

WARREN COUNTY AGRICULTURE DEVELOPMENT BOARD

Department of Land Preservation

P.O. Box 179

500 Mt. Pisgah Avenue

Oxford, NJ 07863

Meeting Minutes

June 15, 2023

The regular monthly meeting was at the Department of Land Preservation offices. The meeting was called to order by Chairman Schnetzer 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, Joel Schnetzer, Melissa Watters

Members absent: none

Others present: C. Tierney, T. Kaminski, Staff; Aaron Culton, Substitute County Counsel; Paul and Terry Rich, Mansfield Township; Alex Montalvo, Hope Township and his Attorney Edward Purcell; Anthony Sposaro, Attorney for Hope Township; Sherry Shaw, Hope Township; Timothy Willmott, SADC; Rachel DeFlumeri, NJ Dept. of Agriculture.

Minutes of the meeting held on May 18, 2023 were approved on a motion by Mr. Burke and seconded by Mr. Menegus. Motion carries.

Correspondence:

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.
- **Kero Update (Brugler #1), Knowlton Township**
Mr. Tierney stated that there is no update.

New Business:

Resolutions

- **Denial of Certification of Commercial Farm Res. #23-04 for Wild Honey Rose, BL 1301 L 1.07, Blairstown**
Mr. Mathez made a motion to memorialize the resolution for decision made at the May 18, 2023 meeting which was seconded by Mr. Hood.

Roll call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes;
Mrs. Watters – yes; Mr. Menegus. Motion passes.

Certification of Commercial Farm continued, Luna Farms, LLC, Mansfield Township, BL 1204 L 11

Philip and Terry Rich provided the following handouts to the Board: 1) updated 2022 Schedule F, and; 2) Copies of 2022 check, front and back; and 3) Expenses invoices; and 4) Soil Testing 2023. Mr. Tierney provided the Board photos of the site visit from May 17, 2023.

The Board discussed with Mr. and Mrs. Rich the handouts that were given to them and the agricultural and perennial production on the farm. Mr. Rich had testified that he had three cuttings of hay from 2022. Chairman Schnetzer stated that 2022 was one of the driest seasons since 1999 and farmers only had one cutting last year. Chairman Schnetzer asked to see a bale of hay and the Rich's could not provide one at the site visit and stated that they had none left. Chairman Schnetzer stated that the condition of the hay was less than mulch hay. Chairman Schnetzer went over their documents submitted and the Board heard more testimony from the applicants. The price of a bale of hay was discussed as well as perennials and the hay fields on the farm.

Mr. Mathez made a motion to deny the Certification of Commercial Farm for Luna Farms, LLC, owners Philip and Terry Rich based on not meeting ag production income on the property. This motion was seconded by Mrs. Watters.

Roll call: Mr. Schnetzer – yes; Mr. Mathez – yes; Mr. Bodine – yes; Mr. Burke – yes; Mr. Hood – yes; Mrs. Watters – yes; Mr. Menegus. Motion passes.

At this time Chairman Schnetzer turned over the meeting to Vice-Chair, Mr. Mathez. Chairman Schnetzer along with Mr. Burke and Mrs. Watters recused themselves from the rest of the CADB meeting.

SADC Update – As provided by Mr. Timothy Willmott:

The SADC has a newly appointed Public Member – Tiffany Bohlin, from Monmouth County, background in transportation, engineering and agriculture. She replaces James Waltman. The SPS Standards are on SADC's next week's agenda. Presentation with SOEs for North Jersey was given this week. Any concern with SOE, please contact Dave Kimmel.

SSAMP Montalvena Farms BL 5200 Lot 600, Hope Township Right to Farm Hearing continued

Mr. Sposaro stated that it was his understanding that the applicant had presented his case, direct examination had been completed and ask to carry cross-examination to another meeting. Mr. Purcell stated that he thought the Board had a number of questions for Mr. Montalvo and that it wanted more information with respect to scales and receipts, so he requested that Mr. Montalvo be questioned by the Board and evidence presented and then cross-examined. Mr. Purcell stated that he just need 9 more minutes of testimony from Mr. Montalvo. Mr. Culton will allow testimony and then turn over to Mr. Sposaro and then the public will be at the end. Mr. Purcell reminded Mr. Montalvo that he was still under oath. Mr. Purcell gave the Board the following handouts: 1) Exhibit A-30, 2022 Montalvena Farms Sales Receipt for pigs sold; and 2) Exhibit A-31, 2022 Receipt Analysis (prepared by Mr. Purcell's office, shows weights of pigs and Mr. Montalvo reviewed and confirmed accuracy); and 3) Exhibit A-32, 2022 Weight Comparison Chart (prepared by Mr. Purcell's office and Mr. Montalvo reviewed and confirmed accuracy); and 4) Exhibit A-33, Grower Feed for pig ingredients; and 5) Exhibit A-34 2023 NJ Office of Weights & Measures Registration Certificate; and 6) Exhibit A-35 HACCP Plan, Custom Exempt Pork Processing; and 7) Exhibit A-36 Sanico Receipts from 2019 – 2021.

Note: Mr. Purcell hired a Court Reporter for his client's hearing.

Mr. Montalvo gave testimony that he reviewed the submittals and approved them as correct. Mr. Montalvo sold 73 pigs in 2022 as referenced in Exhibit A-32 Weight Comparison as when the pigs came to the farm, they weighed 50 pounds and when they left they weighed between 140-200 pounds. The majority, the analysis shows 45 pigs were between 150 – 199 pounds as confirmed by Mr. Montalvo. The entire weight of the pigs when purchased was 3,650 pounds and when sold were 11,205 pounds with an increase of 3x the weight as confirmed by Mr. Montalvo. Mr. Sposaro asked if this was a script and stated that Mr. Purcell was leading the witness to such a degree that all he has to do is to state yes or no and that is not how a direct examination is conducted. Mr. Purcell asked Mr. Montalvo about the pig analysis. Mr. Montalvo stated that when the pigs arrive at his farm, they weigh 50 pounds and they are fed well, gain weight on a nutrition plan and then sold. Mr. Montalvo also provides medical care if they are sick; he has a vet. Mr. Montalvo first used feed from Johnsonville, but they had stopped producing that so he had asked his farmer to provide him with pig food when he purchases the pigs from the farmer and the formula is provided in Exhibit A-33, Grower Feed for pig ingredients. Both formulas are for small and large pigs with 16% protein, one commercially produced by Gehman's and one is a home-made recipe from Shick Farms.

Mr. Bodine asked who is the provider of the gain use analysis? Mr. Montalvo responded Mr. Otto (Orro?) [Unclear from Audio] the farmer that he buys the pigs from.

Mr. Montalvo stated that he applied to the State regarding the scale and received a letter that they approved it (Exhibit A-34, 2023 NJ Office of Weights & Measures Registration Certificate).

Mr. Montalvo stated that the pigs where he purchases them from the farmer are not allowed to leave the farm if they are on anti-biotic use. Mr. Purcell asked if when the pig was brought to the farm if it was outside of the withdrawal time and Mr. Montalvo replied that was correct. Mr. Montalvo stated that if he has a pig that is on antibiotics, he will not process it until it is out of withdrawal time. He stated that he separates the sick pig and that he is not allowed to sell it.

Mr. Purcell stated that Mr. Montalvo prepared a Hazardous Analysis & Critical Control Plan and that is Exhibit A-35, HACCP Plan, Custom Exempt Pork Processing. Mr. Montalvo stated that he updated the plan to make it safe in order for people to eat and was recommended by the USDA inspector to help manage and keep clean. Mr. Montalvo called the USDA and the inspectors do not work weekends and also asking for approval for custom exception. He stated if the Board is asking for USDA inspectors, he can't afford it and it would change the process of what he is doing. Mr. Purcell asked if Mr. Montalvo needed to process more pigs in order to be able to afford the USDA inspectors to be there on the weekend as they are not allowed to come for 2 or 3 pigs on the weekend as his facility is not that large.

Mr. Bodine asked if the pigs could be killed during the week for the inspector and then put in the cooler for the weekend. Mr. Montalvo said that would not be a custom kill. Mr. Bodine said that Mr. Montalvo testified at the last hearing that he does not operate on weekends. Mr. Purcell stated that he recalled when he testified that Mr. Montalvo does operate on the weekends. Mr. Bodine asked if he only operated on the weekends and Mr. Montalvo replied yes. Mr. Bodine asked if there was killing during the week and Mr. Montalvo replied that if the customer comes, then he would have to take care of them. But, most of the sales are on weekends. Mr. Purcell asked if most of his customers are working during the week and they want to come on the weekend and Mr. Montalvo replied, yes, they want and to enjoy fresh kill. Mr. Purcell stated that in a custom exempt process, it is important that they own the pig once sold and then Mr. Montalvo processes it for them and that if the pig was killed previously, it would not qualify for custom exemption.

Mr. Purcell asked if anyone has ever gotten sick from a pig from his farm or that Mr. Montalvo was aware of and Mr. Montalvo replied that he has never heard a complaint in the 4 years.

Mr. Purcell asked Mr. Montalvo to verify the Sanico receipts from 2019-2021 (Exhibit A-36) as his waste hauler and Mr. Montalvo replied that was correct. Mr. Purcell asked Mr. Montalvo to again verify where the pig waste goes and where the other animals on the farm waste goes. Mr. Montalvo replied that the pig waste is double bagged and goes in Sanico bin and doesn't mix with the pile in back of the property from the goats, geese and horse. Mr. Purcell asked that the manure pile was approved by the Department of Agriculture Animal Waste Plan and Mr. Montalvo replied correct. Mr. Purcell asked that if it rains inside the Sanico container, does any pig waste get on the ground and Mr. Montalvo replied that there was no waste to get out as it is double bagged.

Mr. Bodine confirmed with Mr. Montalvo that the average weight of the pig that comes into the barn is 50 pounds and Mr. Montalvo replied that was correct. Mr. Bodine also confirmed with Mr. Montalvo that the pigs were about 1 month to 1 ½ months old when purchased and Mr. Montalvo agreed. Mr. Bodine stated that was impossible for a pig that is a 1 ½ months old and pigs are weened at 4 weeks old and they weight about 12 pounds. It would take at least 9-12 weeks to get a pig to weigh 50 pounds, so he is not purchasing 50 pound pigs at a month old. Mr. Bodine asked Mr. Montalvo how old do you think they are when you purchase them? Mr. Montalvo stated that in the beginning he used to get 30 pounders and Mr. Bodine said that would be about 6 weeks old? And Mr. Montalvo agreed. Mr. Montalvo stated then at 8 – 10 weeks, it doesn't have to be exactly 50 pounds. Mr. Bodine stated that on the handout provided, everything states that the pigs came in at 50 pounds and finds it interesting that nothing came in at 51, 52 or 53. Mr. Bodine stated that he has weighed out thousands of pigs and nothing comes out as zeros every time.

Mr. Purcell then said to Mr. Montalvo, but that is the weight that they were bought at, correct? Mr. Sposaro objected that Mr. Montalvo should answer the questions. Someone from the audience said that is his lawyer and asked Mr. Sposaro if he is allowed to interrupt. Mr. Sposaro replied to the audience member that he has a place and he is to wait his turn. [Audio unclear from Audience disruption; Court Reporter announced she was off the record] Mr. Bodine stated that Mr. Sposaro was part of the hearing while the audience member argued with him and then Mr. Culton said that Mr. Sposaro was an attorney.

Mr. Montalvo then asked Mr. Bodine what is so hard about trying to do this business and Mr. Bodine stated that you have to be accurate in what is being told. Mr. Montalvo then said to Mr. Bodine that you are stating that I am lying. Mr. Bodine then restated that it is impossible to have a pig at 4 weeks old to weigh 50 pounds and that maybe the seller is telling Mr. Montalvo that these are at 4 weeks old and that he doesn't know. Mr. Montalvo stated what do you mean that I don't know, I have been doing this for 4 years. Mr. Bodine replied that he has been a hog farmer for 47 years and states that Mr. Montalvo is not buying feeder pigs at 50 pounds at 4 weeks old and bringing them in as it is impossible. Mr. Montalvo asked Mr. Bodine to show him where it says that he purchased them at 4 weeks old. Mr. Bodine referred to the last hearing's minutes that Mr. Montalvo gave testimony that the pigs are purchased at 1-1 ½ months old. Mr. Montalvo's wife, Ms. Garces, called out "2 months" from the audience. Mr. Montalvo then stated that was then they were doing the small piglets and Mr. Bodine said that it not what you are telling us; there is not a small piglet listed here (on the handout). Mr. Montalvo then said but that was when we changed in 2022. Mr. Culton reiterated that we have a list of pigs and Mr. Bodine is questioning the accuracy of the weight as they are all the same, were they really weighed or just guessing the estimate of what they weighed. Mr. Bodine asked if the pigs where weighed when they come in and Mr. Montalvo replied that he does not weigh them. Mr. Bodine asked if he goes by what the seller tells him that they weigh. Mr. Montalvo stated, he orders them according to his needs and he needs 30-50 piglets at 50 pounds and trusts the farmer and after they arrive at his farm and they are feed, it changes the numbers.

Mr. Mathez is surprised that these selling numbers of the pigs are all on zeros, there are no 191 pounds, and asked for an explanation from Mr. Montalvo as to how he sells those pigs and how he comes up with those numbers and is concerned with the precision of the scale. Mr. Montalvo stated that the scale is only 10, 20, or 30. Mr. Bodine asked if the scale only weighs in increments of 10, it won't weigh 21 pounds, it will weigh 20? Mr. Montalvo replied, exactly and said that the scale it is not digital. Mr. Mathez said just because it is not digital doesn't mean that you can't have a precision of 5 or 1 ½, a quarter or an ounce and wanted to know the precision of the scale. Mr. Montalvo said that if a pig weighs 151 pounds, it is charged for 150 pounds. Mr. Mathez asked then if it weighs 159 pounds, Mr. Montalvo stated that he charges for 55. Mr. Mathez then said you don't charge

for 55 because you are only on zeros there are no 55s. Mr. Mathez asked if the pigs are rounded off, round up, how is it done? Mr. Montalvo replies that he rounds the number. Mr. Mathez asked if it is 157, you round up to 160, if it is 153, you round to 150? Mr. Montalvo replied, yes.

Mr. Bodine asked if Weights and Measures stamped the scale? Mr. Montalvo said that a sticker was sent to him. Mr. Bodine said that feeder pigs are sold on a pound scale, they don't round them off, when you weigh them, your scale should say exactly what the pigs weigh. Mr. Bodine said that since it is stamped, there is no reason to round it off.

[Audience disruption] Mr. Culton said that he knows that everyone is passionate about this and everyone will have an opportunity to speak, but people cannot be chirping from the back while the Court Stenographer is trying to take down everything that the Board members, the attorneys, and Mr. Montalvo are saying, so one person has to speak at a time. If Mr. Montalvo takes more than a second to answer the questions, let him answer the question, please don't answer it for him from the back of the room, everyone will have an opportunity to speak their peace during public comment. We don't want to have to continue to tell people to be quiet, let just lets things be.

Mr. Purcell asked Mr. Montalvo if he would agree as the condition of the approval that going forward when you weigh the pigs, rather than rounding off, they would be weighed to the exact amount. Mr. Montalvo replied, yes, and stated that he has been doing whatever you guys tell me to do and doesn't think that will be a problem.

Mr. Bodine asked if he brought pigs in from last year and do you have health certificates for them? Mr. Montalvo stated that he did bring pigs in since last year. Mr. Bodine stated that the Board needed to see them. Mr. Purcell stated that they can submit them. Mr. Bodine asked how many have been brought in and Mr. Montalvo replied 40. Mr. Bodine stated that Mr. Montalvo should have 40 health certificates and Mr. Montalvo confirmed that he had them. Mr. Purcell stated that he would like to get this finished tonight and asked if that could be done as a compliance item, to submit the 40 pig health certificates? Mr. Culton stated that this would be discussed later.

The Board had no more questions and invited Mr. Sposaro, Hope Township attorney, to question Mr. Montalvo.

Mr. Sposaro stated that the Board anticipated some of the questions that he was going to ask. Mr. Sposaro asked Mr. Montalvo to confirm that he purchases the pigs at 50 pounds in which Mr. Montalvo replied yes. Mr. Sposaro asked for a receipt or a couple of receipts that indicate how much these various pigs weighed? Mr. Sposaro asked if all of these numbers are rounded up or down? Mr. Montalvo replied, correct. Mr. Sposaro asked that no one has ever questioned, since the pigs are being sold by the pound, that they may be paying a little bit more or a little less than they should be? Mr. Montalvo replied that some people complain, but then he rounds it on down. If it is \$420, let it go for \$400 or \$410, let it go for \$400.

Mr. Sposaro stated that Mr. Montalvo indicated last time that he has all the pigs tagged. Mr. Montalvo asked what he meant by tagged? Mr. Sposaro stated when they are purchased and Mr. Montalvo replied that he does not tag them, that the vet tags them. Mr. Sposaro asked if each of these pigs has a number? Mr. Montalvo replied, yes. Mr. Sposaro asked can you tell us when you purchased pig #1 and do your records indicated when you purchased the pigs. Mr. Montalvo replied that he does not recall.

Mr. Purcell asked how this is relevant? Mr. Sposaro stated that it was relevant as to when he purchased it and when he sold it and whether it constitutes production, that is what is relevant, how long did the man own the pigs? Mr. Sposaro asked on any of these pigs, can you give us the date of purchase these pigs, 1-73? Mr. Montalvo replied that he doesn't recall. Mr. Sposaro asked Mr. Montalvo if he has records to identify that can be shared with him and the Board to identify when you purchase each and every one of these pigs? Mr. Montalvo said, to tell you the truth, I don't have that. Mr. Sposaro confirmed that he doesn't have that and Mr. Montalvo said that he doesn't have that because he doesn't have to. Mr. Sposaro stated that it wasn't for him to say whether he has to or not, his question is if he has any such records? Mr. Montalvo replied, not for those, but the USDA recommends that we have a list that we have to put a tag number on it.

Mr. Sposaro stated that since the vet is identifying these pigs by a tag, why wouldn't you have a record of when the pig was acquired? Mr. Montalvo stated that he does have a record when they coming from the farm, the tag number, the vet and everything, but says that he doesn't have to put the information on his receipts. Mr. Sposaro stated that he didn't ask Mr. Montalvo to put them in his receipts, he is asking a very straight forward question, not trying to trick you or give you a hard time. Can you tell us the dates on which you purchased, that you acquired pigs 1-73? Mr. Montalvo said that it was hard to tell Mr. Sposaro. Mr. Sposaro said that the answer to the question was yes or no, can you tell me? Mr. Montalvo said that he has to check the receipts. Mr. Sposaro asked, what receipts? Mr. Montalvo replied the receipts from the vet from the farm. Mr. Sposaro asked if he could produce those and Mr. Montalvo replied that he gave it to them. Mr. Purcell gave Mr. Montalvo the health certificates, (Exhibit A-6) from previous meeting. Mr. Sposaro asked Mr. Montalvo to look at Exhibit A-6 and if he was able to tell when he purchased any of those pigs by number that was offered this evening, 1-73. Mr. Montalvo stated that probably numbers 40-60, I don't. Mr. Sposaro asked again if Mr. Montalvo can tell us the dates on which the 73 pigs were purchased. Mr. Montalvo said that he could not and that was for the whole year. Mr. Sposaro said it's your case, I am asking if you can demonstrate that.

Mr. Sposaro referred to the scale that is certified by Weights and Measures does not give you an indication to the pound at which these pigs weigh? Mr. Montalvo replied that it does. Mr. Sposaro wanted to know why that number wasn't reflected in his summary. Mr. Sposaro asked why the numbers were rounded. Mr. Purcell stated that Mr. Montalvo stipulated to use the exact numbers going forward and Mr. Sposaro asked if he could be allowed to cross-examine the witness. Mr. Sposaro stated that Mr. Montalvo has indicated that he has rounded up or rounded down, correct? Mr. Montalvo confirmed as correct. Mr. Sposaro stated that the Board has to take that as his testimony but it is not necessarily the fact, correct? Mr. Montalvo replied that he didn't know. Mr. Sposaro asked if it would be easier just to write the exact weight that the pig was when it was sold? Mr. Montalvo replied that was the recommendation from Mr. Rene (sic) and that he will do it. Mr. Sposaro stated that through all of 2022, Mr. Montalvo did not see fit to identify how much the pigs weighed with specificity? Mr. Sposaro stated the Mr. Montalvo knows the microscope that he has been under, why wouldn't you identify the exact weight of the pigs on your records? Mr. Purcell objects because he stated that Mr. Montalvo already answered that question.

Mr. Mathez told the audience to be quiet, for one person to talk at a time. Mr. Sposaro asked the Court Reporter to read the question back – Why wouldn't you identify the exact weight of the pigs on your records? Mr. Montalvo stated that he provides the receipts for them as the proof. Mr. Sposaro stated that the receipts also round the numbers and was there a reason why the exact weight was not identified either on the receipts or on this form? Mr. Montalvo stated that he did not see that it was going to be a problem. He asked if it was an issue. Mr. Sposaro stated that it was not for him to say. The question is why it wasn't done. First when they visited, they don't say anything about that, they just want the receipt. Mr. Sposaro stated that Mr. Bodine had some questions and based upon his experience, he has some questions that a pig that weighs 50 pounds is probably on average, 10 weeks old. Do you agree with that statement? Mr. Montalvo's response was no.

Mr. Sposaro asked Mr. Montalvo how old do you think a pig is that weighs 50 pounds? Mr. Montalvo replied 10 or 12 weeks. Mr. Sposaro then asked if that was the same as what Mr. Bodine had said, that a pig that is 50 pounds is 10-12 weeks old and asked Mr. Montalvo if he agreed with that? Mr. Montalvo replied yes. Mr. Sposaro stated that 10 weeks is 70 days, 12 weeks old is 84 days and Mr. Montalvo confirmed that was correct. Mr. Sposaro stated when Mr. Montalvo buys a pig that all of these weighed exactly 50 pounds, so we would have to assume that all of these pigs were 70-84 days old, correct? Mr. Montalvo replied correct. Mr. Sposaro asked if Mr. Montalvo knew how much a pig gains in weight on a daily basis when they are 50 pounds? Mr. Montalvo replied, yes, one pound a day. Mr. Sposaro asked, isn't it more like 1 or 1.5 to 2 pounds a day? Mr. Montalvo replied that it depends on the weather. Mr. Bodine stated that environment, genetics and feed all contribute to how much gain you get. Mr. Montalvo replied, exactly.

Mr. Bodine said his daily gain numbers were correct, but his question is how much feed if given to the pigs to get that 1-2 pounds a day? Mr. Montalvo replied that the pigs when small are put on automatic feeder and they eat whenever they want to eat. Mr. Montalvo said that for 30 pigs, small piglets, they spend like one ton. Mr. Bodine said, 30 pigs and one ton and you took those 30 pigs to 150 pounds, on one ton of feed? Mr. Montalvo stated that no, it is per month. Mr. Bodine asked for two months and Mr. Montalvo replied that it depends on how the customers want the pigs, sometimes they want them small. Mr. Montalvo stated that the goal was for them to get big so that he can produce more money. Mr. Bodine told Mr. Sposaro that it could range, temperature, environment, genetics, feed, you can pull something off of the internet from some university but if you can't duplicate the genetics, environment and feed, you will never get the exact same, so his numbers are not great, but they are not crazy.

Mr. Sposaro stated that Mr. Montalvo testified, he believed in March (February) that you have these pigs, that once you get them for 50 pounds, you have them for one to two months. Is that correct? Mr. Montalvo replied, correct. So assuming that is true, would it be fair that we average that between one month, two months, average of one and a half months? Mr. Montalvo stated that he did not understand the question. Mr. Sposaro stated that he had the pigs from one to two months. Mr. Montalvo, ok. Mr. Sposaro asked would it be fair to take an average of 1 ½ months that you have the pigs, some are less, some are more. Correct? Mr. Montalvo replied correct. Mr. Sposaro stated that Mr. Montalvo averaged his weights, he asked again how much time Mr. Montalvo had his pigs. Is a fair average 1 ½ months and Mr. Montalvo replied yes.

Mr. Sposaro asked how many days are in one and a half months and Mr. Montalvo replied 45 days. [Audience disruption] And so the pigs come to you and they are 70-84 days old, Mr. Montalvo said ok. Then Mr. Sposaro said, but you have them on average, how long, 45 days? Mr. Montalvo replied, uh-huh. Mr. Sposaro asked if he thought that constitutes agricultural production? Mr. Montalvo said don't ask me. Mr. Sposaro stated that he was asking him as he is the pig farmer. Do you think that constitutes production? Mr. Montalvo stated that he could not answer that question because he doesn't know about that. Mr. Sposaro stated that he thought Mr. Montalvo was exactly right and that was for the Board to decide whether a pig that is purchased that is 10 weeks old and is kept on average for a 1 ½ month whether that constitutes production and that is really at the heart of the issue. Mr. Sposaro said that the Mr. Bodine stated that the weights could change and that you could pump the pigs up to increase in weight 2 pounds a day, but his focus isn't on the weight per say, but how long these pigs are in the applicant's possession and whether they are in his possession long enough to constitute production or whether it constitutes processing. Mr. Sposaro stated that he was not suggesting that he has the answer, but what he was suggesting is that this Board is going to have to make a determination on that key issue because what we are about here is agricultural production.

Mr. Sposaro asked besides pigs, is there any other animals that get dressed or slaughtered at your farm? Mr. Montalvo said yes, sometimes we have goats, but most of the time they stay there as a pet. He said they have lamb. Mr. Sposaro stated that is there some reason that your submitted application makes no reference to goat or lambs? Mr. Montalvo said that it was on there, chicken, eggs, goats. Mr. Sposaro asked if he could tell us how long do you keep the lambs?

[Audience disruption] Mr. Purcell asked how that was relevant as they were not here for a SSAMP for the processing of lambs, goats or chickens. It is entirely for pigs. Mr. Sposaro stated that if that is the case, are you stipulating that you are not going to process or raise anything but pigs on this property? Mr. Sposaro directed question to Mr. Purcell and asked that you are not seeking approval for any of those other animals, are you stipulating that your client will not raise or process any of these other animals? Mr. Purcell stated that we are not processing those animals, we are only asking for pigs. Mr. Sposaro stated that this wasn't a play on words, what you call processing may be something different than what I call processing, so my question is this – Is your client willing to stipulate that the only animals that are going to be run through this facility are pigs? Yes or no? Mr. Montalvo stated, well we applied and this application is that we are going to process pigs or lambs. Mr. Purcell asked, no just pigs, correct? Mr. Montalvo stated that his focus is on more pigs. Mr. Sposaro stated that respectfully, he hasn't answered his question. Mr. Sposaro stated that Mr. Montalvo provided us with figures regarding the acquisition and the sale of pigs, and testified as to how long you owned them and the weight that they gained, but he hasn't seen any documentation, and maybe he has missed it because there are 30 something exhibits, he hasn't seen anything regarding any other type of animal. Have I missed something? Mr. Purcell stated, respectfully, Mr. Sposaro, that is because none of those other animals are part of this application, it has entirely to do with processing the pig portion of the farm for production. Mr. Sposaro asked are you willing to stipulate that if this Board approves your application, that the only thing that you are permitted to process are pigs? Mr. Montalvo replied, yes.

Mr. Sposaro stated that it was his understanding, that at some point [Audio unclear from Audience Disruption] Mr. Sposaro asked if the DEP issued any violations in connection with this property? Mr. Montalvo replied, yes, they did. Mr. Sposaro asked what did those violations consisted of? Mr. Montalvo stated that when he purchased the property that he did not know that there were some wetlands there and he touched the wetlands and got a complaint from the DEP. He submitted plans of how to restore the property and got approval and that case was closed. Mr. Sposaro asked if he could tell us, the best that he understands it, where these wetlands are on the property? Mr. Montalvo stated that they were around the stream. Mr. Sposaro used Exhibit A-16 large map of survey and stated so that the record is clear here, the blue area, represents fresh water wetlands, is that correct? Mr. Montalvo replied, correct. The white area says transition areas, correct? Mr. Montalvo responded correct.

Mr. Sposaro asked how big the property was, Mr. Montalvo replied 7.9 acres. Mr. Sposaro asked of that 7.9 acres, can you estimate as best you can, how many acres of land that he has that are outside the wetlands or the transition area? Mr. Montalvo stated, sorry, I cannot answer the question. No idea? No. Mr. Sposaro asked Mr. Montalvo to take a look at the survey exhibit and wasn't going to argue with him as he has questions for him. Mr. Montalvo replied, no, he is not a professional. Mr. Sposaro stated that if Mr. Montalvo was going to continue to argue with him that he was going to show his colors to the Board. Mr. Culton said just guess how many acres. Mr. Sposaro said that he was not asking him to guess. [Audio unclear] Mr. Purcell objected stated that Mr. Montalvo was not an engineer. Mr. Sposaro stated that he could try to obstruct and prevent him from asking questions all you want. He stated that he was asking from very simple questions that don't require engineering expertise.

Mr. Mathez said that he thinks that Mr. Montalvo stated that he doesn't want to answer the questions, so let us just continue. Mr. Sposaro asked, do you not want to answer the question and Mr. Montalvo replied, yes. [Audience disruption] The audience was then asked again to be quiet. Mr. Sposaro stated that if this continues, he is going to ask for the room to be cleared. Mr. Montalvo stated that Mr. Sposaro was abusing him. Mr. Sposaro then said, now you are accusing me of abusing you? [Audience disruption] The Court Reporter stated that she could not make a record right now. Mr. Sposaro asked, I am abusing you, why, by asking you questions? Mr. Montalvo stated that he is told him that he didn't know. Mr. Mathez struck the gavel down and said that was enough and has had it, if Mr. Montalvo doesn't want to answer the question, that is the end of it, then let's move on.

Mr. Sposaro stated, let the record speak for itself of how much land is available. Mr. Sposaro asked if any of his pigs are allowed in the wetlands or transitional areas? Mr. Montalvo replied no. Is there a separate fence that prevents them from going in there? Mr. Montalvo stated that he does not have any other than inside the barn. Mr. Sposaro asked how big is your barn? Mr. Montalvo replied 40 x 60.

Mr. Sposaro asked if he could tell us with your experience if a pig is 100 pounds, how many pigs that barn will accommodate? Mr. Montalvo stated that he could fit 50. Mr. Sposaro stated that I didn't ask you what you can do, I asked how many pigs can your barn accommodate? Mr. Montalvo stated that when they are small, he could put 40-50 pigs and they have enough room to grow up to 200 – 300 pounds. Mr. Purcell stated that he wanted to remind Mr. Sposaro that he did answer this question at the last hearing. Mr. Sposaro stated, that was 3 months ago and thinks that he is entitled to cover some ground again. Mr. Sposaro spoke up about letting someone coach the witness. Mr. Mathez stated that he would take care of that.

Mr. Sposaro asked that once these pigs come to the facility, do they ever see the light of day? Mr. Montalvo replied yes when we open the door. Mr. Sposaro said, but they don't go outside, do they? Mr. Montalvo replied that they don't have to. Mr. Sposaro said that he didn't ask you if they had to, I asked you if they did. Mr. Montalvo replied no. Mr. Sposaro stated then that these pigs were completely, totally and solely raised within the 4 corners of your barn. Mr. Montalvo replied, yes.

Mr. Sposaro asked Mr. Montalvo how he deals with the animal waste that are only in the barn. Mr. Montalvo replied that we clean every day, double bag it and dump it in a Sanico container that they take every week from my garbage on my property. Mr. Sposaro then said, so there is no animal waste that there goes outside unless it is previously bagged, is that correct? Mr. Montalvo replied, correct.

Mr. Sposaro wants to ask one more time, are you able to tell us when you purchased and when you sold? Mr. Purcell interrupted and said Mr. Sposaro, you asked the question and Mr. Montalvo answered the question to the best of his ability. Mr. Sposaro stated that I want to make sure that we all understand your answer. Mr. Mathez said, let him answer again. Mr. Sposaro asked if Mr. Montalvo could tell us when the pigs 1-73 were purchased and when you sold each of those same pigs? Mr. Montalvo replied no. Mr. Sposaro stated that he had no further questions.

Mr. Culton asked Mr. Purcell if he wanted to do a redirect? Mr. Purcell started to refer to the wetlands on the property that the DEP and then Mr. Sposaro asked if this was testimony or redirect? Mr. Sposaro stated that the witness refused to answer questions regarding the wetlands, now his attorney, under direct examination, wants to start to ask, so he can refuse to answer my questions, but he can answer his own attorneys? Mr. Purcell said let me ask a question that does not require an Engineering degree. Mr. Sposaro said, exactly, I tried to do the same thing and your client flat out refused to do it. Mr. Culton said to Mr. Sposaro to put your objection on the record. Mr. Sposaro stated that he wanted a ruling from the Chair before some answer is blurted out because what is fair is fair and he is refusing to answer my non-engineering question and he shouldn't be allowed to answer non-engineering questions proposed by his own attorney. Mr. Purcell asked Mr. Montalvo that the DEP has visited his property numerous times, is that correct and Mr. Montalvo replied 15 times. Mr. Purcell stated that with the submitted evidence, the DEP has found his property compliant with the wetlands requirements based on its review? Mr. Sposaro stated that his objections continue as he was trying to ask non-specific engineering questions as well. Mr. Purcell kept talking, Mr. Sposaro stated that he would like a ruling.

Mr. Culton asked are we talking about the violations that have already been abated and are no longer violations? Mr. Purcell stated at that point when the DEP visited the farm, the pole barn existed, and you were found to be compliant, is that correct? Mr. Montalvo replied that it was approved by the town. Mr. Purcell asked and then the DEP? Mr. Montalvo replied then the DEP. Mr. Purcell said that with respect to the health certificates that you obtained for the pigs after you were told by the NJ Department of Agriculture that was required, Mr. Purcell said that it shows here...Mr. Sposaro interjected, (loud laughter and comments again from the audience) don't tell what they show, let him answer the questions, this is direct examination. Mr. Purcell then said with respect to those certificates you stipulated that going forward, you will mark the ear tags on your receipts for pigs? And then you were going to mark the weight for pigs, correct weights and show the date, correct? Mr. Montalvo replied, yes, correct.

Mr. Culton asked is the Board had any questions for Mr. Montalvo.

Mr. Mathez stated that 83 pigs were bought, but he counted 63 sold, but you said 73. Mr. Purcell stated that the correct number was 73. Mr. Mathez asked happened to the 10 pigs not sold? Mr. Montalvo stated that he enjoys them with his family. Does the building have a certificate of occupancy now? Mr. Montalvo stated that they had it in the beginning, but they removed it. There was a violation for underground storage and waste (tank), is there a permit for that now? Mr. Montalvo stated that it was resolved and submitted approved document. Mr. Mathez asked if that septic tank was put in before going to the Department of Health? Mr. Montalvo stated that he called the Town, he called the Health Department, he called all of them and asked if he needed a holding tank to collect the animal waste. First it was not waste, it was only the water. The feces from the pigs are picked up every day and double bag it and dispose of it in a garbage container. This tank is only used for wash out, that's it. Mr. Mathez asked liquid waste, urine in there and Mr. Montalvo replied yes. Mr. Montalvo was told that he doesn't need any permits either from the Town or from the Health Department so he put the tanks in there. Mr. Montalvo said that he received a complaint from the Health Department. Mr. Mathez said that you received a complaint from the Health Department but they told you that you did not need a permit? Mr. Montalvo, correct. Then he stated that he hired an Engineer and he complied to the Health Department.

Mr. Bodine asked that if the Health Department told you that you didn't need a permit then why did you get one? Mr. Montalvo stated that he cannot answer for them. Mr. Bodine asked, you called the Health Department and they said that you didn't need a permit? Mr. Montalvo replied, correct. Mr. Bodine said, then they came out and you weren't in compliance and you had to get a permit? Mr. Montalvo replied, correct. Mr. Mathez asked what the name was of the person from the Health Department that told him that he did not need a permit? Mr. Montalvo stated that he does not remember, he is not good with names. But they came and said that he needed to fix that and he did. He did not refuse to fix it.

Mr. Bodine asked as far as raising the pigs, not talking about parties, have there been any complaints from the neighbors, the town from odor, noise, traffic, not the parties, just the pigs? Mr. Montalvo replied, no. No objection from local residents for raising the pigs? Mr. Montalvo replied no.

Mr. Tierney asked Mr. Montalvo how many pigs he expected to sell this year and Mr. Montalvo said that if everything goes right, it depends, he said that he wished that he could sell 300 pigs. Mr. Tierney asked if that was reasonable expectation and Mr. Montalvo stated that he could get more money to fix the property and thinks that everybody would want a bigger business. Mr. Tierney asked how many did he sell so far this year? Mr. Montalvo said right now he thinks that he sold 25. Mr. Tierney asked how many pigs are currently on the farm? Mr. Montalvo replied 15.

Mr. Tierney asked if he had other businesses and Mr. Montalvo replied correct. Mr. Tierney asked what the other businesses were. Mr. Montalvo stated that they import seafood and also have a restaurant and a dance hall, we have multiple businesses. Mr. Tierney asked if those were all the businesses that he had, import seafood, have a restaurant, a dance hall, are there any others? More businesses? Mr. Montalvo replied yes there were but he can't tell us what he does. [Audience disruption] Mr. Tierney asked if he had so many businesses that Mr. Montalvo can't recall what they are? Mr. Montalvo stated that he cannot talk about his private life and can't tell Mr. Tierney what his other businesses are. Mr. Tierney asked if he had other businesses that offer goods or services to the public and if he could tell us about those? Mr. Montalvo stated that he does and that he processes chicken but that it belongs to his kids and he does not have an ownership interest. Mr. Tierney asked if he was an employee and Mr. Montalvo replied yes and that he fixes the machines. Mr. Tierney asked if he was ever an owner of the business and Mr. Montalvo replied no. Mr. Tierney asked if it was strictly the children's business and Mr. Montalvo replied yes. Mr. Tierney asked as an employee of that business are you familiar with the rules and regulations that they have to work under? Mr. Montalvo replied no. Mr. Tierney asked if they slaughter the chickens at the poultry business and are there rules and regulations? Mr. Montalvo replied of course, they are regulated by the USDA and by the city, but he is not involved in that aspect. Mr. Tierney asked if any of the other businesses sell pigs? Mr. Montalvo replied no, just poultry and seafood.

Mr. Tierney asked Mr. Montalvo when he began having events or social gatherings at the farm, what year? Mr. Montalvo replied that we finish in summertime. [Audience disruption] Mr. Montalvo stated that he stopped bigger events in 2021. Mr. Tierney asked when did he begin? Mr. Montalvo replied that he does not remember. Mr. Tierney asked if he began when he purchased the property? Mr. Montalvo stated it was after a couple of years, after two years and purchased the property in 2017. Mr. Tierney asked if it began in 2019 and Mr. Montalvo replied, yeah, around there and ceased those events in 2021. Mr. Tierney asked from 2019 – 2021, how often would you have events? Mr. Montalvo replied every time my friends wanted to visit my farm and enjoy fresh meat.

Mr. Tierney asked if there was a limit to the number of parties on the property. Mr. Montalvo said no. Mr. Tierney asked how many estimated visitors would attend these events and what would be the maximum? Mr. Montalvo replied sometimes 30 people or more and the last time around 30 people. Mr. Tierney asked Mr. Montalvo to confirm no more than 30 people. Mr. Tierney asked if the attendees were all invited and were there invitations sent out? Mr. Montalvo confirmed that all the attendees were invited and that it was by word of mouth and a phone call. No invitations.

Mr. Tierney asked if these events were advertised or on the farm's Facebook page. Mr. Montalvo said that the events were free and confirmed that the events were on the farm's Facebook page. Mr. Tierney asked if any visitors were charged, charged to attend, charged to participate in any activities on the farm and Mr. Montalvo said no to all questions. Mr. Tierney asked if he had ever sold them anything at the gatherings. Mr. Montalvo said that if they want to use the gas, or he had the gas there, they would have to turn money to him. Mr. Tierney asked if they had ever sold them any pigs? Mr. Montalvo stated that everything is put together to share, whatever the party costs, we share. Mr. Tierney asked if he had an event and asked his guests to share in the costs of one pig, so they would reimburse you for the cost of that pig? Mr. Montalvo said not actually, the pig is for free, the money is for the rice and beans, whatever. Mr. Tierney asked then they would contribute to other food and not the pig in which Mr. Montalvo replied exactly, yes. Mr. Tierney had stated that you had also testified last time about ATVs, where there pictures on the farm's Facebook with ATVs? Mr. Montalvo stated that he didn't share that. Mr. Montalvo stated that the pictures were there.

Mr. Montalvo stated that he is trying to build his business and get more money that he can, but his lawyer discussed this point with him and he has stopped and only did one time, stopped doing that. Mr. Tierney stated that last time it was likened to Pepsi and stated that he likes to show people having a good time, would share pictures of people riding ATVs on the farm. Mr. Montalvo stated that it wasn't riding ATVs, it was cooking, having a party. Mr. Tierney asked if other photos of activities on the farm have been shared on the Montalvena Farms Facebook page? Mr. Montalvo stated that when pictures are posted, it doesn't mean that it's telling you that you are doing business. Mr. Tierney asked if sharing photos of cooking and gatherings on the Facebook page and Mr. Montalvo replied no, it is how we prepare, that is what we share. Mr. Tierney asked, so then there are no photos of gatherings? Mr. Montalvo responded that what is shared is how their culture prepares fresh meat or fresh kill.

Mr. Tierney asked Mr. Montalvo that he said that he stated that he does not live on the farm, but would someday want to. Mr. Montalvo said that he stays there on the weekends. Mr. Tierney asked if that had changed since the last testimony and Mr. Montalvo replied, no always. Mr. Montalvo stated that he did not testify that he does not live there, he stated that he does not live there for 7 days, but he lives there on the weekends. Mr. Tierney asked if there were renters there and Mr. Montalvo replied no, no renters. Mr. Tierney asked if he had any employees on the farm? Mr. Montalvo stated that he has one guy that does a couple of hours. Mr. Tierney asked a couple of hours per week? Mr. Montalvo replied, yes. Mr. Tierney asked Mr. Montalvo if he could tell us what his responsibilities are and Mr. Montalvo stated cleaning. Mr. Tierney asked, just cleaning the pig area? Mr. Montalvo replied yes.

Mr. Tierney asked Mr. Montalvo to describe the property when he purchased it in 2017. Mr. Montalvo responded that it was an abandoned farm without a fence, no fences around the property. He used to have two cows on there that used to come out from farm so he put up fence and tried to make it as beautiful as he can. Mr. Tierney stated that Mr. Montalvo testified that he had constructed a metal pole barn, talked about the holding tank. Were there any other improvements to the property since you purchased it? Mr. Montalvo stated that he changed the roof to the old barn, got done with that a couple of months ago, built the metal barn, put up gates. Mr. Tierney asked where are the gates? Mr. Montalvo replied that the gates were in front of the old barn, for the record, the gates that were behind the barn... Mr. Purcell told Mr. Montalvo to use the large survey Exhibit of the property on the easel. Mr. Montalvo pointed and said that the gates that were here, I took them off, didn't want more complaints. Mr. Tierney stated that this survey Exhibit that is being referred to is dated March 2021 for the record. Mr. Tierney stated that you are indicating that there are additional gates that were added that were not shown on the survey behind the barn, or to the North of the barn. Mr. Montalvo replied that there was two gates there, but not there anymore.

Mr. Tierney asked Mr. Montalvo to describe the access to the property when purchased. Mr. Montalvo stated that the access comes from Route 80 to 519* (sic) and then have to turn left in order to go inside of property, through the gate. Mr. Tierney stated that it is located on a County Road and then if you are heading North from Route 80, then you turn left to get into the property. Mr. Montalvo replied, yes. Mr. Tierney asked if it was a paved driveway or gravel to the property and Mr. Montalvo responded that it was only gravel and he paved it. Mr. Tierney restated that it was gravel when purchased, then Mr. Montalvo paved the driveway. Mr. Tierney asked that if you continue North on 519* (sic) past the property, does the County Road rise in elevation, a little bit up a hill and turn left towards the West? Mr. Montalvo replied no.

*Property is located on Route 521 not 519.

Mr. Tierney asked how wide was the gravel entrance when purchased? Mr. Montalvo stated that it was really wide open. Mr. Tierney asked how wide was the gravel? Mr. Montalvo said that he doesn't remember. Mr. Tierney asked how wide was the paved entrance now? Mr. Montalvo replied 25 feet. Mr. Tierney asked what the site distance from that entrance from the driveway? Mr. Montalvo asked from the driveway to where? Mr. Tierney asked if Mr. Montalvo hired an Engineer to develop plans for the entrance? Mr. Montalvo replied no. Mr. Tierney asked if Mr. Montalvo applied for a County Driveway Permit. Mr. Montalvo stated that it was there when he purchased it. Mr. Tierney asked for the modifications and improvements that were made? Mr. Montalvo replied no.

Mr. Tierney had stated that Mr. Montalvo said that there were two gates north of the barn, are there other gates on the property? Mr. Montalvo replied just one gate in front of my house. Mr. Tierney confirmed that there was a gate in front of the house, Mr. Montalvo confirmed, the main gate. Mr. Tierney asked if fence was installed in the front of the property along the road. Mr. Montalvo replied yes, he did. Mr. Tierney asked when was that installed? Mr. Montalvo replied, he thinks in 2020, he doesn't really recall. Mr. Tierney asked if there was a fence before that? Mr. Montalvo replied no. Mr. Tierney asked if the current fence is solid plastic that is not see through? Mr. Montalvo answered you can see through it. Mr. Tierney clarified, it is a 6-foot solid fence; you can see over it? Mr. Montalvo said you can see over it.. Mr. Tierney asked what is the distance of the fence from the edge of the pavement? Mr. Montalvo stated that he called the Town and that he was told that he could put a fence there from the yellow line inside my property, they told me 25 and he put 28 (feet). Mr. Tierney asked who did he speak to at the Town and Mr. Montalvo said he doesn't remember. Mr. Tierney asked if that fence was located in the County Right-of-Way? Mr. Montalvo replied no, it is on my property. Mr. Montalvo then asked are you talking in front of the house and Mr. Tierney said yes and Mr. Montalvo said yes, and behind it was a metal fence for animals that come out from the land. Mr. Tierney stated that he was talking about the fence along the road, in the survey, it refers to an existing Right-of-Way and showed him on the survey, the existing Right-of-Way line and if you follow that it indicates a County Right-of-Way, correct? He pointed out the two dashes indicating the County Right-of-Way line. He asked if Mr. Montalvo agreed and he said that he didn't know, he cannot interpret this. Mr. Tierney stated to the Board that he showed the survey Exhibit and indicates on the survey what the County Right-of-Way is, so it is labeled existing Right-of-Way line, it shows this type of line which is solid and then there are two dashes, another solid line and two dashes and indicates that the other side of that Right-of-Way line is here and was using that as a reference. Mr. Mathez asked if there was a sight distance triangle on that. Mr. Purcell said that Mr. Montalvo was not an Engineer. Mr. Montalvo said that he didn't know. Mr. Tierney asked how far from the yellow line is the main gate entrance? Mr. Montalvo stated that he was not good as guessing, but that it was more bigger than a truck and a truck could get through there.

Mr. Tierney asked if there were signs along the County Road on your property that say slow down. Mr. Montalvo stated that he put them on the property after he saw that they drive like crazy and is scared to get hit when cutting the grass. Mr. Tierney asked if those signs were placed in the County Right-of-Way and Mr. Montalvo replied no.

Mr. Tierney stated that the survey shows a macadam drive, were there any other improvements made to the parking area since this survey? Mr. Montalvo said no. Mr. Tierney asked is there gravel on either side of the macadam? Mr. Montalvo replied there is gravel on the side. Mr. Tierney asked if that was indicated on the survey and Mr. Montalvo replied, no. Mr. Tierney asked what were the dimensions of the total parking area and Mr. Montalvo stated that he does not remember. Mr. Tierney asked how many cars can fit there? Mr. Montalvo stated like 50-60 cars. Mr. Tierney asked why was a parking lot installed for 50-60 cars? Mr. Montalvo replied it's just a pavement road and spaces and sometimes he has a big truck to turn around and parking for cars that he has.

Mr. Tierney asked how large was the pavilion indicated on the survey? Mr. Montalvo stated 20 x 20 or 20 x 30. Mr. Purcell stated that he understood the questioning for the access, but not for the building, as processing and raising of pigs are separate. Mr. Tierney stated that he understood that it is separate, but thinks that the Board has a determination to make as to whether or not the social gatherings are separate and apart from the marketing of the farm. Mr. Purcell stated that he is not requesting an on-farm direct marketing SSAMP, just questioning the relevance. Mr. Tierney stated that it was noted and that was all that he had. [Audience disruption]

Mr. Mathez asked what the opening process of the gate was. Mr. Montalvo replied that the gate is closed all the time and is opened when a person is going to come and see the pigs. He stated that there is a space and we have on the records, that was provided to the Board, that from the County Road, there is 25 feet in, then there is the gate, so when they come, they call him before they get there. The gate is opened on Tuesdays for garbage pickup. Mr. Mathez said, for instance, on Saturday morning, when people come, you depend on them calling you, otherwise, they would just be sitting there waiting until they call. Mr. Montalvo replied, exactly. The customer is waiting there for the gate to be opened, then the gate is closed.

Mr. Sposaro said that before he asks these questions, he just wants him to understand the purpose, we are all trying out to find out what the property is used for. Mr. Sposaro stated that Mr. Montalvo mentioned that his children have a separate business where they raise and slaughter chickens, where does that take place? Mr. Montalvo replied in Newark. Mr. Sposaro asked if any of that takes place on this property? Mr. Montalvo replied, no. Mr. Sposaro asked if there were any other businesses conducted by him or anyone else from this property? Mr. Montalvo replied, no. Other than the raising of pigs? [Audience disruption] Mr. Culton told the audience that Mr. Sposaro is asking questions and for the chatter to stop so that we could hear what Mr. Montalvo was saying and that the Court Reporter could hear what was being said.

Mr. Sposaro stated that Mr. Montalvo should not be looking at his attorney or anyone else to get prompted to what answer he should be saying. Mr. Montalvo said that he wasn't it. Mr. Montalvo's wife said that they were laughing at you (directed to Mr. Sposaro). [Audience disruption; Court Reporter stated that she was off the record] Mr. Sposaro asked if there were any other business on this property conducted other than your own? Mr. Montalvo replied, no. [Audience disruption]

Mr. Sposaro stated that Mr. Montalvo testified that he is not there during the week, correct? Mr. Montalvo stated that he never testified that. Mr. Sposaro stated that he testified that he goes there on weekends and that you live elsewhere. Wasn't that your testimony? [Audience disruption] Mr. Sposaro asked did you not testify just 20 minutes ago that you don't live there and that you are there on the weekends? Mr. Montalvo said that he didn't say that. Mr. Montalvo said, let him clarify, he said that he takes care of his pigs every day. If I don't stay there, doesn't mean that I don't live there, but he goes on the weekends or whenever he wants to go. Mr. Montalvo said that is my property, I can go whenever and Mr. Sposaro said that wasn't the issue, the issue is that you testified that you go there on the weekends and you testified that during the week, there was someone else there for a few hours to take care of the pigs. Mr. Montalvo said that he never said that. Mr. Sposaro said, let the record speak. Mr. Sposaro stated that when you answered that question, you made no known mention of the fact that you claim to go there during the week, correct? You didn't testify to that at all when you were questioned about that, isn't that so? Mr. Sposaro stated that when Mr. Montalvo was asked how often he was there at the property, your response was, you're there on the weekends and that someone else is there for a few hours during the week. No mention of the fact that Mr. Montalvo now claims that he is there and checks on the pigs. Isn't that so? Mr. Purcell stated that I think that there is confusion there to staying overnight. Mr. Sposaro said why don't you let the witness answer the question. [Audience disruption] Mr. Montalvo stated that Mr. Sposaro was confusing him. Mr. Montalvo said that Mr. Sposaro was hired to confuse him. Mr. Sposaro said to Mr. Montalvo to keep accusing him just to show how forthright he is being during this procedure by refusing to answer questions. Mr. Mathez told Mr. Montalvo to answer the questions, the best that he can. Mr. Montalvo refused to answer any more questions. Mr. Sposaro stated to let the record reflect the witness is refusing to answer any more of his questions. Mr. Sposaro stated thank you, I have nothing else to ask.

Mr. Culton asked if he had additional questions to ask and Mr. Sposaro replied that he certainly did. Mr. Sposaro said to Mr. Purcell not to coach his client, that this is cross-examination, and that he doesn't have the right to communicate with your client about this issue. This is important stuff. Mr. Purcell asked for a 5 minute break and Mr. Sposaro replied, no, so he can coach his

client, not in the middle of cross-examination. Mr. Culton stated that there are additional questions to be asked and we want to get a complete record

Mr. Sposaro stated that Mr. Montalvo would not answer anymore of his questions and based upon that, he is not going to throw out questions that he can decide to what to answer or not answer. Mr. Montalvo said that he would not answer any questions from Mr. Sposaro because he is a bully.

Mr. Culton stated that now he was going to allow members of the public to ask questions to Mr. Montalvo. Mr. Culton said that right now we are only taking questions and at the end of the hearing raise they will have the opportunity to whatever concerns or issues that they may have. He asked that members of the public, state their name and address for the record.

Sherry Shaw, 524 Blairstown Road – Where does the worker stay on the farm? Mr. Montalvo replied that he sometimes stays in the house on the farm. What are his responsibilities? Mr. Montalvo replied to clean up.

Ms. Shaw said that at the last hearing, Mr. Montalvo stated that he had no knowledge or municipal zoning laws or regulations. She asked have you ever dealt with zoning laws and regulations of your other businesses? Mr. Montalvo replied, no.

Ms. Shaw asked if Mr. Montalvo owned property previously before in Warren County? Mr. Montalvo replied no. Mr. Montalvo asked Mrs. Shaw to talk a little louder because he can barely hear her. She asked same question again and Mr. Montalvo replied no, then yes, he's sorry, he did. Mrs. Shaw asked if he ever dealt with local County zoning laws and regulations concerning that property. Mr. Purcell objected as to how it was relevant. Mrs. Shaw replied that Mr. Montalvo stated that he did not have any previous knowledge of zoning laws. Mr. Purcell stated that that was a different property and not this property. Mr. Sposaro stated that it goes to his credibility to answer the question. Mrs. Shaw asked if he currently has any outstanding violations in Warren County in general? Mr. Purcell objected to that as it is a separate property and this issue is for this property. [Audience disruption; Court Reporter asked everyone to hold on] Mr. Sposaro asked if there was going to be a ruling on whether or not he has to answer the question or not. Mr. Culton stated that Mr. Montalvo does have to answer the question and the objection is on the record. Mrs. Shaw asked Mr. Montalvo if he currently has any outstanding violations or penalties in Warren County. Mr. Montalvo replied yes.

Ms. Shaw said that Mr. Montalvo stated that his Facebook posting is just for family and friends, yet on the application, it does say Facebook advertising and your own attorney calls such in your application. Do you and Karina post about your business on your personal Facebook accounts? Mr. Montalvo stated that they do both, commercial and personal.

Ms. Shaw stated that if a pig is sick, you call the vet. How many sick pigs have you had? Mr. Montalvo replied none. Ms. Shaw asked what would be the requirement if they were sick? Mr. Montalvo replied that they would be separated from the other pigs and not sold. Ms. Shaw asked what is the distance from the other pigs, how do you do that? Mr. Montalvo replied that a sick pig is moved to a separate pen. Mr. Montalvo uses Valley Brook Veterinarian Service, Jane Farrell. This is the only vet that he has used.

Ms. Shaw asked if he ever had an issue with Sanico where they stopped service to the farm before? Mr. Montalvo asked if I had a problem? Ms. Shaw asked if he ever had a problem with Sanico in the past. Mr. Montalvo replied no.

Ms. Shaw asked where Mr. Montalvo currently buys pigs, who is the farmer. (laughter/chatter from the audience) Mr. Montalvo replied do you want the number to call them? Mr. Montalvo stated that he doesn't remember the names. Ms. Shaw stated that Mr. Montalvo did buy pigs previously from Hillside and who is Miguel on the receipts? Mr. Montalvo replied yes and that his second name is Miguel, he put Miguel, what do you want me to do? It is my second name, Alex Miguel. (more laughter/chatter)

Ms. Shaw asked if the vendor asked Mr. Montalvo if he wants the pigs vaccinated and tagged when he buys them. Mr. Montalvo replied, first of all, animals need to be vaccinated. Ms. Shaw said it is just a yes or no question. Mr. Montalvo is letting her know because she wanted to know about the business.

Ms. Shaw asked if he had special training or certification to do the slaughtering, who taught you to slaughter pigs? Mr. Montalvo replied no body. Ms. Shaw asked if Mr. Montalvo did it himself, all of it and no one else helps you? Mr. Montalvo replied yes and then sometimes his kid or nephew helps him. Ms. Shaw asked how long does it take to slaughter a pig, (loud outburst from audience) a 50 pound pig and a 150 pound pig? Mr. Montalvo responded 5 minutes and 10 minutes respectively.

Ms. Shaw asked if Mr. Montalvo can take her through the process of purchasing a pig as though she is a customer. Mr. Montalvo stated that the customer calls him and they check by messenger and they make an appointment, they come and they chose the pig and we process for them. Ms. Shaw then asks what is provided for me as a customer? Mr. Montalvo stated that he cannot provide anything as it is only 10 minutes there. Ms. Shaw asked how much meat do you get off a 100 pound pig? Mr. Montalvo stated that he doesn't know how much meat as he doesn't weigh the pig after processing. Ms. Shaw asked if some customer

take blood? She said that he stated that some customers take blood, how is that processed and stored? Mr. Montalvo's response was that they don't stay more than 20 minutes on the farm. They put it on ice or whatever they want to do. Ms. Shaw asked if she picked up meat or picked up meat for a field day and stayed there and cooked it there, is pricing any different? Mr. Montalvo stated that none of his customers are staying there and it is family that enjoys there. Ms. Shaw asked how long does it take to cook the whole pig and Mr. Montalvo replied that he did not know and that it depends on what you want to do, cook the whole thing or just a piece.

Mr. Mathez told the audience to be quiet.

Ms. Shaw said that Mr. Montalvo stated that he does have several other businesses, butcher shop, dance hall, restaurant that does catering and the restaurant that advertises pigs. Where do those pigs come from, who supplies the pigs to the restaurant? Mr. Montalvo stated that they have a company called [business name unclear from audio] that is inspected by the USDA so they sell the pigs to my wife.

Ms. Shaw stated assuming that San Miguel is dealing with the USDA, have you ever had any violations or warning issued of any kind to any of your other stores? Mr. Purcell interjected as how that was relevant to this property? Mr. Mathez stated that he was going to ask the audience to leave if they don't be quiet. Mr. Mathez addressed the audience and stated that Mr. Montalvo can answer the question, his attorney can answer the question, but you can't. Mr. Purcell is objecting to the extent that these questions that are at other businesses and other properties, in respect to USDA violations, Mr. Tierney asked with respect that other pigs are not being processed on the property, that makes sense, but the questions about USDA violations at other facilities, completely other businesses are not relevant and should not be permitted. Mr. Sposaro asked for a ruling. Mr. Mathez deferred to the Board's attorney. Mr. Culton asked for a repeat of the question. Mr. Sposaro stated are there any other USDA violations on any other facilities that he may own. Ms. Shaw (can't hear) , having to think of San Miguel, have you ever had any violations or warnings issued of any kind in any of your stores by the USDA?

Mr. Culton asked if the children's business is run at all on the property in question? Mr. Montalvo replied no. Mr. Culton then stated that that business is separate and apart and only deals with poultry and no relevance at all, whatsoever to this application? Mr. Montalvo replied that it was in a separate city in Newark. Mr. Culton stated that he really didn't see the need to go down and answer the questions regarding this as it is far off the beaten path and has no relevance to this application.

Ms. Shaw stated that Mr. Montalvo delivers and if there was a delivery charge. Mr. Montalvo replied that he didn't know. Ms. Shaw asked how were the pigs delivered then, packaged? Mr. Montalvo replied that he does not deliver.

She asked if he had a refrigerated vehicle which he replied no. She asked if he does mobile processing and he replied no. Ms. Shaw stated that Mr. Montalvo did not know that the scale had to be registered. Do you have scales at the other stores? Mr. Montalvo replied yes.

Ms. Shaw asked if he allowed BYOB at your farm? Mr. Montalvo asked if they want to drink? Mr. Purcell stated that it should be clarified to customers or gatherings. Ms. Shaw asked if allowed the customers to drink alcohol. Mr. Montalvo replied that no customers are staying there, only family and friends.

Ms. Shaw asked if the receipts for sale are all cash or are other methods of payment accepted? Mr. Montalvo stated that it was none of her business. [Audience disruption] Mr. Sposaro stated that something has to give here and that these continuing comments are disrespectful to the participants and to this Board. The last one, "she's a clown", when is the Chair going to take charge of this process? These people need to shut their mouths or they need to get out. Mr. Bodine and Mr. Mathez stated that they did not hear that comment. Mr. Culton stated that there has been an inordinate amount of chuckling and laughing and it is inconsiderate to both attorneys and to Mr. Montalvo who is testifying and to the people asking the questions. He stated that they may think that it is funny, but it is not funny to this Board, so let the questions be asked and answered without a lot of nonsense in the background because it is not helping anybody, we are not getting a clear record and not good for this hearing at all. He said that we will have to clear the room if people keep laughing and chuckling and making comments. Ms. Kaminski stated that it is not helping the Court Reporter or the recorded minutes when they have to be played back and listened again for record. Mr. Culton said to let the decorum play out and please, let her answer the questions and Mr. Montalvo, just answer the questions.

Ms. Shaw asked regarding the driveway, the new fence and gate, there is only one exit in and out, is that opening big enough for a fire truck? Mr. Montalvo replied yes. She asked if a Fire Marshall has been to the property and Mr. Montalvo replied yes because you called him. Mr. Culton stated, just answer the question or we will be here all night.

Ms. Shaw asked if he had ever disposed of animal parts, visceral parts in a compost heap and covered with manure? Mr. Montalvo replied no. Ms. Shaw asked if animal parts or visceral were ever buried on the property? Mr. Montalvo replied no.

Ms. Shaw asked if there had ever been any safety incidents or any injuries by customers on your property? Mr. Montalvo replied no. Ms. Shaw asked if there was a first aid kit available on the property? Mr. Montalvo replied yes. Ms. Shaw asked if there had ever been any incidents with fire cooking food on the property and if he had fire extinguishers? Mr. Montalvo responded no and that he did have fire extinguishers on the property. Ms. Shaw asked how are fires in the grills managed? Mr. Montalvo replied that he uses, then Mr. Purcell interrupted and stated that he objected to that as there are two separate activities happening, there are social events and there is the processing of the pigs. Clearly fires on the grill have nothing to do with processing of the pigs and doesn't think that this question is relative. Mr. Culton asked Mr. Montalvo to answer the question. Mr. Montalvo said he cannot.

Ms. Shaw asked how often are the Port 'O Johns on the property replaced? Mr. Montalvo stated that the Port 'O Johns are cleaned every week. Ms. Shaw asked if the farm is open to the general public? Mr. Montalvo replied only for customers.

Ms. Shaw asked how does he monitor noise control? Mr. Montalvo replied that there was no way to monitor noise control. Mr. Purcell asked with respect to what to processing the pigs? Ms. Shaw replied, just music, what devices are used at your farm during your gatherings. Mr. Montalvo stated that he could not answer the question. Mr. Montalvo stated that he plays music. Ms. Shaw asked if it was a stereo, what is playing? Mr. Purcell objected to the relevancy because that has to do with the social events and not the processing. Ms. Shaw stated that it was brought up in the application. Mr. Montalvo replied, I did? Mr. Sposaro asked if he was going to answer the questions and he replied no. Mr. Culton asked Mr. Montalvo, do you play music on the farm, have an opportunity to play music on the farm? Mr. Montalvo replied yes. Ms. Shaw asked what farm based recreational activities do you have on the farm and Mr. Montalvo replied none.

Vice-Chairman Mathez stated that the Board decided to adjourn the meeting if after 10, but asked if there were any other members of the public that would like to ask questions to Mr. Montalvo. Another member of the public wanted to question Mr. Montalvo, but thought that it would take too long and will ask at another meeting. Mr. Purcell asked Vice-Chairman Mathez would it be possible to continue the hearing and get this settled tonight. Mr. Mathez stated that he did not think that was a good idea. Mr. Culton stated that there still are a number of people from the public that still want to ask questions and believe that Mr. Purcell still had another witness that he wanted to present and there will be a public comment period, and don't see how this could continue and get everyone to agree to stay until 1 a.m. and doesn't believe that everyone is prepared to do that. He stated that he thinks that it is going to take another meeting at least. Mr. Montalvo addressed the Board and said, remember, the lawyers, they are not free and I have been spending a lot of money on this. Mr. Tierney stated that the audience should take note of that because all the interruptions from the audience members lengthened the meeting and interrupted the hearing. [Audience disruption]. Mr. Bodine asked if we could have the next meeting without an audience which led to another audience outburst and talking over Mr. Bodine. Mr. Culton stated that for the next meeting, there will be parameters, and if anyone speaks out of turn, they will have to leave. He stated at this point, there should be a motion to carry the meeting.

Mr. Menegus will not be here for the July meeting and Mr. Hood will not be here for the August meeting. Mr. Montalvo stated that he won't be here September, October and November. Mr. Menegus stated that he thinks that we need a special meeting. Mr. Culton stated that we don't need to establish that tonight, but have to figure out when everyone can come. The hearing will be adjourned until next month and a meeting date will be announced at that time to continue the hearing which will be on the public record. The public can call the office of Land Preservation to find out the next meeting date for the continuation of the RTF Hearing and the applicant will not have to re-notice as everyone with interest for the hearing has received notice.

Mr. Menegus made a motion to carry the Montalvo RTF Hearing to next month which was seconded by Mr. Hood.

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

Mr. Mathez made the announcement that we are still in session as the audience members were talking.

Administrator's Report:

New Applications:

County Applications

- **Brunkhorst Land Donation** - Mansfield (Approx. 49.83 acres)
- **Carafa** – Mansfield (Approx. 57.50 acres) Appraisals underway.
- **Sigler** – Franklin (Approx. 173 acres) Mill & farmhouse now an option first for purchasing to be discussed with BORC.
- **Rapid NJ LLC** – Allamuchy (Approx. 92 acres) Realtor wants to put application on hold. Appraisals to be awarded on June 14th.

Total Applications: 4 Total Acres: 372.33

Awaiting Green Light Approval: None

Received Green Light Approval:*County Applications*

Total Applications: 0 Total Acres: 0

- **Murray** – Knowlton (Approx. 21 acres)

Total Applications: 1 Total Acres: 21

Non-profit applications

Total Applications: 0 Total Acres: 0

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*

- **Ferri** – Washington Township (Approx. 65 acres) Waiting on revised survey from surveyor before sending to SADC.
- **McEvoy #1** – White Township (Approx. 102 acres) Received draft quit claim deed and title company approved as long as deed description is not new one of development easement, but the one from Johnson
- **McEvoy #2** – White Township (Approx. 20 acres) Survey on hold due to other farm title issue

Total Applications: 3 Total Acres: 187

Non-Profit Applications

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

Total Applications: 1 Total Acres: 125

Waiting to Close (Final Legal Review):*County Applications*

Anema, Ralph – Washington Township (Approx. 123 acres) Sent revised survey and descriptions to SADC for their review. County Counsel working on closing documents with landowner's attorney.

Total Applications: 1 Total Acres: 123

Municipal Applications

- **Hoh** – Knowlton (Approx. 31 acres) CMV \$4,800. Received final survey and descriptions. Landowner attorney working with bank on subordination agreement.

Total Applications: 1 Total Acres: 31

Non-Profit Applications

- **Promised Land (M. Santini)** – Franklin Twp. (Approx. 58 ac.) CMV \$4,650. County Counsel working with landowner's attorney.
- **Stecker** – Harmony Township (Approx. 18.988 acres) CMV \$5,175.
- **Kimball** – White Township (Approx. 43 acres) Surveyor moving exception area on survey.

Total Applications: 3 Total Acres: 119.988

Recent Closings:

- **Vass** – Knowlton Twp. (Approx. 100 ac.) CMV \$4,700. Closed on June 14th, 2023.

On hold:

Non-profit applications

- **Shotwell Family Partnership, LP** – Blirstown 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

Pohatcong Contamination Area Projects:

Seeking Highlands Council Open Space Funding cost-share

- **Myers/Toretta #1**– Franklin Township (Approx. 38 acres) Landowner deciding what to do with application.
- **Oberly** – Franklin/Greenwich (Approx. 96 ac.) Revised contract sent to Mr. Russo, landowner's attorney. County Counsel and Mr. Russo working on contract. Adding severable exception area around house and buildings. Waiting to receive appraisal to do new contract, will check with landowner on the one acre severable exception for that zoning.
- **Santini (O'Dowd South)** – Franklin & Greenwich Township – (Approx. 132 ac.) Received final survey deliverables. Coordinating for closing.

Total Applications: 3 Total Acres: 266

Mr. Culton stated that public comment will be limited to anything other than the Montalvo matter.

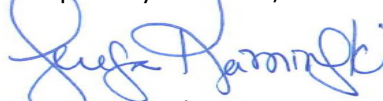
Public Comment – none

2023 Closings YTD: 5 farms

Program Totals: 331 farms totaling 28,841.3640 acres

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

Respectfully submitted,



Teresa Kaminski