

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
October 10, 2013

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

Aimee Ashley Myers
Louise Davis
Rick Desiderio
Harvey Ort
Kenneth Wightman

Member with an excused absence:

Dale Davis

Others in attendance:

Marjorie Ford (departed at 8:45 p.m.)
William Ford (departed at 8:45 p.m.)
Landi Simone (departed at 8:45 p.m.)
Paul Simone (departed at 8:45 p.m.)
David Frank, Esq. (departed at 8:45 p.m.)

Staff in attendance:

Deena Leary
Ray Chang
W. Randall Bush, Esq.
Katherine Coyle

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.

RIGHT TO FARM

W. & M. Ford, Boonton Township.

The following documents were entered as additional exhibits:

September 30, 2013 letter from David Frank to Gregory KellerF-10

Documents related to the adoption of Boonton Township Resolution 13-129.....F-11

N.J.A.C. 2:76-2A.9 Fencing Installation Agricultural Management Practice for WildlifeF-12
Control, and Rutgers Cooperative Extension (RCE) publication entitled “Vertical Seven-Wire
Deer Control Fence,” FS 151

Boonton Township Ordinance Chapter 112 “Peace and Good Order”.....F-13

Chapter 2, New Jersey Local Government Desk Book, NJ Law Journal Books, 2008.....F-14

September 9, 2013 information regarding Parmak electric fence charger.....F-15

August 22, 2013 letter from Anthony McBride, NJDEP Division of Fish and Wildlife.....F-16
regarding bear fencing (including referenced web page)

RCE Snyder Research Farm web page regarding farming practices for crop protection.....F-17
against bear depredation

Curriculum Vitae of Kelcey Burgess.....F-18

October 9, 2013 Staff Report drafted by Katherine Coyle (with exhibits).....B-7

Mr. Frank discussed the exhibits he submitted to the Board.

Mr. Frank introduced Mr. Kelcey Burgess as a witness.

Mr. Burgess was sworn in by Mr. Bush and was qualified as a witness.

Mr. Frank discussed exhibit F-16, August 22, 2013 letter from Anthony McBride, NJDEP Division of Fish and Wildlife, regarding electric bear fencing.

Mr. Burgess provided testimony regarding standard recommendations for electric fencing. He discussed exhibit F-17, RCE Snyder Research Farm web page regarding farming practices for crop protection against bear depredation.

Mr. Burgess testified that he personally visited the Simone apiary on the Ford property and stated that the electric bear fencing does not pose a threat to public health and safety.

Ms. Coyle stated that the October 9, 2013 Staff Report had been distributed (Exhibit B-7). Ms. Coyle summarized the issues addressed in the report.

On motion of member L. Davis, seconded by member Ashley Myers, the Board determined the following:

1. The Applicant’s farm is a “commercial farm” as defined by the Right to Farm Act, N.J.S.A. 4:1C-9, et seq. and the SADC’s Right to Farm Rules, N.J.A.C. 2:76-2.1, et seq.; and

2. The Applicant's farm meets the eligibility criteria of the Right to Farm Act; and
3. The Applicant's proposed apiary, currently operated by Mrs. Simone, is in compliance with the Apiary Agricultural Management Practice, N.J.A.C. 2:76-2A.2; and
4. The Applicant's proposed apiary, currently operated by Mrs. Simone, does not pose a direct threat to public health and safety; and
5. Mrs. Simone's electric bear fence is in compliance with generally accepted management standards for electric bear fencing; and
6. Mrs. Simone's electric bear fence does not pose a direct threat to public health and safety.

A roll call vote was taken.

Aye: Ashley-Myers, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

The Board's decision would be memorialized via a resolution at the subsequent montly meeting.

At this point, Mr. Frank, Mr. and Mrs. Ford, Mrs. Simone, Mr. Simone departed at 8:45 p.m.

At this point, the Board took a five minute break.

Hing Lum, Mt. Olive Township. Ms. Coyle informed the Board that the complaint had been resolved.

APPROVAL OF MINUTES

The minutes were not available.

OPEN TO THE PUBLIC

There were no comments from the public

CLOSED SESSION

On motion of member Wightman, seconded by member L. Davis, the Board closed the open portion of the meeting pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, and voted to conduct a Closed Session in order to discuss matters related to the purchase, lease or acquisition of real property.

Chairman Keller announced that in compliance with the Open Public Meetings Act, the Morris CADB closed the open portion of the meeting in order to discuss matters related to the purchase, lease or acquisition of real property in Closed Session.

RETURN TO MEETING

The meeting reopened to the public at 9:47 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Casey Farm, Roxbury Township. On motion of member L. Davis, seconded by member Wightman, the Board directed staff to send a letter to the farm owner per the Board's discussion during Closed Session. A roll call vote was taken.

Aye: Ashley-Myers, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Nicholas Martini Farm, Washington Township. On motion of member L. Davis, seconded by member Wightman, the Board directed staff to send a letter to the farm owner per the Board's discussion during Closed Session. A roll call vote was taken.

Aye: Ashley-Myers, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

Robert Smith Farm, Washington Township. On motion of member L. Davis, seconded by member Wightman, the Board agreed to preserve the farm with 100% Morris County Preservation Trust Fund funding and to pursue a reimbursement of costs from the SADC after the closing. A roll call vote was taken.

Aye: Ashley-Myers, L. Davis, Desiderio, Wightman and Keller

Nay: None Abstain: Ort

Meyer Farm, Boonton Township. On motion of member L. Davis, seconded by member Wightman, the Board denied the farm owner's request for an extension to remedy the violation of the Deed of Easement. A roll call vote was taken.

Aye: Ashley-Myers, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

Annual PIG Application – municipal notification re: targeted list. Ms. Coyle informed the Board that as part of the annual SADC PIG Application process, she mailed to each municipality a list of properties targeted for farmland preservation.

Legislative updates. Ms. Coyle reported on the status of pending legislation.

RIGHT TO FARM

Landi Simone, Boonton Twp. Mr. Bush provided the status of the appeal.

Tranquility Farm, Chester Twp. Ms. Coyle informed the Board that she would send a letter to the SADC advising that the request for a SSAMP had been withdrawn.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

Greenway Flowers, Washington Twp. - Heath Village proposal & re-zoning. Ms. Coyle informed the Board regarding the status of the Heath Village proposal for the property adjoining the Greenway Flowers preserved farm. On motion of member L. Davis, seconded by member Wightman, the Board directed staff to ask the Township to consider the comments submitted by the CADB on May 31, 2013 (to require a 100' setback from the preserved farm property boundary). A roll call vote was taken.

Aye: Ashley-Myers, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: None

NEW BUSINESS

There was no new business to review.

OPEN TO THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business, on motion of member L. Davis, seconded by member Wightman, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Katherine Coyle
Director