

**RESOLUTION OF THE SOMERSET COUNTY
 AGRICULTURE DEVELOPMENT BOARD
 RECOMMENDING A SITE SPECIFIC AGRICULTURAL MANAGEMENT PRACTICE
 ON THE SIMPLY GRAZIN' FARM
 BLOCK 19001 - LOTS 4 AND 11
 MONTGOMERY TOWNSHIP, SOMERSET COUNTY**

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1, *et seq.* and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, a commercial farm owner or operator may make a request to the Somerset County Agriculture Development Board (hereinafter SCADB) to determine if his or her operation constitutes a generally accepted agricultural management practice; and

WHEREAS, Mark and Lynne Faille, owners of the Simply Grazin' Organic Farm in Montgomery Township, Somerset County, made a request in writing to the SCADB for the development of a site-specific agriculture management practice (hereinafter, "SSAMP") for the implementation of a Mobile Poultry Processing Unit onsite because the Township of Montgomery Code specifically states that "slaughtering is prohibited" anywhere in the Township; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(c), the SCADB advised, in writing, the State Agriculture Development Committee and the Township of Montgomery (who indicated support for this SSAMP) of this request; and

WHEREAS, pursuant to N.J.A.C. 2:76-2.3(b), the SCADB required that Mark and Lynne Faille provide proof that their agricultural operation is a commercial farm as defined at N.J.S.A. 4:1-C-3 and N.J.A.C. 2:76-2.1; and

WHEREAS, Mark and Lynne Faille provided to the Board their commercial farm certification, including supporting documentation; and

WHEREAS, it is understood that the Mobile Poultry Processing Unit will be rotated between the Faille's four farms, and therefore will spend approximately one week monthly on the Simply Grazin' Organic Farm – Montgomery site; and

WHEREAS, at its regularly scheduled meeting of April 11, 2011, the SCADB was presented with the information submitted by the landowners, their consultant John Lukens of FSS Consulting, and the Zoning Officer of the Township of Montgomery in regards to the implementation of the Mobile Poultry Processing Unit; and

WHEREAS, the SCADB referred this request for an SSAMP to the Right-to-Farm Subcommittee for further review and recommendation; and

WHEREAS, the Right to Farm Committee of the SCADB met on May 2, 2011 and reviewed information including: 1) a letter from Stephanie Carey, Health Officer – Township of Montgomery, to John Lukens of FSS Consultants, dated April 4, 2011, which stated that the estimated grey water discharge from the Mobile Poultry Processing Unit in question was within the septic capacity of the Simply Grazin' Organic Farm, and reiterating that the sanitation of the poultry is under the jurisdiction of the USDA and that the viscera will be disposed of through composting as described in the New Jersey Department of Agriculture Animal Waste Management Plan; 2) Commercial Farm Certification completed and signed by Mark and Lynne Faille, with supporting documentation; 3) a narrative of the request for the SSAMP; 4) Page 6 of the Montgomery Township Code, showing the definition of "Principal Use" under "Farm"; 5) Section 4:1C-9 under the New Jersey Right to Farm Act, stating permissible activities for Commercial Farms; 6) "Simply Grazin' LLC Mobile Poultry Processing Unit Flow Chart, showing the steps of implementation and usage of the Mobile Poultry Processing Unit; 7) a diagram from Cornerstone Farm Ventures, showing the design of the Mobile Poultry Processing Unit; and 8) Information on what the Simply Grazin' Organic Farm does from their website, located at www.simplygrazin.com; and

WHEREAS, the Right-to-Farm Committee agreed to recommend the development of the requested SSAMP for Simply Grazin' Organic Farm to the full SCADB after reviewing the above-referenced materials in conjunction with the New Jersey Right-to-Farm Act; and

WHEREAS, the SCADB met on May 9, 2011 and heard the recommendation of the Right-to-Farm Committee, and sought the assistance of Rutgers Cooperative Extension and the Somerset-Union Soil Conservation District in the determination of generally accepted agriculture management practices and standards relating to this activity.

NOW THEREFORE, BE IT RESOLVED, that the SCADB hereby determines that the implementation of the proposed Mobile Poultry Processing Unit constitutes a generally accepted agricultural management practice and is a permissible activity for a Commercial Farm, under the New Jersey Right-to-Farm Act (4:1C-9).

BE IT FURTHER RESOLVED that the slaughter waste must be handled in accordance with the New Jersey Department of Agriculture's Animal Waste Management Plan, as well as New Jersey Department of Environmental Protection and Natural Resource Conservation Service standards and regulations, where applicable.

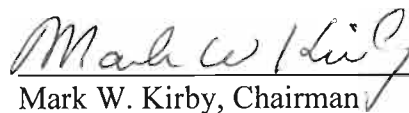
BE IT FURTHER RESOLVED that the implementation and usage of the Mobile Poultry Processing Unit on the Simply' Grazin' Organic Farm – Montgomery Site must conform to all relevant Federal and State statutes, rules, and regulations, including but not limited to the New Jersey Department of Agriculture, the New Jersey Department of Environmental Protection, the United States Department of Agriculture – Philadelphia Office (jurisdiction in this matter), and the Natural Resource Conservation Service.

BE IT FURTHER RESOLVED that the landowners of the Simply Grazin' Organic Farm, Mark and Lynne Faille, agree to follow any and all standards and requirements set forth by the USDA – Philadelphia Office, who has jurisdiction over this matter, in terms of slaughtering, processing, packaging and disposing of poultry under the implementation of the Mobile Poultry Processing Unit.

BE IT FURTHER RESOLVED that the landowners of the Simply Grazin' Organic Farm, Mark and Lynne Faille, agree to copy the SCADB on any and all correspondence with the above-referenced agencies regarding the implementation and usage of the Mobile Poultry Processing Unit.

BE IT FURTHER RESOLVED, that the SCADB shall forward a copy of its written recommendation of this SSAMP to Mark and Lynne Faille, John Lukens – FSS Consulting, the SADC, the Township of Montgomery – Agriculture Advisory Committee, Health Department and Zoning Department, the New Jersey Department of Environmental Protection – Division of Water Quality, and the Natural Resource Conservation Service and any other individuals or organizations deemed appropriate by the Board within 30 days of the recommendation.

I, Mark W. Kirby, Chairman of the Somerset County Agriculture Development Board, certify that the above is a true copy of the resolution adopted by Somerset County Agriculture Development Board at their meeting of May 9, 2011.



Mark W. Kirby, Chairman