

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
April 10, 2014

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

Dale Davis
Rick Desiderio
Harvey Ort
Kenneth Wightman

Member with an excused absence:

Aimee Ashley Myers
Louise Davis

Others in attendance:

William Roehrich, Washington Township Liaison
Lawrence Fox, Esq. (departed at 8:55 p.m.)
Matthew Johnston, Esq. (departed at 9:35 p.m.)
Jason Karlinski (departed at 9:35 p.m.)

Staff in attendance:

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

On motion of member Ort, seconded by member D. Davis, the Board members approved the February 13, 2014 meeting minutes. A roll call vote was taken.

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

OPEN TO THE PUBLIC

There were no comments from the public.

RIGHT TO FARM #1

Mathew Johnston, Washington Twp. – request for SSAMP. Mr. Matthew Johnston presented to the Board his application for a SSAMP for the construction of a pole barn on Block 39, Lot 11. Mr. Johnston is the owner and operator of Cherry Valley Farm. The operation consists of 3 parcels located in Washington Township, which total 7.72 acres.

Ms. Coyle presented to the Board a Staff Report summarizing the application, RTF procedures, and staff review and comments. Because Mr. Johnston's farm management unit consists of more than 5 acres, in order to meet the Right to Farm Act's definition of a "commercial farm," it must produce agricultural or horticultural products worth \$2,500 or more annually, and satisfy the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act. Two of the three parcels are Farmland Assessed; one parcel, Block 39, Lot 11, is not.

On motion of member Wightman, seconded by member Ort, the Board members voted that because Block 39, Lot 11 does not meet the eligibility requirements of the Farmland Assessment Act, it is ineligible for the protections of the Right to Farm Act. The Morris CADB lacks jurisdiction over Block 39, Lot 11 and all activities occurring on Block 39, Lot 11 are outside the purview of the Morris CADB. Therefore, the Morris CADB is unable to pursue Mr. Johnston's application for a SSAMP. The Board directed staff to draft a resolution memorializing the Board's decision. A roll call vote was taken.

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

Nay: None Abstain: None

OLD BUSINESS #1

Tranquility Farm, Chester Twp. – review of activities. On January 8, 2014, Chester Township submitted a request to the Board to review a variety of events that take place at Tranquility Farm and to determine whether these activities are in compliance with the Deed of Easement. The Board reviewed Chester Township's request at the February 19, 2014 monthly meeting. Per Morris CADB Policy: P-10: "Deed of Easement Violations", on February 26, 2014, the Board sent a letter to Mr. Rick Desiderio, owner of Tranquility Farm, requesting a written explanation concerning the events. On March 13, 2014, Lawrence J. Fox, Esq., attorney for Tranquility Farm, submitted a response to the Board's February 26, 2014 letter. Because the response was submitted to the Board on the March 13, 2014 meeting date, the matter was tabled until the April 10, 2014 meeting to allow the Board members and staff to review the information submitted.

Mr. Desiderio and Mr. Fox attended the Board's April 10, 2014 meeting. Mr. Bush swore in Mr. Desiderio. Mr. Desiderio provided sworn testimony about his agricultural operation and about the events, which occur at his farm. He stated that Tranquility Farm is an equine operation involved in the breeding, training and competing of horses in the Arabian and open hunter/jumper field. The facility offers boarding, training, lessons, show preparation and coaching at shows, sales preparation, breeding and transportation.

Mr. Desiderio distributed a report published by "Arabian Horse World", dated April 2014, which listed the top ten breeders and owners of purebred and half-Arabian national winners. He

pointed out that Tranquility Farm is ranked third nationally in purebred Arabians and second in half-Arabians.

Mr. Desiderio stated that Tranquility Farm sponsors various events, usually fundraising events, to market his operation, to encourage new customers to participate in his agricultural business, and to educate the public about his farm. He stated that the municipality does not allow him to post a sign at the entrance to his facility that would advertize the services offered. Therefore, he uses other methods of advertisement, such as the fundraising events, to attract new clients to the facility. The events provide an opportunity for the public to view the farm and the facilities, to view a professionally-prepared DVD about the facility, and to meet the owners of the farm. The farm supports fund-raising for both non-profit local schools and charities. Mr. Desiderio charges \$800 per event, with approximately \$300 being paid to Chester Township for various fees. If an event requires the use of a large portion of the facility and the area cannot be utilized for the equine operation during the event, the fee charged for the event is \$2,500. All of the food offered during the events is catered and is brought in from outside of the farm. The attendees of the events view a DVD, "Tranquility Farm Promo", which is continuously displayed on three 60-inch television sets during the events. The Morris CADB viewed the video during the meeting. In addition, the Morris CADB also viewed the Tranquility Farm website, which lists the types of services offered by the facility. The website states that the farm is available for wedding, fundraising events and special occasions. Mr. Desiderio stated that his facility has hosted three weddings, two of which were on horseback.

Following Mr. Desiderio's presentation, a Board discussion ensued.

On motion of member Wightman, seconded by member D. Davis, staff was directed to draft a Staff Report for the next Board meeting. A roll call vote was taken.

Aye: D. Davis, Ort, Wightman and Keller

Nay: None Abstain: Desiderio

Mr. Fox departed at 8:55 p.m.

The Board took a 5 minute break.

OLD BUSINESS #2

Resolution 2014-05 - PSE&G Susquehanna-Roseland Project – Oakes Farm, Rockaway Twp.

On motion of member Ort, seconded by member D. Davis, the Board members approved Resolution 2014-05. A roll call vote was taken.

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

Nay: None Abstain: None

NEW BUSINESS

Scott 2 Farm, Washington Twp. – proposed new use. Mr. Johnston informed the Board that he would represent Man of the Year, LLC, during the evening's proceedings as a substitute for Bill Askin, Esq. Mr. Jason Karlinski, owner of Man of the Year, LLC, submitted a request for an

informal review of a proposed recreational use on Scott Farm 2 - Wild Boar, LLC, a preserved farm owned by Mr. Sean Campbell.

Mr. Bush swore in Mr. Karlinski.

Mr. Karlinski provided sworn testimony regarding his proposed operation. He stated that Man of the Year, LLC intends to lease 6.5 acres of fallow land on Scott Farm II for a recreational business. Man of the Year, LLC would operate a private weekend camp for men. The camp would be open every weekend from 7 p.m. on Friday until 11 a.m. on Sunday during the months of May to October. On a typical weekend, a maximum of 100 people would camp on the farm and participate in competitive events (10 events per day). Man of the Year, LLC would provide canvas tents, catered food, tanks of drinking water, and 5 port-a-potties. All supplies would be delivered using existing farm roads. The port-a-potties would remain on the farm premises throughout the season and would be serviced weekly. The cost of participating in the weekend events would be \$350 per person. Man of the Year, LLC would provide staff at a ratio of 2 staff members for every 10 participants. Parking would be provided on the property using established parking areas. Car-pooling would be required to minimize the number of vehicles parked on the property. Man of the Year, LLC would enter into a 3-year lease agreement with Mr. Campbell for use of the farm during the months of May to October.

According to the Man of the Year, LLC mission statement, the business plans to set up its first venue in New Jersey in May 2014, with plans to add 5 more venues, in other states, in the next 5 years. Man of the Year, LLC plans to market the weekend events to college fraternities, sports teams, sports clubs, corporations and others (within a 3.5 hour drive of the location) for reunions, bachelor parties, birthday parties, etc.

Following Mr. Karlinski's presentation, a Board discussion ensued.

The Board requested that the farm owner, Mr. Campbell, provides information regarding production activities on the 6.5 acre area in questions.

On motion of member Wightman, seconded by member D. Davis, staff was directed to draft a Staff Report for the next Board meeting. A roll call vote was taken.

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

Nay: None Abstain: None

Mr. Johnston and Mr. Karlinski departed at 9:35 p.m.

REPORT OF DIRECTOR & ATTORNEY

Landowner Outreach. Ms. Coyle informed the Board that she had sent letters to the owners of farms targeted for preservation reminding them about the upcoming expiration of the Highlands dual-appraisal provision.

Preserved farm monitoring – Central & North-East regions. Ms. Coyle informed the Board that farms in the Central & North-East regions would be monitored during the months of April and

May.

Expiration of Highlands dual-appraisal provision. Ms. Coyle informed the Board that the multi-county letter was sent to the Legislators.

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

RIGHT TO FARM #2

Anthony Cappuccio, Washington Twp. – Complaint. Ms. Coyle informed the Board that the SADC is awaiting income verification from the farm owner.

Fish Farm, Florham Park – Complaint. Ms. Coyle informed the Board that earlier in the day, she had received a complaint from the Florham Park Police Department against the Fish Farm. On April 7, 2014, the SADC adopted new RTF rules governing the complaint and SSAMP processes. Ms. Coyle stated that she would review the new rules to determine the process the Board must follow to address the complaint.

CORRESPONDENCE

There was no correspondence to review.

CLOSED SESSION

On motion of member D. 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 10:35 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

J. Lundberg, Washington Twp. On motion of member Wightman, seconded by member D. Davis, the Board directed staff to send a letter to Mr. Lundberg per the Board's discussion during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member D. Davis, seconded by member Wightman, the meeting was adjourned at 10:38 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "K. Coyle". The letters are cursive and fluid.

Katherine Coyle
Director