

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
February 8, 2018

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

Rick Desiderio
Kathy Hammond
Jay Thomson

Members with an excused absence:

Aimee Ashley Myers
Dale Davis
Gregory Keller

Also in Attendance:

William Roehrich, Washington Township Liaison

Staff in attendance:

Christine Marion
W. Randall Bush, Esq.
Katherine Coyle

The meeting began with the Pledge of Allegiance.

COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW

Secretary Ort 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

On motion of member Thomson, seconded by member Desiderio, the Board members approved the January 11, 2018 meeting minutes. A roll call vote was taken.

Aye: Desiderio, Ort and Thomson
Nay: None Abstain: Hammond

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, Secretary Ort 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 Thomson, seconded by member Desiderio, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: Desiderio, Hammond, Ort and Thomson

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 7:55 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Verity Bostick, Washington Township. On motion of member Thomson, seconded by member Desiderio, the Board directed staff to inform that landowner regarding the Board's discussion during Closed Session. A roll call vote was taken.

Aye: Desiderio, Hammond, Ort and Thomson

Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

Legislative Updates. There were no legislative updates.

RIGHT TO FARM

Alstede Farms, Chester Township - Complaint. Ms. Coyle informed the Board that Mr. William Asdal submitted a complaint against Alstede Farms. Mr. Asdal's complaint was filed pursuant to the Right to Farm Act (RTF Act), N.J.S.A. 4:1C-1 et seq. and the RTF Rules, N.J.A.C. 2:76-2.7.

After polling the members for conflicts, Kathy Hammond, Rick Desiderio, Jay Thomson, and Greg Keller were deemed not to have a conflict.

At this point member Ort left the meeting room. Ms. Hammond took over as chair.

Pursuant to N.J.A.C. 2:76-2.7(e), if the complaint concerns activities that are not addressed by an agricultural management practice recommended by the SADC or a site specific agricultural management practice adopted by the CADB, the CADB shall contact the farm owner to provide evidence that the operation is a commercial farm pursuant to N.J.A.C. 4:1C-3.

Pursuant to N.J.A.C. 2:76-2.7(e)1, the CADB shall determine whether the dispute involves agricultural activity(ies) that is or are included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9.

Pursuant to N.J.A.C. 2:76-2.7(a)1, the CADB shall determine whether the commercial farm meets the eligibility criteria pursuant to N.J.S.A. 4:1C-9.

If the CADB determines that the operation is a commercial farm, that the dispute involves agricultural activity(ies) that is or are included in one or more of the permitted activities set forth in the RTF Act, and that the commercial farm meets the eligibility criteria of the Act, then the CADB shall hold a Public Hearing.

If the CADB determines that the dispute does not involve a commercial farm, and/or agricultural activity(ies) included in one or more of the permitted activities set forth in the RFT Act, and/or the commercial farm does not meet the eligibility criteria of the Act, then the CADB shall dismiss the complaint.

On February 5, 2018, the Morris CADB contacted Mr. Alstede asking him to provide evidence that his operation is a commercial farm. Pursuant to N.J.A.C. 2:76-2.8(d), the State Agriculture Development Committee (SADC) and the Township of Chester were notified regarding the complaint via the same letter.

At this point, member Ort returned to the meeting room and continued to chair the meeting.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

There was no old business to review.

NEW BUSINESS

There was no new business to review.

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member Thomson, seconded by member Desiderio, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,



Katherine Coyle, Director