

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 2nd Floor, Morristown, New Jersey
June 4, 2020
Held remotely due to Covid-19
1-201-546-5293
Guest Passcode: 842856#

The meeting was called to order by Chairman Davis at 7:32 p.m. Members present:

Aimee Ashley Myers
Rick Desiderio
Thomas Galfo
Gregory Keller
Harvey Ort (departed at 8:01 pm)
Jay Thomson

Also in attendance:

Freeholder Stephen Shaw
Laura Akin (departed at 7:50 pm)
Amy Mandelbaum, SADC (departed at 7:50 pm)

Staff in attendance:

Joseph Barilla
Staci Santucci, Esq.
Katherine Coyle

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 and the Star Ledger and posted on the Morris County website.

APPROVAL OF MINUTES

On motion of member Keller, seconded by member Ort, the Board members approved the May 7, 2020 Open Session meeting minutes. A roll call vote was taken.

Aye: Desiderio, Keller, Ort, Thomson and Davis

Nay: None Abstain: Ashley Myers and Galfo

On motion of member Keller, seconded by member Ort, the Board members approved the May 7, 2020 Closed Session meeting minutes. A roll call vote was taken.

Aye: Desiderio, Keller, Ort, Thomson and Davis

Nay: None Abstain: Ashley Myers and Galfo

OLD BUSINESS

Resolution 2020-02: Backer Farm proposal. On motion of member Desiderio, seconded by member Ort, the Board adopted Resolution 2020-02. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Galfo, Keller, Ort and Davis

Nay: None Abstain: None

Recused: Member Thomson recused himself and did not participate in the vote.

NEW BUSINESS

Akin Farm, Washington Twp.: request for division.

Ms. Akin presented her application and provided the reasons for her request. Ms. Coyle presented the Staff Report, which had been provided to the Board members and the applicant prior to the meeting.

Pursuant to Paragraph 13 of the Deed of Easement:

“The land and its buildings may be sold collectively or individually for continued agricultural uses as defined in Section 2 of this easement. However, no subdivision of the land shall be permitted without the joint approval in writing of the Grantee and the Committee. The subdivision shall be consistent with agricultural management practices recommended by the Committee. Subdivision means any division of the Premises, for any purpose, subsequent to the effective date of this easement.”

Morris CADB’s Policy: P-7, “Division of Permanently Preserved Farmland” (B-2) and SADC’s Policy P-30-A, (B-3), outline the application, review and decision process, and contain an application form. Both policies state that to obtain approval, the division must be (1) for an agricultural purpose and (2) must result in agriculturally viable parcels.

“Agriculturally viable parcel” means that the parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel’s agricultural output.

Agricultural Purpose:

1. The farm is split by Route 24, with Block 36, Lot 41 on the south side and Block 28, Lots 16, 16.01 and 16.02 on the north. Block 36, Lot 41 is a Christmas tree operation that had been farmed by Ms. Akin and her husband, Samuel Akin, until he passed away. Ms. Akin now farms the land, but is no longer able to manage it herself. The three lots on the north side of Route 24 are leased to a farmer. Ms. Akin has two interested buyers. One

wishes to purchase the Christmas tree operation on Block 36, Lot 41. The farmer who currently farms Block 28, Lots 16, 16.01 and 16.02 wishes to purchase them. Neither buyer wishes to purchase the entire preserved farm due to cost and due to the significant difficulty of moving farming equipment from one side of Route 24 to the other, which has become more dangerous due to the increase in traffic over the last 20 years.

2. Based on the information provided by the applicants, the division is for an agricultural purpose.

Agricultural Viability:

1. The preserved farm consists of 111 acres (B-4). If approved, the division would result in two farms:
 - **Farm 1** (Block 28, Lots 16, 16.01 and 16.02) would consist of 78 acres
 - **Farm 2** (Block 36, Lot 41) would consist of 36.7 acres
2. If approved, the new farms would have the following soils (B-4):
 - **Farm 1** – Prime Soils: 68 acres (87%)
 - **Farm 2** – Prime Soils: 11.3 acres (30%)
3. If approved, the new farms would have the following tillable acres (B-4):
 - **Farm 1** – 45 acres (58%)
 - **Farm 2** – 12.3 acres (33%)
4. If approved, the new farms would have the following housing:
 - **Farm 1** – one (1) house with an attached apartment and one (1) 3-bedroom house
 - **Farm 2** – one (1) 3-bedroom house
5. If approved, **Farm 1** would continue to produce vegetables.
6. If approved, **Farm 2** would continue as a Christmas tree operation.

The Board members asked the Applicant several questions and discussed whether Farm 2 is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from the parcel's agricultural output.

The Board members agreed that they needed to seek legal advice from Ms. Santucci during Closed Session.

At this point, Ms. Akin and Ms. Mandelbaum left the meeting.

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

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

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 8:30 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Akin Farm, Washington Twp.: request for division. On motion of member Thomson, seconded by member Desiderio, the Board denied the application because (1) a division would not result in agriculturally viable parcels (specifically, Farm 2 would not meet the definition of “agriculturally viable parcel”), and (2) Farm 2 would not meet the current CADB and SADC eligibility criteria of the Farmland Preservation Program. The Board directed staff to draft a resolution memorializing the decision for the July 9, 2020 meeting. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Galfo, Keller, 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.

RIGHT TO FARM

There were no RTF matters to review.

CORRESPONDENCE

There was no correspondence 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 Keller, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

K. Coyle

Katherine Coyle
Director