the water system failure of Memorial Day 2007 the precipitating event for finding new wells?* Mr. Costic's reply: Yes
3. *Has the water system failed since that weekend?* Mr. Costic's reply: No, WTMUA put water use restrictions in place, as well as an escalating rate structure for water usage. Customers have been given a financial incentive to conserve.
4. *Were there any use restrictions in place before Memorial Day weekend 2007?* Mr. Costic's reply: No, there weren't any.
5. *Have you imposed a graduated rate structure now?* Mr. Costic's reply: Yes
6. *Do you have a seasonal rate change now?* Mr. Costic's reply: No
7. *Do you utilize seasonal restrictions now?* Mr. Costic's reply: Yes
8. *Have these restrictions worked?* Mr. Costic's reply: Yes
9. *Have you made any substantial infrastructure changes since this event?* Mr. Costic's reply: No, not yet.
10. *Have you run out of water since Memorial Day weekend 2007?* Mr. Costic's reply: No
11. *What amount of water would you have needed on Memorial Day 2007 to avoid the water system failure?* Mr. Costic's reply: another 100 gpm and then we would've been OK. Or we would have needed 1.5 million gallons of storage. Mr. Akin made additional comments: The 1.5 million gallons of storage would cost us \$6 million dollars, which is cost-prohibitive, and this water would have very limited use because of water degradation.

12. *What is the time period for stored water to degrade?* Mr. Costic's reply: 5-7 days approximately, there is no DEP standard for this. Water loses Chlorine and Oxygen over time, it changes how the water looks, tastes and smells; it goes bad and the bacteria count rises, it becomes potentially carcinogenic. The overall problem is really supply, not storage.
13. *Can you develop a storage facility suited for the appropriate period of storage time before the water degrades?* Mr. Costic's reply: Yes, we could add a 300,000 gallon tank.
14. *Was this proposed storage tank solution part of the NOI you submitted?* Mr. Costic's reply: No
15. *Would handling the storage problem resolve the need for additional water?* Mr. Costic's reply: No
16. *Have you tried connecting to the Valley water system?* Mr. Costic's reply: There is a surplus of water available but it would be a multi-million dollar cost to do this, so it is cost-prohibitive.
17. *Have you tried to interconnect with the Hackettstown water system?* Mr. Akin's reply: Yes, we approached the Hackettstown MUA and they declined.
18. *Are the restrictions as a result of Memorial Day 2007 still in place?* Mr. Costic's reply: Yes
19. *Are the rate increases put in place since Memorial Day 2007 still in effect?* Mr. Costic's reply: Yes, they have actually increased.
20. *What is the rate of loss in your water system, meaning the pumped water that does not make it to homes?* Mr. Akin stated: We are trying hard to control this water loss. There is an issue with our well meters; we've hired a company to isolate the leaks. We also lose water in the system when the Fire Department runs drills or the Public Works Road Crews use water. Mr. Costic's reply: We have 5 zones that we read on a staggered basis, so we have a rolling average. It's probably about 15-20%, probably the same as everywhere else. It was at 20 - 25% in 2007 then we repaired leaks and brought it down to 15%.
21. *Is it the WTMUA's duty to report 'rate of loss' to the DEP?* Mr. Costic's reply: Yes, my mid-2008 'rate of loss' numbers were down to 15%, as I said before. Mr. Gregory stated: There are mathematical corrections. Mr. Costic added: There are seasonal pipe breaks we have to deal with, but we have addressed the leakage problem and reduced it by 10% so that we are in the 15% range, which is our goal.

Mr. Bush then asked a series of questions:

1. *Have there been any water failure events since Memorial Day 2007?* Mr. Costic's reply: No, there was a mini-drought right before Memorial Day in 2007; we haven't had that situation since.
2. *Was the water failure event of Memorial Day 2007 mentioned or described in the NOI submission?* Mr. Costic's reply: No
3. *There is no discussion in the NOI of the Memorial Day water failure of 2007. Is this kind of water failure something that should be expected? Is it a 5-year, 10-year, 20-year event?* Mr. Costic's reply: Yes, but it's tough to predict, I can't define when it would be in the future.
4. *Is there a science to predicting these events?* Mr. Costic's reply: No,.....Yes.

Chairman Keller asked several more questions:

1. *CADB staff's investigation indicates that a 500' or more buffer will be required based on DEP regulations that require 500 ft or 200 days "Time to Travel" (TOT) – whichever is larger, because this is an active farm. Is this the case?* Mr. Gregory answered: No, according to the Safe Drinking Water Act, we only need to control 50 feet around the well, although the DEP may take more. Mr. Costic stated: There are rules, but then there is the practical application of these standards, which could be quite different.
2. *Did you attempt to get an opinion from the DEP regarding the buffer required for this well?* Mr. Costic's reply: No, that would have been futile. The DEP won't issue advisory opinions. Washington Twp. has never had an issue with contamination.
3. *Is an active farm considered a minor pollutant source?* Mr. Costic's reply: Yes
4. *Is a livestock farm considered a major pollutant source?* Mr. Costic's reply: Yes. But the Tice Farm has wells in areas where horses train and walk around the well itself. In the past, like the late 90's, this was considered OK. If there are new regulations now, I don't know about them.
5. *If the DEP recommends additional buffers, would the WTMUA be required to impose these buffers?* Mr. Costic's reply: No, not necessarily. There is lots of geographic variation in NJ, we have hard rock, not sand like they have in South Jersey. Additional restrictions are not imposed by the DEP in Washington Twp. The DEP can recommend well-head protection standards in terms of miles from wells. But regulations can change tomorrow! Well standards are designed to minimize contamination potential; the Smith farm well is 400 ft deep and from a geological standpoint virtually impervious.

Ms. Coyle cited DEP regulations:

1. N.J.A.C. 7:10-11.4 item (a) 5 – an active farm is considered a “minor pollutant source”
2. N.J.A.C. 7:10-11.7 item (c) 1 and 2 – there should be a buffer of 200 days TOT (time of travel) or 500ft, whichever is greater, within which “active farming” will be prohibited.

Mr. Bush asked: *Did you explore this question of buffer size with the DEP?* Mr. Costic's reply: No, we've had no discussions with the DEP on this. You can only get an answer from the DEP if you ask for a DEP permit; they won't give advisory opinions. Mr. Gregory then stated: the DEP may recommend additional buffer size and the WTMUA may choose to ignore that recommendation. A recommendation is a condition for something, like a permit. The DEP can set this as a condition for you to draw water from the system. There are no final answers from the DEP on buffers, they retain discretion. Mr. Gregory stated: The MCADB can postpone action for 60 days and have their public hearing, and then the WTMUA will go ahead with this well.

Chairman Keller asked:

1. *Would Mr. Smith be able to drill a well, apart from yours, on his farm?* Mr. Costic's reply: Yes, DEP permits will be needed and the DEP will most likely impose restrictions. For example, his well could not be too close to our well.
2. *Would the WTMUA well diminish Mr. Smith's chances of drilling a well?* Mr. Costic's reply: There are other areas on the Smith site where wells can be drilled.
3. *Would you say you picked the best spot, the "sweet spot" for the WTMUA well? Is Mr. Smith precluded from drilling a well in the best place because you drilled it first? Will there be DEP restrictions on Mr. Smith's well because a WTMUA well was drilled there first?* Mr. Costic's reply: Possibly, well...probably. Yes, we picked the best spot, we want the Smith well because it's the highest producing at 300 gpm, the Scheffler well is the next best well at 150 gpm, which is half that of the Smith well.

Boardmember Ashley Myers asked:

1. *Is Smith the highest producing new well you've found? If so, what is the next best producing well?* Mr. Costic's answer: Yes, Smith is the best well; the next best is the 150 gpm well.
2. *Is this "next best well" the Scheffler well?* Mr. Costic's answer: Yes, that would be the Scheffler well.

Chairman Keller asked farm owner Robert Smith if he would like to be heard at this point. Mr. Smith presented the following facts regarding his property:

1. He has been talking to Highlands staff since 2004, he even tried to divide his lot into 3 agricultural lots. On October 30, 2008 he was informed in writing that Susan Michniewski of NJDEP would require an Archeological Phase I study as per N.J.A.C. 7:38-3.10 – *Highlands Act- Historic and Archaeological Areas* before any proposed activity, other than farming, could occur.
2. There is a 1-acre irrigation pond on-site that is a tributary of the South Branch of the Raritan River. As a result, his property is subject to state open water regulations as per

N.J.A.C. 7:13. Mr. Smith is not certain that a well of this magnitude is even allowed due to these open water regulations.

3. There is an old building, near this well, that was used in WWII as an airport building that could possibly be deemed historic, if this were the case, there might be other restrictions that come into play.
4. The WTMUA needs 125 gpm, there are other wells that Mr. Costic has found outside of the ADA that can provide this level of water, there is no need to drill on his [Smith's] property.
5. At our September 17, 2009 meeting, Mr. Costic alluded that the source of the water deficit problem is due to the "Woods" development by Toll Brothers of 39 single family homes; their underground sprinkler systems use 1,500-3,000 gallons per day (gpd) which is far in excess, over 5 times the amount the average customer in Washington Twp uses which is 300 gpd.

Mr. Smith then asked several questions of Mr. Costic directly:

1. *Would there be any need for more water if it weren't for these sprinkler systems in the Woods development?* Mr. Costic's answer: An initial study lead to three new wells that met the DEP's projected demand standards. The sprinkler system use was not predicted at that time.
2. *Did you sign applications for well permits on my property?* Mr. Costic's answer: Yes, I signed all the necessary documents.
3. *Did I give you Power of Agency, the right to represent me as my agent, in our Right of Access agreement?* Mr. Costic's answer: No. Mr. Smith replied: And yet you signed the well permit application as "owner", and the well permit issued lists the WTMUA as owner, the monitoring well permit was signed by you as owner, and the monitoring well record lists you as owner. These are fraudulent documents and I have notified the DEP of this fact. (At this point Mr. Smith provided the March 9, 2010 letter he sent to DEP asking for the well permits to be rescinded). Mr. Gregory responded: The WTMUA can dig test wells anywhere they want. Mr. Smith replied: That very well may be, but as we both know, by DEP standards if you believe that a test well may end up being a production well, it must be dug to production well standards and sizes from the beginning. The MUA knew all along that you would be digging a production well on my property, yet at no point, including when you pressured me to sign the Right of Access agreement, threatening condemnation, did you notify me of this fact. You constantly referred to it as a "little test well". It wasn't until you had actually dug the well, and I saw the massive size of the well that I knew this was no "little test well". You have put a production well on my property.

*Note:* Mr. Bush asked that Mr. Smith's letter dated March 9, 2010 to the DEP requesting that the well permits on his property be revoked, be entered into the record.

4. *Do you realize that currently the well you have dug is legally mine, because I am the owner of the land?* Mr. Costic's answer: That is my well.

*Note:* At this point Mr. Gregory advised Mr. Costic to not answer any further questions from Mr. Smith.

5. *Do you believe the WTMUA acted properly?* Mr. Gregory's answer: The WTMUA, as a public utility, has the right to do test wells where ever they want, even if the permits were not filed properly.

Attorney Bush asked the following questions of Mr. Gregory:

1. *So Mr. Costic is not agent for Robert Smith?* Mr. Gregory's answer: No. I don't know what relevance this has for the MCADB determination, but we have no objection to the CADB's review.
2. *Were your discussions with the Highlands Council memorialized in any way?* Mr. Gregory's answer: No
3. *Did the Highlands Council representatives indicate in any written way that the WTMUA was exempt from the Highlands?* Mr. Gregory's answer: No, there is nothing in writing. But the WTMUA doesn't need to go through any process with the Highlands Council as long as their allocation is not exceeded.

Mr. Smith asked Mr. Gregory: *Why hasn't the WTMUA followed the rules of development in the Highlands, especially those regarding a MHD (Major Highlands Development)?* Mr. Gregory answered: We had a meeting with the DEP in mid-2009, Paul Costic, Sam Akin, myself, Joe Fisher (WTMUA Geologist), Dan Van Apps, Eileen Swann and 2 or 3 other people from the Highlands group to discuss this well. There is no documentation of this discussion or their recommendations.

Frank Pinto asked the following questions:

1. *Is there a statute that allows an MUA to apply for permits without landowner consent?* Mr. Gregory advised his client, Mr. Costic, not to answer this question. Mr. Gregory stated that he was not sure, but he thought the WTMUA had land access rights.
2. *Is this WTMUA standard procedure?* Mr. Gregory responded: We usually contact the landowner, get an access agreement, and then get the well permits afterwards.

Mr. Pinto stated that the MCADB is working with Mr. Smith to preserve his farm utilizing pre-Highlands Act values. This window of opportunity is closing soon for a number of reasons:

- Garden State Preservation Trust Fund is essentially running out of money.

- July 2009 expiration on pre-Highlands appraisals, Mr. Smith's appraisals were completed by this deadline, and submitted by deadline of December of 2009. Appraisals more than 2 years old are not accepted by the SADC; if this process is delayed the appraisals could eventually be invalid.
- CADB's funding from the SADC's "Competitive Round" is drying up as well, if we don't use these funds, money for this farm is jeopardized.

Mr. Pinto ended by stating that the WTMUA appears to have disregarded the law by pursuing condemnation before completing the required NOI process.

Mr. Gregory stated that the WTMUA will do whatever it can to assist. Mr. Costic stated that he felt the September 17, 2009 meeting was cooperative; he was delayed on the mapping side. Morris County suggested other meetings to work out issues. Mr. Gregory said that he had advised the WTMUA to intentionally wait until they clearly had an intention to condemn. Mr. Aiken stated that in the Valley there was a well on a farm that went on to be preserved, but he wasn't sure if it was in the Preservation Area or not. Mr. Costic stated that it didn't matter, because the Highlands Council doesn't get involved until later in the process.

Chairman Keller shared the DEP summary documents received today, as well as the Staff Report of March 10, 2010. Chairman Keller said that a finding is needed and asked if there was a motion that this well would result in no adverse effect on agriculture.

Member L. Davis made a motion that the well on the Smith Farm posed no unreasonably adverse effect on agriculture. Motion was seconded by member Ashley Myers. A roll call vote was taken.

Aye: None

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

This motion failed.

Chairman Keller stated that the issue of the required buffer is very important. Anything above a 50 ft. buffer would have an adverse effect on agriculture. Given that our role is to protect the ADA and farmland preservation policies in our county, it might be well to err on the side of caution. Items to consider:

1. The production well drilled by the WTMUA impacts the farmer's ability to drill a well, either for field irrigation, or a future home on the farm (there currently is no residence on-site).
2. The Highlands regulations affecting this well remain an unresolved issue.
3. The need for this additional water has not been firmly established since there has been no reoccurrence of water system failure; conservation and the increased storage/distribution of water might be adequate measures in this situation.
4. The Sheffler well, located outside the ADA, appears to provide "an acceptable quantity of good quality water" per the WTMUA's initial NOI report.
5. If our Board decides that this well causes an unreasonably adverse effect on agriculture, then we will have 60 days to schedule a public hearing on this matter; said public hearing to occur within 60 days.

Member L. Davis made a motion that the well on the Smith Farm posed an unreasonably adverse effect on

1. preservation and enhancement of agriculture in the ADA, and
2. upon overall state agricultural preservation and development policies.

Motion was seconded by member Ashley Myers. A roll call vote was taken.

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

Nay: None Abstain: None

The motion passed unanimously, and this well was determined to pose an unreasonably adverse effect on

1. preservation and enhancement of agriculture in the ADA, and
2. upon overall state agricultural preservation and development policies.

by the MCADB. A public hearing will be scheduled. Mr. Bush encouraged the Board to have the hearing at the limit of the 60-day time period allowed so that we can remain in sync with the SADC in this process, and hopefully have a joint public hearing on this matter. Thursday, May 6<sup>th</sup> was suggested as a potential hearing date, venue will be decided later.

On motion of member D. Davis, seconded by member Ashley Myers, the board set the date for the public hearing regarding the *WTMUA's Condemnation in the ADA of the R. Smith Farm and H. Searles Farm* for May 6, 2010, time and location to be determined. A roll call vote was taken.

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

Nay: None Abstain: None

Mr. Gregory said that he will take this information under advisement.

Board member Ort returned to the meeting at this point.

## **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 L. Davis, the meeting was adjourned at 10:50 p.m.

Respectfully submitted,

Jennifer McCulloch  
Assistant Director