

**STATE AGRICULTURE DEVELOPMENT COMMITTEE**  
**Special SADC Meeting**

**November 18, 2024**

Secretary Wengryn called the meeting to order at 9:10 a.m.

Mr. Roohr read the notice stating that the meeting was being held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.

Roll call indicated the following:

**Members Present**

Secretary Wengryn, Chairman  
Martin Bullock (arrived at 9:13 a.m.)  
Scott Ellis  
Tiffany Bohlin  
Charles Rosen  
Gina Fischetti  
Julie Krause  
Lauren Procida

**Members Absent**

Pete Johnson  
Richard Norz  
Brian Schilling

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Charles Roohr, SADC Deputy Executive Director  
Jay Stypinski, Esq., Deputy Attorney General

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**Old Business**

- A. Deed of Easement Violation- Hill Top Farm, Hillsborough Township, Somerset County

Mr. Roohr stated that in September of 2024 the committee was made aware of a project occurring on a preserved farm, known as Hilltop Farm in Somerset County. The project involved constructing a replica movie set house structure and the driveways to access it. The committee found the project to be a violation of the Deed of Easement (DOE) as a nonagricultural use and provided the landowner, the County of Somerset, the notice of the violation which included a 30-day timeframe to submit a plan on how the violation would be resolved.

On November 1<sup>st</sup> the county submitted their response, which explained that they were

not the entity that entered into any agreements related to the building or its use and that it was their tenant farmer who entered into this agreement. The county further explained that it was the intent of the tenant to allow the structure to remain for future use as barn. The county requested that the SADC consider allowing the structure to remain but submitted a proposal to have it removed and the area restored by December 31<sup>st</sup> if the Committee was not agreeable to allowing it to stay.

Mr. Roohr stated that on Wednesday November 13<sup>th</sup>, the county submitted revised correspondence stating there is no longer a desire to keep the structure and its removal will begin on December 2<sup>nd</sup>, with removal and all restoration work completed by December 11<sup>th</sup>. The only request made by the county was to retain the gravel driveway installed along the edge of the field to be used as a farm lane.

Mr. Roohr explained if the committee is satisfied with the county's recent response there will be no need for additional action; however, more options can be discussed in closed session if necessary. Mr. Roohr noted that Mr. Demarco, Somerset County counsel, is available today to answer any questions.

### **Public Comment**

There was no public comment.

Mr. Ellis asked if there is a need for committee action since it appears that Somerset County will comply with the Notice of Violation. Mr. Roohr stated it was suggested the committee authorize the Attorney General's office to initiate litigation only if the county does not adhere to their timeline and restoration is not done to the satisfaction of the committee.

Ms. Krause asked if staff has received the restoration plan and feel confident that the site will be restored to preconstruction condition. Mr. Roohr stated SADC staff has not seen the plan but was invited by Mr. Demarco to participate in its review when it is available.

Mr. Demarco stated that there have been meetings with Hillsborough and their code officials on how to remove the structure and restore the property. The soil conservation group will be a part of the restoration process.

Ms. Krause asked if staff agrees with the county's position that the lane enhances mobility around the farm. Mr. Roohr stated that staff does agree and supports allowing the lane to remain. The committee agreed.

It was moved by Mr. Ellis and seconded by Ms. Bohlin to initiate litigation with the Attorney General's Office if the timeline set forth by Somerset County to remove the house and restoration of the land does not take place as stated. A roll call vote was taken. The motion was unanimously approved.

**CLOSED SESSION**

At 9:24 a.m. Mr. Roohr read the following resolution to go into Closed Session:

In accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-13, it is hereby resolved that the SADC shall now go into executive session to discuss the deed of easement violation on Hill Top Farm in Hillsborough Township, Somerset County; and to discuss any other matters under N.J.S.A. 10:4-12(b) that arose during the public portion of the meeting. The minutes of such meeting shall remain confidential until the Committee determines that the need for confidentiality no longer exists.

It was moved by Mr. Rosen and seconded by Mr. Ellis to go into closed session. The motion was unanimously approved.

Mr. Stypinski stated that the discussion in closed session will be on the Malkowski matter and the Attorney General's office is looking for direction from the committee as to the response to the summary judgment motion.

**Public Comment**

There was no public comment.

**Action as a Result of Closed Session**

**A. Malkowski Litigation**

It was moved by Mr. Rosen and seconded by Ms. Krause that the Attorney General's office takes action as directed during closed session. The motion was unanimously approved.

**ADJOURNMENT**

The meeting was adjourned at 9:39 a.m.

Respectfully Submitted,



Charles Roohr, Deputy Executive Director  
State Agriculture Development Committee