

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
February 9, 2012

The meeting was called to order by Chairman Keller at 7:34 p.m. Members present:

Aimee Ashley Myers
Rick Desiderio
Harvey Ort
Kenneth Wightman

Also in attendance:

Bryan Lofberg, SADC

Staff in attendance:

Deena Cybulski
Ray Chang
W. Randall Bush, Esq.
Katherine Coyle
Jennifer McCulloch

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.

BOARD REORGANIZATION

Election of Officers

Chairman Keller turned the meeting over to Ms. Coyle for the purpose of electing new officers. Ms. Coyle served as temporary Chairman and took nominations for the position of Chairman.

Chairman

On motion of member Ashley Myers, seconded by member Ort, Mr. Gregory Keller was nominated for Chairman. There being no other nominations, a roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort and Wightman

Nay: None Abstain: Keller

Mr. Keller was re-elected Chairman.

Chairman Keller chaired the meeting from this point forward.

Vice-Chairman

On motion of member Ashley Myers, seconded by member Ort, Mr. Kenneth Wightman was nominated for Vice-Chairman. There being no other nominations a roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort and Keller

Nay: None Abstain: Wightman

Mr. Wightman was re-elected Vice-Chairman.

Secretary

On motion of member Wightman, seconded by member Ort, Ms. Aimee Ashley Myers was nominated for Secretary. There being no other nominations a roll call vote was taken.

Aye: Desiderio, Ort, Wightman and Keller

Nay: None Abstain: Ashley Myers

Ms. Ashley Myers was re-elected Secretary.

Ms. Cybulski informed the board that based on a recent court ruling Ms. Margaret Nordstrom was removed from her seat on the Morris County Board of Chosen Freeholders. The new Freeholder Liaison to the CADB would be Freeholder Director Chegwidde.

Meeting Dates Resolution

On motion of member Wightman, seconded by member Ashley Myers, the board members unanimously approved Resolution 2012-01, which establishes the time, date, place and agenda for the meetings of 2012 and January 2013. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

REVIEW OF MORRIS CADB'S MISSION STATEMENT

The board reviewed the Mission Statement and agreed that no changes were needed.

APPROVAL OF MINUTES

On motion of member Wightman, seconded by member Ashley Myers, the board approved the minutes of the August 11, 2011 regular meeting. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

On motion of member Ashley Myers, seconded by member Ort, the board approved the minutes of the November 17, 2011 regular meeting. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort and Keller

Nay: None Abstain: Wightman

OPEN TO THE PUBLIC

There were no comments from the public.

CLOSED SESSION

On motion of member Wightman, seconded by member Ashley Myers, the board closed the open portion of the meeting pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act and per the board's standard resolution language, and voted to conduct a closed session.

RETURN TO MEETING

The meeting reopened to the public at 9:05 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

No actions were taken.

REPORT OF DIRECTOR & ATTORNEY

SADC Annual PIG Application filed with SADC on December 15th. Ms. McCulloch informed the board that she had submitted the annual updates to the PIG Application.

RIGHT TO FARM

Morris Twp. – draft RTF Ordinance – Ms. Coyle informed the board that the RTF Ordinance was adopted on December 14th.

Sipos (Frog Hollow Farm). Ms. Coyle informed the board that on January 12, 2012, the owners of Frog Hollow Farm submitted a packet of information regarding their Right to Farm case involving property they own in Hunterdon County. The farmers own a preserved farm in Morris County and a parcel in Hunterdon County. In their letter, the farm owners asked the Morris CADB to advocate their position at the Agricultural Convention in Atlantic City. Ms. Coyle provided the background information about the case including a review of the Hunterdon CADB and the Office of Administrative Law decision. Ms. Coyle further informed the board that since the Convention took place prior to the CADB's meeting, she responded to the farm owners' request stating that Morris CADB cannot advocate for a farmer involved in a RTF matter. The CADB is required by law to hear RTF cases and render decisions. The CADB is an impartial body akin to a judge in a court of law. Should a RTF case be filed against the farm in Morris County, the CADB would be charged with determining whether their farm meets the eligibility criteria of the RTF Act and whether the activity in question constitutes a generally accepted agricultural management practice. The CADB cannot make an advisory without a formal review as outlined in the RTF regulations.

CORRESPONDENCE

The board reviewed two newspaper articles regarding the sales of Scott Farm 1 and 2 in Washington Township.

OLD BUSINESS

Ms. Coyle and Ms. McCulloch informed the board that Chairman Keller, Ms. Cybulski, Mr. Chang and CADB staff met with Freeholders Nordstrom and Grossi regarding the proposed changes to the preservation program.

NEW BUSINESS

Proposed amendment to Policy: P-8: Ranking System. Ms. Coyle presented to the board a draft revision of the policy. If approved, the policy would state that “if an application fails to meet the criteria listed in Paragraph 1, the Morris CADB reserves the right to waive the minimum criteria and to accept and consider the application on a case-by-case basis.” The board discussed the revision and agreed to consider adopting the revised policy if the Freeholder Board agrees to the proposed preservation program changes.

Davis/Shaffer Farm, Chester Twp. – termination of 8-Year Program. Ms. Coyle informed the board that the Davis/Shaffer Farm 8-Year Program had expired and that the farm owners do not wish to renew the program in light of the fact that the farm is now permanently preserved. On motion of member Wightman, seconded by member Ort, the board approved the “Notice of Termination of Municipally Approved Farmland Preservation Program”. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Oakes Farm, Rockaway Twp. - revised farm proposal. Ms. Coyle informed the board that the owners of the Oakes Farm submitted a revised plan for the construction of several agricultural structures including a pole barn, a mare barn, and an indoor riding arena. The board reviewed the plans and agreed that the plan was in compliance with the Deed of Easement. On motion of member Wightman, seconded by member Ashley Myers, the board directed staff to inform the farm owners in writing of the board’s decision. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Resolution 2012-02 Michel 1, Chester Twp.: Preliminary Approval. On motion of member Wightman, seconded by member Ashley Myers, the board approved Resolution 2012-02. A roll call vote was taken.

Aye: Ashley Myers, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Resolution 2012-03 Michel 2, Chester Twp.: Preliminary Approval. On motion of member Wightman, seconded by member Ashley Myers, the board approved Resolution 2012-03. A roll call vote was taken.

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

Resolution 2012-04 Arley Smith, Washington Twp.: Preliminary Approval. On motion of member Wightman, seconded by member Ashley Myers, the board approved Resolution 2012-04. A roll call vote was taken.

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

OPEN TO THE PUBLIC

Mr. Bryan Lofberg informed the board that the SADC developed a draft regulation regarding on-farm direct marketing. The SADC will be distributing the draft for review and asking for comments.

ADJOURNMENT

There being no further business, on motion of member Ashley Myers, seconded by member Wightman, the meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Katherine Coyle
Director