

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

JANUARY 23, 2014

The meeting opened at 8:04 p.m. by Chairman Lundin in the Freeholder Meeting Room at the Sussex County Administrative Center, One Spring Street, Newton, New Jersey. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended. Notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

ROLL CALL:

MEMBERS PRESENT: Cliff Lundin, Chairman
Glenn Schweizer, Vice Chairman
Wolfgang Gstattenbauer
Donald Ploetner
Wes Powers

MEMBERS EXCUSED: Lisa Chammings

STAFF PRESENT: Donna Traylor, CADB Coordinator
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Freeholder Liaison Richard Vohden
Freeholder George Graham
Kathy Haake, Trust for Public Land

MINUTES CORRECTION/APPROVAL:

A motion was made by Wolfgang Gstattenbauer to approve the Minutes of December 5, 2013, as presented. The motion was seconded by Glenn Schweizer and carried unanimously.

CORRESPONDENCE:

Donna reported on the Freeholder Resolution designating that Cliff Lundin remain as Chairman and Glenn Schweizer remain as Vice Chairman for the year 2014. There was also a Resolution reappointing Glenn Schweizer as a member of the Open Space Committee for another three year term, expiring on December 31, 2016.

OLD BUSINESS:

A. UPDATE ON FRANCISCO FARM AGREEMENT/FUNDING:

Kathy Haake, Trust for Public Land said they are finally in the process of exercising the option on the Francisco Farm. A closing date has been set for February 28, 2014. The State and County contracts are both in progress. The Attorney for Trust for Public Land has been in contact with Dennis McConnell and she made a few additional changes to the contract. The contract with the State is also being reviewed by the State D.A.G. through Green Acres.

Ms. Haake provided the funding scenario. The landowner has agreed to lower his asking price by a little less than \$200,000. The purchase price is \$5,848,000. All of the funds have been raised. They plan to use a Bargain Sale to finish the match. The Fair Market Value of the property was \$6.7 million.

There are a number of parcels that are coming out of the property and they are still working to have the subdivision approved by the County. There is a meeting on Monday with Eric Snyder, John Risko and Alice Brees from the County Department of Engineering and Planning. Ms. Haake said she hopes the waivers will be approved at the Planning Board meeting on February 3. Donna said the County is doing everything possible to expedite this subdivision approval. Andover Borough has already approved the subdivision.

When asked to summarize some of the concerns of the Development Review Committee, Ms. Haake said the property is on the south side of County Route 606. The subdivision included taking out a 6.5 acre parcel, which is going to remain with the landowner and a 2.5 acre parcel, which will be annexed to the adjacent property, Lot 4. The remainder lot is going to Andover Borough. There is some concern about driveway access from the remainder parcel, specifically sight distance. There is a gap on the property for people to walk to the open space at the rear of the property. They could walk through the State property, cross the street and walk to the open space; they would not have to drive. There is concern about having people cross the street at that spot. Donna said there is also an issue with parking.

Ms. Haake said there was a small parcel that they were not sure they were going to be able to preserve. The parcel will be going to Andover Borough and will make a nice

town park because it is in the neighborhood. Three buildings have been demolished on other parts of the property. The only buildings remaining on the property are on the parcel that will be retained by the landowner. All but one of the encroachment issues has been rectified. Donna said the existing driveways have been grandfathered in for the existing use.

One of the staff for Trust for Public Land is the Chairman of "Keep It Green." Because they hope there will be a ballot measure in November for the statewide ballot question, they hope to do an event for this Open Space acquisition during the spring. Ms. Haake said Donna and the Open Space Committee will receive invitations.

B. PSE&G UPDATE – INFORMATION PROVIDED:

Donna said the Committee received an e-mail about a week after the December 5 Open Space Committee meeting. The e-mail had information that PSE&G provided in two documents. One was a list of existing trees and their DBH and the other was the Best Management Practices that are utilized in general. This Committee requested a list of the plantings which will be put in once the land was cleared. It was explained at that meeting by the PSE&G representatives that, in most cases, they do have a site-specific plan so they know exactly what is coming out and what they will replant. Donna said she has not received either of those items. The Open Space Committee's Resolution was contingent on receipt of those documents. Therefore, the Resolution was not prepared.

In discussion with County Counsel yesterday and today, Donna was advised that the Open Space Committee should not take any action and to carry this until the information was received. An e-mail was sent out to PSE&G yesterday but since Donna was not in the office today, she does not know if anything came in. Glenn asked if Donna heard anything about the compensation issue. She said she has not. The compensation discussion has been between PSE&G and Green Acres. They did not realize that the County put in the bulk of the money for this property. When the information is received, it will be sent to the Open Space Committee. Donna said the Committee will probably have to take an action on it and then it will go to the Freeholder Board for their endorsement.

Donna advised the Committee that the County was in court with PSE&G regarding Farmland Preservation and the case was decided in PSE&G's favor. That decision set a precedent. County Counsel said if the Coursen's Meadow issue ended up in court, the judge would, in all likelihood, vote the same way. The case is almost identical; they extinguished an easement and moved an easement.

Glenn Schweizer asked if the County would issue a Stop Work Order. Donna said probably not because the issue on Coursen's Meadow is directly across the street from the Southway farm and the issues are almost identical. The judge already set a

precedent by agreeing with PSE&G. She added that restrictions for Farmland Preservation are more stringent than for Open Space. In Green Acres there are certain parameters for swaps. There is no ability for swaps with Farmland Preservation. Mr. Schweizer asked if that was the case, why did PSE&G come before the Open Space Committee. Donna said they had to because the County is a partner in the acquisition.

NEW BUSINESS:

A. OPEN SPACE SUMMARY:

Donna said since this is the last Open Space Committee meeting before she retires, she wanted to provide the Committee with a summary of the history of the program and what she sees as the future of the program.

The program began in 2002 with the writing of the County Open Space Plan. Immediately after, the then Freeholder Board directed that there be a funding cycle. Donna said she looked at how other Counties handled their funding cycles and she patterned our process after theirs. In 2002, the County had its first funding cycle and funding was provided for three of the seven applications received. In 2007, six applications were received and the County closed on all of those. Over the years, many municipalities inquired about the program and submitted applications. Not all of the applications were funded. There were also repeat applications by municipalities to increase their greenways. The Open Space program also accepted applications from environmental non-profits. There have been applications from the Trust for Public Land and The Nature Conservancy.

Donna said over the last 12 years, the Open Space Committee preserved 28 projects. To date there are 2,249 acres preserved. Sussex County is unique in that it acts as a funding partner; it does not hold the land. Sussex County already has 33-35% of its land base in public open space. The philosophy for this program was to act as a funding partner. Usually the County provided funding that would make or break the project. The municipality used its own funds, sometimes Planning Incentive Grant funds, Grants and Foundations, but they needed a little bit more. Over the years, the County spent just under \$2.4 million from their Open Competitive funding. There was a time when the County was collecting two dedicated taxes. One dedicated tax sunsetted a few years ago, so only one dedicated tax remains. With the Planning Incentive Grant from the State, the County expended \$1.3 million and from County funds, they spent just over \$1.5 million. Donna said the Committee accomplished a lot of good projects with partners, municipalities and environmental non-profits. She said as the current Committee members, they should be proud. She said it is always nice to drive around the County and physically see the accomplishments of what you've been working on. Chairman Lundin said the Committee extends to her their sincere best

wishes, thanks and congratulations. They know the effort that went into every one of the 28-29 projects.

Donna said unfortunately there is no new funding at the State level. Last year there were no new County applications for open space preservation. She said she expected that because the municipalities are in the same situation as the County. There are no new Planning Incentive Funds and most of the funds have either been spent or the Green Acres program was reallocating its funding for active projects. If a referendum question does get on the ballot within the next year or so and it is supported, she anticipates the Committee will start seeing applications come in again.

Donna reported that she was speaking with Barbara Davis today at the New Jersey Planning Conference. Ms. Davis is with the Land Conservancy of New Jersey. They had been the original writers of the Sussex County Open Space Plan in 2002-2003. Ms. Davis did a presentation for the Open Space Committee last year with a proposal to update that Plan. This Committee said they would wait until this year to re-discuss it. Ms. Davis told Donna that she would hold the price and if needed, the cost could be paid over several years. Donna said the Committee should discuss this during the coming months. A lot of the proposal was good but some of it was information that might be available through the County GIS office or was not as relevant. The direction the Committee needs to look at is a continued discussion of greenways and connectors. She does not think they will see huge projects like Culvermere and the Francisco farm. They will probably see smaller pieces that will be important as greenways and connectors between existing public open space. This might be the discussion the Committee may want to continue with both Ms. Davis and the County Planning Director.

It has still not been decided whether or not Donna's position will be rehired. The Committee should express their concerns or views to the Freeholder Board. Chairman Lundin asked Freeholder Liaison Rich Vohden and Freeholder George Graham what is happening with the position. Freeholder Vohden said a job requisition has been submitted and it is being reviewed. This is an administrative function and has to go through the chain of command. The Freeholders would be involved if there are any policy changes. Donna said it appears there is support to rehire the position. Chairman Lundin asked who would work on an interim basis until that decision is made. Donna said there isn't anyone in her office to do this work. Glenn Schweizer asked if the requisition was to fund the position or does it have a specific name associated with it. Donna said she was asked to provide a requisition for her Civil Service title, Agriculture Resource Specialist I. There have not been any interviews yet. There was some discussion on the Civil Service process.

Freeholder Graham said he hasn't sat down and spoken with Donna, but said her reputation is very strong and very wide. He said he was sorry to see her go.

B. APPROVAL OF OPEN SPACE COMMITTEE MEETING DATES FOR 2014:

The Open Space Committee was provided with a copy of the Meeting Dates for 2014. A typo was noted for the December meeting. The meeting date is December 18, not 19.

Glenn Schweizer said the Committee should take Donna's suggestion and consider a conversation about using the 2014 Open Space fund to update the Plan.

MOTION:

A motion was made by Donald Ploetner to adopt the Open Space Meeting Dates for 2014. The motion was seconded by Wolfgang Gstatenbauer and carried unanimously.

PUBLIC COMMENT:

Kathy Haake thanked Donna for all the work she's done with the Trust for Public Land over the years.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Donald Ploetner. The motion was seconded by Wes Powers and carried unanimously. The meeting adjourned at 8:45 p.m.