

**MINUTES**  
**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD**  
**30 Schuyler Place, 4<sup>th</sup> Floor, Morristown, New Jersey**  
**August 12, 2010**

The meeting was called to order by Chairman Keller at 7:47 p.m. Members present:

Aimee Ashley Myers  
Dale Davis  
Harvey Ort  
Kenneth Wightman

Also in attendance:

Tibor Sipos  
Cecily Gentles

Staff in attendance:

Katherine Coyle  
Jennifer McCulloch

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**COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW**

Chairman Keller announced that in compliance with the Open Public Meetings Act, adequate notice of this meeting has 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 Ashley Myers, seconded by member D. Davis, the board approved the minutes of the March 11, 2010 regular meeting. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort and Keller

Nay: None     Abstain: Wightman

On motion of member Ashley Myers, seconded by member D. Davis, the board approved the minutes of the May 10, 2010 regular meeting. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort and Keller

Nay: None     Abstain: Wightman

On motion of member D. Davis, seconded by member Wightman, the board approved the minutes of the June 10, 2010 regular meeting. A roll call vote was taken.

Aye: D. Davis, Wightman and Keller

Nay: None     Abstain: Ashley Myers and Ort

## **OPEN TO PUBLIC FOR NON-AGENDA ITEMS**

There were no comments from the public.

## **NEW BUSINESS**

*Sipos Farm, Wash. Twp. (former Yannuzzi).* Ms. Coyle introduced Mr. Tibor Sipos and Ms. Cecily Gentles, the new owners of the farm. Mr. Sipos and Ms. Gentles provided information about their new operation, which includes vegetable production and processing for salsa. The farmers discussed their needs for agricultural structures. The board explained that production and processing of agricultural products as well as construction of agricultural structures is permitted by the Deed of Easement. Staff was directed to memorialize the board's position in a written letter to the farm owners.

At this point, Mr. Sipos and Ms. Gentles departed.

*Resolution: 2010-17 - Searles Petition for MAFPP Program.* On motion of member Wightman, seconded by member Ashley Myers, the board adopted Resolution 2010-17. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller  
Nay: None      Abstain: None

*Barth – Termination of 8-Year Program.* On motion of member Wightman, seconded by member Ashley Myers, the board approved the termination of the 8-Year Program. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller  
Nay: None      Abstain: None

At this point, member D. Davis left the meeting room.

*Delli Santi - Renewal of 8-Year Program.* On motion of member Wightman, seconded by member Ashley Myers, the board approved the renewal of the 8-Year Program. A roll call vote was taken.

Aye: Ashley Myers, Ort, Wightman and Keller  
Nay: None      Abstain: None

At this point, member D. Davis left the meeting room.

## **CLOSED SESSION**

On motion of member Wightman, seconded by member Ashley Myers, the board closed the open portion of the meeting and voted to conduct a closed session.

## **RETURN TO MEETING**

The meeting reopened to the public at 9:24 p.m.

## **ACTIONS RESULTING FROM CLOSED SESSION**

*Maillet Farm, Chester Twp.* On motion of member Ort, seconded by member Ashley Myers, the board determined that the farm is in compliance with the provisions of the Deed of Easement. The board directed staff to inform the landowners of the board's determination in writing. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

*Jayne Farm, Washington Twp.* On motion of member Ort, seconded by member Wightman, the board determined that the farm is in compliance with the provisions of the Deed of Easement. The board directed staff to inform the landowners of the board's determination in writing. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

*Totten Farm, Washington Twp.* On motion of member Ort, seconded by member D. Davis, the board determined that the farm is in compliance with the provisions of the Deed of Easement. The board directed staff to inform the landowners of the board's determination in writing. A roll call vote was taken.

Aye: Ashley Myers, D. Davis, Ort, Wightman and Keller

Nay: None Abstain: None

## **REPORT OF DIRECTOR & ATTORNEY**

*Solar, wind & biomass energy on farms – Q&A from the SADC.* Ms. Coyle informed the board that the SADC released a Q&A document regarding solar, wind & biomass energy on farms. The document provides information regarding the SADC's role, how much energy can be generated on a preserved farm, criteria that need to be met for preserved farms, special considerations for farms preserved with federal funding, the process for applying to install energy systems, Right-to-Farm protection for energy project, and the municipal process available for solar, wind or biomass energy generation projects on farms. The document is available on the SADC's website.

## **RIGHT TO FARM**

*John Spagnuolo, Mendham Twp.* Ms. Coyle informed the board that following a discussion with the landowner, she sent a letter to the zoning officer regarding the Right to Farm provisions for farm vehicles and farm equipment.

*Totten Farm, Washington Twp.* Ms. Coyle informed the board that as part of his poultry operation, the farmer is composting poultry slaughter byproducts. Ms. Coyle stated that there is an SADC regulation addressing on-farm composting operations and that she informed the municipal officials regarding same.

## **CORRESPONDENCE**

Letter from SADC re: Green Energy Projects on Non-Preserved Farms. Ms. Coyle informed that board that in a memorandum dated July 7, 2010, Ms. Susan Craft provided information to the CADB regarding the review process of energy projects on non-preserved farms. Ms. Craft advised that owners of non-preserved farms are not required to receive approval from the CADB or the SADC before installing energy systems on their farms.

## **OLD BUSINESS**

Condemnation in the ADA (Smith & Searles farms) – SADC Resolution. Ms. Coyle and Ms. McCulloch informed the board that the SADC adopted a final resolution regarding the condemnation matter. The board reviewed the resolution. The SADC found that the WTMUA actions would cause unreasonably adverse effects on the ADA and State agricultural preservation and development policies pursuant to N.J.S.A. 4:1C-19. In addition, the SADC, pursuant to N.J.S.A. 4:1C-19.b., directed the WTMUA to take no further action on the condemnation of the Smith and Searles Farms for 60 days, during which time a public hearing would be held by the SADC in the ADA and a written report containing the recommendations of the SADC concerning the proposed acquisitions and community well projects would be made public. Lastly, the SADC concurred with the June 10, 2010 resolution of the Morris CADB.

## **OPEN TO THE PUBLIC**

There were no comments from the public.

## **ADJOURNMENT**

There being no further business, on motion of member Wightman, seconded by member D. Davis, the meeting was adjourned at 9:47 p.m.

Respectfully submitted,

Katherine Coyle  
Director