

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
July 13, 2017

The meeting was called to order by Vice-Chair Ashley Myers at 7:33 p.m. Members present:

Kathy Hammond
Gregory Keller
Harvey Ort (arrived at 7:41 p.m.)
Jay Thomson

Members with an excused absence:

Dale Davis
Rick Desiderio

Staff in attendance:

Christine Marion
John Barbarula, Esq.
Katherine Coyle

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW

Vice-Chair Ashley Myers 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 Daily Record and the Star Ledger.

APPROVAL OF MINUTES

The minutes of the June meeting were not available.

OPEN TO THE PUBLIC

There were no comments from the public.

RIGHT TO FARM

At this point, members Ashley Myers, Ort and Thomson left the meeting room. Secretary Keller served as a temporary Chairman from this point forward.

PUBLIC HEARING: *Lotta Lettuce, Montville Twp. – request for SSAMP.* Ms. Coyle presented to the Board a Staff Report, which discussed the Public Hearing procedures and staff

recommendations regarding the SSAMP. The report had been distributed to the Board and the applicant prior to the meeting.

Ms. Coyle stated that written notice of the application and the Public Hearing was provided by the applicant in compliance with N.J.A.C. 2:76-2.8(c). Mr. Barbarula reviewed the public notice and deemed it complete.

The Board reviewed and discussed the Staff Report.

No public comments were submitted to the CADB prior to or during the Public Hearing.

On motion of member Hammond, seconded by member Keller, the Board approved Mr. Kuehm's application for a SSAMP and directed staff to draft a resolution memorializing the Board's decision. A roll call vote was taken.

Aye: Hammond and Keller

Nay: None Abstain: None

Members Ashley Myers, Ort and Thomson recused themselves and did not participate in the vote.

Ms. Coyle informed the Applicant that the CADB's decision would be memorialized via a resolution at the subsequent CADB meeting, currently scheduled for August 10.

At this point, Mr. Kuehm and Mr. Klotz left the meeting room.

At this point, members Ashley Myers, Ort and Thomson returned to the meeting room. Vice-Chair Ashley Myers served as the Chair from this point forward.

The Boxwood Farm, Washington Twp. – request for SSAMP and complaint. Ms. Coyle presented to the Board a Staff Report, which addressed the request for a SSAMP and Ms. Cheryl LaPonte's complaint. The report had been distributed to the Board, the applicant and the complainant prior to the meeting.

Following the review of the staff report, several members of the public testified in opposition to The Boxwood Farm operation. Mr. Barbarula swore in each of the following members of the public before their testimony: Keith Lukachek, Ken McDermott, Cheryl LaPonte, Kathleen McDermott, Alexandra Maynard, Kristin Bernardiand and Cindy Entwistle.

The Board discussed The Boxwood Farm application (including documents submitted by the Applicant) and the complaint.

The Board also discussed the impact of (1) the RTF Act, (2) N.J.A.C. 2:76-2A.13, "Agricultural Management Practice for On-farm Direct Marketing Facilities, Activities, and Events", and (3) SADC decisions in other related cases, and their impact on the activities that occur at The Boxwood Farm, specifically weddings and celebratory life events.

On motion of member Thomson, seconded by member Ort, the Board members voted that The Boxwood Farm operation is a commercial farm as defined at N.J.A.C. 2:76-2.1 and N.J.S.A. 4:1C-3. A roll call vote was taken.

Aye: Ashley Myers, Hammond, Keller, Ort and Thomson
Nay: None Abstain: None

With respect to the application for a Site-Specific Agricultural Management Practice, on motion of member Thomson, seconded by member Ort, the Board members voted that weddings and celebratory life events are not included on the list of activities permitted by N.J.S.A. 4:1C-9 and are not protected by the Act. A roll call vote was taken.

Aye: Ashley Myers, Hammond, Keller, Ort and Thomson
Nay: None Abstain: None

With respect to the complaint, on motion of member Thomson, seconded by member Hammond, the Board members voted that weddings and celebratory life events are not included on the list of activities permitted by N.J.S.A. 4:1C-9 and are not protected by the Act. A roll call vote was taken.

Aye: Ashley Myers, Hammond, Keller, Ort and Thomson
Nay: None Abstain: None

Ms. Coyle informed the public that the CADB's decision would be memorialized via a resolution at the subsequent CADB meeting, currently scheduled for August 10.

At this point, members of the public left the meeting room.

Draft SADC Policy – RTF Hearings. Ms. Coyle informed the Board regarding SADC's draft policy entitled "Conflict Resolution Public Hearing Guidelines for CADB's". The CADB reviewed the draft policy regarding the requirements for legal representation of parties during RTF hearings. The Board decided to continue the discussion at a subsequent meeting.

CLOSED SESSION

Pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, Vice-Chair Ashley Myers 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 Hammond, seconded by member Keller, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Hammond, Keller, Ort, Thomson and Davis
Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 9:20 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Young Farm 2, Chester Township. On motion of member Keller, seconded by member Ort, the Board agreed to make an offer to the landowner per the Board's discussion during Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Hammond, 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.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

There was no old business to review.

NEW BUSINESS

Rowe Farm – renewal of Eight-Year Program. Ms. Coyle informed the Board that the owner of the farm wishes to review the Eight-Year Program. Mr. Rowe had signed the renewal resolution prepared by staff, and the resolution was forwarded to the municipality for approval and signature.

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member Keller, seconded by member Hammond, the meeting was adjourned at 9:28 p.m.

Respectfully submitted,



Katherine Coyle
Director