

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
August 14, 2014

The meeting was called to order by Chairman Keller at 7:37 p.m. Members present:

Aimee Ashley Myers
Dale Davis
Rick Desiderio
Harvey Ort
Kenneth Wightman

Member with an excused absence:

Louise Davis

Also in Attendance:

Peter Nitzsche
Vincent Carrabba (departed at 8:02 p.m.)
Scott Carlson, Esq. (departed at 8:02 p.m.)
John Mills, Esq. (departed at 8:02 p.m.)
Russell Heiney (departed at 8:02 p.m.)
Mr. & Mrs. Kantor (departed at 8:02 p.m.)
Matthew Johnston, Esq. (departed at 8:26 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

The board tabled the adoption of the October 10, 2013 and November 14, 2013 minutes until the following meeting.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

There were no comments from the public.

RIGHT TO FARM #1

Vincent Carrabba, Mendham Twp. – Complaint. Mr. Bush stated that Ms. Coyle had prepared a Staff Report dated August 6, 2014 summarizing the complaint, procedures, and staff recommendations. The report had been distributed to Mr. Mills, Mr. Carlson and the CADB members prior to the board meeting.

Mr. Mills stated that he agreed with the conclusions of the Staff Report.

Ms. Coyle presented the Staff Report and it was entered into evidence.

Mr. Carlson stated that he agreed with the conclusions of the Staff Report, but disputed that dogs are being bred and raised on the Carrabba property.

On motion of member Wightman, seconded by member Ashley Myers, the Board dismissed the complaint based on the following facts:

The Carrabba property at 5 Thackery Lane is not a “commercial farm” as defined by the Right to Farm Act, N.J.S.A. 4:1C-3, and because the breeding, raising and selling of dogs are not included on the list of permitted activities set forth in N.J.S.A. 4:1C-9, the Carrabba property does not meet the eligibility criteria of the Right to Farm Act and is therefore ineligible for the protections of the Act. The Morris CADB lacks jurisdiction over activities occurring on the Carrabba property.

The Board further directed staff to draft a resolution memorializing the Board’s decision. A roll call vote was taken.

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

Nay: None Abstain: None

Mr. Carrabba, Mr. Carlson, Mr. Mills, Mr. Heiney, and Mr. and Mrs. Kantor left at 8:02 p.m.

*Matthew Johnston, Washington Twp. – 2nd request for SSAMP - **PUBLIC HEARING***

Ms. Coyle presented a Staff Report dated August 14, 2014, which summarized the history of the application, procedures, and staff recommendations. Ms. Coyle indicated that no public comments were submitted prior to the Public Hearing.

Mr. Johnston was sworn in by Mr. Bush.

Mr. Johnston indicated that he had provided written notice of his application and the Public Hearing as required by the regulations. Mr. Bush confirmed that the Board received proofs of

the notifications and stated that the regulatory requirements had been met.

Mr. Johnston summarized his application and indicated that he agreed with the conclusions of the Staff Report.

Member Wightman asked whether the pole barn will be designed and built by an experienced and qualified company. Mr. Johnston advised that the company he retained is Tam Lapp Construction LLC.

No public comments were submitted during to the Public Hearing.

On motion of member Wightman, seconded by member D. Davis, the Board voted that the construction of a pole barn proposed by Mr. Johnston constitutes a generally accepted agricultural management practice and is a permitted activity pursuant to N.J.S.A. 4:1C-9. The Board approved the construction of a pole barn as proposed by Mr. Johnston with the following conditions:

- the construction of the pole barn shall conform to all relevant federal or state statutes, rules and regulations;
- the applicant shall obtain a Soil Erosion and Sediment Control Plan or a Farm Conservation Plan certified by the Morris County Soil Conservation District.

The Board directed staff to draft a resolution memorializing the Board's decision. A roll call vote was taken.

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

Nay: None Abstain: None

Mr. Johnston left at 8:02 p.m.

CLOSED SESSION

On motion of member Wightman, 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 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 9:25 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Maffei, Denville Township. On motion of member Wightman, seconded by member D. Davis, the Board directed staff to contact the owners of the Maffei property per the Board's discussion during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

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

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

Nay: None Abstain: None

Bostrom #2, Randolph Township. On motion of member Wightman, seconded by member D. Davis, the Board directed staff to send a letter to Mr. Bostrom per the Board's discussion during 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

Legislative Updates. Ms. Coyle provided the status of SCR84/ACR-130, which would amend the Constitution to dedicate four percent of Corporate Business Tax (CBT) revenues to open space, farmland, and historic preservation, water programs, public and private site remediation, and underground storage tank programs, would end current dedication of four percent of CBT revenues for various environmental programs, would increase dedication to six percent of CBT revenues in 2019, and would dedicate revenue from leases and conveyances of State-owned open space, farmland, and historic preservation. The bill passed the Senate and the Assembly.

RIGHT TO FARM #2

William Benkendorf, Washington Twp. – Complaint. Ms. Coyle informed the Board that Mr. Benkendorf had submitted a Commercial Farm Certification form as requested by the CADB. However, the information provided was incomplete and Ms. Coyle mailed a second request to Mr. Benkendorf requesting additional information.

Valley Shepherd, Washington Twp. – Complaint. Mr. Bush informed the Board that Washington Township Municipal Judge Frank Leanza issued a Consent Order directing that Washington Township's complaint be forwarded to the SADC.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

Preservation Trust Fund Analysis and Strategy Report. Ms. Marion updated the Board regarding the status of the report and informed the Board that the Board of Chosen Freeholders approved a ballot question, which, if approved by voters at the General Election, would amend the Trust Fund to include cost related to the development of trails.

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 Ort, seconded by member D. Davis, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Katherine Coyle
Director