

**MINUTES**  
**MORRIS COUNTY AGRICULTURE DEVELOPMENT BOARD**  
**30 Schuyler Place, 4<sup>th</sup> Floor, Morristown, New Jersey**  
**February 19, 2009**

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

Aimee Ashley Myers  
Dale Davis  
Greg Keller  
Jay Thomson  
Kenneth Wightman

Also in attendance:

Jack Schrier, Morris County Board of Chosen Freeholders Liaison (arrived at 9:06 p.m.;  
departed at 9:48 p.m.)  
Robert Smith (arrived at 8:03 p.m.; departed at 8:23 p.m.)  
Matt DeGrande (arrived at 8:51 p.m.; departed at 9:04 p.m.)  
Joe and Lisa Gorda (arrived at 7:45 p.m.; departed at 8:02 p.m.)  
Janice, Fred and Sue Backer (arrived at 9:06 p.m.; departed at 9:48 p.m.)  
Bruce Andrews (arrived at 8:24 p.m.; departed at 8:50 p.m.)  
Susan, Emily and Jordyn Gechtman (arrived at 9:06 p.m.; departed at 9:48 p.m.)  
Geneva Soule (arrived at 9:06 p.m.; departed at 9:48 p.m.)  
George Koenig (arrived at 9:06 p.m.; departed at 9:48 p.m.)

Staff in attendance:

Frank Pinto (arrived at 9:06 p.m.)  
W. Randall Bush, Esq.  
Ray Chang  
Katherine Coyle  
Jennifer McCulloch

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**COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW**

Chairman Roehrich 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 Keller, the board approved the minutes of the January 15, 2009 regular meeting. A roll call vote was taken.

Aye: Ashley Myers, Davis, Keller, Thomson and Roehrich

Nay: None Abstain: Wightman

## **OPEN TO PUBLIC FOR NON-AGENDA ITEMS**

There were no comments by the public.

## **CLOSED SESSION #1**

On motion of member Wightman, seconded by member Ashley Myers, the board closed the open portion of the meeting and voted to conduct a closed session.

## **RETURN TO MEETING**

The meeting reopened to the public at 9:06 p.m.

## **RIGHT TO FARM**

*Mendham Twp. Ordinance Regulating Intensity of Farm Uses.* Ms. Coyle informed the board that Mendham Township proposed an ordinance, which would regulate the intensity of farm uses. Ms. Coyle distributed copies of a Staff Report, which she prepared and discussed its contents. The Staff Report compared the standards set by the proposed ordinance as compared to those set by the Right to Farm Act, the SADC's Equine Rules, and the Morris CADB's Equine Policy. Ms. Coyle stated that the proposed ordinance may be in direct conflict with the Right to Farm Act, the SADC's Equine Rules, and the Morris CADB's Equine Policy.

The meeting was attended by a large number of Mendham Township residents. One attendee, Mr. Fred Backer, expressed his concern regarding the effect of the proposed ordinance on his agricultural operation, a permanently preserved farm. Mr. Backer was of the opinion that limiting the number of animals and restricting impervious coverage, as directed by the ordinance, will cause his equine operation to no longer be a viable farm. Mr. Backer also stated that Mendham Township, as one of the more rural towns in the County, should not adopt an ordinance that is more restrictive than the regulations already adopted by Morris County and the SADC. He recommended that the CADB work with the Mendham Township Committee to ensure that the ordinance is in compliance with the County and State regulations.

Another Mendham Township resident, Ms. Susan Gechtman spoke in support of the Backer Farm and against the proposed ordinance.

The board and staff discussed the proposed ordinance at length and expressed strong concern about its impact on farming operations in Mendham Township. The board was of the opinion that the proposed ordinance will have a negative effect on the future viability of permanently preserved farmland and non-preserved agricultural operations in Mendham Township. Therefore, the board was opposed to the adoption of the ordinance.

On motion of member Thomson, seconded by member Wightman, the board directed staff to draft a letter to Mendham Township summarizing the board's comments regarding the proposed ordinance and requesting the ordinance be tabled until that a representative of Mendham

Township meets with CADB staff to discuss the impetus for the ordinance, its status and its effect on farming operations in the Township. A roll call vote was taken.

Aye: Ashley Myers, Davis, Keller, Thomson, Wightman and Roehrich

Nay: None Abstain: None

## **CLOSED SESSION #2**

On motion of member Thomson, seconded by member Davis, the board closed the open portion of the meeting and voted to conduct a closed session.

## **RETURN TO MEETING**

The meeting reopened to the public at 10:45 p.m.

## **ACTIONS RESULTING FROM CLOSED SESSION**

*Morris.* On motion of member Keller, seconded by member Davis, the board directed staff to send a letter to the applicants summarizing issues discussed during Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Davis, Keller, Thomson and Roehrich

Nay: None Abstain: Wightman

*Fairmount.* On motion of member Keller, seconded by member Ashley Myers, the board directed staff to send a letter to Washington Township summarizing the board's revised offer as discussed during Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Davis, Keller, Wightman and Roehrich

Nay: Thomson Abstain: None

*Andrews Farm.* On motion of member Thomson, seconded by member Wightman, the board directed staff to send a "Notice of a Deed of Easement Violation" to the landowner as discussed during Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Davis, Keller, Thomson, Wightman and Roehrich

Nay: None Abstain: None

*Hildebrant Farm.* On motion of member Ashley Myers, seconded by member Davis, the board directed staff to send a letter to the landowner regarding an extension as discussed during Closed Session. A roll call vote was taken.

Aye: Ashley Myers, Davis, Keller, Thomson, Wightman and Roehrich

Nay: None Abstain: None

## **REPORT OF DIRECTOR**

"*Top 5*". Ms. Coyle and Ms. McCulloch directed the board members to the "Top 5" of the month. The top five project activities for the months of January/February were: 1) Applications: B. Smith, Gorda, DeNeufville, Linz, Pyznar, Terry, McLaughlin, Scheller, 2) Application site visits: Scheller, B. Smith, Gorda, Pyznar, 3) Landowner Workshop, 4) RTF: Mendham Twp.'s

proposed ordinance and 5) Pending: Fairmount, Lancor, S. Peach, Greenway Flowers, Cobb, Morris, Post, Hickey.

*Landowner Workshop results.* Ms. Coyle and Ms. McCulloch discussed the results of the workshop. As a result of the Landowner Outreach Campaign and the Landowner Workshop, several applications for permanent preservation have been submitted to the CADB. Staff is also in discussions with several additional landowners who are expected to submit their applications shortly.

## **CORRESPONDENCE**

There was no correspondence to review.

## **OLD BUSINESS**

There was no old business to discuss.

## **NEW BUSINESS**

*Resolution 2009-04 – Preliminary Approval: Gorda, Wash. Twp.* On motion of member Wightman, seconded by member Keller, the board adopted Resolution 2009-04. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson, Wightman and Roehrich

Nay: None Abstain: None

*Resolution 2009-05 – Preliminary Approval: B. Smith, Wash. Twp.* On motion of member Wightman, seconded by member Ashley Myers, the board adopted Resolution 2009-05. A roll call vote was taken.

Aye: Ashley Myers, Keller, Ort, Thomson, Wightman and Roehrich

Nay: None Abstain: None

*Bill A609 – Sale of Firewood.* Ms. Coyle informed the board regarding a proposed bill that would provide that a farm, farmstand, or other agricultural operation selling firewood obtained from property other than the seller's would not be considered a lumber yard.

## **OPEN TO THE PUBLIC**

There were no comments from the public.

## **ADJOURNMENT**

There being no further business, on motion of member Keller, seconded by member Ashley Myers, the meeting was adjourned at 11 p.m.

Respectfully submitted,  
Katherine Coyle, Assistant Director