

**MINUTES OF THE SPECIAL MEETING OF THE MAYOR &
COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON MAY 18, 2017 AT
BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 6:30 PM**

Mayor Robert Schaffer called the meeting to order at 6:40 p.m. and led the meeting with a flag salute.

OPENING STATEMENT:

Mayor Schaffer announced that the meeting of this date is being held in compliance with the Open Public Meetings Act of the State of New Jersey and that adequate notice of same was given in writing to *The Record*, *The Star Ledger*, and that notice of same was also posted on the Borough Hall bulletin board as required.

The Deputy Borough Clerk called the Roll Call of the Mayor and Council:

Present: Mayor Schaffer, Councilwoman Bresnak, Councilman Hansen, Councilman Johnsen, and Councilman Mender

Also Present: Robert T. Regan, Esq., Borough Attorney; Kenneth C. Dolecki, Esq., Planning Board Attorney and William J. McGuire, Deputy Borough Clerk and Administrator.

Absent: Councilman Cumiskey, Councilman Pontone, Marcella Giampiccolo, and Borough Clerk and, and Kunjesh Trivedi, CFO.

Mayor Schaffer announced that tonight's meeting would be held in Closed Session and he would open the meeting to the public in advance of the Closed Session, which would take a while. At this time an unidentified person on the Record came forward to ask what the purpose of tonight's meeting was. Mayor Schaffer stated the Borough received correspondence after the last Mayor and Council meeting and due to the nature of the correspondence that required potential action by the Governing Body prior to the June 5th Mayor and Council meeting, a Special Meeting was noticed.

Stephanie Walsh, 24 Piermont Road, Rockleigh and owner of the Rockleigh Equestrian Centre came forward to inquire why the town or the Council feel they have any decision over the private citizen application for the rights and protections of a farm. The Mayor stated that question will be determined in Executive Session. Mrs. Walsh inquired if she will have the opportunity to speak after a decision has been determined. Mr. Regan stated this was the time for the public to speak at this meeting. Mr. Regan further stated the determination of the Executive Session is unknown at this time and added the Executive Session deals with litigation instituted against the Planning Board. Mrs. Walsh asked that the Record reflect that it is her opinion the town is colluding with the people who are objecting to the indoor riding rink to interfere with the Walsh's private farm application. Mr. Regan spoke out against the idea of any collusion against the Borough. Mrs. Walsh continued to voice her opinion that it was unfair of the Borough to call a meeting on short notice regarding this subject when this application has been ongoing for three months. In addition to the extraordinary funds the town has used to have a meeting on this topic. At the conclusion of Mrs. Walsh's comments, she voiced her objection to the fact that the town thinks that it should have any input into whether Rockleigh Equestrian Centre has a right to farm under the NJ Right to Farm Act.

Holly Schepisi, Attorney with Huntington Bailey, came forward and stated she represents the Feulners, Sawczuks and Stoevers. Ms. Schepisi commented on the brief amount of Notice her office was also provided by the BCADB regarding the scheduling of the Hearing before the County Agricultural Board. Ms. Schepisi next summarized case law on this topic which included two cases she felt are on point involving other NJ Counties Agricultural Boards. Ms. Schepisi reported the decisions that were rendered in those matters took note of the municipalities' failure to take action by appearing before the Agricultural Boards and waived rights in those matters. Ms. Schepisi commented that based upon her review of the cases, the municipalities is an integral part of the Agricultural Board application based upon the various opinions that have been written on this matter.

Mrs. Walsh again came forward to state her property has been a working farm for over 100 years in this town. She added that she is trying to keep this farm as a farm under the protections of the NJ Right to Farm Act. She added that without this Right to Farm Act in NJ and without the protections under the Right to Farm Act, the Walsh's farm will not be a farm any longer. She added the possibility of a hotel or condominiums being built on the property instead of remaining a farm. Mrs. Walsh stated she believes the town benefits greatly from having a farm in town and the people in this town benefit greatly from having a farm in town.

Maria Yuelys, 13 Rockleigh Road, Rockleigh, NJ came forward to disagree with what Mrs. Walsh stated. Mrs. Yuelys noted she lives behind the horse farm. It was the opinion of Mrs. Yuelys that the farm has been in existence "as is" for well over 100 years..."as is"...Following brief interruptions from the audience, Mrs. Yuelys expressed the feeling that... "no one has been going against her"... Mrs. Yuelys stated the Walsh's had their right to bring their interests to build an arena before the town. Mrs. Yuelys commented that the Walsh's were offered several options as to their structure, but those options were declined by the Walsh's. Mrs. Yuelys commented that the town disagreed with the proposal brought before the Board and added that no one ever suggested to the Walsh's that they give up their rights to run their business. Upon conclusion of Mrs. Yuelys statement, she expressed her opinion that no one has ever suggested the Walsh's lose their business, sell it and build a hotel.

(Unclear audio) A member of the public residing at 1 Parkway in Wanaque, NJ and works at the Rockleigh Equestrian Centre came forward in support of the farm. This member of the public stated the running of the Rockleigh Equestrian Centre is a passion of the Walsh's and the people who are employed by them.

Claire Feulner, 9 Rockleigh Road, Rockleigh, NJ came forward to comment on the prior speaker's experience with the death of horses and noted her own experiences with raising horses in town. Mrs. Feulner discussed tax write-offs a farm is entitled too. Mrs. Feulner asked the Council to consider several points, for example, what is the town heading towards and what does the town want to be. Mrs. Feulner commented she has been present at several public meetings whereby the Walsh's have insinuated that condos would be built on their property if they did not get there way. In addition, she asked for the Council to consider the Master Plan and the natural zoning that currently exists.

Mrs. Walsh came forward to reiterate that the farm has been under their ownership for the past 16 years and despite tax write offs; the farm only exists because she and husband support the farm financially. In addition, she stated that the whole reason the NJ Right to Farm Act exists is to protect farms like hers. Mrs. Walsh further stated she cannot continue to keep supporting the farm in the style the town has become accustomed too. Mrs. Walsh discussed the costs of up keeping the farm. Mrs. Walsh stated she felt no one can appreciate how much her finances are drained to operate the farm as it is now. Mrs. Walsh expressed her opinion that protection of farms under the NJ Right to Farm Act is exactly the reason why the town is meeting tonight, and not the operation of an indoor riding rink.

A resident residing also at 24 Piermont Road, Rockleigh, NJ came forward to state her opinion as to the reasons and purpose of this meeting and commented that the farm is historic, and shocked that all of this is going on.

Joe Antine (no address provided) asked how the farm Act changes the application originally made before the Planning Board. Mr. Regan briefly commented that depending on the circumstances presented, the Farm Act controls how the Equestrian Centre can operate and thus supersedes local land use laws. Mr. Antine continued his comments and asked if any discussion took place or any consideration given as to the construction of a building in relation to the grazing land. No further discussion took place from Mr. Antine or the Council.

No other public came forward.

The Mayor asked for a Motion to close the meeting to the public. Motion offered by Councilman Hansen, seconded by Councilman Mender to close the meeting to the public. All Councilmembers present voted in the affirmative. The Motion passed.

The Mayor next announced the meeting would now take place in Closed Session. A member of the public asked if Open Session would follow after Closed Session. The Mayor stated the public was welcome to stay outside; however, Closed Session may take some time. Mr. Regan then read aloud the following resolution:

RESOLUTION TO ENTER INTO CLOSED SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Governing Body is of the option that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss litigation involving the Rockleigh Equestrian Centre;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that at **7:05 p.m.** on **THURSDAY, MAY 18, 2017** the Governing Body determined to exclude members of the public to discuss the aforesaid item; and

BE IT FURTHER RESOLVED that the proceedings relative to the Closed Session may be made public as such time as the Governing Body determines the Borough's interests may not be adversely affected.

Motion offered by Councilman Mender, seconded by Councilman Johnsen to enter into Closed Session. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender

NAYS: None

ABSENT: Pontone and Cumiskey

ABSTAIN: None

The Motion passed.

Upon returning to the Regular Session of the meeting, a Motion was offered by Councilman Mender, seconded by Councilwoman Bresnak to authorize the Borough Attorney, Robert Regan, to attend the Public Hearing of the Bergen County Agriculture Development Board in Hackensack, on May 22, 2017 to represent the Borough of Rockleigh and ask that the Borough retain their right to enforce current zoning codes under the Municipal Land Use Laws. The Roll Call vote was recorded as follows:

AYES: Bresnak, Hansen, Johnsen, Mender

NAYS: None

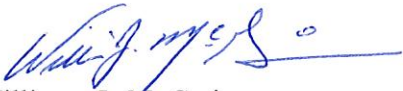
ABSENT: Cumiskey and Pontone

ABSTAIN: None

The Motion passed.

No further business came before the Governing Body. A Motion was offered by Councilman Mender seconded by Councilman Hansen to adjourn the meeting. All Councilmembers present voted in the affirmative and the meeting was adjourned. The Motion passed.

Respectfully submitted,



William J. McGuire,
Deputy Borough Clerk