

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes February 16, 2023

The regular monthly meeting was at the Department of Land Preservation offices. The meeting was called to order by Vice-Chairman Mathez at 7:30 p.m. An announcement was read as required by the Open Public Meetings Act, N.J.S.A. 10:4-6-21.

Members present: Tim Bodine, Bradley Burke, Matthew Hood, Rene Mathez, Jason Menegus

Members absent: Joel Schnetzer, Melissa Watters

Others present: C. Tierney, T. Kaminski, Staff; Aaron Culton, Substitute County Counsel; Alex Montalvo, Hope Township and his Attorney Edward Purcell; Attorney Anthony Sposaro, representing Hope Township; Terry Urfer, Hope Township; Monica Sobon, Hope Environmental Commission Representative, Sherry Shaw, Elise Hoffman, Joe Hoffman, Hope Township; Timothy Willmott, SADC; Rachel DeFlumeri, NJ Dept. of Agriculture.

Minutes of the meeting held on January 19, 2023 were approved on a motion by Mr. Menegus and seconded by Mr. Hood. Motion carries.

Correspondence: Vice-Chairman Mathez asked about the letter and bill from Assemblyman Sauickie which Mr. Tierney replied that he had reached out to Burlington County reading the alternative method formula for easements for farmland preservation and will review it and update the Board at upcoming meeting.

Public Input (Non-agenda Items): no comment from public.

Old Business:

Deed of Easement Compliance

➤ **Plainview Growers Update, Allamuchy Township**

Mr. Tierney stated that there was no update on the two outstanding title concerns on the drainage easement and the small triangular lot.

➤ **Kero Update (Brugler #1), Knowlton Township**

Mr. Tierney stated that there is no update.

New Business:

Resolutions

➤ **Hidden Hollow Farm (Enz) Certification of Commercial Farm Res. #23-01, Washington, White & Harmony Townships**

Mr. Menegus made a motion to memorialize the granting of Certification of Commercial farm on Hidden Hollow Farm in Washington, White & Harmony Township from the January 19, 2023 meeting by Resolution #23-01 which was seconded by Mr. Bodine.

Roll call: Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Menegus – yes. Motion carries.

➤ **Snyder Farm SSAMP Res. #23-02, Pohatcong Township**

Mr. Menegus made a motion to memorialize the decision of granting relief for the Site Specific Agricultural Management Practice on the Snyder Farm from the January 19, 2023 meeting which was seconded by Mr. Burke.

Roll call: Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mr. Menegus – yes. Motion carries.

Mr. Burke recused himself from the meeting and left the building.

SSAMP Right to Farm Hearing

Montalvena Farms, BL 5200 Lot 600, Hope Township

Mr. Culton stated that Montalvena Farms was granted Certification of Commercial Farm at the August 18, 2022 meeting and the hearing was to take place on December 15, 2023, but due to inclement weather, the meeting was canceled and therefore the meeting was scheduled for February 16, 2023 due to availability of parties involved. This SSAMP Right-to-Farm hearing was properly noticed and published in the NJ Herald on Friday, September 30, 2022 and scheduled for the October 20, 2022 meeting and that meeting was rescheduled to December 15, 2022 at the applicants' request. Mr. Purcell introduced himself and stated that he was the attorney representing Alex Montalvo and Karina Garces, owners of Montalvena Farms. Mr. Culton swore in Alex Montalvo and Karina Garces, owners of Montalvena Farms for testimony. Mr. Purcell requested that the documents provided by Sherry Shaw, Elise Hoffman and the Hope Environmental Commission that those individuals who come tonight for evidence, testimony are subject to cross examination that can surely be considered by the Board, to the extent that those are just letters that they not be included for the record. The SSAMP RTF application is for a Custom Exempt slaughtering and processing facility for pigs as the agricultural output on the farm.

It is noted that Mr. Purcell has hired a transcriptionist for the meeting.

Mr. Purcell stated that on farm processing is a difference between successful vs. unsuccessful farm operation of not being able to pay the bills. Mr. Purcell stated this is the best way for Mr. Montalvo to get the best price. Mr. Purcell stated that Mr. Montalvo does on farm processing of his pigs because he can obtain the best price that way because Hackettstown Farm Market offers \$.30/lb. and he gets \$2.00/lb. by selling pigs on his farm which is \$45 (Hackettstown) vs. \$300 (on farm) for a 150 pound. Mr. Purcell stated that he gets the best price by on farm processing and not one scrap of waste stays on that farm.

Mr. Purcell stated that he is going to prove to the Board that custom exempt slaughtering and processing on a farm is a generally accepted agricultural management practice. He will be presenting evidence to justify that from recent farming publications from Rutgers Cooperative Extension, Somerset County Ag Board has approved a Site Specific that is similar to this, but more intensive type of SSAMP that has slaughtering livestock, but also processing to the point where it becomes butchering. Mr. Purcell stated that raising pigs is a permitted use in the Township of Hope. Mr. Purcell would like to know what aspect of raising pigs is objectionable to the Township. Mr. Purcell stated that everything was squared away on the farm as far as meeting requirements by various ag and governmental agencies and that Mr. Montalvo is in compliance with all regulations that are applicable to raising and slaughtering the pigs.

Mr. Purcell stated that the Township has dropped some of its arguments and appears to cooperate with Mr. Montalvo and this Board to resolve any outstanding issues. Section 20-4.14, Hope Township Code specifically prohibits slaughter houses and any use not specifically permitted by terms of the zoning chapter. Mr. Purcell stated that the applicant agrees that the Hope Township Code does not specifically permit this use, does not specifically permit an exempt processing facility. But, Mr. Purcell stated that this is not a slaughter house in terms of definition by Hope Township's code as a place where animals are killed and butchered, an abattoir noted in Section 20-3 of the Township Code. The applicant agrees that pigs are slaughtered on that property, but the question is whether they are being butchered on the property. Mr. Purcell stated that Mr. Montalvo does not dress the pigs for market. Mr. Purcell stated that Mr. Montalvo could not bring these pigs to market under USDA regulations or sell at a farmer's market or anywhere else because they have to be tagged for resale, but these pigs do not go to a third party under the custom exempt regulations.

Mr. Purcell stated that Mr. Montalvo does not engage in any direct on farm marketing, but does have social and cultural events with friends and family on the property that pertain to particular Ecuadorian cultural events and religious holidays. Mr. Purcell stated that Mr. Montalvo is not asking for Right to Farm protection for that activity and to be subject to the Township Code on all other activities outside of the custom exempt slaughtering and processing request. Mr. Purcell further stated that if the neighbors or Township want to discuss these events or other activities that are subject to Township of Hope Zoning Codes, that any Township violation should be enforced and go to the right forum for discussion which is the Municipal Court or the Zoning Board of Adjustment but not the County Agriculture Development Board. Mr. Purcell stated that Mr. Montalvo looked forward to a healthy discussion with the neighbors regarding their concerns hope to be able to come to some common understanding and that their issue does not have to do with the on farm SSAMP processing, but believes they have valid concerns regarding waste management which will be addressed. Mr. Purcell stated that Mr. Montalvo will discuss onsite farming operations and Ms. Garces will present a video on the processing from the public right-of-way.

Mr. Montalvo testified that he was originally from Ecuador and English is his second language and that he gets nervous and misspeaks in English and that his highest level of education was High School. Mr. Montalvo testified that he had no knowledge of the Township Zoning. He purchased the farm in 2018 and started the operation in 2019 and that his main focus is pigs, but he also raises chickens, eggs, goats and lambs. He only processes pigs on the property and the property is located in LDAR zoning where agriculture is permitted.

Mr. Sposaro, attorney representing Hope Township, objected several times stating that Mr. Montalvo was reading from a script (Mr. Montalvo was holding paperwork in his hands) and not giving testimony based on his personal knowledge. Mr. Sposaro objected that Mr. Purcell was leading his client. Mr. Purcell stated that this was in order of the presentation outline and that he does not see a problem using it. Mr. Sposaro stated that the witness and Mr. Purcell can prepare all they want, but when it comes time to testify, he needs not to be reading notes which is basic in the way hearings are conducted. Mr. Culton stated that he was not going to take away Mr. Montalvo's notes, but that the objection is noted in the record and continued to allow Mr. Purcell to keep in the manner he was questioning the witness. Mr. Sposaro would like to see the notes on cross-examination and Mr. Purcell said his client would be willing to provide them.

Mr. Purcell presented Exhibit A-1, Hope Township LDAR Zoning Ordinance #97-13 adopted in 1997.

Mr. Montalvo testified that he doesn't live on the property, but that he plans to one day after fixing the house and has obtained a zoning permit. He testified that he has llamas, horses, rabbits as pets, and that his hobbies take place in front of the wooden barn. Mr. Montalvo has stopped reading from his notes, but Mr. Sposaro's objection remains.

Mr. Montalvo testified he has social gatherings from his fellow Ecuadorians gathering at his property and is involved in his parish of the Santa Rosa Church and the Diocese of Newark.

Mr. Sposaro objected that Mr. Montalvo is being terribly led to an extreme and that Mr. Purcell is testifying on behalf of the witness and using loaded questions where Mr. Montalvo only has to answer yes or no and should be conducted differently. He stated that introductory questions are one thing, but the meat of it, Mr. Purcell needs to ask questions and let the witness testify. Mr. Purcell responded that these were yes or no questions because of Mr. Montalvo's poor English skills, he needs to direct questions for the facts of this case for the Board by having Mr. Montalvo answer direct questions. Mr. Sposaro stated that the English issue should be a non-issue and that if the witness is not comfortable enough with the English language, he should have brought a translator and that this is not a reason to lead the witness. Mr. Sposaro agrees with the introductory questions for when did you buy the property, but not for the activities and needs to answer open ended questions and see what his responses are. Mr. Purcell thought that he was asking appropriate questions of the witness for the Board and believes that Mr. Montalvo can provide more testimony. Mr. Sposaro's objection was noted for the record and Mr. Purcell continued with questioning.

Mr. Montalvo stated that the events were get-togethers on holidays where people bring food and drinks and that there is no charge, but that he may ask for help with cost of charcoal or wood.

Mr. Sposaro interrupted to ask what relevance to these questions have on the social events, religious affiliations, and gatherings on his property since Mr. Purcell and Mr. Montalvo already stated that the Board does not have jurisdiction over these things and this is not what they are seeking for SSAMP? Mr. Culton stated that the reason for these questions are to solicit information based on much correspondence received on these issues on the property that may be relevant to some individuals present tonight. Mr. Montalvo stated that these gatherings/events are not for on farm direct marketing where he brings people to the property to sell pigs. Mr. Montalvo stated that he was aware of his neighbors knowing that he was having the get-togethers on the property and that they were unhappy and that he was not asking the Board for any type of approval for that.

Mr. Purcell submitted the following exhibits:

Exhibit A-2 – a zoomed-out aerial on the property which represents present conditions and presented.

Exhibit A-3 – more zoomed in google map aerial of the property more centered on the buildings where these exhibits were placed on an easel. Mr. Montalvo stated that he used a wheel measure to measure the distance from his pole barn on his property to his neighbor's house at 524 Hope-Blairstown Road which was 670 feet and 1,800 feet to neighbor's property on 551 Hope Blairstown Road.

Exhibit A-4 – The survey of the property that was performed by Finelli Consulting Engineering dated March 17, 2021. Mr. Montalvo pointed out the buildings and structures, indicating the locations of the house, chicken coop, pavilion/patio, wooden barn, in front of it is septic tank/holding tank (1), metal barn, in front of it is a holding tank (2), fence with gate in front of property, a split-rail fence on the property. Mr. Montalvo stated that one of the tanks in front of the metal barn depicted on the survey no longer exists as the Health Department made him take it out, empty it and then bury it. The first Commercial Farm application has a photo of Mr. Montalvo emptying the water out of the tank. He stated that the Health Department told him that he could not have any water inside the tank and he used a small pump to pump out it out.

Mr. Montalvo testified that there have been no traffic accidents associated with the property and the shoulder is 15 feet and no one is allowed to park there and asked his neighbor not to park there because they think the parking is for his property. Sometimes a car breaks down and they park there. Traffic enters from Route 521 through a gate, which stays closed and is opened by a

remote for guests to enter by appointment. Appointments to come to the property are made by Facebook, Messenger or cell phone to Mr. Montalvo.

Exhibit A-5 – Receipts from 83 pigs purchased in 2022 by Mr. Montalvo.

Exhibit A-6 – The NJ Department of Agriculture health certificates from Pennsylvania where he purchased the pigs. Mr. Montalvo stated that these health certificates are in compliance with all the requirements of the NJ Health Department. The pigs are purchased at 50 pounds and sold at weight of 100-150 pounds. Mr. Montalvo stated that he will buy smaller pigs if requested, but makes more money if they grow up. Mr. Montalvo will buy 30 pound pigs if having a hard time buying 50 pound pigs. He purchases gilts (female that is able to reproduce) and barrows (castrated male). The pigs that he purchases are usually around a 1 month – 1 ½ months of age and for 1-2 months they are kept in the 30' x 40' metal pole barn with approximately 40 pigs at the most in the pole barn in four 14' x 10' pens with a total of 560 square feet. Mr. Montalvo stated that was enough room for the pigs.

Exhibit A-7 – a portion of the Pork Industry Handbook for Swine Care Handbook by the Purdue University Cooperative Extension. Referring to Exhibit A-7, Mr. Montalvo stated that the floor space needed for 40 pigs of 150 pounds market weight for enclosed area is a space of 8' x 10' as he said was indicated on page 12, Table 3 & Table 4 of the handout. Forty pigs at 8 feet is 320 square feet and the pole barn has 560 square feet available. Mr. Montalvo stated that the pigs have a self-feeder and self-water containers set up for them and they are checked every day. He stated if the pigs are sick, he calls the vet and they are separated and are not sold if the pigs are using medicine/antibiotics and tag numbers are marked. Mr. Montalvo stated that he does not sell pigs that are vaccinated or taking medicine and provides medicine as directed by his vet.

Exhibit A-8 – Food Animal and Residue Avoidance Databank handout.

Referring to the Food Animal and Residue Avoidance Databank, Mr. Montalvo stated that this is what his vet uses in respect to timing for when animals can be processed. The pigs have tags on their ears and records are retained and retained for those given medicine.

Mr. Montalvo stated that he uses a plastic square to move pigs from trailer to barn and does not use metal prods. The floor in the metal barn is made out of concrete with drains and the pigs are fed corn, soy and sometimes bread.

Exhibit A-9 – N.J.A.C. 2:8-7.2 Feeding. A handout for abiding weight and analysis tool to determine healthy pig weight. It uses the BCS method for feeding swine where they must have at least a level of 2.0.

Exhibit A-10 – University of Kentucky College of Agriculture Cooperative Extension Service –Assessing Sow Body Condition article. Best recommendation for scoring a pig is Body Condition Scoring (BCS) #3 (optimal) from handout where animal is pressed in at ribs, backbone, "H" bones and "pin" bones of the sow to access fat and ascertain score. The least BCS score is a 2.

Attorney Culton called for quick break at this time during the meeting.

Exhibit A-11 – July 15, 2022 (18 pigs) & A-12 December 3, 2022 (8 pigs) are Montalvena Farms Weight & Body Condition Scoring Forms. Mr. Montalvo stated that has evaluated and shows all his pigs are BCS #3 for scoring. He stated that the pig weights vary and they feed when hungry. The pigs on Exhibit A-11 were purchased on June 16, 2022 at 50 pounds and on July 15th increased their weight by 40%.

Exhibit A-12 – Montalvo Farms Body Conditioning Scoring Form, December 2, 2022, prepared by Alex Montalvo. Mr. Montalvo stated the pigs on Exhibit A-12 were purchased in September, 2022 and all the pigs when purchased, their BCS score was 2.

Exhibit A-13 – NJ Department of Agriculture 10.4.22 letter to Montalvena Farms regarding Animal Waste Management Rules, N.J.A.C.2:91. Mr. Montalvo was approved for his High-Density Animal Waste Management Plan and he stated that Sanico picks up garbage. The liquid pig waste is removed from a holding tank when tank is full.

Exhibit A-14 – Sanico receipts from 2022. Mr. Montalvo stated that Sanico picks up the pig waste 4x per month and that the solid waste of pigs is put in the dumpster.

Exhibit A-15 – Allstate Septic Systems, LLP – Mr. Montalvo stated that he used Allstate Septic twice and that he started late last year. He stated that the manure pile is from the other animals and is 100 foot from the stream.

Exhibit A-16 – 2019 NJ DEP Wetlands Map of Mr. Montalvo's property located at 525 Hope-Blairstown Road, prepared by Katee Meckeler, NJDEP Land Use Enforcement, 8/14/2019. Mr. Montalvo stated he has a NJ DEP Delineation on his property from 2019 from an enforcement action for putting soil on top of wetlands area. Mr. Montalvo stated that no pigs are raised in the wetlands or transition area, nor any holding tanks or dumpsters located in the wetlands or transition area and that he is not seeking SSAMP relief any activity located in the wetlands or transition area.

Exhibit A-17 – Purdue Extension Pork Industry Handbook – Ethnic Marketing of Pork Article

Mr. Montalvo stated that he has a niche market of identification for ethnic type of people from Central America, Guatemala and Honduras for his whole pigs and fresh meat. He stated that his identified market cannot take these pigs to their houses or apartments and process by themselves. He stated that he has 18 years of experience working with animals, mostly chickens. He started with pigs in 2018. He stated that it is not safe for person to process pigs at their house or apartment as they have to be stunned. He stated that the Hackettstown Market pays nothing (\$.30 - \$.40/lb) for his pigs and does not recover on the investment and that he gets \$2/lb from his customers.

Exhibit A-18 – NJ Farmer's Magazine, Rutgers livestock processing needs assessment (Animal Science Update) by Hank Bignell 10.1.22 article. Mr. Montalvo stated that this article indicates that NJ needs more slaughter houses as only two are functioning and a third is now out of service and needs more places like what he is trying to do. There is a 5-6 month wait list to get on the list for the slaughter houses and this does not give enough money for the farmer for the cost of their investment in the animal and is a loss to the farmer.

Exhibit A-19 – Rutgers Cooperative Extension Bulletin E347 on Livestock Mortality and Butcher Waste Composting; Rutgers Recommended Practices handout. Mr. Montalvo is not seeking to compost any type of waste on the property. The article states that NJ consumers are increasing their demand for locally raised meat that uses less fossil fuel, interested in buying from farmers that they know, and article promotes on-farm small scale slaughter facilities and mobile slaughter units to provide farmers with the ability to process their animals under USDA inspection and bring their meat to the market as a beneficial economic impact for farmers. This article indicates that rather than paying fees to a rendering company to dispose of slaughter residuals or normal mortalities, the nutrient-rich resource can be captured through a biological decomposition in a static compost pile and re-used on the farm. Mr. Purcell stated that this article was similar to the Somerset SSAMP that was provided to the Board. Mr. Montalvo stated that his customers want to know where his pigs come from.

Exhibit A-20 – Photos inside of barn where pigs are kept. Mr. Montalvo pointed out in the first photo where the automatic feeder and water were in the photo. There is a hose to connect to drain for disinfecting located on the left side. On the second photo, the scale is on the right and in the rear of the building, there is a scald machine that takes the hair off of the pigs. A machine lifts the pigs, there is a table and sink with three compartments as required by the Health Department. There are hot and cold water in the building, another drain in floor. A stunning device is used on the pigs and after that the pig is processed.

Mr. Montalvo stated that his customers make an appointment to choose the pig, he makes a receipt, then he processes the chosen pig that now belongs to the customer by first stunning, then scalding, then gutting the pig. The customers bring cooler with ice and that the pig product is not for resale and is tagged not for resale. Also, the pigs can be put in bag with ice and maybe one instance one customer did that. The hours of operation are from 7 am – 5 pm and it is on Saturdays and Sundays, mostly in the summertime. He stated that some of the customers take the blood, but if they don't take it, then the blood is double bagged and removed by Sanico. The butchering is done onsite with just opening it up.

Mr. Purcell read Webster's definition of "butcher" which is to slaughter and dress for market. Mr. Montalvo stated that he slaughters the pig, but does not dress for market and only provides the whole eviscerated carcass. The person that buys the pig cannot resell it at a market. Mr. Montalvo confirmed that he is operating a custom-exempt facility and that he is slaughtering, not butchering which is more intensive and requires more space and product needs to be frozen. Mr. Purcell asked Mr. Montalvo with respect to the custom-exempt processing operation, has any police or emergency services ever been called for stuff like that? Mr. Montalvo replied no and also that the farm does not engage in any direct on-farm marketing which Mr. Purcell clarified that on-farm marketing means customers are not coming for events where pigs are slaughtered. Mr. Montalvo stated that he does not advertise for that. A customer comes to the property, purchases the pig, then leaves.

Exhibit A-21 – Brian Smith, Esq., SADC, February 2, 2022 letter to Judge William G. Mennen of North Warren Municipal Court for Hope Township in regards that any complaint against Mr. Montalvo must be heard by the WCADB.

Mr. Purcell stated that the first regulatory issue on the farm was on July 3, 2019 from the NJDEP for the freshwater wetlands disturbance. Mr. Montalvo stated that he filled in the wetlands and remediated it and he was found to be in compliance on June 3, 2022 which was submitted for the SSAMP. Mr. Montalvo filed a soil disturbance with the Township after he remediated the matter and stated that he gave a check to the Town and not sure what happened. Mr. Montalvo more recently supplied the Town with their request with documentation regarding the clean fill.

Exhibit A-22 – Township of Hope Zoning Permit for enlargement of existing barn submitted on September 4, 2019. Permit issued on October 30, 2019. Comments on permit were OSI conducted to verify location of barn addition. Per Ordinance 20-5.3, a non-conforming structure may be enlarged provided that the non-conforming setback is not further encroached upon, addition is to rear of barn.

Exhibit A-23 – Township of Hope Zoning Permit for 30' x 40' pole barn submitted March 10, 2020. Permit issued on April 8, 2020. Comments on permit were during on-site inspection and review of permit, barn location was re-stated in field so that it is now consistent with submitted site plan. Description is pole barn-farm use. Mr. Montalvo stated that he was still processing the pigs while waiting for the permit.

Mr. Menegus had stepped away, so there was a short break.

A violation was issued against Mr. Montalvo in April, 2021. In May, 2021, the CADB initially denied the Certification of Commercial Farm, and that denial was appealed. After that a number of complaints were filed against Mr. Montalvo in November 2021. Also, the Warren County Health Department issued a summons regarding the holding tank in front of the wood barn and did not get permits for that as he thought he didn't need to because it was for animal waste. Mr. Montalvo plead guilty and then hired an engineer and did what he was supposed to do and then the permits were approved.

Exhibit A-24 – NJ Department of Community Affairs, Office of Local Code Enforcement Letter December 14, 2021 letter from James C. Miller determining that the wooded barn and the metal barn have been deemed unsafe, the Certificate of occupancies were revoked and the use had been converted without prior approvals or construction plans or permits. Mr. Purcell stated that Mr. Montalvo received this letter because of purported collapse of prior approval and Mr. Montalvo confirmed. Mr. Purcell stated that this letter triggered the SADC letter that the violations in the Municipal Court should be dismissed and Mr. Montalvo confirmed.

Exhibit A-25 – Hope Township Attorney, Michael Selvaggi March 16, 2022 email stating that under the pending appeal, no permits should be issued for any building on the property, as some of the activities on the site may not be permitted absent variance relief and not allowed by the CADB. Mr. Purcell stated that the letter meant that the Town was waiting for the CADB to resolve the matter then allow permits.

A site visit was conducted by the USDA and the NJ Department of Agriculture on May 18, 2022 and the two USDA inspectors reviewed the pole barn. Mr. Montalvo stated that they found everything acceptable and also that the NJ Department of Agriculture found the animals to be in acceptable condition.

On June 13, 2022, Mr. Montalvo filed another Certification of Commercial Farm application and on August 18, 2022, the CADB granted Certification of Commercial Farm to Montalvena Farms by Resolution #22-13.

Exhibit A-26 –Warren County Health Department June 21, 2022 email from Elyssa Loacono giving preliminary approval on the second holding tank for the metal barn, but that final approval was pending NJ-DCA written approval for plumbing permits and work permitted in both barns. An Engineer was also required to submit an "Engineer's Certification of Sewage Disposal System" for the wooden barn holding tank and metal barn holding tank. Mr. Montalvo stated that the Board of Health wanted him to get the Township permits first then they would approve the permits for the holding tanks. Then the Mr. Selvaggi letter stated that the Town wouldn't issue permits compiling one issue upon the other.

On July 8, 2022 another USDA inspection was performed where they witnessed a processing of a pig. On September 14, 2022, another site visit from the NJ Department of Agriculture occurred where they wanted Mr. Montalvo to tag all of the animals, the lambs and goats on the farm and discussed the waste management plan. Mr. Montalvo stated that he was eventually approved for the holding tanks by the County Health Department.

Exhibit A-27 – Certificate of Compliance stamped August 4, 2022 for holding tank #1 for Wooden Barn and #2 holding tank for Metal Barn stamped February 1, 2023, both alteration for septic.

Mr. Montalvo confirmed that the USDA came to review and inspect his custom-exempt slaughter facility. There is not a USDA inspector there onsite to inspect processing of meat. Mr. Montalvo stated that for his operation, they come one to two times a year. FSIS Guideline for Determining Whether a Livestock Slaughter or Processing Firm is Exempt for the Inspection Requirements of the Federal Meat Inspection Act dated May 24, 2018 (Exhibit 6 to Addendum) on Page 3, B states that "A custom-exempt operator slaughters livestock belongs to someone else and processes the carcasses and parts, for the exclusive use, in the household of that owner, but the owner, members of the owner's household, non-paying guests, and employees." On Page 6, #5 "Selling livestock to a customer does not disqualify a business from the custom exemption. A custom exempt operator may sell livestock to a person (s) prior to slaughter and then custom slaughter the animal for the new owner." Mr. Montalvo stated that the customer needs to come and buy the whole pig to be under the custom-exempt slaughter facility and it can be processed at his farm. On July 8, 2022 where the USDA inspector witnessed the processing of the pigs.

Exhibit A-28 – USDA Exempt Facility Review Report dated July 13, 2022 for the Montalvena Farm. The #9 sewage waste disposal was only item marked as not acceptable as at the time as Mr. Montalvo did not have approval for this type of sewage disposal from the County Health Department and the USDA did not approve the preliminary approval by the County Health Department.

Exhibit A-29 – Edward Purcell, Esq. letter dated February 7, 2023 to USDA representative Scott Warren regarding the Custom Exempt Review Item #9 on the Montalvena Farm and included the two Warren County Board of Health Certificates of Compliance for the two holding tanks.

Mr. Purcell questioned Mr. Montalvo on whether he had all-terrain vehicles or ATV track on property in use for his customers and Mr. Montalvo replied that he had an ATV track on property only for his friends. Mr. Purcell asked Mr. Montalvo if he had commercial campground or picnic ground on the property and he replied no, but that there are pictures on Facebook of a party and people assume they are doing something else. Mr. Montalvo likes to post everything that they do on Facebook and states that it is good for business. That his photos are like a Pepsi commercial filmed on location in Jamaica, where the Pepsi is likened to the pig for advertising and that they can have fun doing like what he is doing in the photos on Facebook.

A portion of an article read by Mr. Purcell states how a seller can establish brand loyalty with ethnic or Hispanic market groups. After a series of questions by Mr. Purcell, Mr. Montalvo stated that he markets ethnic groups to establish brand loyalty with the Montalvena Farm shirts and the logo is important to remembering brand. Mr. Montalvo stated that he could not do a poultry market in Hope because he cannot comingle as he does pigs in Hope and poultry in Newark. He posts photos to his Facebook of the poultry.

At this time, some of the Board members questioned Mr. Montalvo.

Mr. Bodine asked Mr. Montalvo to go over the factual background of 10 steps for processing (referenced step #4 pig is weighed and receipt is made). Mr. Bodine asked if the scale is inspected and certified under NJ Weight and Measures? Mr. Montalvo stated that the pigs are weighed, given receipt, scalding, have a machine in the barn that gets up to 140 degrees and removes hair from the pig located inside the machine. The machine can handle up to 400 pounds and he puts in 200 pound pigs at the most and it is out of view of the customers/public. He does not know if the scale is under the NJ Weights and Measures. Mr. Purcell stated regarding the scale, that he would check to see if the scale is required to be registered under system law.

Mr. Bodine also asked Mr. Montalvo to explain the nutrition plan and the percentage used for the protein and grain cereal feed. Mr. Montalvo stated that 16% on the nutrition plan and he buys feed from the store that is already prepared food from the seller for the piglets. He purchases the pigs when they are 50 pounds. Mr. Montalvo stated that he reduces the protein as the pigs get bigger. He doesn't know the exact percentage of the feed, but will provide that at a future meeting, the tag and the ingredients.

Mr. Bodine asked if Mr. Montalvo had Health Certificates for the pigs because they were purchased in Pennsylvania and then came into New Jersey. Mr. Montalvo stated that he purchased 83 pigs, and the 50 health certificates are from NJ, but they should have been from PA. Mr. Montalvo stated that the Department of Ag came and stated that this time can do the certificates for NJ. Mr. Bodine stated that all certificates should come from place of origin.

Mr. Bodine stated that pigs should be rejected if they are on antibiotics, have cancer or an abscess. He asked Mr. Montalvo whether he could identify if a pig has antibiotics or cancer? He wanted to know how Mr. Montalvo could determine antibiotics as it is a 60-90 day withdrawal and that it is a public health and safety concern to make sure the animals are

healthy and the pigs sold are safe for consumption. Mr. Montalvo replied that he was not sure if he could identify cancer or sickness in a pig, but was willing to learn. Mr. Purcell stated that the USDA slaughtering facilities and Custom Exempt slaughtering facilities have separate standards and stated that antibiotics were discussed and that Mr. Montalvo separates them and marks them and will look into the other concerns for stipulation at the next meeting. Mr. Montalvo stated that the USDA did not go over identification of cancer in pigs. Mr. Montalvo stated that he was willing to put inspector there.

Mr. Menegus asked Mr. Montalvo if the slaughtering remains goes into the holding tank and if it is part of the septic system. Mr. Montalvo stated that it does not go into the septic system for his house, that the manure, blood, and intestines goes into the dumpster in bags and only thing that goes into the tank is water. Mr. Montalvo stated that he called the Health Department and the Town they said that he didn't need permits as he spoke to the Hope Township Zoning Officer. There was nothing in writing. Mr. Purcell stated that Mr. Montalvo did end up getting permits for the holding tanks after they were already in the ground. The information for the tanks is provided by the Engineer.

Mr. Mathez referred to the pigs bought and sold from the Certification Binder in 2022, there were 2 dated receipts for purchase of 29 pigs but on the Montalvena Farm sales receipts, there were 16 pigs sold, and 13 pigs have missing receipts. Mr. Mathez asked for copies of the missing receipts and rest of 2022 receipts. Mr. Montalvo stated that the 13 pigs stayed on the farm and were sold and processed after the Certification.

Mr. Mathez stated that he was confused by how Mr. Montalvo got his customers, as it seems like there were more get-togethers than people buying pigs. Mr. Montalvo stated that what his friends and family do are different than when the customer comes to buy pigs. Mr. Montalvo stated that he sells pigs in the metal barn and does things with his family and get-togethers his house or in the pavilion. Mr. Mathez stated that he could not tell the difference between his customers and his family and asked that the people who are his customers, there are no parties for? Mr. Montalvo replied there are no parties for the customers; they come and buy the pig and go and they put the 200 pound pig in a car inside a cooler or plastic bag.

Mr. Tierney asked if putting a pig in a bag was permitted or if the regulations specifically require that it be transferred out in a cooler? Mr. Montalvo stated that there were no regulations about that. Mr. Purcell stated that the USDA regulations speak to the proper transfer of meat in a healthful way, but he doesn't believe that they get in that level of specificity and that Mr. Montalvo discussed that process with the USDA and it was acceptable as referred to in their July review form.

Mr. Mathez referred to application addendum that "As a result of communications with neighbors through the Township, applicant has reduced the number of get-togethers to less people and less noise", and asked Mr. Montalvo if he could tell us what he was doing before, how many people and doing after, how many people and how much noise is created and when did this change start?

Mr. Mathez asked how many parties did you have in 2022? Mr. Montalvo stated that he had Father's Day, July 4th, it was the holidays. It was about 40 people and about 4 weekends over the course of the summer, but he doesn't really remember and that has nothing to do with his application. He stated that the change started last summer. The number of get-togethers during the summer of 2022 was less than 2021.

Mr. Montalvo stated that he does not want to upset his neighbors so now he has less people and less noise and now only the closest friends as he has lowered volume from the music and he follows the state regulation from 9 am – 10 pm and has never been cited for noise.

In response to Mr. Mathez's inquiry, Mr. Montalvo stated that in 2021 he purchased 1 ton of feed from Johnsonville, but now they are in 50 pound bags and now (2022) gets the feed from the person who sells him the piglets.

In response to Mr. Mathez inquiry, Mr. Montalvo stated that he did not spray pesticides, has not stored any pesticides on his property and stated that he contracts an exterminator for rats which is a USDA requirement.

Mr. Montalvo stated to Mr. Bodine that he butchers the pigs in the slaughter house by himself; that no one helps him for his own parties and it is for his own consumption. He will find out if the seller vaccinates the piglets he purchases.

The Board had no further questions at this time, so the public was allowed to question Mr. Montalvo. Since it was getting late, it was noted to the audience that the public will also get another chance at the next hearing date to ask questions of Mr. Montalvo.

Joseph Hoffman, 551 Hope-Blairstown Road. He asked if he was still continuing to slaughter pigs while all this is going on and Mr. Montalvo responded yes. Mr. Hoffman responded that he thought that was interesting since he did not have full license to do so.

Monica Sobon, 156 Lake Just It Road, Hope. Ms. Sobon asked about the output of the pigs. Was there a manure pile? She asked if it was all were bagged up and put into the dumpster, blood, manure, intestines, and where was urine going, into the dumpster and not the water? Mr. Montalvo replied that the urine goes into a holding tank. Ms. Sobon asked if there were any manure piles outside the barn that would be storm water runoff? Mr. Montalvo stated that there is a manure pile for the other animals. Ms. Sobon asked if the Sanico dumpster was totally enclosed and that there was absolutely no leakage coming out of the corners? Mr. Montalvo stated that he has a 2 ton dumpster which is totally enclosed, no leakage. If there is a leakage, he cleans with Clorox, and he only operates on the weekend, Saturday and Sunday and during that time, maybe 5 pig remains are put in the dumpster. He stated that there was no leakage, but if it rains, then yes and stated that the stormwater runoff does not go into the wetlands as they are far away from it. Mr. Montalvo invited Ms. Sobon to come to his property and she stated that she would love to, she is from the Hope Environmental Commission. Mr. Montalvo stated that NJ DEP found him to be compliant and made him move the dumpster closer to the metal barn. The entrails go into the dump and is double bagged.

Sherry Shaw, 524 Blairstown Road, Hope. Ms. Shaw asked Mr. Montalvo how far back had he been using Sanico? Mr. Montalvo stated that he has receipts from 2019.

At this point Mr. Hood made a motion to adjourn the questioning and carry the Montalvena Farms SSAMP RTF meeting to April 20, 2023 which was seconded by Mr. Menegus. Motion carries.

Administrator's Report:

New Applications:

County Applications

- **Brunkhorst Land Donation** - Mansfield (Approx. 49.83 acres)
- **Sigler** – Franklin (Approx. 173 acres) Fee simple purchase.
- **Rapid NJ LLC** – Allamuchy (Approx. 92 acres)

Total Applications: 3 Total Acres: 314.83

Awaiting Green Light Approval:

Non-profit applications

- **526 Delaware Road** – Hope (Approx. 125 acres)

Total Applications: 1 Total Acres: 125

Received Green Light Approval:

County Applications

Total Applications: 0 Total Acres: 0

Non-profit applications

- **Shotwell Family Partnership, LP** – Blairstown Township (Approx. 154.5 acres) This property has been sold. TLC-NJ reaching out to new landowner for preservation.
- **Watercress** – Frelinghuysen Township (Approx. 117 acres) This property has been sold. TLC-NJ reaching out to new landowner for preservation.

Total Applications: 2 Total Acres: 271.5

Received CMV & Offer Made:

County Applications

- **Ullman** – Knowlton Township (Approx. 188 acres) Contract under attorney review; Sellers' requested significant changes to County purchase agreement. (Fee Simple Purchase)

Total Applications: 1 Total Acres: 188

Municipal Applications

- **Rick Smith Farm** – White (Approx. 25 acres)

Total Applications: 1 Total Acres: 25

Non-profit applications

Total Applications: 0 Total Acres: 0

Under Contract (Title Search & Survey):

County Applications

- **Anema, Ralph** – Washington Township (Approx. 123 acres) Sent Engineering and Attorney comments to SADC. Subdivision completed. Asked Township Engineer if there are any comments on survey.
- **Ferri** – Washington Township (Approx. 65 acres) \$4,200 CMV. Sent to County Counsel for review, then surveyor to make Engineering Review revisions together then send to Engineering for compliance, after that onto SADC for preliminary review.
- **McEvoy #1** – White Township (Approx. 102 acres) CMV \$4,800. Survey underway.
- **McEvoy #2** – White Township (Approx. 20 acres) \$5,200 CMV. Survey underway.

Total Applications: 4 Total Acres: 310

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) CMV \$4,800. No comments by Engineering. Waiting for County Counsel's review.

Total Applications: 1 Total Acres: 31

Non-Profit Applications

- **Kimball** – White Twp. (Approx. 45 ac.) CMV \$4,200. Revised survey currently being reviewed by Engineering and County Counsel.

Total Applications: 1 Total Acres: 45

Waiting to Close (Final Legal Review):

Municipal Applications

- **McLain** – Harmony Twp. (Approx. 140 ac.) CMV \$5,700.
- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700.

Total Applications: 2 Total Acres: 240

Non-Profit Applications

- **Giordano** – Frelinghuysen Township (Approx. 33.98 acres) CMV \$4,000.
- **Promised Land (M. Santini)** – Franklin Twp. (Approx. 58 ac.) CMV \$4,650. Sent Engineering comments to SADC regarding their inquiries on easements.
- **Stecker** – Harmony Township (Approx. 18.988 acres) CMV \$5,175. Minor inconsistency noted by County Counsel sent to TLC-NJ to send to surveyor to modify then send to SADC.

Total Applications: 3 Total Acres: 110.968

Recent Closings: none.

Withdrawn

- **Waters** – Harmony Township (Approx. 78.28 acres)

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **Pear Tree Realty** – Franklin Township (Approx. 62 ac.) BOCC approved 100% County funding. Survey updates, waiting for County Counsel to review them for closing.
- **Pereira** – Franklin Township (Approx. 30 ac.) BOCC approved 100% County funding. Revision request sent to GPI, on 3 week back up.
- **Myers/Toretta #1** – Franklin Township (Approx. 38 acres) Landowner deciding what to do with application.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) BOCC approved 100% cost-share. Revised contract sent to Mr. Russo, landowner's attorney. County Counsel and Mr. Russo working on contract.
- **Santini (O'Dowd South)** – Franklin & Greenwich Township – (Approx. 132 ac.) County Counsel reviewing updated survey.

Total Applications: 5

Total Acres: 358

2023 Closings YTD: no farm closings yet this year

Program Totals: 326 farms totaling 28,468.1234 acres

Public Comment – none

SADC Update – As provided by Mr. Timothy Willmott:

- **SADC – Special Occasion Events** – the Governor's Conditional Veto of the SOE bill (S-757) has now passed both houses of the legislature and became law on January 26th. The law allows ALL preserved farms – both wineries and non-wineries – to hold up to 26 SOEs per year. Some basic provision of the bill include:
 - Applicants will apply to the Grantee (county, nonprofit or SADC) identified in the DOE for approval to hold SOEs
 - There is no SADC review/approval of SOE applications submitted to counties and NP's
 - Applicants can include either the landowner or the farmer renting a preserved farm
 - THE LAW IS EFFECTIVE IMMEDIATELY – landowners can apply for SOE approvals now – despite the fact that the SADC's implementing regulations will take some time to adopt.
 - SOEs are kinds of events that are NOT eligible for Right to Farm protection
 - Farms must generate at least \$10,000 per year in ag/hort production to qualify
 - The area occupied by SOE activities, including parking, is limited to the lesser of 10 acres or 10% of the preserved farm
 - THESE SOE RESTRICTIONS DO NOT APPLY TO EXCEPTION AREAS

The SADC is here to help! We will soon be producing a sample application form, a sample application checklist, and a summary of the law's provisions – to assist CADB's and NP's in preparing to receive SOE applications. In the meantime, if you need help, call us.

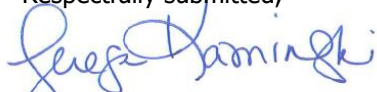
- **Soil Protection Standards (SPS)** – SADC subcommittee and State Board Policy subcommittee met in December and the SADC subcommittee met again in January. An update is anticipated to be discussed at the SADC's February meeting.
- **Bill A-4729** – this bill passed the full Assembly the last week of January and has now been introduced in the Senate and referred to the Senate Economic Growth Committee. The bill would allow the SADC to adopt a "Statewide Formula" for determining easement values – which could include providing additional compensation for things such as farm quality, location and proximity to other preserved farms and environmental resources. The intent of the bill is to increase easement values overall, in order for the FPP to be more competitive. Under the bill, traditional appraisals would still be conducted, and landowners would have the option of accepting an offer based on the formula or the one based on the formula. If the bill becomes law, the SADC will certainly be reaching out to all our partners to get their input before proposing a formula.
- SADC celebrates its 40th anniversary this year. Several events are being planned to acknowledge this major milestone. More information will be provided as events are scheduled.

NJ Department of Agriculture

Ms. Rachel DeFlumeri of the NJ Department of Agriculture gave the Board guideline/precautionary handouts and updates on the Avian flu virus affecting chickens. Ms. DeFlumeri stated that Lancaster was under quarantine.

Adjournment: A motion for adjournment was made by Mr. Bodine and seconded by Mr. Menegus. Motion carries. Vice-Chairman Mathez adjourned the meeting at 10:35 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Teresa Kaminski". The signature is fluid and cursive, with the first name "Teresa" written in a larger, more prominent script than the last name "Kaminski".

Teresa Kaminski