

STATE AGRICULTURE DEVELOPMENT COMMITTEE

**Department of Agriculture
Market and Warren Streets
1st Floor Auditorium
Trenton, NJ 08625**

SPECIAL MEETING – VIA TELEPHONE CONFERENCING

October 13, 2016

Ms. Payne called the meeting to order at 3:10 p.m. Ms. Payne read the notice indicating the meeting was held in compliance with the Open Public Meetings Act.

Roll call indicated the following:

Members Present Via Telephone Conferencing

Renee Jones (rep. DEP Commissioner Martin)
Executive Dean Robert Goodman
James Waltman
Denis C. Germano, Esq.
Jane R. Brodhecker
Ralph Siegel (rep. State Treasurer Scudder) (**attended in person**)
Peter Johnson
Scott Ellis

Members Absent

Douglas H. Fisher, Chairperson
Alan A. Danser, Vice Chairman
Thomas Stanuikynas (rep. DCA Commissioner Richman)

Susan E. Payne, Executive Director
Jason Stypinski, Deputy Attorney General

Others present as recorded on the attendance sheet: Brian Smith, Esq., Alison Reynolds, Esq., Hope Gruzlovic and Sandy Giambrone, SADC staff. Also via teleconferencing, Michael Collins, Esq., Governor's Authorities Unit, and Ashley Kerr, New Jersey Farm Bureau.

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

At 3:15 p.m., Mr. Siegel moved the following resolution to go into Closed Session. The motion was seconded by Mr. Germano and unanimously approved.

“Be it resolved, in order to protect the public interest in matters involving minutes, real estate, attorney-client matters and personnel, pursuant to N.J.S.A. 10:4-12, the N.J. State Agriculture Development Committee declares the next one hour to be private to discuss these matters. The minutes will be available one year from the date of this meeting.”

ACTION AS A RESULT OF CLOSED SESSION

Attorney/Client Matters

A. Attorney/Client Matters

1. Litigation
Right to Farm – Motion for Interlocutory Review – Feinberg v. Hunterdon
CADB and Ann del Campo, t/a Stony Brook Meadows, LLC, OAL Dkt.
No. ADC 57-14

Ms. Payne asked for a motion. It was moved by Mr. Germano and seconded by Mr. Waltman to accept the interlocutory appeal in the above-referenced case.

A roll-call vote was taken as follows:

Douglas H. Fisher, Chairperson	Absent
Executive Dean Robert Goodman	Yes
Thomas Stanuikynas	Absent
Renee Jones	Yes
Ralph Siegel	Yes
Jane R. Brodhecker	Yes
Alan Danser, Vice Chairman	Absent
Scott Ellis	Yes
Dennis C. Germano, Esq.	Yes

Peter Johnson	Yes
James Waltman	Yes

The motion was unanimously approved. (A copy of the Resolution is attached to and is a part of these minutes.) Mr. Smith stated he would send an email to the parties and their counsel advising them that the SADC agreed to accept the interlocutory review. He questioned whether the SADC needs a resolution. Mr. Stypinski stated that he believes the court clerk also needs to be notified and that the SADC should do a resolution.

Mr. Siegel made a motion to delegate the Committee's decision-making authority in interlocutory appeals and similar motions involving the Office of Administrative Law (OAL) to the Executive Director to report to the Committee at its next scheduled meeting. Mr. Germano seconded the motion, which was unanimously approved.

A roll-call vote was taken as follows:

Douglas H. Fisher, Chairperson	Absent
Executive Dean Robert Goodman	Yes
Thomas Stanuikynas	Absent
Renee Jones	Yes
Ralph Siegel	Yes
Jane Brodhecker	Yes
Alan Danser, Vice Chairman	Absent
Scott Ellis	Yes
Dennis C. Germano, Esq.	Yes
Peter Johnson	Yes
James Waltman	Yes

PUBLIC COMMENT

Ashley Kerr asked whether the Committee had seen the letter New Jersey Farm Bureau sent on September 16 regarding Stony Brook Meadows. In the letter Farm Bureau stated that it didn't believe it was within the authority of the Office of Administrative Law (OAL) to determine the SADC's jurisdiction. The only questions properly before the OAL at this point are those identified in the SADC's remand. Peter Furey just wanted her to note that the letter had been submitted. She also asked if there is a timeline for an appeal – can you appeal a decision years later? Ms. Payne stated that the Committee was not provided with the letter. She stated that she didn't recall seeing it and apologized for what might have been an oversight on her part. Ms. Kerr stated that she would re-send the

letter and Ms. Payne stated that she would immediately provide it to the Committee. Regarding appeals, Mr. Stypinski said appeals of final decisions must be filed within 45 days. However, because this decision remanded the case to the OAL for fact-finding on certain issues, the decision is not completely final and the process starts over again with whatever issues were remanded to the ALJ. Mr. Smith offered to discuss this further with Ms. Kerr if she would like to call him.

ADJOURNMENT

There being no further business, it was moved by Mr. Waltman and seconded by Ms. Brodhecker and unanimously approved to adjourn the meeting at 4:28 p.m.

Respectfully Submitted,



Susan E. Payne, Executive Director
State Agriculture Development Committee

Attachment

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STATE AGRICULTURE DEVELOPMENT COMMITTEE

RESOLUTION

On Motion for Interlocutory Review

Edward and Linda Feinberg v. Hunterdon County Agriculture Development Board;
and Ann del Campo and Laura del Campo, t/a Stonybrook Meadows, LLC
OAL Dkt. No. ADC 57-14

-and -

In re Stonybrook Meadows, LLC, OAL Dkt. No. ADC 14324-12

October 13, 2016

WHEREAS, on October 3, 2016, Edward and Linda Feinberg ("Petitioners") filed a motion with the State Agriculture Development Committee (SADC) for interlocutory review of a September 27, 2016 letter order issued in the above-captioned consolidated cases by John S. Kennedy, ALJ; and

WHEREAS, the September 27, 2016 letter order set forth the issues to be resolved at trial in connection with the application by Ann and Laura del Campo, t/a Stonybrook Meadows, LLC ("Respondents"), for a site specific agricultural management practice (SSAMP) determination; and

WHEREAS, the SADC reviewed the materials Petitioners submitted in support of the motion, the papers filed in opposition, and the SADC's November 14, 2013 Final Decision and Order; and

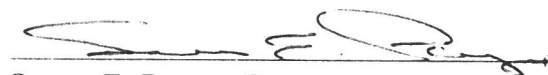
WHEREAS, the SADC convened a special meeting on October 13, 2016 to determine whether, pursuant to N.J.A.C. 1:1-14.10(c), the ALJ's September 27, 2016 letter order should be reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the SADC will conduct a review of the September 27, 2016 letter order; and

BE IT FURTHER RESOLVED, that this action is not effective until the Governor's review period expires pursuant to N.J.S.A. 4:1C-4f.

October 14, 2016

Date



Susan E. Payne, Executive Director
State Agriculture Development Committee

VOTE WAS RECORDED AS FOLLOWS:

Douglas H. Fisher, Chairperson	ABSENT
Executive Dean Robert Goodman	YES
Thomas Stanuikynas (rep. DCA Commissioner Richman)	ABSENT
Renee Jones (rep. NJDEP Commissioner Martin)	YES
Ralph Siegel (rep. State Treasurer Scudder)	YES
Jane Brodhecker	YES
Alan Danser, Vice-Chairman	ABSENT
Scott Ellis	YES
Denis C. Germano, Esq.	YES
Peter Johnson	YES
James Waltman	YES

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interlocutory motion 10-13-16 fv.doc