

Minutes of the September 28, 2020  
Somerset County Agriculture Development Board  
Virtual Meeting

Following the Pledge of Allegiance, the September 28, 2020 Somerset County Agriculture Development Board (CADB) Meeting began at 6:00 PM. This meeting was held virtually due to the Covid-19 pandemic.

**Members in Attendance**

Mark Kirby, Chairman  
W. Peter Staats, Vice-Chairman  
Richard Norz  
Laura DePrado  
Ben Auletta  
Sandra Rhue

**Somerset County Staff**

Walter Lane, Dir., SC Planning Div.  
Tony McCracken, Assis. Dir., SC Planning Div.  
Kate Katzer, Principal Planner, SC Planning Div.  
Cynthia Mellusi, Office Manager, SC Planning Div.  
Greg Pasquale, Esq. , SC Deputy County Counsel

Melonie Marano, Freeholder Liaison

**Public**

Lauren Dooley, Counsel for Mr. Mueller  
Michael Mueller  
Lauren Wasilauski, Montgomery Twp. Open Space Coordinator

**There was no public comment.**

**Approval of Minutes**

A motion to approve the August 24, 2020 CADB meeting minutes was made by Ben Auletta and was seconded by Laura DePrado. Richard Norz abstained from the vote and the motion was passed and carried.

**I-1) SADC Meeting-Update**

Richard Norz explained that several properties were approved to move forward with preservation and that soil protection standard rules have gone to committee to be reviewed.

**I-2) County/State Boards of Agriculture – Update**

Regarding the County Board of Agriculture explained that Edward Seidel has resigned from the Board and that two names have been submitted to the Freeholder’s office for replacement.

### **I-3) Ag & COVID-19: Drive-Thru Market Presentation**

The CADB intern Dulce Almonte presented to the Board regarding an AG & COVID-19 Drive-Thru Market.

### **I-4) Drenchko (Hillsborough)**

Kate Katzer explained that staff forwarded their items to the Township of Hillsborough to move forward with working with them to preserve the Drenchko property. She explained that the Township are now working to prepare the packet to be sent to the SADC.

### **I-5) Staff Comments**

**Dorn:** Ms. Katzer explained that she reached out to Amy Mandelbaum for a status update but hasn't received any feedback.

### **D-2) Mueller Settlement Documents (Hillsborough)**

Deputy County Counsel, Greg Pasquale, explained that an agreement to resolve the Mueller matter has been reached. He shared a copy of the proposed settlement order and reviewed it with the Board. The items included in the agreement were;

- Remove Millings within 60 days: Mr. Mueller's counsel explained that millings have already begun to be removed from the property and asked for guidance with replacing them with something else. Ms. Katzer explained that she would provide them with the SADC's contact information as well as NRCS'. Ms. Dooley expressed that the 60 day time limit may not be feasible
- Remove fill material within 60 day period: Ms. Dooley explained that the time frame for this item may also not be feasible. She also explained that some of the fill material that was moved to the location where he was requesting to place a pole barn on was moved from another location on the property. She explained that Mr. Mueller was now unsure if he'd continue to pursue approval for the pole barn and if they could have guidance on when he should request approval if he did decide to pursue it. She suggested if he does abandon the idea of a pole barn they could perhaps move the fill back to its original location. She stated that she was unsure if these issues could be discussed at the current meeting or if a separate meeting would be needed. Mr. Pasquale informed her that some of the millings are overlapping in that area and advised him to clean the area before pursuing anything else. Mr. Mueller stated that he only moved the fill for the purpose of the pole barn and that moving it would be "counterproductive". Mr Pasquale explained that no fill should have been moved without the CADB's approval for the pole barn and they would discuss it further in Closed Session.

- Restore land back to acceptable condition
- Remove Non-Agricultural Machinery: Mr. Mueller offered to review the list and note what each one is being used for.
- Identifying non-ag uses in the Deed of Easement: Both counsels agreed to not include this in the order.
- Roadway: A request for an SSAMP will be addressed in a separate application.

### **D-3) Hunter Farms (Montgomery)**

The Board recently received correspondence from the SADC to the Hunters' attorney regarding ongoing events on the property. Ms. Katzer explained that the SADC was responding to a email they recently received that the CADB staff was not copied on. She explained that Hunter Farms desire to move forward with the storm water management property, particularly the engineering documents. She explained that the SADC stated they the property must address not being under the 5% impervious surface issue and no approvals would be given until the property is as it should be. Ms. Katzer received a response from Hunter's attorney that she stated she'd share with the Board.

Ms. Katzer explained that staff continues to receive complaints from neighbors stating that clean-up is not being done properly after shows are held. She explained that the SADC along with the Department of Agriculture are planning a site visit to assure farmer compliance.

### **D-4) October – December SCADB Meeting**

Staff and the Board agreed to continue their monthly meetings virtually for the rest of the year.

### **D-5) Secretary Position**

Chairman, Mark Kirby gave the Board opportunity to make nominations for the open secretary position on the Board. Peter Staats nominated Sandra Rhue for the position and it was seconded by Richard Norz. The motion was passed and carried.

### **Closed Session**

A motion to enter Closed Session was made by Laura DePrado and was seconded by Peter Staats. The motion was passed and carried and the Board entered Closed Session.

A motion to exit Closed Session was made by Laura DePrado and was seconded by Peter Staats. The motion was passed and carried and the regular portion of the CADB meeting resumed.

### **D-1) Results and Actions from Closed Session**

**Mueller:** Mr. Pasquale explained that there needed to be amendments made to the order before the Board approves it. He explained that Mr. Mueller will have the right to apply for an extension if he cannot meet the 60 day time frame for the items in paragraph 1 & 6. He also stated that a provision would be made for progress reports within 15 days, on a regular basis. He explained that in paragraph 10 the notice requirement will be changes to 24 hours' notice to Mr. Mueller before inspection. The order also include that Mr. Mueller shall identify each use of the vehicles listed in the original complain. He also stated that paragraph 19 should be removed in its entirety.

Ms. Dooley had the opportunity to ask questions and make comments regarding the changes to the order. She requested that when Mr. Mueller is notified of a site inspection that it be done via email with her copied as well. She also received clarification on the process for requesting an extension and the format of the progress reporting.

A motion to accept the settlement agreement as amended was made by Peter Staats and was seconded by Laura DePrado. Richard Norz abstained from the vote and the motion was passed and carried.

**Hunter Farms:** A motion to approve staff to perform a site inspection on the Hunter Property was made by Ben Auletta and was seconded by Sandra Rhue. Richard Norz voted no and the motion was passed and carried.

### **D-6) Adjournment**

A motion to adjourn the meeting was made by Richard Norz and was seconded by Laura DePrado. The motion was passed and carried and the meeting was adjourned.

Respectfully Submitted by,

*Sandra Rhue*

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Sandra Rhue  
Secretary/Treasurer