

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
May 10, 2012

The meeting was called to order by Chairman Keller at 7:37 p.m. Members present:

Aimee Ashley Myers
Dale Davis
Rick Desiderio (arrived at 7:42 p.m.)
Harvey Ort
Kenneth Wightman

Staff in attendance:

Deena Cybulski
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.

APPROVAL OF MINUTES

On motion of member Ashley Myers, seconded by member Ort, the board approved the minutes of the February 9, 2012 regular meeting. A roll call was taken.

Aye: Ashley Myers, Ort, and Keller

Nay: None Abstain: D. Davis and Wightman

On motion of member D. Davis, seconded by member Ort, the board approved the minutes of the March 8, 2012 regular meeting. A roll call vote was taken.

Aye: D. Davis, Ort and Keller

Nay: None Abstain: Ashley Myers and Wightman

On motion of member Ashley Myers, seconded by member Wightman, the board approved the minutes of the April 12, 2012 regular meeting. A roll call vote was taken.

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

Nay: None Abstain: None

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 8:16 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Robert Smith Farm, Washington Township – On motion of member Ashley Myers, seconded by member D. Davis, the board agreed to extend the contract with the landowner for six months. A roll call vote was taken.

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

Nay: None Abstain: Ort

Cholish Farm, Washington Township – On motion of member Ashley Myers, seconded by member Wightman, the board directed staff to request information from the landowner regarding a possible violation of the Deed of Easement. A roll call vote was taken.

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

Nay: None Abstain: None

REPORT OF DIRECTOR & ATTORNEY

No report was provided.

RIGHT TO FARM #1

L. Simone, Gooserock Farm – Request for SSAMP. Ms. Coyle informed the board that Ms. Landi Simone, owner of an apiary called Gooserock Farm, submitted an application for a SSAMP for her operation. Mr. Bush informed the board that the CADB has a conflict of interest in this matter (an adjoining property owner is Freeholder Deputy Director Douglas Cabana; Freeholder Cabana has expressed a grievance against the operation) and, therefore, cannot proceed with the application. On motion of member Wightman, seconded by member Ashley Myers, the board directed staff to contact the SADC and request their assistance with finding another CADB to hear the application and to notify the farm owner about the conflict of interest and the application process. A roll call vote was taken.

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

Nay: None Abstain: None

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

MCADB presentation to Board of Chosen Freeholders. Ms. Cybulski informed the board that she presented the proposed changes to the Farmland Preservation Program at the Freeholder Budget Sub-Committee meeting on April 25, 2012.

NEW BUSINESS

Ms. Cybulski informed the board that the Volunteer Reception was rescheduled for Tuesday May 29, 2012 at 5:30 p.m. at the Frelinghuysen Arboretum.

RIGHT TO FARM #2

Alex Adams, Denville Twp. - Mr. Bush and Ms. Coyle informed the board that on April 23, 2012, Honorable Judge Minkowitz ordered that the Summons Complaint by Denville Township v. Alex Adams shall be held in abeyance pending a determination by the Morris CADB and the SADC as to whether Mr. Adams' property or properties constitute a commercial farm subject to the protections of the Right to Farm Act. If the agencies determine that the properties qualify as a commercial farm under the RTF Act, then the Municipal and Superior Court lack subject matter jurisdiction in the matter and the Summons Complaint shall be dismissed. If the properties do not constitute a commercial farm, then the matter shall be heard by the Superior Court. Staff further stated that they would inform the municipal attorney regarding the conflict resolution procedures under the RTF Act so that the municipality could file an official complaint with the CADB and the conflict resolution process may be initiated.

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 Ashley Myers, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Katherine Coyle
Director