

**MINUTES**  
**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD**  
**30 Schuyler Place, 4<sup>th</sup> Floor, Morristown, New Jersey**  
**November 17, 2011**

The meeting was called to order by Chairman Keller at 7:35 p.m. Members present:

Aimee Ashley Myers  
Dale Davis  
Louise Davis  
Rick Desiderio (arrived at 7:38 p.m.)  
Harvey Ort

Also in attendance:

William Roehrich, Washington Township Liaison

Staff in attendance:

Deena Cybulski  
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**

On motion of member L. Davis, seconded by member Ashley Myers, the board approved the closed session minutes of the July 7, 2011 regular meeting. A roll call vote was taken.

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

Nay: None     Abstain: None

**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 Ashley Myers, the board closed the open portion of the meeting pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act and per the board's normal resolution language, and voted to conduct a closed session.

## **RETURN TO MEETING**

The meeting reopened to the public at 8:05 p.m.

## **REPORT OF DIRECTOR & ATTORNEY**

*Landowner Outreach Campaign* – Ms. McCulloch informed the board that she had conducted a landowner outreach campaign, which involved sending a letter to each owner of a farm targeted for preservation. The board reviewed the list of targeted farms.

*Flood Buy-Out Program* - Ms. McCulloch informed the board that the County is considering creating a Flood Buy-Out Program.

The board discussed the legislative mandates and natural disasters that have taken place in Morris County in the past several years, including the passage of the Highlands Preservation Act, and more recently, Hurricane Irene. This led to a discussion regarding preservation of farms in the Highlands Preservation Area. The board recognized that a significant number of farm owners in the Highlands Preservation Area are not able to enroll their farms in the preservation program due to not meeting the state's and the county's minimum eligibility criteria. The board discussed the possibility of returning to the preservation approach, which was utilized at the onset of the program where each farm was evaluated on a case-by-case basis. However, since the farms in question would not meet the state's minimum criteria, the state would not provide a cost-share grant to preserve them, which means that the county would provide all of the funding. The board further discusses whether the county could compensate the landowners in the Highlands Preservation Area based on pre-Highlands appraised values as occurs in the cases where state funding is involved. The board directed staff to draft a letter to the Morris County Board of Chosen Freeholders requesting that Preservation Trust staff re-evaluate their programs, funding allocations, and overall structure to address the plight of property owners (and in particular agricultural landowners) facing extreme loss of value from both natural and man-made challenges. The board further requested that the CADB's mission be expanded to preserve farms in the Highlands Preservation Area on a case-by-case basis, utilizing only county funding, and compensating landowners based on pre-Highlands appraised values.

*Charters Farm – Mount Olive Twp.* – Ms. Coyle informed the board that the Charters Farm public re-auction is scheduled for November 28, 2011.

*Change to Quarterly Meeting Dates* – The board discussed switching to a quarterly meeting schedule. The board decided to keep the current monthly meeting schedule.

## **ACTIONS RESULTING FROM CLOSED SESSION**

*Warlick Farm, Chester Twp.* - On motion of member L. Davis, seconded by member Ashley Myers, the board voted to not pursue the preservation of the Warlick Farm. A roll call vote was taken.

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

Nay: None Abstain: None

*How Farm, Mendham 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 How 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

*DeNeufville Farm, Mendham 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 DeNeufville 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

*R. Smith Farm, Washington Twp. – Contract Extension.* On motion of member L. Davis, seconded by member Ashley Myers, the board agreed to extend the contract by six (6) months as agreed upon during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: Ort

*Letter to MC Board of Chosen Freeholders* - On motion of member L. Davis, seconded by member Ashley Myers, the board directed staff to draft a letter to the Morris County Board of Chosen Freeholders as agreed upon earlier in the evening. A roll call vote was taken.

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

Nay: None Abstain: None

## **RIGHT TO FARM**

*Fish Farm, Florham Park* – Ms. Coyle informed the board that the owners of the Fish Farm requested the CADB's assistance in regard to a Borough of Florham Park violation notice, which stated that the farm owners violated section 265-41 of the Borough Code by allowing their cows to "run at large." Ms. Coyle sent a letter to the Borough officials informing them of the requirements of the Right to Farm Act, namely that anyone aggrieved by a commercial farm operation is required to file a complaint with the CADB prior to filing an action in court. Ms. Coyle informed the board that the cows got out on a couple of occasions due to damage to the farm's fencing caused by fallen trees and Hurricane Irene. Ms. Coyle spoke with the Chief of Police who stated that the Borough wanted to ensure that the fencing would be fixed and that the animals would not get out again. The farm owners assured Ms. Coyle that the fencing problems were being addressed.

*Morris Twp. – draft RTF Ordinance* – Ms. Coyle informed the board that Morris Township had drafted a Right to Farm Ordinance as requested by the CADB. Ms. Coyle presented the draft ordinance to the board and provided staff comments. The board reviewed the ordinance and directed Ms. Coyle to summarize the board's comments and to submit them in writing to Morris Township. In particular, the board was concerned about the following provisions: fencing height restrictions, restrictions re: seasonal activities such as Christmas tree operations, and mandatory pesticide application in all agricultural buildings.

## **CORRESPONDENCE**

There was no correspondence to review.

## **OLD BUSINESS**

There was no old business to discuss.

## **NEW BUSINESS**

There was no new business to discuss.

## **OPEN TO THE PUBLIC**

There were no comments from the public.

## **ADJOURNMENT**

There being no further business, on motion of member L. Davis, seconded by member Ashley Myers, the meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Katherine Coyle  
Director