

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

MARCH 27, 2012

The meeting opened at 7:32 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
Louis Caruso
Lisa Chammings
Wolfgang Gstattenbauer
Keith Utter

MEMBERS EXCUSED: Glenn Schweizer, Vice Chairman
Ailish Hambel

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

ALSO PRESENT: John Morgan, Andover Borough Mayor
Peter Pierson, Andover Borough Councilman

Chairman Lundin welcomed new Open Space Committee member Louis Caruso and asked him, as well as the other members to introduce themselves.

MINUTES CORRECTION/APPROVAL:

A motion was made by Lisa Chamings to approve the Minutes of September 29, 2011 as presented. The motion was seconded by Wolfgang Gstattenbauer. All were in favor, with abstentions from Louis Caruso and Keith Utter. Motion carried.

It was noted that a quorum was not present for the meeting of November 17, 2011. Therefore the document to be approved is a record of the meeting and not Minutes. A motion was made by Wolfgang Gstattenbauer to approve the record of the November 17, 2011 meeting as presented. The motion was seconded by Cliff Lundin. All were in favor, with abstentions from Louis Caruso, Lisa Chamings and Keith Utter. Motion carried

CORRESPONDENCE:

A. CONTINUATION OF TERM, C. LUNDIN, 11/16/11:

A letter from Cliff Lundin to Freeholder Director Richard Zeoli was received. Mr. Lundin expressed his desire to remain on the Open Space Committee.

B. RESIGNATION LETTER, L. INTOCCIA, 11/26/11:

A letter from Lori Intoccia was received. She thanked the Open Space Committee for the opportunity to serve on the Committee but, because of her schedule, she resigned from her position.

C. APPOINTMENT OF LOUIS CARUSO TO OPEN SPACE COMMITTEE, 1/3/12:

A letter was received regarding the appointment of Louis Caruso as a member of the Open Space Committee. Mr. Caruso's appointment began on January 1, 2012 for a three year term to expire on December 31, 2014.

D. SIGNAGE ON SCHULER PROPERTY, THE NATURE CONSERVANCY, 2/21/12:

Donna said part of the closing documentation asks the applicant to erect a sign stating that the parcel is part of the Sussex County Open Space Program. On the Schuler property in Stillwater, there was not road frontage on the Sussex County side, so they asked to be excused from this request. After discussion with County Counsel, they were advised that they do not need to have signage on this particular parcel on the Sussex County side.

E. ARTICLES OF INTEREST:

There have been a number of articles regarding Open Space that Donna brought to the attention of the Committee. There was a Press Release in January from DEP about a new mobile phone application to help visitors plan their trips to New Jersey's State

Parks, Forests and Historic Sites. The free Pocket Ranger application provides information on activities, amenities and services directly to users' smartphones and is part of the Christie Administration's plan to make the park system more self-sustaining, while improving visitor services. The applications can be downloaded at www.StateParkApps.com. Information is also available on the Sussex County Website.

The New Jersey Audubon Society announced the launch of their new NJ Audubon eBird regional portal. The site will give birders access to news and information about current events in NJ birding, feature articles, bird identification tips, rare bird alerts, avian citizen science programs to participate in, and bird programming opportunities through NJ Audubon. eBird is free and can be used by beginners and experts alike. Visit <http://ebird.org/content/nj> for more information.

There have been a number of articles on windmills and birds. Birds are protected under the Migratory Bird Treaty and yet there are significant bird kills being reported on windmill farms throughout the country. The windmill farms are not regulated relative to threatened and endangered species. American Bird Conservancy feels there should be some regulation and they've made a petition to the Department of the Interior to establish a mandatory permitting system for wind energy projects and mitigation of their impacts on migratory birds.

There have been articles about this past winter being an exceptional year for Snowy Owls. Scientists believe a few years ago there was an abundance of lemmings which is the food supply for Snowy Owls. With a good food supply, more of the young survived. The young ate up the food supply and the lemmings did not repopulate, so the Snowy Owls are moving into the lower 48 states to find food.

Lisa Chamings mentioned that she and Cliff Lundin were also reappointed to the Open Space Committee for a three year term from January 1, 2012 to December 31, 2012. Donna said she did not have a copy of the reappointment letter or the appointments for Chairman and Vice Chairman of this Committee. She asked the Recording Secretary to locate those documents.

OLD BUSINESS:

A. UPDATE ON 2011 OPEN SPACE APPLICATION:

Donna said in 2011 there was one application for Open Space Preservation from Andover Borough. The Committee supported the application and made recommendation to the Freeholder Board. The Freeholder Board tabled the application. Recently Donna received an inquiry from The Trust for Public Land asking for the status of this project. She said she talked to her superiors about this but was unable to get an update.

Chairman Lundin explained that the Open Space Committee requested funding for this project but the Freeholders were hesitant because the project was in a designated center and growth area and was within a certain distance of a train station.

Donna said yesterday she received the Andover Borough Adopted Amendment to the Master Plan, which is their Open Space and Recreation Plan. It included the report from Conservation Resources. Donna copied pages nine and ten which discussed the Open Space map and the Application. Page nine references coming before the Open Space Committee but later on in the paragraph it states that the Borough also plans to submit an application to the Sussex County Open Space Program for matching funds from the County's Open Space Trust. She asked representatives from Andover Borough to explain that.

The meeting was opened to the public.

Kathy Haake, Trust for Public Lands said that was probably a mistake and said it might apply to a future different project. Ms. Haake said appraisals are in for the Andover Borough Project and they support the value. She added that the appraisals and purchase price are confidential. They've started their Environmental Assessment and expect to receive it shortly. Andover Borough submitted a Green Acres application. They've completed their Open Space Plan and they will be eligible for the next round of funding. They have received a commitment from the State but it is not known how much funding they will receive. Andover Borough will have Open Space tax dollars available but it is not yet known how much they will contribute to the project. There is a possibility that the Borough will buy a couple of these parcels for non-Open Space purposes. If they do, that will probably reduce the amount of Open Space dollars for the project. John Morgan, Mayor of Andover Borough said they just authorized an Open Space tax of four cents.

Ms. Haake said the State is committed to the property and wants to see the majority of the land added to Kittatinny Valley State Park. Mr. Morgan said when the Freeholders pulled the item off the Agenda, he had a subsequent meeting with them. They agreed that they wouldn't let those dollars revert to Farmland Preservation dollars until the Borough gets back to them with more information. He thinks once they have information from the State, the Freeholders will readdress it. When asked how long that would be, Mr. Morgan felt it would be a couple of months. Donna said the Planning Incentive Grant money will lapse in November.

Mr. Morgan said the Freeholders were concerned about preserving a growth area. Freeholder Director Phil Crabb said they were going to let the Borough do what they wanted to do; however, they may not provide the funding. Ms. Haake said aside from the Borough buying some parcels, they also have at least two buyers who are interested in buying some parcels of land. Because Open Space funding is so limited, they have the opportunity to maintain some portions of the property as tax ratables.

The meeting was closed to the public.

B. UPDATES ON EXISTING PROJECTS – LAFAYETTE, LAWLER; VERNON, STANHILL CONSERVATION:

The Schuler project, from the 2010 round, closed. There are two outstanding projects. There was a parcel in Lafayette and a parcel in Vernon. Donna said she reached out to both municipalities over a month ago for an update. She received a letter from Lafayette Township and she read part of the letter to the Committee. Lafayette Township advised that the project is moving forward and that they have a signed contract for the sale. They have encountered some minor problems. Because some of this property was used in past years for farming, they decided to do a site inspection for presence of historic pesticide contamination. Of 14 samples, one contained slightly elevated arsenic levels. They have to do some additional investigation. They advised that the lab work will take about one month and that Green Acres is supporting this project and will be purchasing some of the property directly.

Donna said she approached Vernon Township on February 29 and spoke with their Municipal Clerk. The Clerk was not familiar with this project (Stanhill Conservation Project on Black Creek Drive.) The Grant Agreement went out April 1, 2011 and has not yet been returned. Donna said she checked with the Clerk at the Freeholder Board and she has not received the Grant Agreement either. After numerous attempts to get information from Vernon Township, Donna received a call this afternoon and was told that at the Council meeting, the Council President said they do not wish to move forward with this project. Donna said the project remains active until she gets the withdrawal from the Township in writing.

NEW BUSINESS:

A. APPROVAL OF 2012 OPEN SPACE MEETING DATES:

The Committee was provided with the Open Space Meeting dates for 2012. The meeting dates are set for the fourth Thursday of the month, except for November and December, where they were moved to the third Thursday.

MOTION:

A motion was made by Wolfgang Gstattenbauer to accept the Open Space Committee meeting dates for 2012 as presented. The motion was seconded by Keith Utter and carried unanimously.

B. RAIL TRAIL UPDATE:

At the last few meetings, Donna talked about the Rail Trail Guide that the Sussex County Chamber of Commerce put together with the assistance of the County GIS Department and input from the Planning Department. Donna serves on the Chamber of Commerce Rail Trail Committee and at a meeting last Friday there was a presentation by Steve Ellis, from the State. He talked about \$51 million in funding

that is available to the State from the US Conservation Fund. At a meeting yesterday there was discussion on how some of that money could be applied toward the Paulinskill and part of Sussex Branch Trails in those areas. There are still a few bridges that need repairs or upgrades; there is a stretch in Byram that needs repairs; a potential connector on Waterloo Road to Morris Canal; some surfacing end-to-end of the trail and playground equipment at the main park at Kittatinny Valley State Park. It was estimated that this work would cost less than \$4 million. That and a number of other suggestions will be forwarded to Steve Ellis. There are also other projects that Mr. Ellis is looking at that are outside the County dealing with Old Mine Road and Appalachian Trail shelters. Donna said FEMA has also granted money for some of the more southerly parts of the trails that could help with some of the washout areas after Hurricane Irene and Tropical Storm Lee.

The Rail Trail Committee had an interesting presentation by another State Park Employee regarding OPDMDs, Other Power Driven Mobility Devices. This is part of the ADA, American Disability Act and says that there can be non-discrimination on the basis of disability in the State and Local government services. Part of that deals with the State Park system that says that you can't restrict the use of wheelchairs and manually powered mobility aids and other power driven mobility devices. This means that potentially any trail needs to be open for motorized access. This could be a golf cart, Jeep, an ATV, etc. There are ways in which there can be some restrictions. You can look at the type, size, weight, dimensions and speed of the device, for example, saying it cannot go over 5 mph, the average walking speed. You can look at the volume of pedestrian traffic and that may vary depending on the day, time and season. You can look at the facilities design and operational characteristics, whether there are safety requirements established to permit safe usage. You can also look at whether the use of such a device would create a substantial risk or serious harm to the environment, horticultural or historic aspect of the area. Every State Park is going to have to come up with a plan, trail by trail.

A Trail Pocket Guide is coming out from the Chamber of Commerce in about a month. This will be a supplemental piece to the existing Rail Trail Brochure. They are also doing a Newsletter and are looking for volunteers to do cleaning on trails. Donna said Eric Snyder, County Planning Director suggested that the Open Space Committee identify some of the municipal parks, properties or greenways to see if there is potential for Greenway connectors between the rail trails and municipal lands. This may get the municipalities to start thinking about future projects.

The Committee was provided with a copy of the Rail Trail Guide and asked to jot down areas in their own municipality or areas they are familiar with, other greenways or open space lands that may have the potential to link to some of the trails. Donna asked them to e-mail her some ideas before the next meeting so it can be sent to the other members for discussion.

C. REVIEW RULES AND REGULATIONS AND OS APPLICATION:

The Committee members were provided with a copy of last year's Open Space application which included criteria and additional application requirements. Typically this goes out late spring. This application has been revised every year but did not require any more revisions in the last two years. The Committee reviewed the application. Cliff Lundin said the application should ask if the project is in a designated center or growth area. Donna suggested it should read designated growth area, center or Highlands, Planning or Preservation. Cliff also suggested asking if there is an option agreement and date of expiration under the Project Status section.

Donna said some of the Application Requirements were based on discussions with County Counsel and the County Engineer. She reviewed this document with the Committee members. It was suggested that dates be requested for the status of development applications on the property.

Donna said she will make the changes they talked about so far. She asked them to look over the document and send her whatever changes they may have. In about a month she will have an idea of how much funding is available. At the next meeting they can discuss the funding and what their course of action will be.

The Committee then looked at the Open Space Rules and Regulations. Donna said there were a number of changes back in 2002, 2003 and 2004. This pre-dates the second referendum that went before the voters. Donna made some notes in the introduction and said she needs to add the second ballot question and the results and add the sunset of the first ballot question. She questioned the need for III, E, the line that allows the Open Space Committee the right to extend the application deadline by 30 days. She also suggested adding designated center or growth area to IV, Ineligible Acquisitions. Donna said she needs to rewrite the entire Allocation of Funds section with County Counsel's input. On page 4, fourth paragraph, 90 days should be changed to 30 days. In that same paragraph, last line should say, "...not to exceed a total timeframe of two years." The Rules and Regulations also say that the Committee will periodically reexamine the Open Space and Recreation Plan. The Committee agreed to remove the line saying there should be an alternate member. In Definitions, the "Department of Planning" will be changed to the "Division of Planning." Under Farmland Preservation Project, it should read, "Agriculture Retention and Development Act." Donna asked to Committee to go over the Rules and Regulations for discussion next month. She also asked them to bring in their copy of the Open Space Report.

There was a discussion about asking the towns to attend an Open Space meeting to show where their municipally owned lands are located. Donna said this was a good way to utilize the Open Space Committee's time so that when the economy changes they can move ahead with preservation projects.

PUBLIC COMMENT:

John Morgan said on Friday he spoke with Rich Osborne from Green Acres. Mr. Osborne indicated that the State purchased a piece of property in the Borough south of the tunnel on Route 206 on the right hand side and adjacent to the rail trail. They anticipate that they will turn it into a parking lot or for access to the rail trail. Mr. Morgan said the Borough was unaware of these plans.

Ms. Haake said the State wants more parking areas. They have a parking lot on the east side of Rt. 206 at the northern end of Andover Borough. They also want a parking lot on the west side, so that people don't have to cross the highway. There was some discussion on the feasibility of the plan.

Peter Pierson asked if Lehigh Hudson will be a rail trail. Lisa Chamblings said it is already on the Rail Trail Guide. Ms. Haake said there are two issues with that trail. They don't have access from the Paulinskill Trail to Rt. 206. At the other end of Andover Borough, farther south where it goes into Green, there is a tunnel and someone privately owns a piece of it on the other side of the tunnel. She feels until they resolve those issues, they are not going to build the trail.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Lisa Chamblings. The motion was seconded by Wolfgang Gstattenbauer and carried unanimously. The meeting adjourned at 9:15 p.m.