

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
September 7, 2023
(Held remotely via Webex)

The meeting was called to order by Chairman Davis at 7:30 p.m. Members present:

Aimee Ashley Myers
Frank Carrajat
Dale Davis
Thomas Galfo
Harvey Ort
Jay Thomson

Members with an excused absence:

Conor Evans

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 Morris County Board of County Commissioners, 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.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

Mr. George Koenig submitted comments regarding the Backer Farm SSAMP application.

Ms. Bernadette Koenig submitted comments regarding the Backer Farm SSAMP application and Special Occasion Events legislation.

Mr. Stephen Dreskin submitted comments regarding the Backer Farm SSAMP application.

APPROVAL OF MINUTES

On motion of member Galfo, seconded by member Thomson, the Board members approved the July 6, 2023 Open Session meeting minutes. A roll call vote was taken.

Aye: Carrajat, Galfo, and Thomson

Nay: None Abstain: Ashley Myers and Davis

RIGHT TO FARM

D. Russ Farm, Washington Township: request for SSAMP.

Ms. Coyle presented a staff report regarding the D. Russ SSAMP application, 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 Dan Russ Farm operation as a “commercial farm” as defined in the RTF Act and determine that the activities listed in the SSAMP Application are included on the list of 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. Staff further recommends that the Morris CADB should submit a request to Washington Township asking the Township to review the application and provide comments.
4. Upon receipt of the Township’s comments, the Morris CADB should determine whether a “SSAMP Checklist” is necessary to assist the Morris CADB with their review of the application.
5. Lastly, staff recommends that 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 the appropriate time as determined by the Morris CADB.

On motion of member Ashley Myers, seconded by member Galfo, the Board agreed that the D. Russ operation is a “commercial farm” as defined in the RTF Act, that the activities proposed in the SSAMP Application are included on the list of permitted activities set forth in the Act, and that board staff should submit a request to Washington Township asking the Township to review the application and provide comments. A roll call vote was taken.

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

Nay: None Abstain: None

At this point, member Ort joined the meeting.

At this point, member Thomson left the meeting.

Backer Farm, Mendham Township: request for SSAMP.

Ms. Coyle presented a staff report regarding the Backer Farm SSAMP application, 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 on the list of 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. Staff further recommends that the Morris CADB should submit an official request to Mendham Township asking the Township to review the updated application and provide comments.
4. Staff further recommends that the updated application materials be posted on the CADB’s website to allow access for the public to review the materials.

Nicole Voigt, Esq. on behalf of Backer Farm, LLC, referred the Board to several exhibits that were submitted with the updated application.

Ms. Doyle and Mr. Doyle submitted comments regarding the Backer Farm farm management unit and stated that the documents submitted by the applicant do not provide sufficient proof that (1) the operation is a single enterprise and that (2) all parcels are farmland assessed.

Ms. Coyle stated that she had verified that all parcels, with the exception of one parcel owned by Mendham Borough, are farmland assessed. Ms. Coyle also stated that the applicant provided a copy of federal tax records, however they were not included in the staff report that was posted on-line due to confidential information.

Ms. Voigt explained the ownership and corporate structure of the operation.

Mr. Koenig asked that the public and municipality be provided with adequate time to review the updated documents.

Susan Rubright, Esq. asked Ms. Voigt regarding farm income and that the public be provided with adequate time to review the updated documents.

Ms. Voigt provided information regarding production and income generated by the operation.

Ms. Kim Hart asked about the reasons why the application had been on hold.

Ms. Voigt provided an explanation.

On motion of member Galfo, 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 on the list of permitted activities set forth in the Act, that board staff should submit a request to Mandham Township asking the Township to review the application and provide comments, and that the updated application materials be posted on the CADB’s website to allow access for the public to review the materials. A roll call vote was taken.

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

Nay: None Abstain: None Recused: Thomson

REPORT OF DIRECTOR & ATTORNEY

Monitoring – Western Region. Ms. Coyle informed the Board that staff was in the process of monitoring farms in the Western Region.

Soil Protection Standards. Ms. Coyle informed the Board that the rule proposal was published in the New Jersey Register on August 7th and that the comment deadline is October 6th. Ms. Coyle stated that CADB Administrators intend to send a joint letter to the SADC regarding the proposal.

On motion of member Ashley Myers, seconded by member Galfo, the Board directed staff to send a joint letter to the SADC regarding the rule proposal. A roll call vote was taken.

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

Nay: None Abstain: None

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no old business.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

Mr. Frank Pinto and Mr. Backer asked that the Backer Farm public hearing take place in person, instead of remotely.

Chairman Davis discussed the County Health Department enforcement of DEP regulations regarding mulching, composting and land application on farmland. Ms. Coyle stated that she would investigate the applicability of the regulations to agricultural operations.

Mr. Koenig asked that the public and municipality be provided with adequate time to review the updated Backer documents.

ADJOURNMENT

There being no further business, on motion of member Ashley Myers, seconded by member Galfo, the meeting was adjourned at 9:05 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "K. Coyle". The signature is written in a cursive, slightly slanted style.

Katherine Coyle
Director