

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
June 14, 2012

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

Aimee Ashley Myers
Dale Davis
Louise Davis

Also in attendance:

William Roehrich, Washington Twp. Liaison

Staff in attendance:

Deena Cybulski
Ray Chang
W. Randall Bush, Esq.
Katherine Coyle
Tina Boyer

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 Ashley Myers, seconded by member D. Davis, the board approved the minutes of the May 10, 2012 regular meeting. A roll call vote was taken.

Aye: Ashley Myers, D. Davis and Keller

Nay: None Abstain: L. Davis

OPEN TO THE PUBLIC

There were no comments from the public.

CLOSED SESSION

On motion of member Ashley Myers, seconded by member D. Davis, 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 standard resolution language, and voted to conduct a closed session.

RETURN TO MEETING

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

ACTIONS RESULTING FROM CLOSED SESSION

Robert Smith Farm, Washington Township – On motion of member L. Davis, seconded by member Ashley Myers, the board directed staff to prepare a letter to the SADC seeking a six month extension of the SADC’s conditional final approval. A roll call vote was taken.

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

Nay: None Abstain: None

Turnquist-Porambo Farm (Beacon Hill Road), Washington Township – On motion of member L. Davis, seconded by member Ashley Myers, the board directed staff to prepare a letter to the landowner as discussed in Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

Cholish Farm, Washington Township – On motion of member L. Davis, seconded by member Ashley Myers, the board directed staff to prepare a letter to the landowner as discussed in Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

No report was provided.

RIGHT TO FARM

Mine Hill Township – Draft RTF Ordinance. Ms. Coyle informed the board that a draft of a RTF ordinance was received from Mine Hill Township as well as an email from the municipal attorney, Robert Oostdyk, addressing the Township’s concern regarding livestock operations. The board discussed the township’s wishes to prohibit livestock operations. However, since the Right to Farm Act protects and allows livestock operations, an ordinance that prohibits them may be in direct conflict with state law. The ordinance would also prohibit agricultural labor housing other than the farm owner’s residential home. “Commercial farm” was not defined in the ordinance, which needs to be addressed in order to specify which farms are covered. The board directed staff to prepare a letter for their review at the July 12th meeting summarizing the board’s comments regarding the draft ordinance.

Landi Simone, Gooserock Farm – Request for SADC Assistance. Ms. Coyle reminded the board that Ms. Landi Simone, owner of an apiary called Gooserock Farm, had submitted an application for a SSAMP for her operation, however the CADB has a conflict of interest in the matter. A response from the SADC was received regarding the request to find another CADB to hear the matter. The response stated that it is the agency’s position that the board should obtain a written

opinion from the Local Finance Board in order to handle alleged conflict of interest cases. Mr. Bush informed the board that he spoke with Brian Smith and sent his office the additional letters from Ms. Simone and Freeholder Deputy Director Douglas Cabana for his review. Mr. Bush suggested referring the matter to an adjoining CADB. On motion of member L. Davis, seconded by member Ashley Myers, the board directed staff to refer the matter to an adjoining CADB if the Morris CADB does not receive a response from the SADC by next week. A roll call vote was taken.

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

Nay: None Abstain: None

Alex Adams, Denville Township – Complaint; Procedures. Ms. Coyle informed the board that Denville Township filed a complaint with the CADB against Mr. Alex Adams. The procedure under RTF for conflict resolution states that a matter must first be heard by the SADC if the specific activities are not addressed by an existing regulation. In this particular case, the activity being questioned is the accumulation of waste on the property instead of a specific agricultural activity. A determination by the SADC needs to be made as to whether Mr. Adams' property or properties constitute a commercial farm subject to the protections of the Right to Farm Act. If the agency determines that the properties qualify as a commercial farm under the RTF Act, then the Municipal and Superior Court lack subject matter jurisdiction in the matter and the Summons Complaint shall be dismissed. If the properties do not constitute a commercial farm, then the matter shall be heard by the Superior Court. On motion of member L. Davis, seconded by member Ashley Myers, the board directed staff to forward the complaint to the SADC for their initial review. A roll call vote was taken.

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

Nay: None Abstain: None

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

Resolution 2012-06: Nicholas Martini Foundation, Washington Township – Revised Preliminary Approval. Ms. Coyle informed the board that a revised Resolution of Preliminary Approval needs to be adopted for the Nicholas Martini Foundation Farm with an addition regarding a non-agricultural uses, the storage for a small fee of several vehicles and boats in the existing barn. On motion of member L. Davis, seconded by member Ashley Myers, the board approved the revised Resolution. A roll call vote was taken.

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

Nay: None Abstain: None

NEW BUSINESS

Mr. Roehrich informed the board that the Driegert Farm, formerly the Middle Valley Nursery, may enter into lease purchase agreement with a potential new buyer sometime in the following week.

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 9:10 p.m.

Respectfully submitted,

Katherine Coyle
Director