

**MINUTES**  
**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD**  
**30 Schuyler Place, 2<sup>nd</sup> Floor, Morristown, New Jersey**  
**June 13, 2019**

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

Aimee Ashley Myers  
Gregory Keller  
Harvey Ort  
Jay Thomson

Members with an excused absence:

Rick Desiderio  
Thomas Galfo

Also in attendance:

David Oakes (departed at 7:49 p.m.)

Staff in attendance:

Christine Marion  
Staci Santucci, Esq.  
Katherine Coyle

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The meeting began with the Pledge of Allegiance.

**COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW**

Chairman Davis announced that in compliance with the Open Public Meetings Act, adequate notice of the meeting had been provided and filed with the Town of Morristown, the Morris County Clerk, the Clerk of the Board of Chosen Freeholders, the Daily Record, the Star Ledger and posted on the Morris County website.

**NEW BUSINESS**

*Oaks Farm, Rockaway Township.* Mr. Oakes addressed the Board regarding his wish to adjust the preserved farm lot line, which will decrease the size of the severable exception by 2 acres and add the 2 acres to the preserved farm. Ms. Coyle provided a summary of the SADC's review and comments in support of Mr. Oakes's request. On motion of member Ashley Myers, seconded by member Thomson, the Board approved Mr. Oakes's request for a lot line adjustment with the condition that all costs will be borne by Mr. Oakes. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson and Davis

Nay: None     Abstain: None

## **APPROVAL OF MINUTES**

On motion of member Ashley Myers, seconded by member Thomson, the Board members approved the April 11, 2019 Open Session meeting minutes. A roll call vote was taken.

Aye: Ashley Myers, Thomson and Davis

Nay: None Abstain: Keller, Ort

On motion of member Ashley Myers, seconded by member Thomson, the Board members approved the April 11, 2019 Closed Session meeting minutes. A roll call vote was taken.

Aye: Ashley Myers, Thomson and Davis

Nay: None Abstain: Keller, Ort

On motion of member Ashley Myers, seconded by member Thomson, the Board members approved the May 9, 2019 Open Session meeting minutes. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson and Davis

Nay: None Abstain: None

On motion of member Ashley Myers, seconded by member Thomson, the Board members approved the May 9, 2019 Closed Session meeting minutes. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson and Davis

Nay: None Abstain: None

## **OPEN TO THE PUBLIC**

There were no comments from the public.

## **CLOSED SESSION**

Pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, Chairman Davis announced that in compliance with the Open Public Meetings Act, the Morris CADB considered closing the open portion of the meeting in order to discuss matters related to the purchase, lease or acquisition of real property, and litigation in Closed Session. On motion of member Ashley Myers, seconded by member Keller, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson and Davis

Nay: None Abstain: None

## **RETURN TO MEETING**

The meeting reopened to the public at 8:21 p.m.

## **ACTIONS RESULTING FROM CLOSED SESSION**

On motion of member Thomson, seconded by member Keller, the Board directed staff to correspond with Ms. Post, as discussed during Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson and Davis

Nay: None Abstain: None

## **REPORT OF DIRECTOR & ATTORNEY**

*Legislative Updates.* Legislative updates were shared with the Board via email prior to the meeting.

*Monitoring – Central Region.* Ms. Coyle informed the Board that monitoring of the Central Region was in progress.

*RC&D.* Ms. Coyle informed the Board that she was appointed to the Technical Advisory Committee of the RC&D as a Morris County representative. Ms. Coyle attended her first meeting on June 13, 2019.

## **RIGHT TO FARM**

*Hamilton Farms, Boonton Township (Complaint).* The Board reviewed a letter submitted by Mr. William Garro regarding a proposed medical marijuana operation. The Board reviewed the complaint and discussed the following:

1) Pursuant to the SADC's December 2011 Memorandum, the growing and processing of medical marijuana are not eligible for Right to Farm protections. The Right to Farm Act requires that commercial farms be in compliance with all applicable federal or state statutes, rules and regulations to qualify for Right to Farm protections. Because the growing and processing of medical marijuana are prohibited by federal law, they are not protected by the Right to Farm Act.

2) Because the growing and processing of medical marijuana are not protected by the Right to Farm Act, the Morris CADB lacks jurisdiction over these activities. The Morris CADB also does not have jurisdiction to rule that the Boonton Township Letter of Support is null and void. While the Right to Farm Act does not protect the growing and processing of medical marijuana, the municipality has jurisdiction to determine whether the activities are permitted by zoning regulations.

On motion of member Ashley Myers, seconded by member Ort, the Board dismissed the complaint due to lack of jurisdiction and directed staff to send a letter to Mr. Garro informing him of same. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson and Davis

Nay: None Abstain: None

At this point, members Ashley Myers, Davis and Ort left the meeting room.

*Alstede Farms, Chester Township (Complaint).* Ms. Coyle informed the Board that Morris County Board of Taxation heard the tax appeal and affirmed the Township's appeal that Block 15, Lots 27, 28.02, 29 and 30 are Farmland Assessed. However, in light of Mr. Asdal's complaint alleging Deed of Easement violations on the farm, the RTF complaint is tabled until the DOE complaint has been addressed by the SADC and the CADB.

*Alstede Farms, Chester Township (Request for SSAMP).* Ms. Coyle informed the Board that

Morris County Board of Taxation heard the tax appeal and affirmed the Township's appeal that Block 15, Lots 27, 28.02, 29 and 30 are Farmland Assessed. However, in light of Mr. Asdal's complaint alleging Deed of Easement violations on the farm, the RTF complaint is tabled until the DOE complaint has been addressed by the SADC and the CADB.

## **OLD BUSINESS**

*Alstede Farms, Chester Township (DOE complaint).* Ms. Coyle informed that Board that the SADC and CADB exchanged files related to the preservation of the four Hideaway farms. SADC and CADB staff would be conducting a site visit on June 19, 2019.

At this point, members Ashley Myers, Davis and Ort returned to the meeting room.

## **CORRESPONDENCE**

*Chester Agricultural Advisory Committee letter.* The Board reviewed a letter from the Advisory Committee submitted in support of utilizing municipal averages in connection with farmland preservation efforts in the Highlands Region. Chairman Davis stated that the Highlands Bank was scheduled to meet on June 28. Ms. Coyle would attend the Highlands Bank meeting.

## **OPEN TO THE PUBLIC**

There were no comments from the public.

## **ADJOURNMENT**

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

Respectfully submitted,



Katherine Coyle  
Director