

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
May 9, 2013

The meeting was called to order by Chairman Keller at 7:30 p.m. Members present:

Aimee Ashley Myers
Dale Davis
Louise Davis
Rick Desiderio (arrived at 7:34 p.m.)
Harvey Ort
Kenneth Wightman

Staff in attendance:

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 #1

On motion of member L. Davis, seconded by member Wightman, the Board approved the minutes of the April 11, 2013 regular meeting. A roll call vote was taken.

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

Nay: None Abstain: None

OPEN TO THE PUBLIC

There were no comments from the public.

CLOSED SESSION

On motion of member L. Davis, seconded by member Wightman, 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 8:07 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

At this point, member Ort left the meeting room.

R. Smith, Washington Township. On motion of member Ashley Myers, seconded by member D. Davis, the Board directed staff to request an extension of the SADC's Final Approval. A roll call vote was taken.

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

Nay: None Abstain: None

At this point, member Ort returned to the meeting room.

Andrews, Washington Township. On motion of member Wightman, seconded by member L. Davis, the Board directed staff to send a letter to Ms. Glommeau per discussion during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

Hildebrant, Mt. Olive Township. On motion of member Wightman, seconded by member L. Davis, the Board directed staff to send a letter to the landowners per discussion during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

2013 Landowner Outreach. Ms. Coyle informed the Board about the Regional Open House event that took place on May 1st at the Morris County Cultural Center.

Expiration of the Highlands dual-appraisal provision. Ms. Coyle informed the Board about the expiration of the Highlands dual-appraisal provision, which will occur on June 30, 2014. Given the fact that virtually all targeted farms in Morris County are in the Highlands Preservation Area, the Board agreed that a renewal of the dual-appraisal provision is of utmost importance for the Morris County Farmland Preservation Program. Ms. Coyle informed the Board regarding the Farm Bureau's efforts and stated that she would contact the CADB Administrators from all counties in the Highlands Region to coordinate a joint effort to secure an extension.

RIGHT TO FARM

Resolution 2013-03 - Gooserock Farm, Boonton & Montville Twps. – Request for SSAMP. On motion of member L. Davis, seconded by member Wightman, the Board approved Resolution 2013-03. A roll call vote was taken.

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

William & Marjorie Ford, Boonton Twp. – Request for SSAMP. The matter was carried to the June 13, 2013 meeting per the landowners' request. Mr. Bush discussed Mr. Frank's May 1, 2013 letter regarding expert testimony and potential DEP violation. Since Mr. Frank stated that he would not be submitting proofs of compliance with DEP regulations, Mr. Bush asked the Board to authorize him to gather information and submit an OPRA request to the DEP. On motion of member L. Davis, seconded by member Wightman, the Board authorized staff to submit an OPRA request to the NJDEP and to take other necessary actions to determine the landowners' compliance status with NJDEP laws and regulations. A roll call vote was taken.

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

Mr. Bush also stated that statements made by Mr. Frank in his May 1, 2013 letter are offensive to Mr. Bush personally and professionally and that he would address them on the record during the June 13, 2013 meeting. Chairman Keller stated that he would also address this matter with Mr. Frank at the June 13th meeting. He stated that while the Board was not happy with the Local Finance Board's opinion, he had no doubt about the Board's, staff's or Counsel's ability to deal with the case in a professional, neutral and objective manner.

RTF Process revisions & RTF Hearing Procedures – SADC presentation. Mr. Brian Smith, SADC's Chief of Legal Affairs, presented the proposed revisions to the RTF process rules and the new RTF Hearing Procedures.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

There was no old business to review.

NEW BUSINESS

Proposed amendment to Policy: P-13: Meeting Agenda. Staff presented to the Board a draft amendment of Policy: P-13. The amended policy would state that:

“If a Staff Report is prepared for the CADB meeting, upon request, a copy will be provided to the petitioner before noon of the CADB meeting day. The report will be provided via email or fax or can be picked up by the petitioner at the office of the Morris County Department of Planning and Development located at 30 Schuyler Place, Morristown, NJ.”

On motion of member L. Davis, seconded by member Wightman, the Board approved the revision to Policy: P-14. A roll call vote was taken.

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

At this point, member Desiderio left the meeting room.

Termination of 8-Year Program: Tranquility Farm, Chester Twp. Ms. Coyle informed the Board that the termination of the Non-Municipally Approved Farmland Preservation Program for the R. & S. Desiderio Farm will occur on July 8, 2013. The landowners advised the CADB that they do not wish to renew the program. On motion of member L. Davis, seconded by member Wightman, the Board approved the resolution: "Termination of 8-Year Program: Tranquility Farm, Chester Twp.". A roll call vote was taken.

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

At this point, member Desiderio returned to the meeting room.

Proposed new use – Margaret Noon, Mt. Olive Twp.: temporary residential/storage structure. Ms. Coyle informed the Board that Ms. Noon submitted a proposal for the installation of a yurt on her preserved farm. Ms. Noon wished to place a yurt on the farm to be used by her as temporary seasonal living space while she renovates the farm house on the property. In addition, she may wish to use the yurt as a future storage structure for crops that need to be cured. On motion of member Wightman, seconded by member D. Davis, the Board agreed that pursuant to the Deed of Easement, the construction of any new structures for residential use on the preserved farm premises is prohibited. However, since the 3-acre exception area is not encumbered by the Deed of Easement, Ms. Noon may place the yurt anywhere within the exception area as long as it complies with applicable local ordinances. A roll call vote was taken.

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

APPROVAL OF MINUTES #2

On motion of member L. Davis, seconded by member Ort, the Board approved the minutes of the March 14, 2013 regular meeting. A roll call vote was taken.

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

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 D. Davis, the meeting was adjourned at 9:28 p.m.

Respectfully submitted, Katherine Coyle, Director