

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
July 12, 2012

The meeting was called to order by Chairman Keller at 7:36 p.m. Members present:

Aimee Ashley Myers
Dale Davis
Rick Desiderio
Harvey Ort
Kenneth Wightman

Also in attendance:

Brian Lofberg
Jay Thomson (departed at 8:05 pm)
Robert Thomson (departed at 8:05 pm)

Staff in attendance:

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

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 June 14, 2012 regular meeting. A roll call vote was taken.

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

OPEN TO THE PUBLIC

There were no comments from the public.

CLOSED SESSION

On motion of member Wightman, 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 standard resolution language, and voted to conduct a closed session.

RETURN TO MEETING

The meeting reopened to the public at 8:35 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Andrews Farm, Washington Township – On motion of member Ashley Myers, seconded by member Wightman, the board directed staff to send a letter to the farm owner as discussed during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

Cholish Farm, Washington Township – On motion of member Wightman, seconded by member Ashley Myers, the board directed staff to re-send a letter to the farm owner via Certified and Regular Mail as discussed in Closed Session. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Desiderio, Ort, Wightman 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 she drafted a letter with the board's comments in response to the draft RTF ordinance that was received from Mine Hill Township. The response stated that that draft ordinance should contain the definition of a "commercial farm". The response also stated that the prohibition of livestock operations is in direct conflict with the RTF Act. On motion of member Wightman, seconded by member Ashley Myers, the board directed staff to send the official comments to the Mine Hill Township Committee through the Township Clerk, the municipal attorney Robert Oostdyk and Mayor Sam Morris.

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

Nay: None Abstain: None

Landi Simone, Gooserock Farm – Request for SSAMP. 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 since the CADB believes that they have a conflict of interest in the matter, staff had reached out to the SADC for guidance. Brian Smith, Esq., SADC's attorney, handed the matter over to the DAG, Jason Stypinski, Esq. Mr. Bush discussed

the matter with Mr. Smith who advised that it is the SADC's position that the board should obtain a written opinion from the Local Finance Board regarding the conflict of interest cases. Mr. Bush's opinion is to send the matter to a neighboring CADB. The board members agreed. On motion of member Wightman, seconded by member Ashley Myers, the board directed staff to refer the matter to an adjoining CADB based on the conflict of interest. A roll call vote was taken.

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

Nay: None Abstain: None

Alex Adams, Denville Township – Complaint. Ms. Coyle reminded the board that Denville Township filed a complaint with the CADB against Mr. Alex Adams. Pursuant to the RTF Act, the complaint was forwarded to the SADC for their initial review. Upon consultation with the DAG's office, the SADC has agreed that they are the proper forum to hear the matter and will therefore hear it.

Fish Farm, Florham Park – Complaint. Ms. Coyle informed the board that the Florham Park Police filed a complaint with the CADB against the Fish Farm. The farmers' attorney submitted a request for a 30-day adjournment. The board agreed to grant the request. Staff will inform the farmers and their attorney and the Florham Park Police that the matter has been adjourned for 30 days. The matter will be moved to the August agenda.

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

Mr. Lofberg reported several new business items to the board. Governor Christie nominated Peter Johnson of Johnson Corner Farm in Medford to be a new farm member on the SADC. The appointment is subject to approval by the Senate Judiciary Committee and the Senate. Mr. Lofberg informed the board that the On-Farm Direct Marketing AMP working group met last month in response to the issues that were raised by the draft AMP. The final proposal will be presented to the Committee in the fall. Mr. Lofberg informed the board that the rules for solar energy on preserved farms are expected to be reviewed by the SADC at the July meeting for consideration as a formal rule proposal. Mr. Lofberg informed the board that the Garden State Preservation Trust published an Annual Report for FY2011, which was posted on the GSPT's website.

ADJOURNMENT

There being no further business, on motion of member Ashley Myers, seconded by member D. Davis, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Katherine Coyle
Director