

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

APRIL 23, 2015

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 (7:34 p.m.)
Wolfgang Gstattenbauer
Wes Powers

MEMBERS EXCUSED: Donald Ploetner

STAFF PRESENT: Autumn Sylvester, Program Coordinator
Rudy Dragan, Planning Aide/Recording Secretary

ALSO PRESENT: Richard Vohden, Freeholder Liaison
Ed Sabo, Stillwater Township
Jack Branagan, Stillwater Twp Environmental Commission
Sara Branagan, Stillwater Township
Russell Law, Hamburg Borough
John Morgan, Andover Borough Mayor
John Young, Hopatcong Borough

MINUTES CORRECTION/APPROVAL:

A motion was made by Louis Caruso to approve the Minutes of March 26, 2015, as presented. The motion was seconded by Wolfgang Gstattenbauer. All were in favor, with an abstention from Glenn Schweizer. Motion carried.

The Agenda was amended to New Business, A.

CORRESPONDENCE:

A. ARTICLES OF INTEREST:

Autumn provided the Committee with an article from the NJ Herald that discussed a report from the National Parks Conservation Association. It looked at the economic impact of the Delaware Water Gap National Recreation Area. It said a \$1.00 of federal investment in the park multiplies to \$24.00 in sales at local businesses, which resulted in a total economic impact of \$219 million. It supported 2,232 jobs, which themselves account for \$97 million in wages and salaries. The area draws three to four million visitors and sends \$2.5 just in taxes into local and state government coffers.

Autumn said this information is Important to get out to the public. Ms. Chammings said that it is an educational component and that not everyone reads The Herald. Mr. Lundin said the Delaware Water Gap National Recreation Area is doing a re-evaluation of their overall Visitor Management Plan. They've had a couple of public hearings and are taking comments until April 30. This report was prepared in conjunction with that effort as to the positive economic impact. Autumn said the report is about 24 pages and talks about where specific dollars were spent. If you go to the website, you can access the report.

Autumn also provided an article about the Open Space State Ballot question and the funding allocation. It gives an overview and a breakdown of the two Bills before the Assembly and one Bill before the Senate as well as the Governor's Budget proposal.

The two Bills before the Assembly are almost exactly the same Bill. It allocates the most funding, about 55%, to Green Acres; 36.5% to Farmland Preservation; 3% to Blue Acres; and 5.5% to Historical Preservation. The Senate Bill allocates 64% to Green Acres; 29% to Farmland Preservation; 4% to Blue Acres; and 3% to Historic Preservation. There is also a further breakdown of the funding. The Governor's Budget proposal is a lot different than the two proposals before the Legislature. It is about \$27.9 million in loans and grants for the preservation and acquisition of lands for recreation and conservation; \$16.9 million to the Department of Agriculture for Farmland Preservation; \$1.4 million for Historic Preservation; and \$20 million for the stewardships of State Parks. That includes the salaries and wages of State Park

employees. This is typically paid for in the general budget. The Governor is appropriating funds from the new corporate business tax to now pay for the salaries. Also, there is \$13.9 million that is allocated through the general budget for capital improvements.

Mr. Lundin said the Corporate Business Tax related to an earlier Corporate Business Tax dedication that went to watershed planning and watershed efforts. In the last few years, they were using the watershed money for things like weed harvesting in Lake Hopatcong or things in other State Parks. The Legislature's proposal does not provide any of that money at all. The CBT money that used to pay for them is no longer there, so those projects are eliminated. Somewhere in that \$20 million, the Governor's Budget may provide for this. In reality, the Senate and Assembly Bills are closer to it than what the Governor came up with. The money they diverted from the Corporate Business Tax for the watershed paid for some very valuable projects that have got to be replaced. Autumn said it was not presented to the public that those projects would not be funded at all. Mr. Schweizer said he believed there was a suggestion that, over a short period of time that the funding would return to the original amounts. Autumn said she did not think the funding will ever return to the original amounts. It is proposed to increase to seven or eight percent in 2019.

OLD BUSINESS:

None

The meeting was opened to the public.

NEW BUSINESS:

A. OPEN SPACE PLAN UPDATE DISCUSSION:

Municipal Outreach – Cliff Lundin said Municipal representatives were invited this evening because 2015 is a critical year for Open Space and Farmland Preservation protection within Sussex County. The County's preservation efforts fall within two groups: The Open Space Committee and the Agriculture Development Board. The program has been in operation for 15 years. In that timeframe, 16 of the municipalities in Sussex County have taken advantage of one or both of programs. For Farmland Preservation, the County has preserved 178 farms, or 17,674 acres. For Open Space, 14 municipalities have participated and there have been 2,552 acres preserved. Combined in 15 years, the County Farmland Preservation and Open Space acquisitions have involved 16 municipalities and 20,226 acres. The program originated with a public referendum ballot question on the November 2000 ballot. That bond question had a 90/10 split. 90% of the funds raised were to go to Farmland Preservation and 10% were to go to Open Space Preservation. It authorized up to two cents per \$100.00 assessed valuation.

There was a second ballot question in 2005 that did not have the 90/10 split. That authorized an additional one and a half cents on the tax rate per \$100.00 of assessed valuation. Therefore, at one point, the tax was three and a half cents. Both authorizations were only for a 10-year time period. On January 1, 2011, the first ballot authorization for two cents expired. It was not renewed, it was not reauthorized, and it was not put back up on the ballot. Since 2011, the County has been functioning under the second ballot question, which has a maximum of one and a half cents per \$100.00 of assessed valuation. Because of economic conditions, the Freeholders have annually not taken out the full amount. The tax is now down to one third of a cent, about one fifth of what was authorized. Since 2010, even though it is not mandated under the authorization, the County still kept to the 90/10 split.

The Open Space Committee wanted to get some discussion going, because as of January 1, 2016, the second authorization expires. So this time next year, unless something happens, there will not be a County Farmland Preservation or Open Space Trust. For the funding to continue, the tax must be reauthorized. He believes it is better sold as a continuation of an existing tax rather than to let it lapse and then try to bring it back. In order to get this Referendum on the ballot, the Freeholders have to act by no later than August 20. That is 75 days prior to the election on November 3. Convincing the Freeholders to put it on the ballot cannot be done by the Farmland Preservation Board and Open Space Committee alone. Mr. Lundin said on Monday, he attended the County Ag. Development Board meeting to present them with this same issue. They are fully in support of looking to continue the Open Space and Farmland Preservation Trust Fund. He asked them to appoint a representative to accompany him when they go before the Freeholders. Mr. Lundin also said the two Committees cannot do it alone. They need to hear from the municipalities whether or not Open Space efforts should continue. The County Planning Director said the Freeholders need to hear from the Mayors and Councils that Open Space and Farmland Preservation are still important.

Mr. Lundin said the municipalities are the Open Space Committee's constituents. The very fact that we're here 15 years later, shows that it is good time to be doing an evaluation of the program.

A County Open Space Plan was done in the early days of the program. It is a very well-written plan, but it doesn't look at specific tracts. It also does not talk about getting municipalities to work together. In addition, there have been criticisms over the years about the difficulties in getting through the program. The Committee is interested in hearing from the municipalities how the program worked or hasn't worked for them. The Open Space Committee is looking to update the Open Space Plan. It can be done in one of two ways. It can be done in-house and last year, the County started this effort by having an intern work with Autumn. Secondly, an opportunity came up where the Land Conservancy of New Jersey (who is a consultant for many of our towns) found out about a grant program through the William Penn Foundations. Initially, the Planning

Director said that he wasn't ready to authorize that. Mr. Lundin said that on Monday, he and Glenn Schweizer participated in a conference call with the Planning Director and the Land Conservancy of New Jersey. He believes that Mr. Snyder's concerns were resolved. The grant application went in yesterday. If that grant is funded, we will be able to rewrite the plan with a professional consultant. If the grant is not funded, the plan will be updated in-house.

Mr. Lundin said he is looking for input as to what is going on in the towns, how the existing program is working and how can the program be improved. He drafted some sample Resolutions that the towns can ask their Mayors to adopt.

Mr. Lundin said environment doesn't stop at the town line and that projects that connect municipalities probably have a much better chance of being funded. He said they've seen some exciting possibilities in the last few years where towns have gotten together and came up with linkages that they didn't know existing before they exchanged their maps of open space. He would like to get some discussions going between neighboring municipalities. He would also like know if there are any changes to be made to the Open Space maps that the County sent out to them.

Mr. Lundin said he is from Hopatcong and that Hopatcong did a project with Byram and Stanhope two years ago with funding through ANJEC (the Association of Environmental Commissions.) They linked the trail networks of Byram, Stanhope and Hopatcong together at the historical railroad bridge over the Lackawanna cutoff on Sussex County Route 605. That project worked so well that they are now on a second project where they are crossing County lines to work with Jefferson, Mt. Arlington and Roxbury. Within two years, they will have a trail through the woods, circumventing Lake Hopatcong. They received the seed money for this project from the Lake Hopatcong Foundation. When they first began this discussion, the trail network land was already municipally owned, except for three minor parcels.

Mr. Lundin introduced Richard Vohden, the Open Space Committee's Freeholder Liaison. He opened the meeting to the public.

Russell Law, Hamburg Borough thanked the Open Space Committee for the invitation. He said he has been on the Hamburg Borough Council for one year and that he is interested in taking some sample Resolutions. He said Gingerbread Castle is in his town and they are very interested in saving it. When asked if there was a municipal Open Space Tax in Hamburg, Mr. Law said that there was.

John Morgan said he is the Mayor of Andover Borough and that he has spoken to the Open Space Committee in the past. He said if it wasn't for County funding, they probably would not have been able to preserve the Francesco Farm. Andover Borough is definitely in favor of Open Space funding. He said he does have a change to the Borough's Open Space map and he will take a sample Resolution back to the town. Mr. Morgan said Andover Borough was originally designated as a center and because of

that, it was thought that they were not eligible for Open Space or Farmland Preservation funding. They are no longer a center and that opened up that avenue for them. Since they preserved the Francesco, two other parcels have been preserved in the Borough. One just south of the tunnel on Route 206 and one east of Route 206 between Route 206, Mohawk Road and Roosevelt Road. These parcels were preserved with State funds. One of these parcels provides access to the rail trail. At one point there was some discussion to put in a parking lot near the access point. Mr. Lundin asked Mr. Morgan if the Open Space process was easy enough or were there things that could have been done to make it go smoother. Mr. Morgan said it wasn't easy because of the center designation issue. Other than that, it went smoothly. Mr. Lundin said there was a problem with getting all of the partners together with the funding. Mr. Morgan said it was a very large and expensive project because of an approved development plan for 591 housing units. There were 20 acres left out of that acquisition that included the farm and buildings. That has now been sold and it looks like it will remain a farm. When asked, Mr. Morgan said the farm is not deed restricted.

Jack Branagan said he and Ed Sabo are on the Stillwater Township Environmental Commission. Mr. Branagan said Stillwater Township is certainly in favor of Open Space and he too is interested in taking a sample Resolution back to the Township. He brought with him the most recent map of the open space in Stillwater. He said there are probably a number of additions that should be made to the County map. The township would like to preserve as much land as possible. When asked how he would respond to those who say we already have too much of the County preserved, Mr. Branagan said he is not sure how he would answer that question but he feels that most people moved here because it is such a magnificent County. It is so rural and he would like to keep it that way. Mr. Lundin asked Mr. Branagan about his experience in going through the Open Space Preservation process. Mr. Branagan said he personally wasn't involved in the preservation process at the time. He provided the Committee with the town's Open Space map that was updated in 2014. Lisa Chamming said the Syberg Farm should be added to the map. There is also a parcel off of Stone Church Road that is probably not on the map.

Ed Sabo said the fact that Lisa Chamming is involved with the Environmental Commission and attends the meetings makes the preservation process easy for them. When Paul Klimek was Mayor, he had to address a lot of these issues personally and he kept the Commission informed on what was happening. As his role diminished, the Commission was forced to take a closer look at those issues. He encouraged the Open Space Committee to keep the towns informed.

Mr. Branagan said the Stillwater Township Environmental Commission all agreed with the Educational Segment of the municipal questionnaire. This segment talked about why open space is important and how it affects the taxes. Mr. Lundin said he and Autumn had a conference call with Tom Gilbert, Trust for Public Lands, this past month. Mr. Gilbert acted as a consultant for Hunterdon County when they went for a

renewal of their ballot question a couple of years ago. Trust for Public Lands said you have to work on a Public Education Program up to six months before the Referendum question and have to be able to answer questions. Mr. Gilbert provided all the information that they generated for Hunterdon County, which can be used as a base for Sussex County.

Mr. Sabo recognized Wes Powers who helped Stillwater Township in the past. He said the impact of State property on the town had a tremendous effect on what the town was trying to accomplish in the Lake Association, the Fishing Club and the Environmental Commission. He thanked him for his help.

John Young said Hopatcong Borough also supports the Open Space Program. He would like a copy of the entire sample Resolutions. Hopatcong Borough has an Open Space Tax and they have used County funds in the past. They did not experience any problems with the program. He said the State just acquired a 250-acre tract of land which adjoins the Hopatcong preserved property. Mr. Lundin said the property was acquired with federal money under the Forest Legacy Program.

Sara Branagan said she is from Stillwater Township and that she works for the County Public Library. In her office she has a lot of the documents from the past regarding Green Acres and Open Space. She wanted to know if the Open Space Committee planned to put together a package that would be accessible to the public online or are they going to publish something that can be available at the libraries. Mr. Lundin said that will depend on how much leeway the Freeholders give to the Committee. Conjecturing, they may say they are going to put it on the ballot but take no official position on it. If that is the case, the Open Space Committee cannot say anything but they can encourage the private groups for input.

Freeholder Liaison Richard Vohden said that Sussex County has an award-winning website for the most informative and transparent website in the nation. Open Space information can be found under Departments, Planning, Open Space, GIS mapping.

Freeholder Vohden asked for statistical information regarding Farmland Preservation and Open Space Conservation. He also asked for a map of preserved farmland and open space and a combined map if it was available. He said he did bring up the tax sunset issue at the last Freeholder meeting and plans to bring it up again at the next meeting. He would like to discuss the percentages of votes that passed both referendums. Mr. Lundin said it has been pointed out to him that it needs to be clear that this is a local tax and locally controlled. The money is not going to the State. Freeholder Vohden agreed that it would be easier to sell this as a reauthorization of an existing tax rather than to create a new tax. Autumn said there were some problems with getting all the farms on a combined map but that she is working on this with GIS staff. Mr. Lundin proposed that the Open Space Committee send a letter to the Freeholders to request placement on their Agenda over the next month to discuss the

referendum. He said he would like representatives from the Ag. Development Board to attend the meeting as well.

A member of the public asked what tax rate will be requested for the reauthorization tax. Mr. Lundin said the current tax says "up to one and a half cents per \$100.000." That is the maximum. In the version he wrote, which will go to the Freeholders, he had the minimum of a half a cent to a cent and a half. The reason he did this is because the half cent allows the County to qualify for State matching funds. Freeholder Vohden said last night the Freeholders approved a levy of .023 per \$100.00.

The same member asked if the number of preserved acres for Open Space includes lands preserved through The Nature Conservancy. Autumn said the number represents only those parcels that were preserved with County Open Space Trust Fund dollars. There may be other parcels that were preserved through private entities or even completely funded through the State.

Glenn Schweizer wanted to clarify that the grant application by The Land Conservancy was well written. It was hastily submitted because the deadline was Wednesday and the decision to support the application by the County wasn't made until late Monday. Mr. Lundin thanked Mr. Schweizer for taking the time for the conference call to the County Planning Director.

Wes Powers said it is a hard sell when people say that open space impacts them personally on their taxes. He said he lives in Sandyston Township, which is approximately 70% open space between State and Federally owned lands. There really isn't a lot of developed area within the municipality other than Kittatinny Lake and a few small alcoves. There is a tremendous quality of life in Sandyston Township. He said when you look at the proximity to the New York and Pennsylvania borders, the costs of construction and the difference in environmental regulations on the other side of the river, the folks in Sandyston Township are kidding themselves if they think somebody is going to come there and build a WalMart or something that is going to lower their taxes. When you look at how development occurred on the other side of the river, it is easy to picture what the future would have been on this side also. He said he is a tremendous advocate of open space and that he has spent his career working on it.

Wolfgang Gstatenbauer said he is happy to say that Frankford Township reauthorized open space money. He said everything can't be preserved but both the town and County Open Space Committees are looking to strike the right balance.

Lisa Chamming thanked the towns that attended this evening. It assists the Open Space Committee in hearing their needs and concerns. She invited them to attend the meetings anytime they wish. In terms of education, she feels the Committee needs to focus on educating the taxpayers' future monies. Many taxpayers see it as money out of their pockets and they do not fully understand the full value of open space vs.

developed land. Autumn said she could do a cost benefit analysis of a typical five-lot subdivision using the housing multipliers. Ms. Chamming said that would be of benefit to the taxpayers as well as the Committee.

Louis Caruso said last month Daniel Conkling from Green Township attended the Open Space Committee meeting. Green Township is trying to connect some trails and that there are some prospective opportunities to link Allamuchy to Andover Borough. They are working with a business in town to get around it. There is a parcel that the town owns, but they are having a tough time with the Committee. They are also looking at a link in Frelinghysen. He agrees with Ms. Chamming that education of the public is important and said cost benefit analysis would be very helpful. He also thanked the towns for attending the meeting. He asked Mr. Lundin what the next step was. Mr. Lundin said when we return to the regular agenda, he was going to suggest that the Committee authorize a letter to the Freeholders requesting time on an upcoming agenda, probably in May or early June, to present this. He will bring the Sussex County Agriculture Committee with him. The entire Open Space Committee is welcomed to attend.

The meeting was closed to the public and returned to Review and Approval of Minutes.

B. OPEN SPACE TRUST FUND REFERENDUM:

Review of 2005 Ballot Question - Mr. Lundin said he drafted a Resolution and that if the Referendum is to appear on the November ballot, the Freeholders will have to adopt it by August 20, 2015. He asked for a motion authorizing him to go before the Freeholder Board to request that they consider a Referendum in November. Mr. Schweizer said if they do go before the Freeholders to make a pitch for the Referendum, it should be timed so that you have as much municipal support as possible. If it is between May and June, he suggests that they choose the June date to allow more time for the educational component and more time to build a consensus among the municipalities to strengthen the argument. Mr. Lundin agreed that the first Freeholder meeting in June would be ideal. Autumn said if the Freeholders will need to approve a formal Resolution; it needs to go into the County's On-Base system about three weeks prior. Mr. Lundin said the Committee should work on the letter now and the Resolution at next month's meeting. Autumn will send the draft Resolution to the Committee.

MOTION:

A motion was made by Wolfgang Gstatenbauer that the Open Space Committee sends a formal letter to the Freeholders requesting time on the Agenda for their first meeting in June. The motion was seconded by Louis Caruso and carried unanimously.

Ms. Chammings said when that date is requested, some form of communication to the municipalities may bring some of them to the meeting.

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion was made by Lisa Chammings to adjourn the meeting. The motion was seconded by Glenn Schweizer and carried unanimously. The meeting adjourned at 8:50 p.m.