

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
December 9, 2021
(Held remotely via Webex)

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

Aimee Ashley Myers
Frank Carrajat
Thomas Galfo
Harvey Ort
Jay Thomson

Staff in attendance:

Joseph Barilla
Staci Santucci, Esq.
Katherine Coyle

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.

Ms. Coyle announced that the meeting was being held remotely via WebEx and was being recorded. Ms. Coyle provided instructions for the public to provide comments during the meeting.

APPROVAL OF MINUTES

On motion of member Ashley Myers, seconded by member Carrajat, the Board members approved the October 7, 2021 Open Session meeting minutes. A roll call vote was taken.
Aye: Ashley Myers, Carrajat, Thomson and Davis
Nay: None Abstain: Galfo and Ort

On motion of member Ashley Myers, seconded by member Carrajat, the Board members approved the October 7, 2021 Closed Session meeting minutes. A roll call vote was taken.
Aye: Ashley Myers, Carrajat, Thomson and Davis
Nay: None Abstain: Galfo and Ort

At this point, member Thomson left the meeting.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

The following individuals provided comments:

George Koenig
Peter Banos
Stephen Dreskin

RIGHT TO FARM

Backer Farm, Mendham Township: complaints. Ms. Coyle stated that the following individuals filed Right to Farm complaints against the Backer Farm: Mr. Peter Banos, Mr. David Rainis and Ms. Melissa Rainis, and Mr. Barrett Kolton and Ms. Barbara Kolton. The complaints concern noise and traffic related to a live concert that took place on the farm on September 11, 2021.

Ms. Coyle presented a Staff Report, which addressed the Right to Farm Complaint Process, commercial farm qualifications, and the following staff comments:

1. Staff recommends that the Morris CADB should certify the Backer Farm operation as a “commercial farm” as defined in the RTF Act and determine that the dispute involves agricultural activities that are (1) included in one or more of the permitted activities set forth in the Act and are (2) addressed by an agricultural management practice regulation adopted by the SADC, namely, N.J.A.C. 2:76-2A.13.
2. Staff further recommends that the Morris CADB should hold a Public Hearing pursuant to N.J.A.C. 2:76-2.8(d).

At this point, the following individuals provided comments regarding the Backer Farm operation in Mendham Township:

Peter Banos
George Koenig
Mark Critchley
Nicole Voigt
Terrill Doyle
Glenn Pantel
Kimberly Hart

On motion of member Ashley Myers, seconded by member Carrajat, the Board agreed that the Backer Farm operation is a “commercial farm” as defined in the RTF Act and that the dispute involves agricultural activities that are (1) included in one or more of the permitted activities set forth in the Act and are (2) addressed by an agricultural management practice regulation adopted by the SADC. A roll call vote was taken.

Aye: Ashley Myers, Carrajat, Galfo, Ort and Davis

Nay: None Abstain: None Absent: Thomson

Backer Farm, Mendham Township: request for SSAMP.

Ms. Coyle presented a Staff Report, which addressed the Right to Farm SSAMP Process, commercial farm qualifications, and the following staff comments:

1. Staff recommends that the Morris CADB should certify the Backer Farm operation as a “commercial farm” as defined in the RTF Act and determine that the activities proposed in the SSAMP Application are included in one or more of the permitted activities set forth in the Act.
2. Staff further recommends that the Morris CADB should proceed to develop a SSAMP for the operation.
3. Morris County Division of Planning and Preservation staff should develop a “SSAMP Checklist” to assist the Morris CADB with their review of the application. The Checklist should be presented to the Morris CADB for approval at a subsequent meeting.
4. Pursuant to N.J.A.C. 2:76-2.3(i), if the Morris CADB determines that the application and checklist items are complete, then the Morris CADB shall hold a public hearing in accordance with the hearing procedures set forth in N.J.A.C. 2:76-2.8.

At this point, the following individuals provided comments regarding the Backer Farm operation in Mendham Township:

Peter Banos
George Koenig
Mark Critchley
Nicole Voigt
Terrill Doyle
Glenn Pantel
Kimberly Hart

It was agreed that the checklist document, as well as the application documents, will be posted on the CADB website prior to the next CADB meeting. Ms. Voigt will provide a complete application packet and any additional documents to CADB staff for posting.

On motion of member Ashley Myers, seconded by member Carrajat, the Board agreed that the Backer Farm operation is a “commercial farm” as defined in the RTF Act, that the activities proposed in the SSAMP Application are included in one or more of the permitted activities set forth in the Act, and that Morris County Division of Planning and Preservation staff should develop a “SSAMP Checklist” to assist the Morris CADB with their review of the application. A roll call vote was taken.

Aye: Ashley Myers, Carrajat, Galfo, Ort and Davis

Nay: None Abstain: None Absent: Thomson

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

There was no old business to review.

At this point, member Thomson returned to the meeting.

NEW BUSINESS

Resolution 2021-03: Simon Farm, Harding Township - Final Approval. On motion of member Ashley Myers, seconded by member Ort, the Board approved Resolution 2021-03. A roll call vote was taken.

Aye: Ashley Myers, Carrajat, Galfo, Ort and Davis

Nay: Thomson 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 Galfo, the Board voted to conduct a Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Carrajat, Galfo, Ort, Thomson and Davis

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 10:10 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

No actions were taken.

REPORT OF DIRECTOR & ATTORNEY

Annual PIG Application. Ms. Coyle informed the Board that she would be submitting the annual Planning Incentive Grant Application to the SADC. The application will allow the County to qualify for cost-share funding from the SADC.

CADB representative to the OSTF Committee. Ms. Coyle informed the Board that member Thomson's term on the OSTF Committee will expire on December 31, 2021 and that a new CADB representative is needed. The new representative will serve a two-year term from January 1, 2022 to December 31, 2022. Member Galfo agreed to serve as the new CADB representative.

ADJOURNMENT

There being no further business, on motion of member Thomson, seconded by member Galfo, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "K. Coyle". The letters are cursive and slightly slanted to the right.

Katherine Coyle
Director