

**RESOLUTION OF THE
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
ISSUING FINDINGS AND RECOMMENDATIONS
PERTAINING TO A COMPLAINT FILED UNDER
THE NEW JERSEY RIGHT TO FARM ACT**

Board member Potter offered the following resolution and moved its adoption:

WHEREAS, Teresa Schmidt ("Complainant") has filed a Right to Farm Complaint ("Complaint") with the Monmouth County Agriculture Development Board ("the Board") pursuant to N.J.A.C. 2:76-2.10, claiming that she is aggrieved by activities conducted at the Puglisi Egg Farms ("Puglisi Farm"), located in Block , Lots , Howell Township, and seeking appropriate findings and recommendations from the Board pursuant to the New Jersey Right to Farm Act ("the Act"); and

WHEREAS, the Board has previously adopted a Site Specific Agricultural Management Practice ("SSAMP") recommendation for Puglisi Farm on October 3, 2001; and

WHEREAS, the Board conducted a hearing on December 7, 2005, concerning the Complaint; and

WHEREAS, pursuant to the advice of counsel, the Board limited the consideration of the evidence presented to those facts evidencing that Puglisi Farm is not operating pursuant to the terms of the previously recommended SSAMP or has materially changed its operation from that which was in effect at the time the previous SSAMP recommendation was adopted by the Board; and

WHEREAS, the Board considered a staff report of a site visit conducted at Puglisi Farm on August 12, 2005, and evidence and testimony presented by the Complainant and by Michael Puglisi, on behalf of Puglisi Farm; and

WHEREAS, the Board makes the following findings:

1. The Puglisi Farm is a commercial farm as that term is used in the New Jersey Right to Farm Act and the regulations promulgated pursuant thereto;
2. Complainant purchased and moved into her home, which is adjacent to Puglisi Farm, in the mid-1990s;
3. Complainant's complaints against Puglisi Farm began shortly after she moved into her home;
4. Complainant's complaint over which the Board has jurisdiction relates to the alleged odor from the Puglisi Farm operation;
5. Based upon the evidence presented by the Complainant and on behalf of Puglisi Farm, the report by the Board's staff and the written report by Robert Mickel, Agricultural and Area Livestock Agent, Rutgers Cooperative Extension, Hunterdon County, a recognized expert on poultry and egg farm management practices, the Board finds that, as the Mickel report states, the operation of the Puglisi Farm exemplifie[s] an extremely well managed farm with great detail towards managing potential odors, manure storage, pest (fly and rodent) controls, deceased bird disposal, egg collection and processing, bird feed and feeding and watering systems for the laying hens; and
6. The operation at Puglisi Farm is consistent with the previously adopted SSAMP recommended by the Board, and the agricultural management practices at the

farm have actually improved from those that were in effect when the prior SSAMP recommendation was adopted by the Board in October 2001; and

NOW, THEREFORE, be it resolved, that the Complaint pertaining to the agricultural management practices at the Puglisi Farm is dismissed because it is not supported by the facts, and the Board does not make a recommendation with respect thereto.

Seconded by Mr. Buscaglia and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock				X
Mr. Buscaglia	X			
Mr. Geran	X			
Ms. Giamanco				X
Mr. Giambrone	X			
Mr. Hom	X			
Mr. McCarthy	X			
Mr. Potter	X			
Mr. Puglisi (RECUSED)				
Mr. Rifkin				X
Mr. Stuart	X			

I certify that foregoing is a true copy of the Resolution of the Monmouth County Agriculture Development Board duly adopted at a regular meeting of the Board on December 7, 2005, and memorialized on January 4, 2006.

Dated:

Richard Obal, Secretary

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MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD
ISSUING FINDINGS AND RECOMMENDATIONS
PERTAINING TO A COMPLAINT FILED UNDER
THE NEW JERSEY RIGHT TO FARM ACT**

Board member Stuart offered the following resolution and moved its adoption:

WHEREAS, Teresa Schmidt ("Complainant") has filed a Right to Farm Complaint ("Complaint") with the Monmouth County Agriculture Development Board ("the Board") pursuant to N.J.A.C. 2:76-2.10, claiming that she is aggrieved by activities conducted at the Puglisi Egg Farms ("Puglisi Farm"), located in Block , Lots , Howell Township, and seeking appropriate findings and recommendations from the Board pursuant to the New Jersey Right to Farm Act ("the Act"); and

WHEREAS, the Board has previously adopted a Site Specific Agricultural Management Practice ("SSAMP") recommendation for Puglisi Farm on October 3, 2001; and

WHEREAS, the Board conducted a hearing on December 7, 2005, concerning the Complaint; and

WHEREAS, one of the complaints made by Complainant relates to alleged water runoff from the Puglisi Farm onto Complainant's property; and

WHEREAS, the Board considered a staff report of a site visit conducted at Puglisi Farm on August 12, 2005, and evidence and testimony presented by the Complainant and by Michael Puglisi, on behalf of Puglisi Farm; and

WHEREAS, the Board makes the following findings:

1. The Puglisi Farm is a commercial farm as that term is used in the New Jersey Right to Farm Act and the regulations promulgated pursuant thereto;
2. Complainant purchased and moved into her home, which is adjacent to Puglisi Farm, in the mid-1990s;
3. Complainant's complaint with respect to runoff from the Puglisi Farm onto her property is unrelated to the farming operation or any agricultural management practice and is a condition over which the Board does not have jurisdiction.

NOW, THEREFORE, be it resolved, that the Complaint pertaining to the runoff of water from the Puglisi Farm onto the Complainant's property is dismissed for lack of subject matter jurisdiction.

Seconded by Mr. Geran and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Bullock				X
Mr. Buscaglia	X			
Mr. Geran	X			
Ms. Giamanco				X
Mr. Giambrone		X		
Mr. Hom	X			
Mr. McCarthy	X			
Mr. Potter	X			
Mr. Puglisi (RECUSED)				
Mr. Rifkin				X
Mr. Stuart	X			

I certify that foregoing is a true copy of the Resolution of the Monmouth County Agriculture Development Board duly adopted at a regular meeting of the Board on December 7, 2005, and memorialized on January 4, 2006.

Dated:

Richard Obal, Secretary