

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

JANUARY 28, 2016

The meeting opened at 7:30 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  
Louis Caruso  
Lisa Chammings  
R. Michael Dolan  
Toni-Lu Martin  
Donald Ploetner

MEMBERS EXCUSED: None

STAFF PRESENT: Autumn Sylvester, Program Coordinator  
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: None

**MINUTES CORRECTION/APPROVAL:**

Minutes were not available in time for this meeting.

Chairman Lundin welcomed two new members to the Open Space Committee: Mike Dolan and Toni-Lu Martin. He advised them that the Open Space Committee meets on the 4<sup>th</sup> Thursday of the month, with the exception of November and December, when it meets on the 3<sup>rd</sup> Thursday. There have been a number of meetings that have been cancelled; however, the Committee has been very active in the last year. The primary activity has been working to get the Open Space Trust Fund reauthorized. It was on the ballot last November and passed by 70%, carrying every municipality except for Walpack.

Chairman Lundin gave the new members a brief overview on the history of the Open Space Program. The Open Space Program dates back to 2002-2003. There was an initial referendum that established the Open Space and Farmland Preservation Trust and it was specifically dedicated at 90% for Farmland and 10% for Open Space.

The Open Space Committee was organized and put together an Open Space Plan, using consultants, Morris Land Conservancy, who is now known as The Land Conservancy of New Jersey. The Open Space Committee started taking applications from the municipalities. A criteria list was developed. During the first five years of the program, a number of applications that started did not get completed. The towns were unfamiliar with the process; they did not reach agreements with property owners, etc.

In 2005, there was the second Open Space Trust. This trust did not have the 90%/10% limit. It added another penny and a half to the permissible tax rate. This enabled the Committee to take applications year round. The first trust expired in 2009, and was not renewed. Even though the language of the trust that went before the people did not have the 90%/10% split, the Freeholders have kept to the 90%/10% split. In addition, over the last several years, the Freeholders have lowered the tax rate. They have also added some of the charges to the trust fund, such as salaries and County Counsel time to the trust.

The County's policy is that it will not own land; therefore, we are only able to preserve land with a municipality or a non-profit. A number of municipalities have used The Land Conservancy of New Jersey as their consultant. The County has always worked with partners, so there have been very few projects that have been paid for with County funds alone. Over the course of the years, there have been about 40 projects, 27 have been funded, and three are pending. Most of the projects that have come before the Committee have been funded. The three projects that are pending are working through the process; the funds have been encumbered. The Open Space Committee preserved 2,552 acres using the 10% of the trust. Of the 24 municipalities, 14 have used the Open Space Fund.

On the farmland side, there have been 17,674 acres preserved, for total acres preserved of 20,226. Combining the two, 16 of the 24 municipalities have used one or the other trust. The highest preserved town is Wantage with more than 6,000 acres, all farmland.

Mr. Lundin said the Open Space Committee has not seen a new application in the last two years, because of the economy and because the towns have cut back on their funds. Toni-Lu Martin asked if Mr. Lundin knew the budgetary amount each town has,

Mr. Lundin said that it depends on whether they have their own trust. It is typically at one or two cents of the tax rate, and that raises a different amount. He added that in order to qualify for a higher percentage of State matching funds, the trust has to be a minimum of one half cent. Over the last three years, the Freeholders have taken the trust to below a half cent. The County no longer qualifies for large amounts of DEP funds. Glen Schweizer clarified that the County can participate in partnerships with the State if the municipality has a half cent tax. There was some discussion on the preservation of the Francisco project in Andover Borough. There was also some discussion on permitted uses of the trust fund money.

Over the last six months, besides working on the referendum, the Open Space Committee has been working on a project that is being spear-headed by the William Penn Foundation, for water quality improvement matters for the Delaware River Basin. The Land Conservancy had a proposal before the County for the last five years for an update to the Sussex County Open Space Management Plan. The plan was very well written but it was non-specific. Eric Snyder, the County Planning Director, wanted to target the highest priorities of land. He was reluctant to use County funds to update the plan. The Land Conservancy and the County received a grant from the William Penn Foundation to update the plan. The Open Space Committee has been working with The Land Conservancy to update the plan.

Last fall, The Open Space Committee and The Land Conservancy met with every municipality to discuss what they saw as their open space issues. Hopefully, those discussions will generate some applications for open space preservation. There was overwhelming support for the program. It was also apparent that the towns would like to see small grant money made available for stewardship, maintenance and trail development. This may be prohibited by the current language of the referendum; there may need to be a change to the language.

The Open Space Committee has been developing a model with The Land Conservancy of areas' environmental factors, looking at water quality as the highest goal to identify lands for preservation. There was a presentation in December which was a summary of the meetings with the towns. Next month, The Land Conservancy will give a presentation on the efforts to update the plan. Autumn said she would provide the two new members with minutes from the last six months to a year to help them catch up.

Cliff reported that in November, the Open Space Committee sent a letter to the 2015 Freeholder Director requesting to meet with the Freeholder Board to talk about:

1. Implementing the Farmland Preservation referendum
2. To brief them on the Open Space Plan update
3. To discuss the rate of taxation for 2016 so as to qualify for the State match
4. A possible modification of the current informal allocation of revenues between farmland preservation and open space
5. A possible modification of the current informal policy regarding the rollover of open space allocations
6. Possible use of the trust for stewardship projects
7. 2016 appointments

Cliff explained that since the beginning of the open space tax, the allocation of funds was 90% to farmland preservation and 10% to open space conservation. If farmland doesn't spend all of their money in one year, it rolls over to the next year in the trust. If the open space does not use all of their money in any one year, it rolls over into farmland. He said if they could roll over the open space funds, two or three years' worth may allow them to participate significantly in a project. He added that there is nothing in writing, there is nothing adopted and there is nothing in the referendum that established the 90%/10% split and there is nothing that established the roll over policy. Glen suggested that they could petition the Freeholders to allow unspent farmland money to roll over into open space funds. Autumn said she has asked the County Treasurer to prepare the accounting sheets of the open space trust fund and the breakdown of all the financial information. She has not received it yet. She will send it to the Committee members when she receives it.

Cliff also said that the Clerk of the Board suggested that rather than meet with the Board as a whole, a representative of the Open Space Committee meets with the new Freeholder Liaison Carl Lazzaro. It took a while to schedule the meeting. The meeting happened at 4:30 yesterday. Cliff said he also had a chance to speak with Freeholder George Graham. Essentially, both Freeholders said that they would not consider raising the tax to a half cent. Freeholder Graham was very interested in the Open Space Plan update and he said he will attend the meeting next month. Freeholder Director Graham was open to the discussion about the 90/10 allocation. The initial allocation is 90/10 but if it is not spent on farmland, and that if open space has a good project, it could roll. The Freeholder Director was also very interested in the possibility of using some money for stewardship. He suggested that Cliff work with County Counsel to see if we can find a legal way to do it without having to go back out on the ballot. Freeholder Lazzaro said he had a conflict this evening, but he would try to get here for a little bit. If not this evening, he would attend the meeting month for a half hour. Cliff said he was unable to get any commitments, but the door is still open.

Cliff said he also had a chance to meet with County Counsel, John Williams. There are two current rail trails in Sussex County, which are run by the State: the Sussex Branch and the Paulins Kill Branch. There has been offered money by DEP to take a 7.5 mile stretch of former railroad line that runs from Sparta, passed Vo Tech, passed the Veterans Cemetery, through Lafayette and up to Hardyston. DEP would reimburse the County for any expenditure. The County would have to trim and cap the rail lines and at least one individual permit would be needed for wetlands and the DEP has assured them that it would go be granted. It would be a way of promoting ecotourism. The Freeholders have not been briefed on this yet. Mr. Williams asked Cliff to discuss this during his meeting with them. No County funds would go into this project, other than County staff time to administer the project. Cliff said he would like to discuss this with Mr. Williams and get a proposal written up and have it as an attachment to a letter to the Freeholders. It was brought up that the Chamber of Commerce is very much in favor of this project. This project runs through four towns: Sparta, Lafayette, Hardyston and Franklin. Donald suggested that the towns be asked for letters of support. Autumn said she is working on Resolutions from the towns. Cliff said he would like authorization from the Committee to have Autumn prepare a Resolution to the Freeholders over the next month. Glen suggested that the project be named.

**MOTION:**

A motion was made by Glen Schweizer that the Open Space Committee authorizes Cliff Lundin and Autumn Sylvester to prepare a Resolution and attachments regarding this rail trail project to the Freeholder Board. The motion was seconded by Lisa Chamings and carried unanimously.

There was some discussion on the current tax, the timing of the rollover from Open Space to Farmland and the permitted uses of the funds. Cliff asked that the Open Space Committee members give some of their background information for the benefit of the new members.

**CORRESPONDENCE:**

A. ARTICLES OF INTEREST:

Autumn provided the Committee with an article related to the Open Space, Farmland Preservation Bill. Cliff said the Governor pocket vetoed the Bill to distribute last year's funds referendum. Legislature adopted a Bill and both Houses passed it. Essentially, the Governor vetoed it because it made the decisions of how to allocate it. Without that, the Governor's budget can allocate it. The Governor is trying to allocate a lot of that money towards maintenance projects rather than acquisition.

Autumn said there was a good article in The Farm Bureau. The Farm Bureau was disappointed because without this, Farmland Preservation has run out of funds.

**OLD BUSINESS:**

A. OPEN SPACE PLAN UPDATE:

The Land Conservancy will attend the February 24th Open Space meeting to give an update of the plan. Autumn said she will speak with Barbara Davis to invite the towns to attend the meeting.

**NEW BUSINESS:**

None

**PUBLIC COMMENT:**

None

Lisa Chamings suggested that when Cliff meets with Freeholder Liaison Lazzaro, that he mention the amount of taxes that are collected from woodland preservation is huge compared to other taxes. She said most people think that all farmland preservation and open space takes tax dollars out of the coffers, when farmland preservation and woodland preservation actually put more into the coffers than someone paying straight farmland or regular tax.

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Mike Dolan. The motion was seconded by Toni-Lu Martin and carried unanimously. The meeting adjourned at 8:30 p.m.