

OCEAN COUNTY AGRICULTURE DEVELOPMENT BOARD

RESOLUTION OF FINDINGS AND RECOMMENDATIONS

Miele Horse Farm

March 12, 2003

WHEREAS, James Miele owns and operates a 55 acre horse farm in Jackson Township,  
County of Ocean, State of New Jersey ).

WHEREAS, Mr. Miele owns, boards and trains horses on the aforementioned farm.

WHEREAS, Barbara and Albert Manetti own certain real property located at  
, New Jersey 08527, which is adjacent to Mr. Miele's horse farm.

WHEREAS, Mr. and Mrs. Manetti forwarded letters to the Ocean County Agriculture  
Development Board on April 4, 2002 and April 8, 2002 in which they complain of dirt from the  
training track on Mr. Miele's farm blowing onto their property, home, and motor vehicles and  
that the blowing dirt is caused by Mr. Miele's alleged failure to adequately grade his horse track  
with water. The Manettis further contend that Mr. Miele spreads horse manure on the boundary  
of their respective properties and that odors traveled to their property.

WHEREAS, at the time of the Manettis' Complaint, Mr. Miele's activities were not  
addressed by an agricultural management practice promulgated by the State Agriculture  
Development Committee.

WHEREAS, the Ocean County Agriculture Development Board forwarded the Manettis' Complaint to the State Agriculture Development Committee pursuant to N.J.S.A. 4:1 C-10.1(c) of the Right to Farm Act.

WHEREAS, Mr. Miele submitted a certification form to the State Agriculture Development Committee contending that his operation meets the definition of a "commercial farm" entitled to protection under the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

WHEREAS, certain staff of the State Agriculture Development Committee visited the Manettis' property on June 19, 2002 and the Miele property on June 20, 2002 and conducted inspections of both properties.

WHEREAS, after notice to both Mr. Miele and Mr. and Mrs. Manetti, the State Agriculture Development Committee held a public hearing at the New Jersey Department of Agriculture on November 12, 2002 relative to the Manettis' complaints against Mr. Miele.

WHEREAS, Public Hearing Officer Marci D. Green, for the State Agriculture Development Committee, presided over the hearing and prepared a Hearing Report dated January 17, 2003 (The report erroneously indicates that it was conducted in 2002)

WHEREAS, the State Agriculture Development Committee took testimony from Mr. Miele regarding the nature of his operations, including his horse track maintenance activities and his manure storage and management practices.

WHEREAS, the State Agriculture Development Board also elicited testimony from an Equine Specialist for the New Jersey Department of Agriculture, Lynn Matthews, who had undertaken a personal inspection of Mr. Miele's horse farm. Ms. Matthews concluded that Mr. Miele's horse farm was well kept and well managed. Ms. Matthews also concluded that Mr. Miele appeared to take adequate care of the horse track and opined that his dust control methodologies complied with generally accepted agriculture management practices in the State of New Jersey. Ms. Matthews also opined that Mr. Miele's manure management conformed with Rutgers University's recommendations.

WHEREAS, the State Agriculture Development Committee indicated that no agricultural management practices had been promulgated for horse track maintenance or the application of horse manure as fertilizer. The State Agriculture Development Committee determined, therefore, that the issue was whether Mr. Miele's activities conformed with what are deemed generally accepted practices.

WHEREAS, the State Agriculture Development Committee also examined health issues and municipal standards. The State Agriculture Development Board noted that the Ocean County Health Department of the Ocean County Agriculture Development Board had inspected Mr. Miele's operation on numerous occasions. The State Agriculture Development Committee noted that neither the Ocean County Health Department, nor the Ocean County Agriculture Board observed any health violations or any *ultra vires* farm practices.

WHEREAS, the State Agriculture Development Committee concluded that Mr. Miele's track maintenance and manure spreading practices conform with generally accepted agricultural management practices.

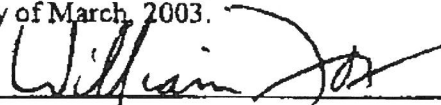
WHEREAS, the Ocean County Agriculture Development Board received a copy of the State Agriculture Development Committee's Hearing Report on January 31, 2003.

WHEREAS, pursuant to N.J.S.A. 4:1C-10.1(c) the Ocean County Agriculture Board held a public hearing on March 12, 2003 after providing published notice and direct written notice to the parties and provided Mr. Miele and the Manettis with the opportunity to present testimony, documents and any other evidence deemed relevant for the disposition of the matter in dispute.

Now therefore, be it resolved as follows:

- 1) Based upon the evidence presented, the Ocean County Agriculture Development Board concurs with the conclusions reached by Public Hearing Officer Marci Green in her report dated January 17, 2003.
  
- 2) The evidence demonstrates that Mr. Miele's horse track maintenance and manure management procedures conform with generally accepted agricultural management practices in Ocean County, as well as the State of New Jersey.
  
- 3) Mr. Miele's operations are entitled to protection under the New Jersey Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

I certify the foregoing to be a true copy of a resolution adopted by the Ocean County Agriculture Development Board on the 12<sup>th</sup> day of March, 2003.

  
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