

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
July 10, 2014

The meeting was called to order by Chairman Keller at 7:35 p.m. Members present:

Aimee Ashley Myers
Dale Davis
Rick Desiderio
Harvey Ort
Kenneth Wightman

Members with an excused absence:

Louise Davis

Also in attendance:

Peter Nitzsche, RCE
Erika Kantor (departed at 7:47 p.m.)
Matthew Johnston (departed at 8:23 p.m.)

Staff in attendance:

Deena Leary
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

Ms. Erika Kantor addressed the Board regarding the Carrabba RTF complaint. Ms. Kantor read a statement about the impact of the Carrabba operation on the neighboring properties. Ms. Kantor submitted the statement for the record.

RIGHT TO FARM # 1

Matthew Johnston, Washington Twp. – request for SSAMP #2. Ms. Coyle presented to the Board a Staff Report, which discussed the SSAMP Review Checklist. The report had been distributed to the Board and Mr. Johnston prior to the meeting. Staff had reviewed the documentation submitted by Mr. Johnston to determine whether all checklist items were complete.

Mr. Johnston addressed the Board regarding the checklist waivers he was requesting.

The Board reviewed and discussed the Staff Report, which included documentation submitted by Mr. Johnston and the SSAMP Checklist.

On motion of member Wightman, seconded by member D. Davis, the Board granted Mr. Johnston's waiver requests, determined that the application and checklist items are complete, and that the Board would hold a public hearing in accordance with the hearing procedures set forth in N.J.A.C. 2:76-2.8. A roll call vote was taken.

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

Nay: None Abstain: None

Mr. Johnston departed at 8:23 p.m.

CLOSED SESSION

Pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, Chairman Keller announced that in compliance with the Open Public Meetings Act, the Morris CADB considered closing the open portion of the meeting in order to discuss matters related to the purchase, lease or acquisition of real property, and litigation in Closed Session. On motion of member Wightman, seconded by member D. Davis, the Board voted to conduct a Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

RETURN TO MEETING

The meeting reopened to the public at 8:47 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Bostrom, Randolph Twp. On motion of member Wightman, seconded by member Ashley Myers, the Board directed staff to send a letter to Mr. Bostrom per the Board's discussion during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

RIGHT TO FARM # 2

Anthony Cappuccio, Washington Twp. – Complaint. Ms. Coyle informed the Board that Washington Township had withdrawn their complaint.

Fish Farm, Florham Park – Complaint. Ms. Coyle informed the Board that she had distributed Resolution 2014-12, which was adopted by the Board at the June meeting. Mr. Bush advised the Board that the CADB's decision had been appealed by the farm owners. The appeal was transmitted by the SADC to the OAL.

William Benkendorf, Washington Twp. – Complaint. Ms. Coyle informed the Board that Ms. Barbara Margolese, Washington Township Zoning Officer, had filed a complaint against Mr. Benkendorf's operation on the Snowbird Farm in Washington Township. On motion of member Wightman, seconded by member D. Davis, the Board directed staff to forward a copy of the complaint to Mr. Benkendorf and to request a Commercial Farm Certification. A roll call vote was taken.

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

Nay: None Abstain: None

Valley Shepherd, Washington Twp. – Complaint. Ms. Coyle informed the Board that in a July 8, 2014 letter to Municipal Judge Frank Leanza, Anthony Sposaro, Esq., the farmer's attorney, challenged the CADB's February 19, 2014 decision that in light of the Notices of Violation issued by the NJDEP and the NJDA against Valley Shepherd Creamery, the CADB could not grant a hearing. Ms. Coyle then presented to the Board her July 9, 2014 memorandum in response to Mr. Sposaro's letter. Ms. Coyle stated that Mr. Sposaro's remedy was to appeal the CADB's decision to the SADC. Pursuant to N.J.A.C. 2:76-2.7(k), "Any person aggrieved by the decision of the board regarding a complaint against a commercial farm in accordance with this section shall appeal the decision to the Committee within 10 days from receipt of the board's decision. The Committee shall schedule a hearing and make a determination within 90 days of receipt of the petition for review.

1. The decision of the Committee shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court.
2. Any decision of the board that is not appealed shall be binding."

Ms. Coyle informed the Board that Mr. Sposaro never appealed the CADB's decision.

Vincent Carrabba, Mendham Twp. – complaint. Mr. Bush informed the Board that he had spoken with Mr. Carrabba's attorney, Scott Carson, Esq., who had submitted a written request to table the matter until the next CADB meeting to allow for the submittal of a formal written position. The Board agreed to table the matter until the August meeting.

REPORT OF DIRECTOR & ATTORNEY

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

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

Tranquility Farm, Chester Twp. – review of activities. Ms. Coyle informed the Board that she had distributed Resolution 2014-13, which was adopted by the Board at the June meeting

NEW BUSINESS

There was no new business to discuss.

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 9:17 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "K. Coyle". The letters are cursive and slightly slanted to the right.

Katherine Coyle
Director