

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
March 13, 2014

The meeting was called to order by Chairman Keller at 7:33 p.m. Members present:

Dale Davis
Louise Davis
Rick Desiderio
Harvey Ort
Kenneth Wightman

Member with an excused absence:

Aimee Ashley Myers

Others in attendance:

Timothy Brill (SADC)
David Oakes
John Ribardo (PSE&G)
William Roehrich, Washington Township Liaison
John Valeri, Esq. (PSE&G)

Staff in attendance:

Deena Leary
Christine Marion
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

The minutes were not available.

OPEN TO THE PUBLIC

There were no comments from the public.

OLD BUSINESS #1

PSE&G Susquehanna-Roseland Project – Oakes Farm, Rockaway Twp. The Board welcomed Mr. David Oakes, owner of the Oakes Farm, John Valeri, Esq. attorney for PSE&G and Mr. John Ribardo, PSE&G Project Manager.

Mr. Valeri and Mr. Ribardo provided information about PSE&G's Susquehanna-Roseland Project, the project's impact on the preserved Oakes Farm and the restoration of disturbed farm areas. PSE&G confirmed that the access road was constructed outside of the ROW, on the preserved farm premises. Following the removal of the access road, the area was re-seeded. PSE&G will monitor the reseeded for 3 years and, if necessary, will re-seed and re-grade the disturbed areas.

Mr. Valeri informed the Board that PSE&G will evaluate the continued use of the riding ring, which is located under the new transmission lines within the ROW, and which is subject to Federal and State safety laws, including regulations and guidance issued by the North American Electric Liability Corporation, which enforces reliability standards on behalf of the Federal Regulatory Commission. PSE&G will notify the owners of the Oakes Farm, the SADC and the Morris CADB regarding its final decision about the continued use of the riding ring. PSE&G and the owners of the Oakes Farm will not enter into a legal agreement involving the preserved farm premises without obtaining prior approval from the SADC and the Morris CADB.

Ms. Coyle provided information regarding staff's requests submitted to PSE&G for additional information. The requests were submitted on December 16, 2013 and January 8, 2014. PSE&G provided responses on December 27, 2013 and March 5, 2014. Ms. Coyle stated that Mr. Oakes submitted information to the CADB on January 6, 2014 and February 4, 2014, detailing the history of the PSE&G project on his farm, the impact on his farming operation, and the status of the restoration of disturbed areas. He indicated that repairs and restoration of the following areas had not yet been addressed by PSE&G: outdoor riding ring, outdoor riding ring road and Charlottesville Road shoulder repair. Mr. Oakes had also submitted photographs depicting the access road during construction, access road damage (later repaired by PSE&G), and riding ring erosion.

Ms. Coyle stated that the Board was concerned about the possibility of future PSE&G trespass on the preserved farm premises while finalizing their construction work and during maintenance work.

Mr. Valeri confirmed that all future PSE&G construction activities and maintenance of the transmission towers and lines, including management of vegetation within the ROW, will be confined to the existing PSE&G ROW and PSE&G will not encroach onto the preserved Oakes Farm premises. In addition, for the purpose of management of vegetation within the ROW, PSE&G workers will access the ROW on foot and without the use of motorized vehicles.

Mr. Oakes addressed the Board regarding PSE&G's activities on his farm. He agreed that he should have notified the SADC and the CADB regarding the intent to have PSE&G construct and use an access road on the preserved farm premises. He stated that the re-seeding and

remediation have been satisfactory, but will need to be monitored. Mr. Oakes expressed his concern regarding the future of use the riding ring and land within the ROW, damage to the ring and the ring access road.

On motion of member Wightman, seconded by member L. Davis, the Board directed staff to draft a resolution memorializing the Board's decision as follows:

1. PSE&G will restore the areas of the Oakes Farm disturbed during PSE&G's activities to the condition they were in prior to PSE&G's activities and will continue to monitor the disturbed areas for a minimum of three (3) years and, if necessary, shall re-seed and re-grade the disturbed areas.
2. All PSE&G construction activities and future maintenance of the transmission towers and lines, including management of vegetation within the ROW, will be confined to the existing PSE&G ROW and PSE&G will not encroach onto the preserved Oakes Farm premises. For the purpose of management of vegetation within the ROW, PSE&G workers will access the ROW on foot and without the use of motorized vehicles.
3. PSE&G will evaluate the continued use of the riding ring, which is located under the new transmission lines within the ROW, and which is subject to Federal and State safety laws, including regulations and guidance issued by the North American Electric Liability Corporation, which enforces reliability standards on behalf of the Federal Regulatory Commission.
4. If PSE&G determines that use of the riding ring can continue, PSE&G will restore the riding ring and the riding ring road to the condition they were in prior to PSE&G's activities.
5. PSE&G and the owners of the Oakes Farm will not enter into a legal agreement involving the preserved farm premises without obtaining prior approval from the SADC and the Morris CADB.

A roll call vote was taken.

Aye: D. Davis, I. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

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 voted to conduct a Closed Session in order to discuss matters related to the purchase, lease or acquisition of real property.

Chairman Keller announced that in compliance with the Open Public Meetings Act, the Morris CADB closed the open portion of the meeting in order to discuss matters related to the purchase, lease or acquisition of real property in Closed Session.

RETURN TO MEETING

The meeting reopened to the public at 9:47 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

At this point, Member Desiderio left the meeting room.

Tranquility Farm, Chester Twp. On motion of member Wightman, seconded by member L. Davis, the Board directed Mr. Bush to draft a response letter to Mr. Fox. A roll call vote was taken.

Aye: D. Davis, I. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

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

OLD BUSINESS #2

Resolution 2014-03: REVISED Final Approval: Michel 2, Chester Twp. On motion of member Wightman, seconded by member L. Davis, the Board adopted Resolution 2014-03. A roll call vote was taken.

Aye: D. Davis, I. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Resolution 2014-04: Preliminary Approval: Konkus Farm LLC, Chester Twp. On motion of member Wightman, seconded by member L. Davis, the Board adopted Resolution 2014-04. A roll call vote was taken.

Aye: D. Davis, I. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Greenway Flowers, Washington Twp. - Heath Village proposal & re-zoning. Ms. Coyle informed the Board that she had forwarded the Board's comments to the Township via a February 25, 2014 letter.

REPORT OF DIRECTOR & ATTORNEY

Liaison to the Open Space Committee for 2014. The Board discussed the appointment of a new liaison to the Open Space Committee. Chairman Keller agreed to consider serving as the liaison.

Legislative Updates. Ms. Coyle provided the status of pending bills.

RIGHT TO FARM

Anthony Cappuccio, Washington Twp. – Complaint. Ms. Coyle informed the Board that the SADC was in the process of reviewing the Commercial Farm Certification and the operation's eligibility for RTF protections.

Valley Shepherd, Washington Twp. – Complaint. Ms. Coyle informed the Board that per the Board's 2-19-14 decision, she had sent a letter to Washington Township advising that the CADB does not have jurisdiction to hear the matter.

CORRESPONDENCE

There was no correspondence to review.

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 Wightman, the meeting was adjourned at 10:06 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "K. Coyle". The signature is written in a cursive, slightly slanted style.

Katherine Coyle
Director