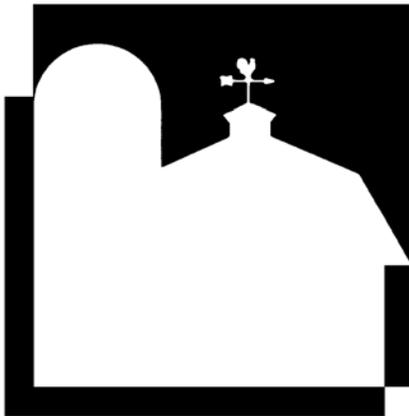


**Morris County  
Agriculture Development Board**

**BYLAWS**



**Adopted: May 11, 1995**  
**Revised: December 14, 2000**  
**Revised: October 11, 2007**

# MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD

## BY LAWS

### ARTICLE I - PURPOSE

To preserve farmland in Morris County (County) by carrying out requirements of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., the Right to Farm Act, N.J.S.A. 4:1C-1 et seq., and the Morris County Open Space, Farmland and Historic Preservation Trust Fund.

#### 1.1 The Morris County Agriculture Development Board may:

- a. Develop an educational and informational program concerning farmland preservation techniques and recommended agricultural management practices to advise and assist municipalities, farmers and the general public with respect to the implementation of these techniques;
- b. Provide assistance to farm operators concerning permit applications and information regarding the regulatory practices of state government agencies.

#### 1.2 The Morris County Agriculture Development Board shall:

- a. Develop and adopt, after public hearings, agricultural retention and development programs, agricultural which shall have as their principal purpose the long-term encouragement of the business climate and the preservation of agricultural land in the County;
- b. Establish the minimum acreage of significant masses of reasonably contiguous land preservation programs required for the creation of a municipally-approved program or other farmland preservation programs;
- c. Establish minimum standards for the inclusion of land in a municipally approved program or other farmland preservation programs;
- d. Review and approve, conditionally approve or disapprove petitions for the formation of a municipally-approved program or other farmland preservation programs, and monitor the operations thereof;
- e. Review and approve, conditionally approve or disapprove, prior to any applications to the State Agriculture Development Committee (SADC), any request for financial assistance authorized by this act;
- f. Monitor and make appropriate recommendations to the SADC and to county and municipal governing bodies and boards with respect to resolutions, ordinances, regulations and development approvals which would threaten the continued viability of agricultural activities and farmland preservation programs within agricultural development areas;
- g. At the request of a municipality, require that any person proposing any nonagricultural development in an agricultural development area prepare and submit a statement as to the

potential impact the proposed development would have on agricultural activities in the area.

## **ARTICLE II - DEFINITIONS**

For the purpose of these Bylaws, certain words and terms used herein are defined as follows:

- 2.1 **“Board”** - Morris County Agriculture Development Board
- 2.2 **“Bylaws”** - The Bylaws of the Morris County Agriculture Development Board
- 2.3 **“Member(s)”** - Member(s) of the Morris County Agriculture Development Board, as provided in Section 5.1.
- 2.4 **“Chairman”** - Chairman of the Morris County Agriculture Development Board
- 2.5 **“Vice Chairman”** - Vice Chairman of the Morris County Agriculture Development Board
- 2.6 **“Secretary”** - Secretary of the Morris County Agriculture Development Board
- 2.7 **“Clerk”** - Clerk of the Morris County Board of Chosen Freeholders
- 2.8 **“Freeholders”** - Morris County Board of Chosen Freeholders
- 2.9 **“Treasurer”** - Treasurer of the County of Morris

## **ARTICLE III - OFFICE LOCATION**

The office of the Board is located at 30 Schuyler Place, Morristown. The mailing address for the Board is Morris County Agriculture Development Board, P. O. Box 900, Morristown, NJ 07963-0900. All records of the Board shall be open for inspection during regular business hours (8:30 a.m. - 4:30 p.m., Monday through Friday).

## **ARTICLE IV - MEETINGS**

- 4.1 **Regular Meetings:** Regular meetings of the Board shall be held once each month at a day to be chosen by the Board. If said day is a legal holiday or if no quorum is present, the day for the regularly scheduled meeting shall be held seven (7) days later.
- 4.2 **Special Meetings:** Special meetings may be called at any time by the Chairman, or in his/her absence, the Vice Chairman, or by the Secretary on the written request of any three (3) voting members. Forty-eight (48) hours notice must be given each member and the public pursuant to the “Open Public Meetings Act.”
- 4.3 **Adjourned Meeting:** A convened meeting of the Board must be adjourned in the event there is a lack of a quorum.
- 4.4 **Workshop Meetings:** Workshop meetings may be held when called by the Chairman on seven (7) days notice to the Board and public. All workshop meetings shall be open to the public and no

official action shall be taken at any workshop meeting.

- 4.5 Meeting Notices:** The Secretary shall give such notice of Board meetings seven (7) days in advance and as required by the “Open Public Meetings Act.”
- 4.6 Emergency Meetings:** Emergency meetings of the Board may be held without giving notice required by the “Open Public Meetings Act,” if substantial harm to the public interest is likely to result from a delay in the holding of the meeting. The subject matter of such meeting will be limited to discussion of and acting upon such matters of urgency and importance. The minutes of the Board shall reflect the urgent nature of such meeting and the reasons why the notices required by the “Open Public Meetings Act” were not completed.
- 4.7 Place of Meetings:** Meetings of the Board shall be held in the Department of Planning & Development conference room on the Fourth Floor at 30 Schuyler Place, Morristown or at such other places as shall be determined by the Board.
- 4.8 Quorum:** A majority (four) of the voting members of the Board shall constitute a quorum for the transaction of business. Nonvoting members have privilege of the floor.
- 4.9 Attendance and Failure to Object:** Attendance of a member at a meeting shall constitute a waiver of notice of the meeting except when a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.
- 4.10 Conflict of Interest:** No member shall act upon any matter, which he or she has either directly or indirectly any personal or financial interest. Specifically, pursuant to N.J.A.C. 2:76-6.18(z), no member and member of his or her immediate family shall sell or apply to sell development easements on their property or sell or apply to sell their property in fee simple pursuant to the Agriculture Retention and Development Act N.J.S.A. 4:1C-11 et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 et seq. Member of the immediate family shall be the member’s spouse, child, parent or sibling residing in the same household. Board members shall comply with N.J.S.A. 40A:9-22.1 ‘Local Government Ethics Law’ as required under current Morris County Policies and Procedures.
- No member and member of his or her immediate family shall sell or apply to sell development easements on their property or sell or apply to sell their property in fee simple pursuant to the Agriculture Retention and Development Act N.J.S.A. 4:1C-11 et seq. and the Garden State Preservation Trust Act, N.J.S.A. 13:8C-1 et seq. , unless the member has resigned from the Board at least 365 days prior to submitting an application to sell a development easement on their property or an application to sell their property in fee simple.
- 4.11 Public Attendance at Meetings:** All meetings of the Board shall be open to the public. Members of the public shall be permitted to ask questions at such times as the Chairman deems appropriate.
- 4.12 Presiding Officer:** The presiding officer at all meetings of the Board shall be the Chairman. In his/her absence the presiding officer shall be the Vice Chairman. In the absence of both the Chairman and the Vice Chairman, the voting members present shall by a majority vote elect a Chairman “protem.”

**4.13 Agenda:** The agenda of every regular meeting shall be as follows:

- a. Call to Order
- b. Compliance Statement with “Open Public Meetings Act”
- c. Roll Call
- d. Approval of Minutes
- e. Open to the Public for Non-Agenda Items
- f. Executive Session (if necessary)
- g. Return to Meeting
- h. Report of Director & Attorney
- i. Right to Farm
- j. Correspondence
- k. Old Business
- l. New Business
- m. Open to the Public
- n. Adjournment

**4.14 Minutes of Proceedings:** The Secretary or designated staff shall keep minutes of all proceedings of the Board, showing the time and place, the members present, the subject considered, the actions taken, the vote of each member, the names of the persons appearing and addressing the Board, the names of persons appearing by attorney and the findings made by the Board and reasons therefor. The minutes of the Board shall be available for public inspection during normal business hours at the Board office. A copy of the minutes of each meeting shall be provided to any person so requesting them in accordance with the fee schedule established by the County.

**4.15 Recording of Hearings:** All hearings before the Board shall be recorded verbatim by either stenographic, mechanical or electronic means. The Board shall furnish a transcript to any interested party at his/her expense upon request.

**4.16 Decisions:** Every decision on subject of the hearing shall be in writing and shall include findings of fact and conclusions based thereon.

**4.17 Cancellation of Meeting:** Regular meetings may be canceled by the Chairman when there is no business pending, provided all members are notified in accordance with Section 13.d of “Open Public Meetings Act.”

## **ARTICLE V - MEMBERS**

**5.1 Composition:** The Board shall consist of seven (7) voting and three (3) nonvoting members as provided in N.J.S.A. 4:1C-14.

**5.2 Compensation:** All members of the Board shall serve without compensation.

**5.3 Vacancies:** Any vacancy shall be filled by appointment in the same manner as the original appointment for the unexpired term.

**5.4 Duties:** All administrative responsibilities shall be undertaken by the Chairman or Vice Chairman and the Board Secretary or designated staff.

## ARTICLE VI - OFFICERS, COMMITTEES AND STAFF

- 6.1 Term of Office:** The term of office of all officers shall be one (1) year.
- 6.2 Officers:** Officers of the Board shall be the Chairman, Vice Chairman and Secretary. The Secretary may be an ex-officio member.
- 6.3 Election of Officers:** The Officers shall be elected by a majority vote of the voting members at the annual organizational meeting of the Board in January.
- 6.4 Committees:** There shall be Committees from among the members as the Chairman and the Board deem necessary for the purpose of carrying out the business of the Board.
- 6.5 Duties of the Chairman:** The Chairman shall:
- a. Preside at all regular and special meetings
  - b. Appoint all Committee members
  - c. Create such Committees as he or she deems necessary
  - d. Sign such other documents as are necessary
  - e. Administer oaths and direct that testimony be given under oath
- 6.6 Duties of the Vice Chairman:** In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman.
- 6.7 Duties of the Secretary:** The duties of the Secretary or designated staff shall be:
- a. maintain a complete file of all applications to the Board
  - b. record all proceedings of the Board pursuant to Sections 4.14 and 4.15
  - c. prepare and distribute correspondence as approved by the Board
  - d. assure that all documents, books of record, minutes, transcripts, resolutions and other relative documents, which belong to the Board are filed and stored
  - e. report to the Board at each regular meeting the following:
    - (1) summary of past month's minutes
    - (2) correspondence received and sent by the Board
  - f. notify members, public, and local media of all meetings requiring notices.
- 6.8 Staff:** The County may hire and appoint staff personnel as appropriate to assist in carrying out Board functions.
- 6.9 Legal counsel and experts:** Legal counsel and experts shall be employed or contracted as required from time to time.

## ARTICLE VII - PARLIAMENTARY PROCEDURE

- 7.1 Conduct of Meetings:** All meetings shall be conducted in accordance with "Robert's Rules of Order, Revised."

**7.2 Voting:** When a quorum is present, a majority of the votes cast shall be sufficient for the adoption of any motion or resolution except for the following matters:

- a. Statutorily requires a greater vote.
- b. Decision involving expenditure of County monies for purchase of development easements or purchase in fee simple requires four (4) affirmative votes.
- c. Creation of farmland preservation programs as defined in N.J.S.A. 4:1C-20, requires four (4) affirmative votes.
- d. Creation of municipally approved farmland preservation program as defined in N.J.S.A. 4:1C-21, requires four (4) affirmative votes.

**7.3 Method of Voting:** A roll call vote is required for all resolutions, appropriations of funds for purchase of development rights or purchase in fee simple, and/or as required to include the vote of each member.

## **ARTICLE VIII - FINANCE**

All County monies shall be disbursed by the County Treasurer.

## **ARTICLE IX - HEARING, APPLICATION AND APPEALS**

Procedure on application shall be by rules adopted by the Board.

## **ARTICLE X - AMENDMENT OR SUSPENSION OF BYLAWS**

**10.1 Amendment:** The Bylaws may be amended at any regular meeting upon five (5) affirmative votes of voting members of the Board, provided the amendment was submitted in writing at the previous regular meeting.

**10.2 Suspension:** These Bylaws shall be subject to suspension at any regular meeting of the Board, only upon five (5) affirmative votes of authorized voting members of the Board.