

RESOLUTION OF THE SALEM COUNTY AGRICULTURE DEVELOPMENT BOARD

2021- 9

*Rescission of September 10, 2020 Decision and October 28, 2020 Resolution 2020-1
Pursuant to Settlement Agreement Between John S. DiGregorio d/b/a Game Creek Hunting
Farms and the Township of Mannington*

WHEREAS, by letter dated June 4, 2020, John S. DiGregorio d/b/a Game Creek Hunting Farms (“Game Creek”) submitted a request to the Salem County Agriculture Development Board for a site-specific agricultural management practice approval; and

WHEREAS, Game Creek’s request was heard and decided by Board on September 10, 2020, and the decision was thereafter memorialized in the Board’s Resolution 2020-1 dated October 28, 2020; and

WHEREAS, on December 3, 2020, the Township of Mannington (the “Township”) appealed the Board’s decision to the State Agriculture Development Committee (SADC) on grounds that the decision was, in the Township’s opinion, unclear as to Game Creek’s qualification for or entitlement to Right to Farm Act (RTFA) protections with regard to Game Creek’s hunting operations on farmland designated as Mannington Township Block 3, Lot 20, located at _____, and owned by George and Dorothy Juska; and

WHEREAS, the Township’s letter of appeal asked SADC to refrain from submitting the appeal to the Office of Administrative Law so that Game Creek, the Township, and the Board could attempt to resolve the parties’ concerns; and

WHEREAS, Game Creek and the Township have signed a settlement agreement entitled “Settlement Agreement – Mannington Township and John S. DiGregorio d/b/a Game Creek Hunting Farms (Juska Farm & _____ – Block 3, Lot 20)” that is conditioned upon the Board’s adoption of this resolution by which the Board would rescind its September 10, 2020 decision and Resolution 2020-1, with the settlement agreement not becoming effective until this resolution has been adopted by the Board and the applicable 45-day appeal period has elapsed without appeal by any party; and

WHEREAS, Game Creek has provided the Board with a copy of the signed settlement agreement and has requested that the Board adopt this resolution in order for the settlement agreement to become effective; and

WHEREAS, the settlement agreement provides that after the Board has adopted this resolution, and after the appeal period relating to the Board’s adoption of this resolution has elapsed without any appeal of the Board’s adoption of this resolution, the settlement agreement will become effective, whereupon the Township will formally withdraw its appeal of the Board’s September 10, 2020 decision and Resolution 2020-1 by written notification to SADC, provided that if the Board’s adoption of this resolution is appealed by any person or entity the settlement

agreement will remain ineffective, whereupon the Township may elect to continue its appeal of the Board's September 10, 2020 decision and Resolution 2020-1; and

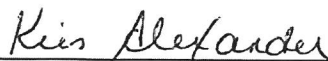
WHEREAS, the settlement agreement provides that neither the settlement agreement nor the Board's rescission of its September 10, 2020 decision and Resolution 2020-1 will preclude Game Creek from submitting any new application(s) to the Board at any time for any relief it may wish to seek with respect to its activities on the Juska Farm or elsewhere in Salem County;

NOW, THEREFORE, BE IT RESOLVED by the Salem County Agriculture Development Board as follows:


1. The Board hereby rescinds, vacates, and renders null and void its September 10, 2020 decision on the site-specific agricultural management practice request of John S. DiGregorio d/b/a Game Creek Hunting Farms and Resolution 2020-1, dated October 28, 2020.
2. The Board's rescission of its September 10, 2020 decision and Resolution 2020-1 as aforesaid will not preclude John S. DiGregorio d/b/a Game Creek Hunting Farms from submitting any new application(s) to the Board at any time for any relief it may wish to seek with respect to its activities on the Juska Farm or elsewhere in Salem County.

The undersigned Chairman of the Salem County Agriculture Development Board hereby certifies that the above is a true copy of a resolution as adopted by said Board on **July 28, 2021** to memorialize its action taken on that date.

Attest:



Kris Alexander, Administrator



Dean Sparks, Chairman