

**TOWNSHIP OF MENDHAM
TOWNSHIP COMMITTEE
REGULAR MEETING**

DATE: October 11, 2022
TIME: 7:30 PM
LOCATION: Municipal Building and Via Zoom

ROLL CALL

Mr. Baio	Present
Ms. Duarte	Present
Ms. Neibart	Present
Mr. Orlins	Present
Mayor Monaghan	Present

Also, present:

Mr. Tom Sateary, Esq.
Mr. Jason Gabloff, Township Administrator
Ms. Maria Coppinger, Township Clerk

SALUTE TO THE FLAG - Led by Mayor Monaghan

STATEMENT OF ADEQUATE NOTICE – Led by Mayor Monaghan

Adequate Notice of this meeting of the Township Committee of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Observer Tribune and Daily Record on January 10, 2022. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

PROCLAMATION

100 Years of Fire Prevention Awareness – Read by Ms. Neibart Proclamations were presented to Lt. Warren Gisser of Brookside Engine Company and (Former Chief) Member Jeffrey Betz of Ralston Engine Company. Lt. Gisser thanked the committee for the proclamation and spoke briefly on the importance of fire safety and not to use your cellphones while driving. Mr. Betz provided a history of the fire department.

PRESENTATION

Historic Preservation Committee – presented by Melissa Saharko and Helen Wall. Presentation attached.

ANNOUNCEMENTS

The township committee announced several upcoming events that will be held in the township and surrounding towns.

OPEN TO THE PUBLIC

George Koenig, North Gate Road – Mr. Koenig asked the committee to help defeat Senate Bill 757; and noted that while the Governor traditionally vetoed it, it will surely come back. Mr. Koenig provided the committee with contact information for every member of the Senate and Assembly and the League of Municipalities. He asked the committee to join him in sending correspondence to the senate and assembly expressing their concerns regarding preserved farms being used as wedding venues and celebratory events that cover good fertile soil that could be used for crops or animal production. Mr. Koenig encouraged the public to attend the October 19th Planning Board meeting, where they will review the Irene Spring Tree application.

Terrill Doyle, Cross Way – Ms. Doyle spoke on Senate Bill 757, expressing her concerns about the bill. She encouraged the committee to contact their state legislatures to express their concerns with the senate bill. Complete statement attached.

Peter Banos, Ironia Road, Mendham Borough - Mr. Banos spoke on the Backer Farm application and asked if they submitted any documentation to appeal the ruling from the county. Mr. Banos also spoke on Senate Bill 757 and the need for Baker Farm to compile with the stormwater management.

Mr. Baio made a motion to close the meeting to the public; seconded by Ms. Duarte. Voice Call: All member present voted in favor of the motion.

REGULAR AGENDA – RESOLUTIONS

2022-154 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL		
			YES	NO	ABSTAIN
Mr. Baio			X		
Ms. Duarte	X		X		
Ms. Neibart		X	X		
Mr. Orlins			X		
Mayor Monaghan			X		

ORDINANCE FOR INTRODUCTION

13-2022 Ordinance Appropriating \$52,000 from the Capital Improvement Fund in order to Provide for Fire Department Equipment and Tools in and by the Township of Mendham, in the County of Morris, New Jersey
Public Hearing scheduled for October 24, 2022

TOWNSHIP COMMITTEE	MOTION	SECOND	ROLL CALL		
			YES	NO	ABSTAIN
Mr. Baio	X		X		
Ms. Duarte		X	X		
Ms. Neibart					X
Mr. Orlins			X		
Mayor Monaghan			X		

OPEN TO THE PUBLIC

George Koenig, North Gate Road – Mr. Koenig asked the committee if they would be willing to contact the League of Municipalities regarding Senate Bill 757.

Ms. Duarte made a motion to close the meeting to the public; seconded by Mr. Baio. Voice Call: All member present voted in favor of the motion.

ADJOURN

Mr. Orlins made a motion to adjourn; seconded by Ms. Duarte. Voice Call: All member present voted in favor of the motion.

Respectfully submitted,

Distributed: 12/09/2022
Approved:12/12/2022

Maria F. Coppinger
Township Clerk

- Attachments:
- 1. Historic Preservation Committee
 - 2. Terrill Doyle, Cross Way

Historic Preservation Committee

— 2022 Update —

[illegible]

Summer 2022: Seed House Renovation

- Supplies and labor generously donated by Anatol Siemieniczuk
- Interior Work paid for with HPC funds





Seed House: DPW work

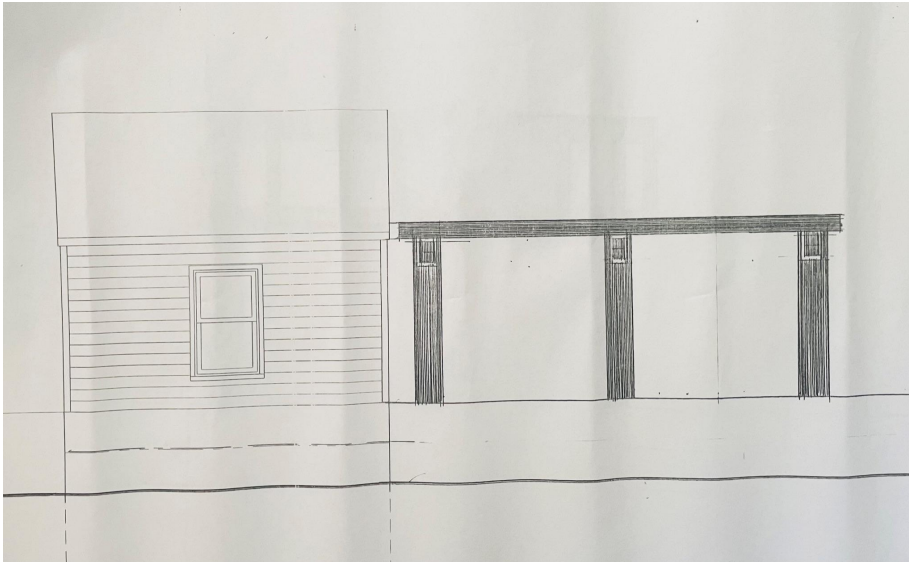
- The DPW responded quickly to our request
- Removed the pipes from the former greenhouse area
- Took down the portion of the wall that had been damaged by a tree

DPW work saved us thousands of dollars!!



Seed House: Future Plans

We want to turn the former greenhouse area into usable space that compliments the park.



- Replace the floor with bluestone
- Add pergola
- Add benches

Next steps: create a budget and fundraise

Archives Move - Thank you, DPW!



Room to Work

Storage and workspace was generously donated by the Sisters of the Community of St. John Baptist. For the first time, we can catalog, sort, organize, and digitize in one place.



Digitization

Wife of John Drake - was killed instantly by lightning as she sat in the Church on Sunday the 16th May 1813.
Aged 53 years 5 Months & 24 days.

How sudden! O! how sudden was the stroke of death
That instantly all mortal ties dissolved,
And ~~the~~ the lifeless body bereaved of breath
And friends and relations in grief involved.

The pains of death and parting friends unknown
She quickly passed the bounds of mortal life
The mortal Spirit in an instant flown -
Escaped the struggling gangs of death's dread strife.

Repentances oft delayed to life's last days
Had it been here delays had never come
Take warning ye survivors - your delays
May cut you off from gaining heaven your home.

[illegible]

Website

We have developed a website using Wordpress. This platform is free.

We have used the remainder of our budget to hire a designer who will create our pages, connect to social media, enable email and donation options, and secure a domain name.

www.historicmendhamtp.org

Historic Mendham Township

Home

Welcome to Historic Mendham Township

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Historic Mendham Township

About

Mendham Township Historic Preservation Committee

The goal of the Historic Preservation Committee is to preserve and educate the community about the Township’s rich history and to encourage its protection. HPC serves as an advisory Committee to Township residents, committees and agencies to increase community awareness and to preserve the unique historic heritage. Traditionally, the citizens of the Township have sought to maintain the residential, semi-rural character of the Township by zoning that excludes uses such as commercial and industrial that are in conflict with the existing environment. Historic preservation is in harmony with this philosophy. Designation of sensitive historic areas within the Township affords some degree of protection from the use of public funds for reconstruction of roads, bridges and other structures.

mendhamtownship.org/historic-preservation-committee

Historic Mendham Township

History

Mendham Township

The township was originally formed on March 29, 1749, from portions of Hanover Township, Morris Township and Roxbury Township. After the Revolutionary War, on February 21, 1798, the township was incorporated by the Township Act of 1798 of the New Jersey Legislature as one of the state’s initial group of 104 townships. Portions of the township were taken to create Randolph Township on January 1, 1806. Mendham Borough became an independent municipality when it was formed on May 15, 1906.

The first settlers were attracted to Mendham Township by the abundance of natural resources. Here they found water to power factories, trees for fuel, and rich deposits of ore. By 1748 the area housed iron forges, sawmills, and a gristmill along the North Branch of the Raritan River. This early settlement became known as Ralston, after the enterprising Ralston family. Northeast of Ralston is India Brook. On the eastern side of Mendham Township, brooks that formed the upper reaches of the Whippany River attracted settlers to the valley called Water Street or Waterville, later known as Brookside.

Following the Civil War, a trend of wealthy industrialists and financiers established country homes in the Morristown area and Bernardsville’s “Mountain Colony”, including in the Mendhams. The community retains its early character through its carefully preserved homes, farm buildings, and villages. These are living remnants of the township’s past. Here people worked where they lived in a natural setting, away from the “dark satanic mills” of the big city, “pursuing economic independence – a portrait of Americana”, according to the town’s website.

Historic Mendham Township

Places

There are four historic districts in Mendham Township: Brookside, Ralston, Tempe Wick Washington Corners and Washington Valley.

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Brookside

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Ralston

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Tempe Wick
Washington Corners

Historic Mendham Township

Places

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Brookside

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Ralston

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Tempe Wick Washington Corners

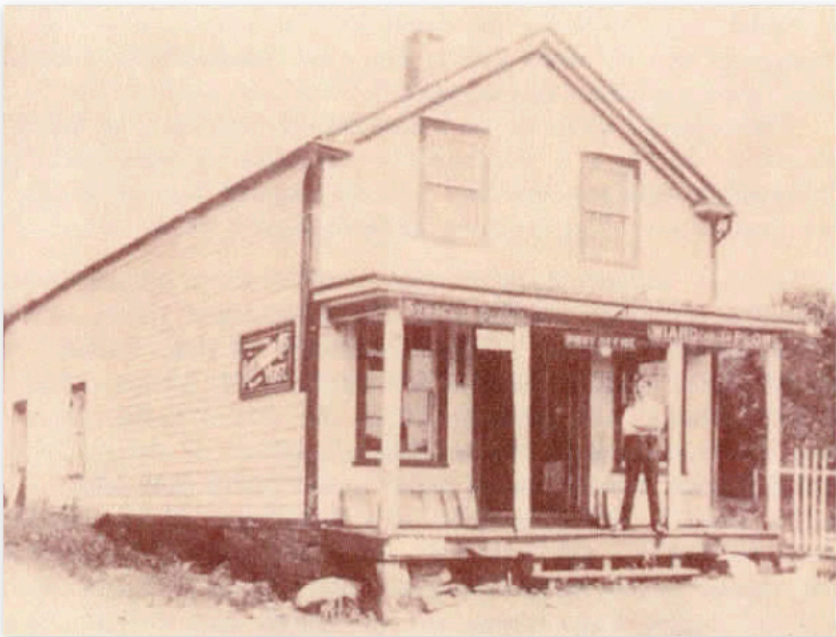
Historic Mendham Township

Brookside Historic District



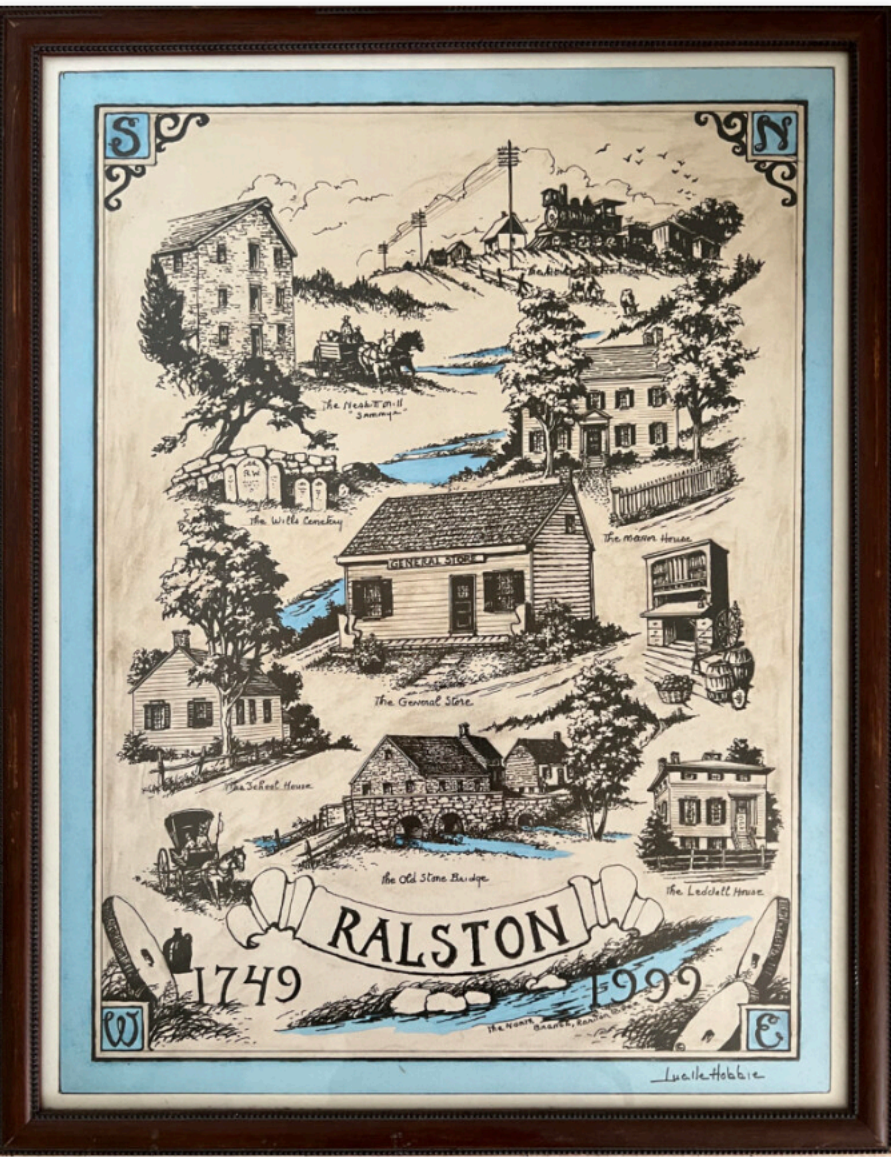
Brookside is an unincorporated village in Mendham Township, Morris County, New Jersey. As its name suggests, Brookside is sited beside a narrow waterway, the upper reaches of the Whippany River. The river runs roughly west to east at this location, and the buildings of the village are strung out along Main Street, which runs parallels the north side of the river. To the south of the river rises a steep hill, which is heavily wooded. This hillside was not developed historically, and even now hosts only a few single family houses, because of the steep terrain. The wide floodplain of the river on the north side of the river serves to distance the houses of Brookside from the river itself, but the gently sloping land implies siting on a riverbank even when the water is not visible.

Gallery



Historic Mendham Township

Ralston Historic District



The Ralston Historic District is centered on the North Branch of the Raritan River, which runs southerly through western Mendham Township. The junction of the river and the Roxiticus Road with State Route 24 is an important crossroads, and some of the most historic buildings are located here. Additional development in the area was linear, following both the river and the main road which intersected it, forming a “T” within the valley surrounded by wooded hills. The Ralston Historic District extends from the border of Mendham Township and Mendham Borough, known as the “Ralston Hill”, west to the border of Mendham Township and Chester Township, which is formed by the Bumett Brook. Historic resources are also concentrated along the length of Roxiticus Road and Union Schoolhouse Road, which parallel the river for a distance of about two miles. The bridge over the river on Mosele Road, just south of the end of Union Schoolhouse Road, marks the southern edge of the district. Below that point, river and road diverge, and while there are scattered historic resources in this area, they are large farms of a different character than those found in the Ralston Historic District.

General Store

A story-and-a-half frame building, built as a general store and maintained in its original form by the Ralston Historical Association since 1949. The facade is flush-boarded, and accented at the ends by slender applied pilasters. The sides and rear of the building are clapboard, under a wood-shingled gable roof. The roof extends over the facade to form a long porch, with benches at either end. The off- center door is flanked by large multi-paned display windows with vertical paneled shutters which are bolted tight to protect the interior.



Historic Mendham Township

People

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Founding Families

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Thomas Nesbitt (1760-1819) emigrated from County Armagh, Ireland to the United States in 1784 probably with his brother Hugh Nesbitt. He eventually settled in New Jersey, moving progressively west over the years from Springfield, Scotch Plains, and Plainfield, then probably part of Essex County (now in Union County) to Millstone, Mount Pleasant, Raritan Bridge, and finally Somerville, in Somerset County. He married, had at least one son, Hugh, and operated a general store in Somerville and probably other towns in New Jersey (it is unclear how many stores he had because of changing town names and borders).

On January 27, 1818, Hugh Nesbitt (d. 1827), Thomas’s son, married Mary Ann Ralston, the daughter of John and Margaret Ralston, also from County Armagh, Ireland. John Ralston, who lived in Mendham, New Jersey (part of which was later called Ralston), was a merchant and the partner of Hugh Nesbitt, Thomas’s brother. Hugh (d. 1827) joined his father’s business in Somerville until Thomas Nesbitt’s death in 1819, at which time he moved with his family to Mendham where he became a farmer and businessman. Hugh and Mary Ann Nesbitt had three children before Hugh’s death in 1827. Their only son was named after Mary Ann’s father, John Ralston Nesbitt.

Historic Mendham Township

Industries

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Historic Mendham Township

[HOME](#)

ABOUT

HISTORY

PLACES

PEOPLE

INDUSTRIES

BLOG

CONTACT

Industries

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RALSTON CIDER MILL

SAW MILL

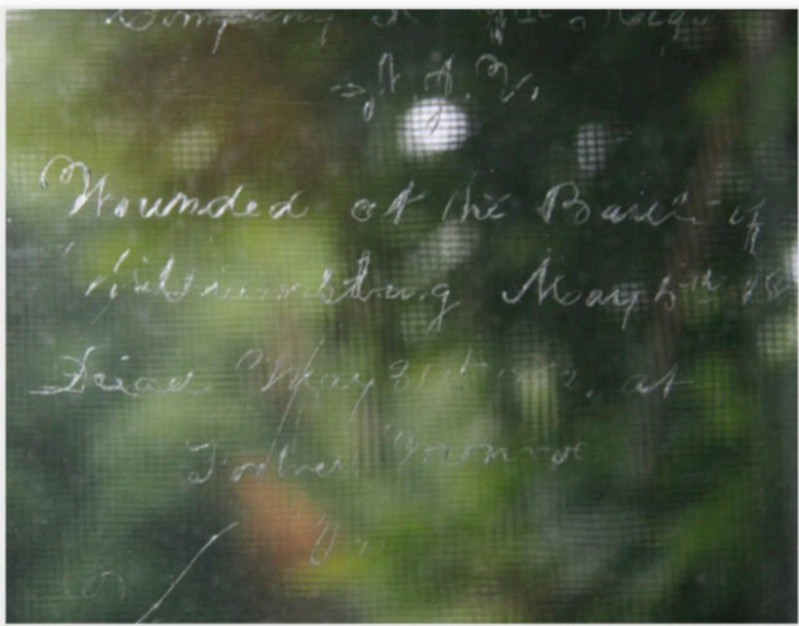
GRIST MILL

BLACKSMITH SHOP

GENERAL STORE

Historic Mendham Township

Tribute to a Civil War Son, etched in glass



Joseph S. Watkins was the great grandson of Mahlon Pitney and the son of Phebe Pitney Watkins (who was the sister of Henry Cooper Pitney). Joseph was born in Mendham in 1843. He fought in the Civil War, enlisting in 1861 and serving as a Corporal in the 7th NJ Regiment. Joseph died of wounds received in the Battle of Williamsburg on March 31, 1862 at the age of 19 years. The record of this sad loss was etched in a windowpane at the farm by his mother and is still visible today.

[Continue reading →](#)

This entry was posted in [Pitney](#) on [July 30, 2022](#). [Edit](#)

Map published by E. Robinson in 1887

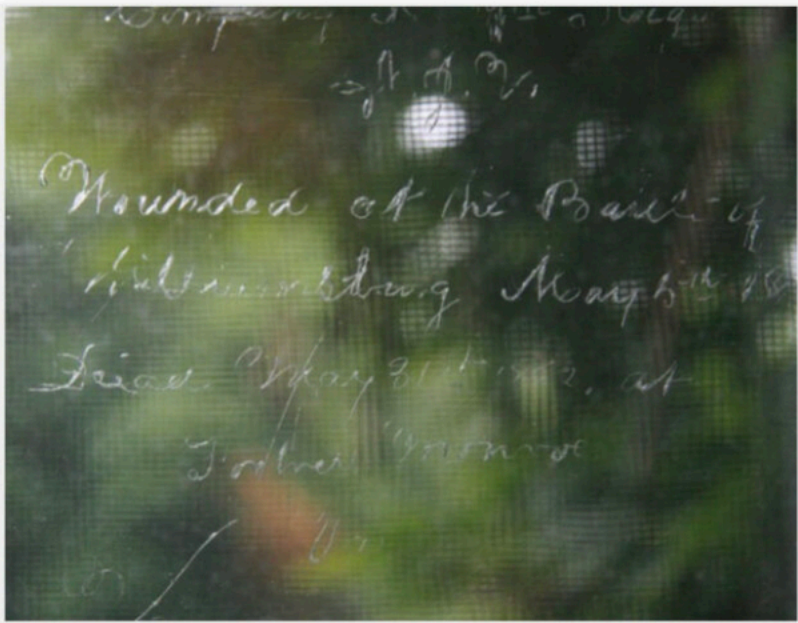
This map of Mendham Township was published by E. Robinson in 1887.

Place your cursor over the map to get a closer look at the various family homesteads. Or click [HERE](#) to open it in a new window.



Historic Mendham Township

Tribute to a Civil War Son, etched in glass



Joseph S. Watkins was the great grandson of Mahlon Pitney and the son of Phebe Pitney Watkins (who was the sister of Henry Cooper Pitney). Joseph was born in Mendham in 1843. He fought in the Civil War, enlisting in 1861 and serving as a Corporal in the 7th NJ Regiment. Joseph died of wounds received in the Battle of Williamsburg on March 31, 1862 at the age of 19 years. The record of this sad loss was etched in a windowpane at the farm by his mother and is still visible today.

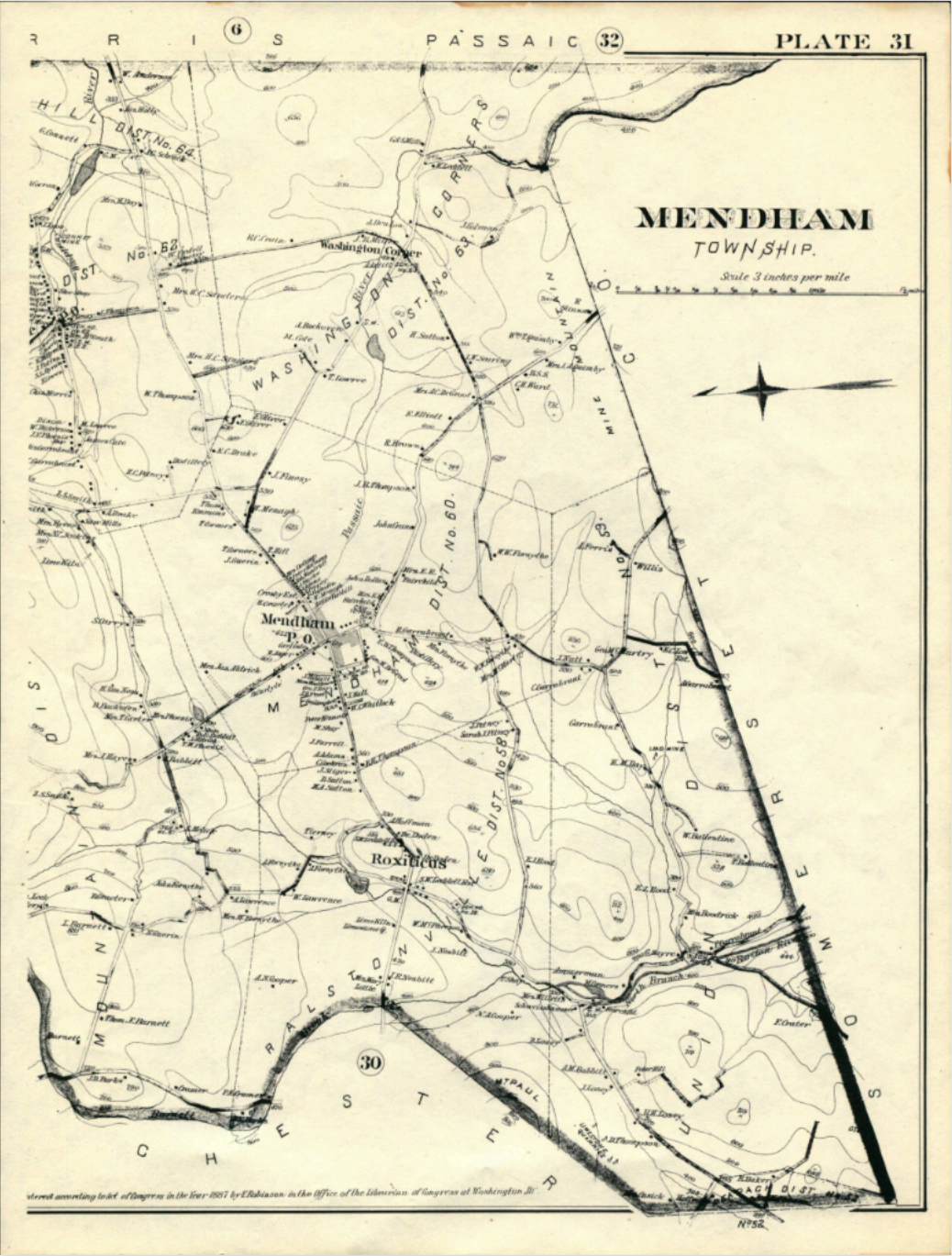


Historic Mendham Township

Map published by E. Robinson in 1887

This map of Mendham Township was published by E. Robinson in 1887.

Place your cursor over the map to get a closer look at the various family homesteads. Or click [HERE](#) to open it in a new window.

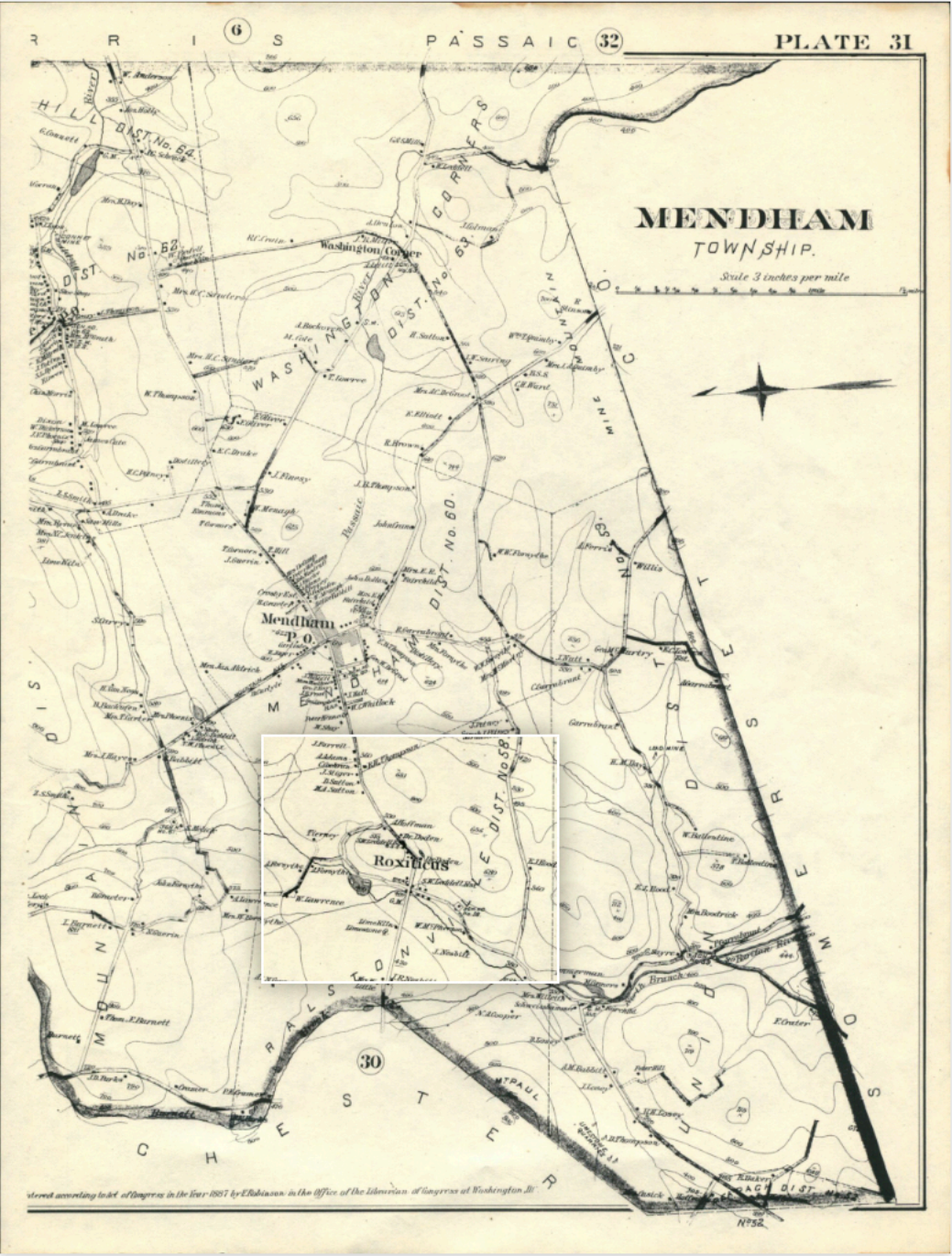


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Historic Mendham Township

Contact

Address:
Historic Preservation Committee
2 West Main Street
PO BOX 520
Brookside, J 07926

Meetings: 1st Wednesday of each month, 6:45p

Key Contact:
Melissa Saharko, Chair

From: "terrell doyle" [REDACTED]
To: "nmonaghan" <nmonaghan@mendhamtownship.org>, "Thomas Baio" <tomoem@aol.com>, "sneibart" <sneibart@mendhamtownship.org>, "aduarte" <aduarte@mendhamtownship.org>, "Jordan Orlins" <jordanorlins@yahoo.com>, "jgabloff" <jgabloff@mendhamtownship.org>
Sent: Thursday, October 6, 2022 11:46:47 AM
Subject: Questions Regarding Farm Special Occasion Events under S757

Dear Mayor and Township Committee members,

As you know, S757 was vetoed by Governor Murphy and now goes back to the legislature, with a first vote by the Senate as early as [October 17](#).

I sent a version of this forwarded email yesterday to the Municipal League and to the NJ Conservation Foundation today to raise important issues about S757. It is a long read, but unfortunately the devil is in the details.

I hope that the Committee will read the attached email and continue to stand against this legislation by:

- Working with the Municipal League, the New Jersey Conservation Foundation, with other towns that have farms, and with the police,
- Contacting your elected state representatives asking them not to pass S757 until they have addressed the questions raised in my attached email,
- Requesting that the state legislators hold a public hearing on these issues,
- Organizing and notifying residents via email and asking them to weigh in on this legislation
- Holding a special meeting of residents to inform them and answer questions, similar to what was done for Mendham Mushrooms.

I am a political beginner so I would appreciate any other thoughts and suggestions from you as to how best to move forward quickly.

Time is of the essence since the first vote could be as early as October 17

The fundamental issue is that the bill would allow "preserved" farms -- who have been paid millions by taxpayers to preserve agricultural land -- to use their "farm" land for concerts, cocktails and catering instead of crops. Under S757, the only connection these events have to agriculture would be a payment to the farmer -- now venue operator -- by the event organizer to rent the farm for the concert or cocktail party. The frankly bizarre result is that a preserved farm will be able to hold more non-farm activities than non-preserved farms.

Then, to add insult to injury, the bill takes away the town's ability to enforce any regulation of these events. And the bill requires the town to continue to provide a tax break to preserved "farms" that will actually be profitable concert and catering venues. One farmer estimated profits of \$500,000 a year under the proposed legislation.

To put this Bill into a specific local context, it would allow any of the eight preserved farms in Mendham to hold concerts for up to 250 people on 40 days a year (20 events at two days). It would allow concerts for an unlimited number of people for 12 days a year (6 events for two days.). And it would allow an unlimited number of events for up to 100 people for any "non-profit" event.

Crucially, the Township would not be able to enforce noise limits against these concerts. Nor could the town enforce any other local health and safety rules.

Please let me know if you have any questions.

Sincerely,

Terrill Doyle

From: "terrill doyle" [REDACTED]
To: "amy" <amy@njconservation.org>, "tom" <tom@njconservation.org>, "Alison" <Alison@njconservation.org>
Sent: Thursday, October 6, 2022 11:10:21 AM
Subject: Questions Regarding Farm Special Occasion Events under S757

Dear New Jersey Conservation Foundation,

I would like to raise some questions about S757 and Governor Murphy's conditional veto of that legislation. I am a retired lawyer and a resident of Mendham Township, a town with many preserved farms and agriculturally-zoned properties. Thus, I have practical experience dealing with the convoluted and complex rules regarding preserved farms on the municipal, county and state level. My questions are based on my review of S757, the conditional veto, and the March 2020 Final Report of the State Agriculture Development Committee (SADC) requesting the legislation ("Report") (copy linked below).

My understanding, based on a conversation with the Office of Legislative Services, is that the Senate adopted the conditional veto but still needs to vote on the bill, at the earliest on October 17, and the Assembly will vote, at the earliest, on October 27. So there is time to get legislative answers to some of these questions. I would appreciate your insight, since I understand that you are familiar with this legislative initiative.

BACKGROUND

As background, and as you know, S757 allows "preserved" farms to hold potentially large and loud special occasion events ("SOEs")-- such as weddings and other parties - on the "farm."

SOEs authorized by S757 are, by definition, not related to agriculture. Instead, SOEs are non-agricultural events that are not permitted under existing laws that protect agriculture. SOEs are different from and in addition to those large events related to agriculture-- such as pumpkin rides, harvest festivals, and educational gatherings -- that are typically allowed under existing laws. This distinction between events that are considered farm-related and subject to the SADC's established "Agricultural Management Practice" rules ("AMPs"), and the non-agricultural SOEs allowed by S757, is a crucial issue for enforcement as discussed below.

SOEs are designed to increase farmers' profits by effectively transforming publicly funded "preserved" agricultural land into potentially lucrative concert and catering venues for what could be thousands of parties. The SOEs' sole albeit tenuous nexus to agriculture could be a payment to the farmer for the use of his preserved farmland for a large rock concert.

New Jersey taxpayers have paid farmers an estimated \$1.8 billion to buy development rights to ensure that preserved farms remain devoted to food production, according to the Report. Yet S757 ignores that cost and the taxpayers' wishes, and instead allows cocktails, concerts, and catering instead of crops.

The bizarre result of this legislation could be that preserved farms-- who have already received billions from taxpayers to agree to limit development -- would be allowed to hold more non-agricultural activities than a non-preserved farm that received no taxpayer money. The non-preserved farm, unlike the preserved farm, could still be subject to some local land use and zoning rules.

If the point of the legislation is to help farmers who are hurting financially, the state should not simply give farmers a free pass to stop being farms and become caterers. Instead, the state should provide some incentives that will help insure that farms continue to be financially able to provide a local source of food. In the long run, that approach may be more cost effective than allowing essentially untaxed and unregulated SOEs every weekend throughout the state.

1. SIZE OF SOEs

The conditional veto does not seem to change either the size or scope of the events. The size of events is still the lesser of ten acres or 10% of the total farm. This is twice the five acre maximum that the SADC originally asked for in its Report.

The legislation also allows up to 26 SOEs on farms producing \$10,000 a year. An event can last up to two days, and six of the events can have over 250 people. There is no upper limit on size, and the only other limit is that a farm cannot hold more than one SOE event per day with over 100 people. A large loophole is that there appears to be no limit on the number of events for fewer than 100 attendees held on the farm by nonprofit entities.

The SADC's Report had proposed many fewer events. It would have allowed 26 SOEs only on farms producing over \$100,000 a year. Smaller farms would have fewer events.

Why did the State exceed the SADC's request when it expanded SOEs from five acres to ten acres, and allowed farms making only \$10,000 a year to have 26 events a year? Perhaps you have some insight into this legislative history?

2. COST

At a minimum, the State needs to quantify how much taxpayer funded preserved farmland would be lost for crop production. Based on 2,400 farms with 270,000 acres, as much as 24,000 to 27,000 acres could theoretically be transformed into catering and cocktail venues. That translates into millions of dollars in taxpayer funded preserved farmland that will now be used for non-agricultural SOEs. A formal State fact-finding on this issue is needed.

In addition to failing to quantify the cost of lost cropland, the State has ignored other costs, including costs to the quality of life, the environment, and county and local administrative and enforcement costs. The State needs to look at more than potential profit to farms.

3. ENFORCEMENT

While the conditional veto improves on the enforcement mechanisms of the original bill, there are still two fundamental problems with how a municipality can enforce its laws against preserved farm SOEs.

a. S757 May Remove Municipalities' Ability to Enforce Laws

Although S757 says that some local laws would still apply to SOEs, the legislation seems to remove municipalities' ability to enforce those laws. Instead, it seems to limit the towns' power to only issuing a simple "rubber stamp" permit for some (but not all) of

the proposed SOEs. The legislation can be read to confer all enforcement authority over SOEs to the SADC. S757 could be read to create a class of people -- preserved farmers who are holding non-agricultural SOEs -- who are effectively exempt from enforcement of municipal laws.

In practical terms, if any violation of a law occurs-- say a loud beer fueled concert goes on for ten hours on a Sunday afternoon at a decibel level that exceeds municipal noise limits -- police could do nothing. Instead of asking the farmer to turn down the music, the police would apparently have to call the SADC -- which likely does not have anyone on call on a Sunday afternoon -- and ask the SADC to begin an enforcement action. S757 requires that SADC provide notice and hold a hearing before assessing any penalty. Months could pass before an enforcement action even begins. Meanwhile, the loud concerts continue.

What will happen if a preserved farm discharges pollutants into protected headwaters and enforcement is delayed for months? What if a crime is committed during a SOE? Is the SADC willing and able to create its own 24/7 SOE enforcement police?

b. Even if local laws can be enforced by police, enforcement would become impossible

Even if the legislation's ambiguity is resolved in favor of the municipality and the legislation is interpreted to give the police the ability to enforce local laws against the SOE, the end result -- lack of enforcement -- is still the same. That is because there is a very practical boots on the ground enforcement and policing issue with this legislation.

As noted earlier, the legislation would create two disparate types of events held on farms. The first are agriculture-related events, which are governed by an AMP and thus may be mostly exempt from municipal laws. The second are non-agriculture related SOEs under S757.

Both types of events will look very similar to police: they are large gatherings that take place on farms, perhaps even on the same day and on the same acreage. However, one is subject to municipal laws and the other is not.

How will police determine whether they have any enforcement authority for a specific event? Do the police need to check with the SADC to determine what type of event it is before they can ask the farm to turn down the music, issue a parking ticket, stop a nuisance, or dump a portapotty?

The practical effect is that police will be unable to enforce laws against any events, simply because they will not and perhaps cannot know in the moment whether the violation occurred at an AMP- protected agricultural event exempt from municipal laws, or at an SOE that is subject to municipal laws.

The ludicrous but possible end result is no enforcement against any SOE. Is that what the legislature intended?

The legislature needs to fix this enforcement problem. Perhaps SOEs cannot occur at the same time and place as agriculturally protected activities. Perhaps all -- not just some -- SOEs must be required to apply for a permit by the municipality and a legal notice given to police and posted on the property that laws will be enforced. There are no doubt other better legislative fixes, but this problem needs to be addressed.

The SADC noted in its Report that "landowners should ... be subject to a meaningful penalty. Without such an enforcement mechanism, the SADC fears there will be little enforcement occurring and the program could easily get out of hand." S757 needs to create a strong and meaningful enforcement mechanism.

4. TAX CONSEQUENCES

Preserved farms receive a huge property tax discount.. This discount saves farms in my small town over a million dollars a year. (see reference below). The rationale behind this tax break is that farms provide an essential service -- food production -- that should be encouraged by what is essentially a government subsidy in the form of low taxes. In addition, large farms typically cost the municipality less than residential properties that may require more expensive services such as public schools.

All those rationales for a tax break disappear when the farm becomes a business that uses its land for special events rather than for crop production. The cost of municipal services to support potentially thousands of SOE patrons could skyrocket. In addition to stressing the municipal budget, the SOEs will provide a huge competitive advantage over other event venues that pay millions for state alcohol licenses, pay higher property and sales taxes, and have to comply with all municipal laws.

S757 needs to address this inequality. A commercial farm catering venue should not get the same tax break as a field of soybeans. Since farm assessed property will now be capable of producing hundreds of thousands of dollars in business revenue from weddings, concerts, and all sorts of "special event" gatherings, it is only fair to other taxpayers, that farm property assessment now include the value of the income stream that these events will generate. The State needs to thoughtfully analyze this taxation issue.

Perhaps the 10 acres or 10% of land used for the commercial, non-agricultural SOEs should be taxed at the same rate as commercial properties. Perhaps a farm would lose its tax status if it derives a certain percentage of income from SOEs. If a farm makes \$10,000 a year selling eggs and \$500,000 a year holding SOEs, the farm should not be taxed at farm rates.

This is not a wild hypothetical: as the attached video shows, farmers are expecting to make upwards of \$500,000 from SOEs. And these SOEs need have zero ties to agriculture except that the farmer -- now perhaps a bartender - is reaping the profits.

For some reason, S757 has ignored the SADC's recommendation in its Report to limit farm income from SOE's to 25%. The legislature needs to establish a clear standard regarding the percentage of SOE income that would mandate loss of a farmer's tax exempt status.

OTHER IMPORTANT ISSUES

Questions about S757 need an answer, including but not limited to the following:

- The SOE need not have any nexus to agriculture and there appears to be no limits on who actually holds the SOE. Any "person" can hold an SOE, provided the farm's owner or operator files the SOE application. Does that mean the organizers, for example, of the Fyre Festival can pay a local farmer, now a lessor, to have a thousand plus person rock concert on the farm? Or can Coors pay a farmer to do a marketing event that draws thousands who want a fun place to drink for the afternoon? The legislation needs some limitation on who can hold the event, not just on who has to file the application.
- Why can preserved farms receive blanket authorization for a year's worth of special events without notifying either the municipality or neighbors?
- Why are farmers' yearly special event applications automatically approved after 90 days as this seems to allow unregulated special events for a full year?
- Why are farmers allowed to provide no hard facts of the farms' actual qualifying farm income, and instead may support their income allegations by an unsworn attestation?
- Why is a structure that can remain in place for over 244 days a year on agricultural land during growing season defined as "temporary"?
- As drafted, the bill requires municipalities to grant permits based only on very limited criteria. Those criteria only include location --not the volume -- of music. Shouldn't municipalities' permits cover noise?
- The limits on retail food establishments are confusing and potentially contradictory.
- S757 allows access to water utilities, but not sewage. An increase in water use, means an increase in wastewater. Where will that waste be dumped? Will there

be any regulation of portapotties? Who will enforce health rules when portapotties are used for both a SOE and an agricultural event?

- If no new water is brought into the farm by utilities, will there be any restrictions on the amount of water a SOE can take from a farms' well? The farm should not be allowed to deplete ground water to hold 26 two day long SOE events every year for tens of thousands of partiers.
- How will parking be treated? In one section, S757 limits it to 10% or ten acres, but another section references an AMP, which could potentially allow much more parking. Which is it?
- Why will some SOEs require permits from the town and some will not? All SOEs should be required to have a permit, Otherwise, this is asking for a legal battle about whether a permit is required.
- Why are the monetary penalties so low as to simply being a cost of doing business? Will SOEs be exempt from criminal penalties?
- Why are patrons not limited to the 10 acres or 10% occupied area? Customers are free to roam the entire acreage of the farm, thus potentially turning the entire farm into an event space.

CONCLUSION

These and other basic questions should be answered before this bill becomes law.

It is mystifying to me how the desire of a farmer to make profits from non-agricultural events is more important to our State's legislators than the billions of dollars that taxpayers have spent to preserve a farm for, as stated in S757's preamble, "access to fresh food with low environmental impact."

I agree wholeheartedly with helping farmers remain financially viable businesses that continue to provide a crucial and important local source of food. That legislative goal is perverted when the legislation turns cropland into concert and cocktail venues.

Thank you for your guidance. I look forward to hearing from you.

.Sincerely

Terrill Doyle
Mendham NJ

References:

Final Report of the SADC Pilot Program, March 2020, "Pilot Program for Winery Special Occasion Events."

<https://www.nj.gov/agriculture/sadc/documents/news/populartopics/SOE%20FINAL%20REPORT%20TO%20THE%20GOVERNOR%20AND%20LEGISLATURE%202020.03.05.pdf>

Video of \$500,000 a year in profits

<https://www.njspotlightnews.org/video/should-preserved-farmland-be-used-for-special-events-like-weddings-concerts/>

Tax dollars lost to preserved farms

https://www.newjerseyhills.com/observer-tribune/opinion/letters_to_the_editor/letter-farmland-assessment-law-creates-faux-farmers-to-the-detriment-of-other-taxpayers/article_67c27f3a-4ed3-5240-b3d1-1b751791684e.html

