

1                   CAPE MAY COUNTY AGRICULTURE DEVELOPMENT BOARD  
2                   William E. Sturm Administration Building  
3                   Commissioners Meeting Room  
4                   4 Moore Road  
5                   Cape May Court House, New Jersey 08210  
6                   March 31, 2022

7 MEMBERS PRESENT:

8 James P. Hand  
9 Robert Schumann  
10 Matthew P. Stiles  
11 Sue Ann Wheeler  
12 Alfred Natali  
13 John Batastini, Esq., Board Attorney

14 APPEARANCES:

15 RICHARD M. KING, JR., ESQ. (Law Office of Richard M.  
16 King, Jr.)  
17 Attorney for Objectors

18 FRANK CORRADO, ESQ.  
19 Attorney for Upper Township

20 COLIN BELL, ESQ.  
21 Attorneys for Applicants

22 MICHAEL KENT, Cape Atlantic Conservatio District

23 Transcriber Jennifer Wilson, AD/T 623

24 CSR REPORTING

25 1125 Atlantic Avenue, Suite 543

Atlantic City, NJ 08401

(609) 345-8448, (609) 345-8998 (Fax)

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I N D E X  
(03/31/2022)

Page (s)

APPLICATION:

Ocean City Winery  
Engine ONE Vineyards, LLC  
Block 723, Lot 37, 5.208 acres  
8 Bayaire Road, Upper Township  
Cape May County

FOR: Site specific agriculture management  
practice

OPEN PUBLIC MEETINGS ACT 8

RE: Notice Issue  
By Mr. Batastini 3  
By Mr. King 9, 23, 30  
Mr. Frank Corrado  
Mr. Colin Bell

1 (On record at 11:31:26 a.m.)

2 (Not near microphones first 3 seconds)

3 MR. BATASTINI: First of all I want to apologize  
4 to everybody. There's been some recent communications  
5 (inaudible) a problem we need to resolve first so that  
6 we can provide the opportunity for all parties to  
7 obviously be heard.

8 As for members of the Board, I apologize for the  
9 delay. The issue has become one of notice. The first  
10 issue that came up on your notice you will see that  
11 there is a list that comes from the Upper Township.  
12 And the Upper Township had provided us a list where on  
13 the top it says Lot 42, but our lot is 36. So when we  
14 initially took a look at that -- I'm sorry thirty --

15 MR. BELL: 37.

16 MR. BATASTINI: 37. When we initially looked at  
17 the list and saw that potentially was for a completely  
18 different lot, that would jeopardize a lot of the  
19 notice. As it turns out, the certified list was  
20 actually correct in the people that were notified. It  
21 was a clerical error on top that they should have put  
22 Lot 37 instead of Lot 42.

23 So that took a while for us to kind of go through,  
24 because we were looking at stuff and we reached out to  
25 Upper Township and Upper Township acknowledged all of

1 what I just told you.

2 So the lot itself is 37 and it has properly issued  
3 or properly noticed pursuant to the list.

4 So that's the first thing. The second thing that  
5 has come up, and I'm only going to give the attorneys  
6 for the objectors as well as the Applicant an  
7 opportunity to explain their position. As you can see  
8 there is an easement that runs through lot 36. 36 is  
9 the piece of property that runs partially also from  
10 Route 9 and there was -- initially they were going to  
11 use Lot 36, part and parcel to the entrance.

12 There has been some discussion as to whether,  
13 since you're going to be using Lot 36 as a potential  
14 access, whether or not Route -- the people that are on  
15 -- within 200 feet of 36 should have been noticed  
16 within the 200 foot letter.

17 It was determined that they should have been. The  
18 next question that comes up, the next legal issue that  
19 comes up is whether or not this Board has jurisdiction  
20 to hear the application at all. And if the Lot 36 is  
21 part and parcel to the application, and you'll hear  
22 both sides. One of the Applicant's is going to say  
23 it's not necessary. The Objector is going to say it is  
24 necessary.

25 What that would do is if it -- if this Board

1 determined that it's not necessary, we can continue  
2 through. If this Board determines that the notice  
3 should have been for Lot 36 as well, there is potential  
4 that everything that we did up until this date, the  
5 Board would have jurisdiction to do and the Applicants  
6 would have to start all over again with the proper  
7 notice.

8 So you're going to hear a couple of what I would  
9 say pre-application arguments, because I want you to  
10 hear from them, you know, what their argument is in  
11 terms of the notice provisions. This is sort of an  
12 area of the law that is somewhat complicated and the  
13 bigger issue is that this all came up probably in the  
14 last 24 hours.

15 So at this point, I'm going to ask the Board,  
16 first of all, do you have any questions about what you  
17 -- I've just said? And you probably do, you probably  
18 don't, I don't know. But I just wanted to pole the  
19 Board first. What's your initial response?

20 MR. HAND: Is it legal to go ahead without those -  
21 - can we determine whether it's legal or not to  
22 continue with the proceedings without those people's  
23 notice to be here? It is or isn't?

24 MR. BATASTINI: Unfortunately it's a little bit of  
25 a gray area in the law. You're going to hear both

1 sides of an argument, but in terms of actually making a  
2 decision, the ultimate decision, is the triers of fact  
3 and the trier of law. It will be up to you to  
4 ultimately make that decision. I'll have my own  
5 opinion, you know, after we hear from the Applicant as  
6 well as the Objectors as to the notice issues.

7 MR. SCHUMANN: Okay. What kind of easement is it?  
8 Is it like electrical?

9 MR. BATASTINI: It's an access easement. So if  
10 you look at the plans that were provided, the site plan  
11 shows that they're going to use a portion of Lot 36 to  
12 access, kind of make a, you know, the access point at  
13 one of those couple of trees. So they wanted to  
14 utilize that lot 37. So 36 would be part and parcel to  
15 an access -- access of the property. So it would be 36  
16 and 37, but 36 was not part of the application and it  
17 wasn't noticed.

18 Then there's a whole issue of, you know, if it's  
19 not part of the application, you know, the Applicant is  
20 most likely going to be on their own with Upper  
21 Township in determining whether or not they can have to  
22 zoning rights to be able to utilize that as a  
23 commercial, potentially a commercial access driveway.

24 So you may hear testimony from the Applicant who  
25 may very well say we're not going to utilize that

1 easement at all. The you're going to hear some  
2 argument back which on notice, we'll you can't just  
3 take out and revise the plan, because the public  
4 doesn't have the opportunity to review the revised  
5 plan.

6 That's what you're going to hear.

7 So anything? The owner of lot 36 is not part of  
8 this proceeding. He's actually --

9 MR. BELL: He's actually --

10 MR. BATASTINI: The Applicant purchased different  
11 -- the Applicant actually owns Lot 36.

12 MR. NATALI: Oh.

13 MR. BATASTINI: So the easement is essentially,  
14 you know, between two parties, but, you know, they are  
15 -- the Applicant and the owner is, you know, Engine One  
16 Ocean City Winery. They are two separate individuals.  
17 Although --

18 MR. SCHUMANN: They are, but they're not.

19 MR. BATASTINI: They are, but they're not. For  
20 legal reasons, they're two separate entities.

21 MR. NATALI: So in one case the LLC owns and in  
22 the other case, an individual owns it?

23 MR. BATASTINI: That is correct.

24 (Speaker away from microphone)

25 UNIDENTIFIED: That's not -- my clients have no

1 problem, really.

2 MR. BATASTINI: Well then, they own both options  
3 in their own names. But one of them's not included.

4 MR. CORRADO: John, why don't we just swear in the  
5 parties and --

6 MR. BATASTINI: Okay.

7 MR. CORRADO: -- and let them explain to the Board  
8 what the arguments of the parties might be. It might  
9 make more sense for the parties to present their  
10 arguments to the Board.

11 MR. BATASTINI: Understood. I just wanted to give  
12 them a little eyes up, so they're not (inaudible).

13 MR. BATASTINI: So --

14 UNIDENTIFIED: Yes.

15 UNIDENTIFIED: Believe it or not, this is our  
16 objection legally.

17 MR. STILES: Should I read this open meeting.

18 MR. BATASTINI: Yes, we've got to do that.

19 (Inaudible) do it.

20 OPEN PUBLIC MEETINGS ACT

21 MR. STILES: This is a notice pursuant to the  
22 requirements of the Open Meeting Act that at least 48  
23 hours of advance notice of this meeting has been  
24 provided by delivering the same in writing to the Clerk  
25 of the Board of the Chosen Freeholders to be posted on

1 the bulletin board and delivering a copy of the notice  
2 to the Cape May County Herald.

3 Okay.

4 MS. ERNST: Roll call.

5 (Not near microphone)

6 MS. ERNST: James Hand?

7 MR. HAND: Here.

8 MS. ERNST: Mr. Natali?

9 MR. NATALI: Here.

10 MS. ERNST: Matthew Stiles?

11 MR. STILES: Here.

12 MS. ERNST: Sue Wheeler?

13 MS. WHEELER: Here.

14 MS. ERNST: Robert Schumann?

15 MR. SCHUMANN: Here.

16 MR. STILES: That was good?

17 UNIDENTIFIED: Yeah.

18 MR. STILES: Okay. Mr. King?

19 MR. KING: Does this microphone work or is it kind  
20 for show? I don't know. Someone correct me if it's  
21 off.

22 My name is Richard King, I am an attorney. I have  
23 an office both in Somers Point and in Cape May. I  
24 represent several of the property owners who are  
25 concerned about the proposal. That's why I'm speaking

1 on their behalf.

2 Also here today is Mr. Frank Corrado, he's the  
3 attorney for Upper Township freshly appointed to  
4 address this matter. I do not speak for him, but I do  
5 know that he shares the concerns I'm going to express  
6 to you regarding the issue of notice.

7 Notice is a critical issue in any application  
8 before the Board for what we call jurisdictional. If  
9 the notice is defective, even if it's determined later  
10 to be defective, everything starts over, the process of  
11 the Board and you have to do it again. So it's not  
12 something that can be fixed later, it's jurisdictional.

13 So in order to get it right, because if you don't  
14 get it right, what can happen as, as you move forward,  
15 because from here then you go to the State and a whole  
16 series of appeals and processes. If the Division  
17 determines that the notice is defective, everything has  
18 to go all over again. Everybody has to go through the  
19 expense again, all the testimony, the experts and it  
20 becomes -- it could be two or three years later. So  
21 it's very cumbersome. So it's important to get the  
22 service right.

23 I am the attorney for at least two boards and  
24 attorney for probably 100 boards over the years and  
25 it's the one thing you don't want to get wrong. So you

1 -- in my experience, you act prudent on the issue of  
2 notice. It's not that it's un-fixable, you just do the  
3 notice again, you do the hearings again.

4 In this instance, it's somewhat unique because  
5 you've already had half of the hearing on it, so if the  
6 notice is defective, you'd have to do it over again.  
7 That's rather good, whether than doing it two or three  
8 years from now.

9 I'm going to share with you now why I think the  
10 notice is defective in this case.

11 This winery that's proposed is a commercial  
12 process, a commercial entity. It sells wine to people  
13 and send them out on the road. That's where it's going  
14 to go. The way it's going to do that, under the plan  
15 that is submitted, and I want to begin with the plan.  
16 The plan is what everyone bases their presentation on  
17 but the public decides whether or not to appear to  
18 speak for or against the project.

19 So that's why the plans are required to be on  
20 record 10 days before the hearing. The plan that you  
21 have in front of you, I believe it's dated May 21st. I  
22 could be mistaken, but that's from memory. But I e-  
23 mailed earlier this week to make sure that was the  
24 plan. The plan that you have in front of you, that you  
25 had in front of you last time, is the plan that they're

1   referencing and that's the plan that people rely on, on  
2   whether or not to come out and speak. That's the plan  
3   that my professionals relied upon. It's the plan for  
4   analysis for today.

5           While reviewing this plan, we realized that one of  
6   the things this winery was proposing is to cross a  
7   residential lot. And it doesn't matter who owns that  
8   lot, the point is that it's a residential zone lot on  
9   the map. Half of their entranceway on to the land will  
10   be on Lot 36. Okay? But Lot 36 is not part of the lot  
11   that is the farm. It's the lot that they're going to  
12   use for the farm. They're going to put commercial  
13   traffic across this residential lot.

14           That's a big deal, both in terms of zoning and in  
15   terms of notice. In terms of zoning, we'll get to that  
16   at another time, but this Board does not deal with  
17   zoning issues on residential lots that aren't on the  
18   proposed property in the sense that they're going to  
19   need a variance for that. My experts will discuss that  
20   later.

21           But for now we're focusing on notice. And there  
22   is a case, and I followed this case in the Appellate  
23   Division myself. This case (inaudible) is Brower vs.  
24   Planning Board. And what Brower vs. Planning Board  
25   says is that when you have a property, even though

1 construction isn't taking place on one property, if you  
2 have an access easement across another property, that  
3 property becomes part of the main property. And you  
4 have to give notice not just for the main property, but  
5 for all the properties that are being used for that  
6 property.

7 And at the end of that case it says:

8 "Common sense interpretation of the code dictates  
9 that the lots traversed by the roadway became part of  
10 the property that was determined at the Board hearing."

11 In fact Cox -- Cox is about a hearing for zoning  
12 that we all rely on. It's in the Bible of zoning law.  
13 Cox says, and it's quoted in my letter to you, its  
14 solicitor notes that:

15 "Property known as the subject of the hearing  
16 includes property not owned by the applicant over which  
17 he has an easement for use of access to the  
18 development."

19 Understand that when they say "not owned", they  
20 usually mean it's rare that the owner owns both. What  
21 they're talking about there, you have an easement  
22 across a property to use another property, you have to  
23 give notice to both properties. That's why the Court  
24 called it common sense. It's common sense because the  
25 epicenter for the notice is everywhere that they're

1 using the commercial use. Okay?

2 So that's why Lot 36 is important. I'd also point  
3 out that the notice that was published did not mention  
4 Lot 36. It only mentioned Lot 37. So there's at least  
5 two things wrong. The published notice doesn't mention  
6 Lot 36 and the 200 foot list for the notice around it  
7 doesn't start with Lot 36, it only starts with Lot 37.  
8 That's defective notice and that's the process and  
9 that's what the cases said.

10 Now there is some indication that the Farm Act  
11 does reference, instead of using the term "subject  
12 property" like they did in the MLU Act, they replace it  
13 with commercial farm. But that doesn't change the law.  
14 And the very next sentence in the Farm Act references  
15 the MLU Act, which is everybody uses in zoning for  
16 notice. So it's obviously tracking the MLU Act. And  
17 just because they changed the word "commercial farm"  
18 from "subject property", the common sense still  
19 applies. If you're going across another lot, then you  
20 have to give notice from that lot. That's the law.

21 And even if you're not absolutely certain that  
22 that's the law, it's the prudent thing to do it right  
23 and not do this again two or three years from now.

24 And there's another issue that may arise.

25 MR. BATASTINI: (Inaudible - not near microphone).

1 MR. KING: (Reading document). You're right.  
2 2:76-248, subsection C, and it says "the owners of all  
3 real property on the current tax duplicates in all  
4 directions of the property upon which the commercial  
5 farm is located. The commercial farm shall be solely  
6 responsible to pay for and certify with the property  
7 owner, in accordance with NJSA 30:55(b-12)."

8 NJSA 30:55(b), is -- and I realize this, is the  
9 Land Use Law and all that they've really done is change  
10 the word "separate" -- the word "separate", the subject  
11 property, subject on the application to "commercial  
12 farm".

13 But that doesn't change the common sense in the  
14 case I just read you. So obviously if they're going to  
15 put this commercial farm across Lot 36, you've got to  
16 give notice on Lot 36.

17 Now I have been advised, at least in theory, that  
18 the owners' cure this, what I consider a fairly obvious  
19 notice defect, they intend to remove the easement,  
20 remove -- to shape the route of the access road to get  
21 off of Lot 36, so that you'd be entering Route 9, the  
22 state road, with only a 20 foot wide access road. That  
23 is not the plan that's before you. That is not the  
24 plan that's been filed within 10 days, 10 days in  
25 advance of the meeting. And that's not the plan that

1 we are obligated to respond to.

2 And that is a material change. You're eliminating  
3 a lot and you're taking the main access on to Route 9  
4 and cutting it in half to 20 feet. That is an  
5 important engineering change. It's an important zoning  
6 change. And it's not the plan that's before you.

7 So if they wish to make that argument on another  
8 day with proper notice and a properly filed plan, then  
9 we'd be glad to address that and I can have my  
10 engineers and the planners and your professionals can  
11 address that issue. It's a very different thing  
12 putting a 20 foot wide entrance off of Route 9 and  
13 removing it from Lot 36.

14 The simplest way to understand the significance of  
15 that is if you had looked at this plan two weeks ago on  
16 file as it is required to be and you saw that was a 20  
17 foot wide entrance on to Route 9 and you thought that  
18 was safe, you wouldn't have come here tonight. You  
19 would say, well, 20 feet, it's going to be that  
20 easement, I don't need to appear.

21 And now tonight, they suddenly change the plan,  
22 eliminate and put a 20 foot entranceway on to Route 9.  
23 So that's going to cross the street that leads to your  
24 school. People care about this intersection and they  
25 care about this access road and to change that is

1 material.

2 So I'm urging you to do the prudent thing and  
3 require them to re-notice properly and let them decide.  
4 And think about this, they gave you this plan for a  
5 reason. They thought this was a safer, better plan  
6 apparently in their mind. And now in order to salvage  
7 an error on notice, they're going to change that plan  
8 to something that they've already told you is, by  
9 definition, less safe than the one they wanted to do.

10 That's a material change. So don't let them do  
11 that. Require a proper notice, properly published, a  
12 proper full plan to set before you and then have the  
13 hearing. We're not saying they can never come before  
14 you, we're saying they have to do it right. That's  
15 what we're asking for tonight. Okay?

16 Thank you. That's our presentation. Mr. Corrado,  
17 anything?

18 MR. CORRADO: As he said, I'm Frank Corrado. I'm  
19 special counsel for Upper Township in this matter. And  
20 I've been retained to put the Township's position  
21 before the Board.

22 We basically join with the neighbors in their  
23 opposition to this project and I join Mr. King's  
24 argument on notice.

25 I just want to make sure that (Mr. Corrado leaves

1 microphone) I just want to make sure everyone  
2 understand this is Lot 36, this is Lot 37. The  
3 driveway, as you can see, is the sole access. And  
4 remember this plan contemplates that this is the sole  
5 access to the property. They're going to come across  
6 Lot 37 as well as Lot 36. And this is a plan that  
7 happens to give an easement to themselves for a lot  
8 that is not part of the commercial farm.

9 So that if they want approval of this driveway as  
10 a -- as is designated on this plan, they would have to  
11 go to the Upper Township Zoning Board and get approval  
12 to run a commercial driveway across and into the lot.

13 If they move it, so that it is only on Lot 37,  
14 then it's narrower. We don't know exactly what the  
15 change will be. You can't make that kind of a change,  
16 like Mr. King said. That is a material change to the  
17 plan. You're changing the sole -- the principal and  
18 sole access to the lot in a way that reduces the width  
19 and impacts on how it intersects with Route 9 and the  
20 surrounding properties and also reduces buffers to its  
21 main property.

22 So it's a big deal to make that change. So, you  
23 know, if the Board decides that Lot 36 should have been  
24 in the notice, which it should, because obviously Lot  
25 36 is part of this plan. If they move, then they're

1 submitted a new plan and they have make re-submissions  
2 of that plan.

3 So, as my psychology professor used to say in  
4 college, they put themselves in a double bind. If they  
5 go forward with the plan as presented -- as presented  
6 here, they must notice for both lots, so they have to  
7 re-do the notice and go through the process again.

8 If they change the plan to move the driveway over  
9 to only Lot 37, then they've got to submit a new plan.  
10 Either way, this Board can't hear the application  
11 tonight. Thank you.

12 MR. BATASTINI: Mr. Corrado and Mr. King, one of  
13 the things that I think has been discussed is how far  
14 back in your mind and your arguments so that the Board  
15 can hear it, how far back does the notice go in the  
16 jurisdictional question? Does it go -- is it your  
17 position that it's going to all the way back to the  
18 original --

19 MR. CORRADO: It goes back to the hearing on  
20 whether this is defined as a commercial farm or not?  
21 They gave notice -- you know, the notice for that  
22 hearing was only for Lot 37, so it's my position, as I  
23 believe is the position of Mr. King, that the initial  
24 hearing has to be redone. Well, I too, say the initial  
25 hearing, but both questions have to be re-determined, I

1 think we know that.

2 MR. KING: I did go back and look, I checked, and  
3 I think it came as 41,51, and 71 in the transcript, the  
4 discussion of the access on to Route 9 based upon this  
5 very plan. So that presentation would resolve  
6 (inaudible).

7 MR. BELL: Good morning everybody. Colin Bell and  
8 I represent the Applicants. So I will tell you, first  
9 of all, the issue with the finger roll lot, we resolved  
10 that. That was Upper Township's clerical issue, they  
11 admit that to us. It was a mistake. No big deal, the  
12 right people for lot 37 got the notice.

13 Now this is not a Zoning and Land Use Board. You  
14 heard a lot about what the zoning and land use laws  
15 requires. This is commercial. This is to say, County  
16 Ag Culture Development Board, has it's own rules. The  
17 regulation that we talked about says give 200 feet  
18 notice to all property within 200 feet of the  
19 commercial farm.

20 There's only one commercial farm here. And that's  
21 for you to decide if it was commercial (inaudible) for  
22 37. 36 is not a commercial farm. And in fact the  
23 argument has been, it's actually been a little counter  
24 logical, I don't know if that's the right word.  
25 They're saying 36 isn't a commercial farm, so you need

1 to get zoning approval for that. You can't grant the  
2 approval for it, but they should have given notice to  
3 it for the hearing today before you, the Board, we  
4 can't get the relief that the Applicants want. And  
5 that's the argument.

6 It doesn't make any sense. So this is what the  
7 regulation provides. Again, with notice to all  
8 properties within 200 feet of the commercial farm.  
9 That's the commercial farm. And importantly, we have  
10 to go back, you know they say so now this invalidates  
11 everything.

12 Even if you were to decide that 36 should have  
13 been noticed and it's our position it shouldn't,  
14 because there's only one commercial farm here and  
15 that's what you certified as a commercial farm back in  
16 October.

17 You've got to read the regulation from the  
18 beginning. They started at C. You've got to read A  
19 and B first. A and B. A says this is the -- this is  
20 the procedures. B says, the procedures set forth in  
21 this section shall apply only after -- only after the  
22 County Agriculture Development Board determines it has  
23 jurisdiction to hear the right to farm case. And you  
24 get jurisdiction when you determine it's a commercial  
25 farm.

1           In other words, I didn't have to do it. You got  
2 200 foot notice, you've got a commercial farm  
3 certification. We did it last time, because we were  
4 going for commercial farm certification and the SSAMP  
5 all at the same time. These notice requirements talk  
6 about this is the notice that you get when you apply  
7 for SSAMP. Procedures applicable to request for or by  
8 a commercial farm or site specific agricultural  
9 management practice shall be as follows. And then it  
10 goes written notice to everyone within 200 feet of the  
11 commercial farm.

12           So even if, for the sake of argument, you were to  
13 think 36 has to be noticed for today, it invalidates  
14 nothing you did last time. That notice requirement  
15 only kicks in after you determine it's a commercial  
16 farm, which is the jurisdictional requirement for you  
17 to even consider an SSAMP. That's why I had to do that  
18 first. But we provided all that notice last time,  
19 because we thought we would do it all at once.

20           Remember it goes back, we tried to negotiate and  
21 make some changes, which we did.

22           Now, let's talk about this. I mean, they're  
23 right, this plan has an easement for Lot 36, which my  
24 clients own. We don't have to go over Lot 36. We  
25 moved it, because the neighbors didn't want the traffic

1 right next to them. Okay. We can shift over a little  
2 bit. We don't need to. This covers the farm lot, it  
3 runs all the way around that.

4 This entrance is a State highway, one of the  
5 conditions of approval that we asked for before and the  
6 same again is this is going to have to be approved by  
7 NJDOT no matter what the entrance may look like.

8 So we can go forward with this plan today. You  
9 can -- you can grant -- you can grant the SSAMP. If my  
10 clients have to go and get an easement for that and get  
11 permission from Upper Township to go over that  
12 entrance, that's what I'm going to have to do. Maybe  
13 they'll come back and ask permission to move it over in  
14 the future. We wouldn't have to notice again, we're  
15 already here. We let everybody know that that's what  
16 we're coming back to do.

17 But either way, there's no impediment to moving  
18 forward today with your consideration of an SSAMP for  
19 Lot 37, which is the only commercial farm at issue here  
20 and the only lot over which this Board could grant  
21 relief.

22 UNIDENTIFIED: (Not near microphone).

23 MR. KING: My personal opinion, I believe the  
24 Applicant is trying to talk itself into a bad thing. I  
25 appreciate that they, you know, there's been a mistake

1 made and they want to try to go forward and overcome  
2 it. I think in the long run it's not good for the  
3 Applicant or the Board or for the people here who risk  
4 having to do it all over again based upon that well  
5 stated, and in my opinion, a persuasive argument.

6 The Municipal Land Use Law is the guideline for  
7 how to do hearings on land issues. The section that I  
8 cited specifically references the Municipal Land Use  
9 Law in the very next sentence. I've read you the only  
10 case that you've heard tonight, the only legal  
11 precedent on the issue and incidentally, it happens to  
12 make sense if you're going to go across another lot,  
13 you have to give notice from that lot. The case is  
14 indistinguishable. It's an easement across another lot  
15 and it's defective, they didn't give that notice.

16 I understand the new format. They went in and  
17 they changed some words, because it had the word  
18 "subject property", the property the subject of the  
19 application, in the Municipal Land Use Law and in the  
20 Farm Act they put in the words "commercial farm"  
21 because they deal with commercial farms. That doesn't  
22 change the common sense if you're going to take the  
23 commercial farm and bring traffic across another lot,  
24 you have to give notice from that lot.

25 Suppose that lot does happen to be more than 20

1 feet from the main body of the property, you would have  
2 a road -- an access exists running next door to a house  
3 that didn't get notice. It's ridiculous. It's not the  
4 law. Don't be persuaded by that.

5 With regard to an announcement to make, if that  
6 doesn't work, I do announcements all the time. I do  
7 them two or three times a month for the zoning boards.  
8 I'm going to announce a new hearing, it's because  
9 there's already been proper notice for the hearing  
10 you're at. So you can say you're here tonight and go  
11 to the next meeting. If it's not proper notice, you  
12 don't just announce it, you have to give a proper  
13 notice.

14 Don't let them change the plan? Why? Allowing  
15 error to have you consider a plan that by definition is  
16 not safe. Not -- meaning if the other plan doesn't get  
17 approved, then why suddenly change this and do  
18 something different tonight. That's not fair to  
19 anyone. And it's imprudent. Your ultimate goal is the  
20 safety of the citizens and the health and safety of the  
21 people who talked about this project. And you go to  
22 cure a notice defect and start moving property along  
23 Route 9 making it half the width they're supposed to  
24 be. That's not what you do, you don't change a plan  
25 like that in the middle. It's imprudent. Thank you.

1 MR. BELL: (Not near microphone at first). --  
2 this issue was raised at 9:53 a.m. this morning for the  
3 very first time, despite the fact that, you know, this  
4 has been on file for however it's been on, it was  
5 published in the newspaper (inaudible).

6 MR. BATASTINI: One of the questions first and then  
7 if -- and I guess I need to make it a little bit more  
8 clear. Is it your determination to remove the easement  
9 and the access or what have you decided to do with  
10 that?

11 (Several talking same time)

12 MR. BELL: I talked to my client, Rich.  
13 If you had raised it before 10:00 a.m. this morning, I  
14 would have had a ready answer. No, we think it's not a  
15 material change, so there's no issues with Lot 36.  
16 We'll move it and proceed only with the access on Lot  
17 37. So (inaudible) NJDOT.

18 MR. BATASTINI: So now, one of the questions  
19 before this Board is whether or not the change that we  
20 heard from Mr. Corrado and Mr. King is so significant  
21 that the public, as well as yourselves, should require  
22 that the site plan be changed. The whole thing that  
23 was workable. What they did was just sticking with  
24 what I call the site plan, the plan itself, whether or  
25 not you believe it to be a material change such that

1 the Applicant should come back. That's really the  
2 first question.

3 There's a couple of other questions we have to  
4 deal with as well, but I prefer to deal with them one  
5 at a time.

6 The Board can ask for additional questions. This  
7 is more of poling that it is whether or not we're going  
8 to vote on it. It's more you can express your concerns  
9 and then we'll make a determination. So it's not a  
10 vote yet. So what are your thoughts and feelings.  
11 Yes.

12 MR. SCHUMANN: My opinion and the way I look at  
13 it, it's a minor change and they've got go through the  
14 State with the DOT. If there are going to be any  
15 problems, they're going to shut it down or it would all  
16 have to come back as a change. That's my opinion of  
17 that particular question. I don't know how anybody  
18 else feels, but that's the way I look at it.

19 MR. NATALI; The reason why we're talking about  
20 this is because of an error that originated with a  
21 clerk in Upper Township?

22 MR. BATASTINI: No. That's a notice issue. We're  
23 not there. We're just talking about a change in the  
24 plan. And the plans that were originally in place have  
25 been changed.

1           And what you heard is two arguments, one is that  
2 the change is not material and the other one is that it  
3 is material. And if you determine that it's a material  
4 change, the next thing you have to determine is such  
5 that they should have to come back and that these plans  
6 should be available for everybody to look at.

7           MR. HAND: I'm going to use the phrase gray area  
8 to my question. I don't like posting my feeling with  
9 gray area, but here we are.

10           Is my understanding correct that if the Applicant  
11 goes ahead with the plan, if they go today with the  
12 driveway -- the entrance way is going to be reduced  
13 significantly.

14           MR. BATASTINI: That is what we heard, yes.

15           MR. HAND: And so there's that argument whether or  
16 not the State has to approve it or not. I think most  
17 of the people that are in opposition to this, first and  
18 foremost are saying it's a safety issue. So I think  
19 that's a -- it's not a very small detail. So I would  
20 just like to mention that.

21           MR. BATASTINI: That's all we're taking a look at.  
22 Do any other Board members have any comments?

23           MR. HAND: They're reducing from 40 to 20?

24           MR. BATASTINI: No. Why don't you tell us what  
25 you're doing?

1 UNIDENTIFIED: Can you swear him in so he can tell  
2 you?

3 MR. ORLANDO, APPLICANT'S EXPERT, SWORN

4 MR. BATASTINI: What the actual -- we're trying to  
5 figure out what the change is. In order for us to make  
6 pre-objective determination -- a hearing objection, we  
7 kind of need to know what the change is.

8 MR. ORLANDO: Just so you know, the driveway  
9 access has always been 20 feet wide. What we did was,  
10 in order to save some vegetation on the north side of  
11 adjacent trees, we reconfigured the driveway so that at  
12 the front it's 24 foot with two four foot radius for  
13 gradient for a total of 50 feet.

14 We can move the driveway on our property, on Lot  
15 37, to make the change. And I believe that we will be  
16 able to have ingress and egress adequately on site  
17 using Lot 37. I haven't designed it yet. I think  
18 that's the issue. You know, if the Board wants to see  
19 that design change prior -- forward, can we proceed to  
20 day, knowing that we have to make that design change?  
21 I think that's the issue.

22 But the driveway width of 20 foot has always been  
23 the same. It hasn't changed from the last hearing.

24 MR. BATASTINI: Mr. King, would you like to say  
25 something?

1 MR. KING: Yes. So what we've learned, just  
2 learned, he hasn't designed what it is they're going to  
3 propose tonight?

4 I think we are entitled to notice at least 10  
5 days in advance of what they propose. So that's why  
6 this is a draft. They're also moving the traffic  
7 closer to Lot 38. Lot 38 should have time to deal with  
8 that.

9 So that's why the access over the State highway is  
10 not a minor change and eliminating an entire lot from  
11 the application is not a minor change either.  
12 (inaudible) that's not minor.

13 MR. CORRADO: Just so the record is clear, I agree  
14 with everything Mr. King just said. Additionally, it's  
15 going to require elimination of some of this buffer  
16 that exists (inaudible).

17 In any event I think what you heard Mr. Orlando  
18 say is in essence is that this is a material change.  
19 They have to re-design and the principal and sole  
20 access to this property off of the State highway.

21 I couldn't have said -- I've couldn't have made  
22 the case for material change better than Mr. Orlando  
23 just did.

24 MR. BATASTINI: So again, this is sort of an  
25 informal pole, right? I mean we haven't had the

1 opportunity for the public to chime in. This is just  
2 more of where if this Board is in such conclusion that  
3 hey, this is a material change, then if you want to  
4 review the changes yourself, that's where we're at. So  
5 I've heard from two Board members, but not the rest.

6 MR. STILES: When will they contact DOT about  
7 this? Shouldn't DOT have some say about the access?

8 MR. BATASTINI: They would. They absolutely  
9 would. And the DO -- the DOT doesn't have an open  
10 meeting like this. So DOT is just going to sit there  
11 and they're look at -- they're going to look at the  
12 line, they're going to look at --

13 MR. NATALI; They're going to say if it's safe.

14 MR. BATASTINI: Yeah.

15 MR. STILES: They're going to determine (not near  
16 microphone) across the street -- the street across,  
17 there's a traffic light there.

18 UNIDENTIFIED: That's right.

19 MR. STILES: That adds the lighted match.

20 MR. NATALI; The last part?

21 MR. STILES: That adds the lighted match.

22 MR. SCHUMANN: I just think the DOT is going to do  
23 what the most safest thing is. So that puts it back in  
24 your ballpark on the safety issue. If it's not safe,  
25 the DOT would say, no, you've got to do this.

1 Personally, is what I think.

2 MR. STILES: I'm just wondering if the what the  
3 DOT would consider this. I'm just wondering should we  
4 even (inaudible) them before we know what their  
5 position is?

6 MR. HAND: I think a lot of this is a quality of  
7 life issue for the -- especially people that are  
8 against this topic, I think that it may be best to err  
9 on the side of caution, you know, to get it right.

10 MR. BATASTINI: Well the Applicant has advised  
11 that if permitted by the Board, that they would re-  
12 submit within a sufficient amount of time, without re-  
13 notice, hold on, Mr. King and Mr. Corrado, we're not  
14 even at the notice issue yet.

15 So -- did I get that right. You want it done  
16 right?

17 MR. BELL: Yes, look, since everyone is concerned,  
18 we'll submit a new site plan and I'll have the access  
19 on Lot 37 and we'll come back, so there's no question  
20 as to what's going on. At that point, the entirety,  
21 everything will be on only one lot and that's Lot 37,  
22 which we've already noticed for, so it wouldn't require  
23 additional notice.

24 I think that's -- we're trying to be practical as  
25 I said.

1           MR. BATASTINI: So that takes care of the first  
2 issue, which is moving forward for today, we're not  
3 doing anything, but we still have the issue --  
4 addressing the issue about notice. And I don't think  
5 this -- since the Board is not going to be doing  
6 anything today and with the permission of the Applicant  
7 and the opposition attorneys that we take some time,  
8 since this is relatively fresh for everybody, to make a  
9 determination and at least I can review the law on the  
10 case law in regards to this addition/subtraction of a  
11 lot. Whether or not that's going to require re-notice  
12 of everything.

13           I just don't know the law well enough. I'm not so  
14 sure anybody has really had time to even look at it.  
15 There are certain sections within the Municipal Land  
16 Use Law that deal with agricultural boards directly.  
17 And I haven't heard any comment about those particular  
18 statutes that are actually in the Municipal Land Use  
19 Law that deal with notice of the hearing.

20           MR. BELL: We can give notice again, certainly.  
21 It's not that big of a deal.

22           MR. BATASTINI: So then the next question is how  
23 far does this notice go back in terms of jurisdiction?  
24 So -- and, you know, again I'm not so sure that this  
25 Board or even I can make a determination as to whether

1 the original notice was sufficient or not and it may or  
2 may not make a difference, it may all be moot, because  
3 the plan has changed and we are now sticking with  
4 everything that's in now are going with Lot 37.

5 (Person speaking not near microphone)

6 MR. BATASTINI: I'm going to be very flexible on  
7 what you guys can speak about, because no matter what,  
8 this is getting on you. By my all means to my three  
9 professionals who are working closely, please  
10 understand the reasons I'm giving everybody such great  
11 advice.

12 MR. KING: Well, I appreciate that and I'll try to  
13 be brief. The original theory on this was on the plan  
14 that included Lot 36. So that theory had defective  
15 notice.

16 Moving Lot 36 after the fact doesn't go back in  
17 time and make that first hearing proper. Again, I turn  
18 to the concept of being prudent. What's the worst  
19 thing that happens? You haven't passed a resolution  
20 and we hear additional, which I believe to be helpful,  
21 information on the first issue. And if you don't  
22 change your mind, you don't change your mind.

23 But the worse thing that happens is you get to  
24 have a hearing on the issue with full and proper notice  
25 on a plan that's before everybody properly and if you

1 make the same ruling, you make the same ruling. I  
2 think you might not, but the worst thing that happens  
3 is you hear what we have to say and my professionals  
4 and Mr. Corrado, the attorney for the Township and Ms.  
5 Cubiello (phonetic), a professional planner for the  
6 Township of Upper. And you hear information on the  
7 first and second issue and make the best decision  
8 possible.

9 You haven't passed a resolution. Contrary to what  
10 was said before, it's not two different applications,  
11 it's all one application submitted at once. You just  
12 happened to hear the first one and the second one to  
13 decided to carry the second one for another day. That  
14 doesn't make it two separate applications. It's all --  
15 it's all one application. And you haven't passed a  
16 resolution, so I think everything is game, but why not  
17 listen to everything and put do it right with proper  
18 notice? Thank you. That's all. Thank you for your  
19 (inaudible), Mr. Prosecutor.

20 MR. BATASTINI: Mr. Corrado, I assume you're going  
21 to agree with everything Mr. King said?

22 MR. CORRADO: Today, yes. Just today.

23 MR. BELL: Yeah, so just to be clear, what they're  
24 asking me to do is go back, determine the whole five  
25 acre issue again. That's -- that's what that argument

1 was because they thought you got it right the first  
2 time and they want a second bite at the apple.  
3 Shouldn't do that, it's not required.

4 Again, our position is, and I believe that we're  
5 right, that we can proceed today. We're trying to be  
6 accommodating. They have these concerns, but there's a  
7 change of plan. Their concern about it is fine. We'll  
8 give -- we'll give notice again.

9 The only thing you certified as a commercial farm  
10 was Lot 37. You had notice last time for Lot 37. You  
11 can't certify Lot 36 as a commercial farm, it's not.

12 So the notice the first time, again I think it's  
13 fine for today, give notice to 200 feet of the  
14 commercial farm, this is the commercial farm.

15 So we're willing, and in an abundance of caution,  
16 as Mr. Batastini said, someone's going to -- someone's  
17 going to appeal this, right? We're willing to put that  
18 back out there. We're going to do notice again for Lot  
19 37, so everybody has time. You know, maybe if they  
20 have problems with it, they'll let us know before an  
21 hour before the hearing next time around.

22 But that way everybody feels (inaudible). We  
23 shouldn't go back and re-do what we did the first time.  
24 Again the only way that we're here, the only way that  
25 you can consider an SSAMP is if you're a commercial

1 farm. And you've already determined that this is a  
2 commercial farm. We shouldn't have to repeat all that  
3 testimony and have a whole bunch more people come in  
4 here and tell you that you got it wrong the first time.

5 And maybe that's something that we can't decide  
6 today. Maybe the parties have to bring Mr. Batastini  
7 again, I don't know exactly what the plan is. But for  
8 that you're sitting. You voted, you have minutes, you  
9 approved those minutes. In our mind that's a closed  
10 issue, because that is the jurisdictional door which  
11 gets us here for the SSAMP. Without a commercial farm,  
12 there is no SSAMP.

13 MR. BATASTINI: I don't know whether there's a  
14 notice issue as to whether or not it is improper or was  
15 properly done. I just don't have enough information  
16 before me in terms of the State statutes. And again  
17 this is (inaudible).

18 So what we can do is that when this is scheduled  
19 for the next hearing, I will have an opportunity to go  
20 back and forth with some of the attorneys and I can  
21 then give you my opinion would be as to whether or not  
22 this should be re-noticed in its entirety or not.

23 I will tell you that the notice provisions fall  
24 under two sections. There's the Right to Farm section  
25 and then there's the statute section on (inaudible) as

1 well.

2 So it's sort of where -- the best that I can --  
3 unless you want to take like a two hour break while I  
4 research this thing and get back to you and we'll just  
5 reconvene in two hours. I'm not sure that that is  
6 going to give me a sufficient amount of time, because  
7 there's an awful lot to digest.

8 Basically we're just pumping on the issue of  
9 notice and so I can get myself or one of the attorneys  
10 to do some legal research.

11 MR. NATALI; Right, but there would have to be  
12 another Board vote as to whether or not the Board  
13 approval was legitimate? Is that the idea?

14 MR. BATASTINI: No. I wouldn't be a Board -- yes,  
15 it would be of Board vote as to whether or not the  
16 proper notice was done or not. What I probably would  
17 suggest, and I'm talking out loud the more I think  
18 about it, it's probably not a great idea. But the  
19 Applicant may very well, you know, want to prepare to  
20 do both. I don't know how complicated that would be  
21 for them.

22 That's one way to look at it so we don't have to  
23 have an additional hearing to make a determination as  
24 to whether notice was defective or not.

25 MS. WHEELER: You're going to start from a

1 Schedule One though?

2 MR. BATASTINI: If this term determines, and I by  
3 no means making any kind of a suggestion that it is or  
4 it isn't, if the Board determines that jurisdiction was  
5 never provided to the Board, right? And that notice  
6 was required. You've heard argument from Mr. Bell that  
7 notice is required for the commercial farm. But if  
8 this Board determines something different, then yes, we  
9 start from scratch.

10 If the Board determines that notice, or that no  
11 notice is required, then of course this is after I, you  
12 know, give you the opinion as to what should -- I think  
13 the Court would say, then they have to start over  
14 again. I'm sorry, your original decision will hold.

15 MR. SCHUMANN: Just stay with our original  
16 decision is my personal opinion.

17 MR. BATASTINI: But we can't make that decision  
18 because I'm not in a position to tell you whether or  
19 not notice was proper or not. And I think that's  
20 critical. And here's why. It is critical for both  
21 parties, the Applicant and the objectors.

22 Because there's a couple of other things that you  
23 need to decide before we get to the SSAMP. And that is  
24 whether or not, after hearing the objectors and the  
25 objector's planner, whether or not you're going to send

1 a portion of this back to Upper Township for either a  
2 recommendation and/or approval. If you do decide to do  
3 that and then the Applicant goes through that whole  
4 process and then they come back here and they go  
5 through the process again for the SSAMP for you to  
6 decide yes or no and that gets appealed to the State.

7 And then if the appeal to the State doesn't go in  
8 a particular manner, I believe that either the  
9 Applicant or the Objector can then appeal that. And if  
10 that gets appealed, you've got to go--

11 MR. BELL: The SSAMP Appellate Division is --

12 MR. BATASTINI: So it skips the Superior Court.

13 MR. BELL: Yes.

14 MR. BATASTINI: So it goes to the State, skips the  
15 Superior Court, you go to the Appellate Division. And  
16 the Appellate Division, if someone doesn't like that  
17 one, then you go to the Supreme Court.

18 UNIDENTIFIED: You better (inaudible) let her go.

19 MR. BATASTINI: Well, no matter what, the reason I  
20 bring it up is one of jurisdiction. Right? That's the  
21 key here. Because if we send it -- if we go through  
22 that whole process and you get to the highest court  
23 that we have, which is the Supreme Court of New Jersey.  
24 And the Supreme Court of New Jersey says you don't have  
25 jurisdiction, you never had jurisdiction, we're re-

1 doing everything. Everything from day one.

2 So that's why this issue of jurisdiction is  
3 incredibly important and that's why I want to take the  
4 time to research it, because it could get to the  
5 Supreme Court, should it ever go that far, you're  
6 taking three to four years. And then to kick it back,  
7 just to have to start all over again, I don't think  
8 that's fair for either party.

9 So that's why I say we just give me some time to  
10 review what the Applicant and objectors get their  
11 information to (inaudible) and I'll take it and I will  
12 come back to this Board. And I think one of the things  
13 that we can discuss and I'm not so sure we need to do  
14 it right now, that is what is the next Board -- what is  
15 the task the Board is going to be asked next? One,  
16 just to have a meeting, talk about the jurisdictional  
17 issue. Because I really don't think it's fair for the  
18 Applicant and the opposition and all these people to  
19 have to come back just to hear us say yes, we're going  
20 to want the jurisdictional issue.

21 It's probably something that we can have a hearing  
22 for. Talk about the jurisdictional issue, make that  
23 decision. And then once we make that decision, then  
24 the Applicant can present the bulk of their work in  
25 terms of re-submitting and re-noticing. And then we

1 kind of move forward with that.

2 I see Mr. Bell shaking his head -- shaking his  
3 head in agreement, but the stoic nature of Mr. Corrado  
4 and Mr. King, that's something that's truly offensive  
5 to you. It's probably what I'm going to do anyway,  
6 unless you give me a better idea.

7 MR. BELL: Can you just say what it is because I  
8 missed it? What is the question?

9 MR. BATASTINI: So the question is what I think I  
10 would like to do for purposes of procedure moving  
11 forward, is to one, have -- you guys don't, you know,  
12 rightly have an opinion as to why you think the notice  
13 is good or bad for purposes of jurisdiction. At that  
14 point, I will do my own research based upon your  
15 submissions and my own and then pose the question to  
16 the Board first. Let the Board first determine whether  
17 or not there is a jurisdictional issue or not a  
18 jurisdictional issue.

19 And then thereafter, let everyone else follow foot  
20 in terms of what happens if, you know, if we decide to  
21 go back in history, then you're going to want to have  
22 your professionals come in and talk about the  
23 Commercial Farm aspect of it. If the Board determines  
24 this is not a jurisdictional issue and they're fine  
25 with what happened and then more of that, because

1 there's already been a vote, it's the only thing we  
2 have to deal with is that their decision may very well  
3 be that your appeal -- that's what I'm trying to  
4 accomplish.

5 So I think the next meeting that we have is just  
6 based on jurisdiction.

7 (Person not on camera)

8 MR. NATALI; The person who preached prudence for  
9 a half hour, I feel (inaudible-not near microphone).  
10 So taking the time to understanding the best way and  
11 also we have to see the plan that they have. So I  
12 think that is the correct way to do it.

13 MR. CORRADO: Just to I understand, so that I'm  
14 clear, when you say -- when your talking about  
15 jurisdiction, what you're really talking about is  
16 whether we're going to re-litigate the commercial farm  
17 issue, correct?

18 MR. BATASTINI: That is correct.

19 MR. CORRADO: My understanding is that Mr. Bell  
20 has already agreed that he's going to re-notice with  
21 respect to the --

22 MR. BATASTINI: SSAMP.

23 MR. CORRADO: -- the amended plan.

24 MR. BATASTINI: Correct.

25 MR. CORRADO: So I'm okay.

1 MR. BATASTINI: Board members, a lot of talking,  
2 but the final decision is yours, if that makes sense.  
3 Let us reconvene at a later date, so I can give you  
4 some really good legal research and opinion. We can  
5 make the determination as to the jurisdiction, whether  
6 it is -- whether we had it at all or not.

7 And again, there are other issues other than just  
8 notice. The other issue is whether or not you can go  
9 back on your own accord and re-open everything up. And  
10 I'm sure I'm going to hear from both the Applicant and  
11 the Objectors as to that issue as well is whether we  
12 really can do that. In courts we call it -- the Court  
13 wants to go in and we ask the Court to review what  
14 they've already reviewed and res judicata. You got it?

15 MR. CORRADO: I do.

16 MR. BATASTINI: All right. So what do you think?

17 MR. NATALI; Well, not to put too fine a point on  
18 it, but everybody here on the Board and most of the  
19 people here, you know, we're all volunteers. And we're  
20 kind of like talking about a process where no matter  
21 what's decided here, just on the jurisdictional  
22 question, may go all the way to the Supreme Court of  
23 New Jersey. But this just seems like a colossal waste  
24 of everybody's time.

25 MR. BATASTINI: That's why we're going to try to

1 partition it in such a section that we waste as little  
2 time as possible. So, please, you guys are --

3 MR. NATALI; And that's the point, we didn't even  
4 get to the merits.

5 MR. BATASTINI: One of these applications --  
6 either way we're coming back. That much we know.

7 MR. SCHUMANN: I'll go with what the Board says,  
8 but I think we've already made the vote, in my opinion.  
9 Right?

10 MR. BATASTINI: We're going to -- we're going to  
11 -- we're going to discuss that after I have an  
12 opportunity to make sure you all have the law in front  
13 of you and my opinion. Instead of me making it up on  
14 the fly and something where my decision and the Board  
15 -- my opinion and the Board's decision could affect the  
16 application for years to come on a technicality, but  
17 that technicality is significant. It takes everything  
18 back to start all over. It's not fair to do that  
19 including the work.

20 MR. NATALI; I agree with that.

21 MR. HAND: Yeah, I agree with that. Do you need a  
22 vote on -- to go along with your suggestion?

23 MR. BATASTINI: Yes.

24 MR. STILES: All in favor of going along with the  
25 suggestion of our attorney? Roll call?

1 ROLL CALL: (Not near microphone)

2 MS. ERNST: Al?

3 MR. NATALI: Aye.

4 MS. ERNST: James?

5 MR. HAND: Yes.

6 MS. ERNST: Matt?

7 MR. STILES: Yes.

8 MS. ERNST: Sue?

9 MS. WHEELER: Yes.

10 MS. ERNST: Bob?

11 MR. SCHUMANN: Yeah.

12 MR. BATASTINI: Thank you. Board members, you've  
13 got a very difficult position and what you do, but you  
14 are so special and so important to the whole process  
15 and please don't lose site of that.

16 And you're right, the amount of money they pay you  
17 to be here is ridiculous. And the aggravation, so  
18 please, this is what makes the system work.

19 All of you, thank you for coming out. Thank you  
20 for expressing your concerns.

21 We can actually -- any other material for the  
22 Board?

23 UNIDENTIFIED: Motion to adjourn.

24 UNIDENTIFIED: All in favor?

25 (All ayes)

1 (Session ends at 12:30:11 p.m.)

2 2

3 CERTIFICATION

4 I, JENNIFER WILSON, the assigned transcriber,  
5 do hereby certify the foregoing transcript of

6

7 proceedings of March 31, 2022, audio recorded, index

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12

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14

15 the best of my knowledge and ability.

16

17

18

19 /s/ Jennifer Wilson June 9, 2022

20

21 JENNIFER WILSON, AD/T #623 Date

22

23 ATLANTIC CITY COURT REPORTING, LLC

24

25 Atlantic City, New Jersey

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