

MINUTES
MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD
30 Schuyler Place, 4th Floor, Morristown, New Jersey
October 9, 2014

The meeting was called to order by Chairman Keller at 7:39 p.m. Members present:

Aimee Ashley Myers
Louise Davis
Rick Desiderio
Harvey Ort (arrived at 8:09 p.m.)
Kenneth Wightman

Members with an excused absence:

Dale Davis

Also in Attendance:

Kurt Maier (departed at 7:50 p.m.)
William Benkendorf (departed at 8:35 p.m.)
Anthony Sposaro, Esq. (arrived at 8:30 p.m.; departed at 8:53 p.m.)

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 had 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 L. Davis, seconded by member Wightman, the Board approved the minutes of the September 11, 2014 regular meeting. A roll call vote was taken.

Aye: L. Davis, Desiderio, Wightman and Keller

Nay: None Abstain: Ashley Myers

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS

Mr. Kurt Maier informed the Board about Washington Township Municipal Utilities Authority's (WTMUA) Parker Road project.

The Board discussed the fact that two preserved farms are impacted by this project, Maier and Killion. Mr. Maier stated that the owners of the Killion farm had applied for an agricultural exemption, but were denied because they currently only have three horses. The MUA will require that their existing well be capped and the entire farm hooked up to the public water system. The Board expressed concern about the fact that the farm is preserved in perpetuity and must have continued access to the existing onsite well for current and future agricultural uses. Even though it is not intensely farmed currently, the use could change in the future and require significant amounts of untreated water. In addition, Mr. Maier stated that he was informed that that he may be required to conduct annual well water testing to check for contamination. He has 5 wells and the cost of testing would be several thousand dollars annually. Ms. Coyle stated that she would reach out to the MUA to gather information and to request the MUA to consider the CADB's concerns.

Mr. Maier left at 7:50 p.m.

RIGHT TO FARM

William Benkendorf, Washington Township. – Complaint.

Ms. Coyle presented the Staff Report, which was marked as Exhibit B-8 for the purposes of drafting the final resolution.

Mr. Bush swore in Mr. William Benkendorf. Mr. Benkendorf presented his case to the Board.

The Board reviewed Mr. Benkendorf's Commercial Farm Certification and reviewed the eligibility criteria of the RTF Act, including the history of state law violations related to Mr. Benkendorf's operation.

On motion of member Wightman, seconded by L. Davis, the Board voted that Mr. Benkendorf's operation is not a "commercial farm" as defined by the RTFA and does not meet the eligibility criteria of the RTFA. The Board dismissed the complaint. Staff was directed to draft a resolution memorializing the Board's decision. A roll call vote was taken.

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

Nay: None Abstain: None

Mr. Benkendorf left at 8:35 p.m.

CLOSED SESSION

On motion of member L. 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, and litigation.

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, and litigation in Closed Session.

RETURN TO MEETING

The meeting reopened to the public at 9:20 p.m.

ACTIONS RESULTING FROM CLOSED SESSION

Parish, Mendham Township. On motion of member Wightman, seconded by member L. Davis, the Board directed staff to inform the farm owners regarding the Board's decision as discussed during Closed Session. A roll call vote was taken.

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

Nay: None Abstain: None

Migliaccio, Washington Township. On motion of member L. Davis, seconded by member Wightman, the Board directed staff to forward the SADC's letter (once received) to Mr. Migliaccio. 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 Planning Incentive Grant Application. Ms. Coyle informed the Board that she received no comments in response to the municipal mailing regarding the CADB's targeted farm list. The PIG application is due at the SADC on December 17th.

Monitoring: Western Region. Ms. Coyle informed the Board that monitoring inspections of Western Region farms would begin on October 22, 2014 and that Planning staff would be assisting with the field work.

SADC 10-3-14 meeting. Ms. Coyle provided a summary of topics discussed during the October 3, 2014 SADC meeting.

Legislative Updates. Ms. Coyle informed the Board about A3124/S2021, which would exempt certain temporary farm structures from permit and transition area requirements of Freshwater Wetlands Protection Act and about A3121, which authorizes issuance of multi-species depredation permit for wildlife control on farmland.

CORRESPONDENCE

There was no correspondence to review.

OLD BUSINESS

There was no old business to review.

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 L. Davis, seconded by member Wightman, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Katherine Coyle
Director