

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
May 8, 2014

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

Aimee Ashley Myers
Dale Davis
Louise Davis
Rick Desiderio
Harvey Ort
Kenneth Wightman

Others in attendance:

Elizabeth Bancroft, Esq. (departed at 7:50 p.m.)
William Roerich, Washington Township Liaison

Staff in attendance:

Christine Marion
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.

APPROVAL OF MINUTES

The minutes were not available.

OPEN TO THE PUBLIC

There were no comments from the public.

RIGHT TO FARM #1

Resolution 2014-06: Matthew Johnston, Washington Twp. – Request for SSAMP #1. On motion of member Wightman, seconded by member L. Davis, the Board approved resolution 2014-06. A roll call vote was taken.

Aye: D. Davis, L. Davis, Desiderio, Ort, Wightman and Keller

Nay: None Abstain: Ashley Myers

Matthew Johnston, Washington Twp. – request for SSAMP #2. Elizabeth Bancroft, Esq. informed the Board that she represents Mr. Johnston, who was unable to attend the meeting. Ms. Bancroft presented to the Board Mr. Johnston's application for a SSAMP for the construction of a pole barn on Block 39, Lot 9. Mr. Johnston is the owner and operator of Cherry Valley Farm. The operation consists of Block 39, Lot 9 and Block 34, Lot 8, located in Washington Township, which total 6.25 acres.

Ms. Coyle presented to the Board a Staff Report summarizing the application, RTF procedures, and staff review and comments. Because Mr. Johnston's farm management unit consists of more than 5 acres, in order to meet the Right to Farm Act's definition of a "commercial farm," it must produce agricultural or horticultural products worth \$2,500 or more annually, and satisfy the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act.

Mr. Johnston had submitted proofs that his operation produced more than \$2,500 worth of agricultural products in 2013, 2012, 2011 and 2010 and that Block 39, Lot 9 and Block 34, Lot 8 are Farmland Assessed. Cherry Valley Farm produces fruits, vegetables, eggs and chickens.

Pursuant to N.J.A.C. 2:76-2.3(h), if the board determines that the farm operation is a commercial farm pursuant to N.J.S.A. 4:1C-3 and that the operation or practice is included in any of the activities permitted by N.J.S.A. 4:1C-9, then the board and/or board staff may request that the commercial farm owner or operator provide information using a checklist adopted by the board.

On motion of member L. Davis, seconded by member Wightman, the Board members voted that Mr. Johnston's operation is a commercial farm and that the farm practices in question are included in one or more of the permitted activities set forth in N.J.S.A. 4:1C-9. The Board directed staff to draft a SSAMP Checklist for the Board's review at the next meeting. A roll call vote was taken.

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

Nay: None Abstain: None

Ms. Bancroft departed at 7:50 p.m.

OLD BUSINESS #1

Scott Farm 2, Washington Twp. – proposed new use. Ms. Coyle presented a Staff Report regarding the Man of the Year, LLC proposal, the Deed of Easement for Scott Farm 2, and the SADC's interpretation of the Deed of Easement with respect to recreational uses.

On motion of member L. Davis, seconded by member Wightman, the Board voted that the Man of the Year, LLC proposal is inconsistent with the Deed of Easement for Scott Farm II and that the Deed of Easement prohibits the types of activities proposed by Man of the Year, LLC. A roll call vote was taken.

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

Nay: None Abstain: None

On motion of member L. Davis, seconded by member Wightman, the Board directed staff to inform Mr. Karlinski and Mr. Campbell regarding the Board's decision. A roll call vote was taken.

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

CLOSED SESSION

On motion of member D. Davis, seconded by member Wightman, 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 8:47 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Sobolewski, Washington Twp. On motion of member Wightman, seconded by member L. Davis, the Board directed staff to inform Mr. Sobolewski regarding the Board's decision per the Board's discussion during Closed Session. A roll call vote was taken.

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

NEW BUSINESS

Resolution 2014-07: Preliminary Approval: Aresty Farm, Chester & Mendham Twps. On motion of member L. Davis, seconded by member Wightman, the Board adopted Resolution 2014-07. A roll call vote was taken.

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

Resolution 2014-08: Preliminary Approval: Pultz Farm, Washington Twp. On motion of member L. Davis, seconded by member Wightman, the Board adopted Resolution 2014-08. A roll call vote was taken.

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

Resolution 2014-09: Preliminary Approval: Migliaccio Farm, Washington Twp. On motion of member L. Davis, seconded by member Wightman, the Board adopted Resolution 2014-09. A roll call vote was taken.

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

Resolution 2014-10: Preliminary Approval: Marancon Farm, Mt. Olive Twp. On motion of member L. Davis, seconded by member Wightman, the Board adopted Resolution 2014-10. A roll call vote was taken.

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

Resolution 2014-11: Preliminary Approval: Post Farm, Chester Twp. On motion of member L. Davis, seconded by member Wightman, the Board adopted Resolution 2014-11. A roll call vote was taken.

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

OLD BUSINESS #2

Tranquility Farm, Chester Twp. – review of activities. Ms. Coyle presented a Staff Report regarding the activities and events at the farm and the Deed of Easement restrictions.

Following Ms. Coyle's presentation, a Board discussion ensued. Mr. Desiderio answered the Board's questions about his operation.

The Board made the following findings:

1. Tranquility Farm sponsors various events, such as fundraisers, to market the equine operation, encourage new customers to participate in the agricultural business, and educate the public about the farm. The events provide an opportunity for the public to view the farm and the facilities, to view a professionally-prepared DVD about the facility, and to meet the owners of the farm.
2. The primary purpose of the events and activities is to attract the public to the farm in an effort to increase the direct marketing and sales of the agricultural output of the farm.
3. Activities and events including, but not limited to, dances, community meetings, parties, celebratory events such as weddings, and seasonal celebrations have historically been considered common farmsite activities.
4. No portion of the preserved farm premises is dedicated to the events and activities. Agriculture is the first priority use of the premises.
5. The land and existing structures are used in their existing condition. The owners of Tranquility Farm have not altered the existing structures or constructed any new structures to accommodate the events and activities, with the exception of installing exit signs, as required by the municipality.

6. Tranquility Farm has a 5-acre non-severable exception area that is not encumbered by the Deed of Easement. Celebratory events such as weddings should and can occur on the exception area.

On motion of member Wightman, seconded by member L. Davis, the Board voted that events and activities that take place at Tranquility Farm are permitted by the Deed of Easement because their purpose is to attract the public to the farm in an effort to increase the direct marketing and sales of the agricultural output of the farm. Staff was directed to draft a resolution memorializing the Board's decision. A roll call vote was taken.

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

Nay: None Abstain: Desiderio

REPORT OF DIRECTOR & ATTORNEY

Financial Disclosure Statement – filing instructions. Ms. Coyle provided the filing instructions for the Financial Disclosure Statements.

Preserved farm monitoring – Central & North-East regions. Ms. Coyle informed the Board that monitoring of farms in the Central & North-East regions was in progress.

Legislative Updates. Ms. Coyle provided the status of pending bills.

RIGHT TO FARM #2

Anthony Cappuccio, Washington Twp. – Complaint. Ms. Coyle informed the Board that the SADC was in the process of reviewing the farmer's Commercial Farm Certification and that the SADC conducted a site visit on May 1, 2014.

Fish Farm, Florham Park – Complaint. Ms. Coyle informed the Board that per the RTF regulations she informed the farm owners, the municipality and the SADC regarding the complaint and sent a letter to the farm owners requesting a Commercial Farm Certification.

Vincent Carraba, Mendham Twp. – complaint. Ms. Coyle informed the Board that she had received a complaint against Mr. Carraba. Ms. Coyle informed the property owner, the municipality and the SADC regarding the complaint and sent a letter to Mr. Carraba requesting a Commercial Farm Certification

CORRESPONDENCE

There was no correspondence 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 9:37 p.m.

Respectfully submitted,

K. Coyle

Katherine Coyle
Director