

MINUTES CORRECTION/APPROVAL:

A motion was made by Donald Ploetner to approve the Minutes of April 28, 2016, as presented. The motion was seconded by Glenn Schweizer. All were in favor, with abstentions from Louis Caruso and Lisa Chammings. Motion carried.

CORRESPONDENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

A. OPEN SPACE PLAN UPDATE – DRAFT REPORT PRESENTATION;

Chairman Cliff Lundin welcomed the members of the public who attended the meeting. He said this is a preliminary public hearing for the draft updates of the Sussex County Open Space and Recreation Plan. A formal presentation will be made to the Freeholder Board on July 13. They may or not vote on it at that time, but they will take comments. Mr. Lundin said if there are any corrections to be made; the Open Space Committee needs to hear about it in order to make the corrections. This is a new, more targeted approach for open space acquisitions in Sussex County. The presentation will be made by Barbara Davis, of The Land Conservancy of NJ. Mr. Lundin turned the meeting over to Ms. Davis.

Barbara Heskins-Davis said she is the Vice President of Programs at The Land Conservancy of New Jersey. There was an intense lobbying campaign to let the municipalities know that the plan was out and available for review. She said there was a good response to the release of the plan on the County's website. She also said she sent Autumn Sylvester a copy of tonight's presentation and that it can also be put on the County's website.

The presentation is to review the update to the 2003 Open Space and Recreation Plan, which is still in draft form. She believes it met the goals but it doesn't mean that's the final word. Ms. Davis did a Power Point Presentation of the plan.

The mission was to address three things: Trails, Land Stewardship and Water Resources. The plan is divided into those three sections. A very complete inventory was conducted of existing trails of Sussex County; a complete analysis of what stewardship means and there was discussion about modeling water resources and identifying priorities.

Ms. Davis said the first thing the Open Space Committee did was to review the goals for the Open Space program. The goals were outlined on the presentation which included

an added goal, to engage in land stewardship activities. This was a direct result of the municipal outreach meetings which were held in October and November 2015. Nearly every community said that land management was becoming more and more important.

The Trust Fund has collected just over \$36 million since it was established in 2000. It spent \$34 million. There are many counties that have collected money and have allocated money, but haven't necessarily spent the money. Sussex County has a good record of allocating and spending the money. She included a brief history of how the Trust Fund has been set up. It was established in 2000, and in 2005, there was an additional tax. In 2015, it was approved to continue with a 70% approval rate. From 2012 to 2016, the Freeholders have chosen to keep the rate, bringing just under \$400,000 per year. They have dramatically cut back the amount that is collected per year. Mr. Lundin said that of the \$36 million, the bulk went toward Farmland Preservation. In addition to the County Trust Fund, there are 12 of the 24 municipalities that also have a local Open Space Trust Fund. They were listed on the presentation. In total, they've collected just over \$14 million for open space and farmland preservation.

Sussex County submitted its 2003 Open Space and Recreation Plan to the State of New Jersey to be enrolled in the Planning Incentive Program for land acquisition. This brought in funding from the State for open space preservation to supplement the County Trust Fund. The County has received just over \$2.6 million in land acquisition grants for open space. In addition, 10 Sussex County municipalities have also applied to the State for land acquisition funding. That's totaled just under \$11 million. Money from non-profit organizations and outside foundations have also been used for projects.

The plan goes over trails, public lands and preserved lands. A map showing the lands was presented. Ms. Davis asked the towns to let her know if there are any discrepancies with the map. There are 322 miles of blazed and maintained trails on State and Federal lands in Sussex County. The plan goes into a lot of detail about the location of the trails. There are also pictures of some of the other alternatives to the more traditional trails, such as cycling trails, water trails and regional trails. The plan not only looks at what is preserved and what may be protected, it also looks at lands that need land management. Those properties may be on publically owned land that is not necessarily permanently protected. Sussex County has 144,261 acres of publically-owned and preserved land. That is 42% of the total County land area.

Ms. Davis said she and the Open Space Committee also worked with Nathaniel Sajdak of the Wallkill River Watershed Management Group to talk about priority stewardship in Sussex County. Mr. Sajdak worked with his staff to go out with members of the Open Space Committee and The Land Conservancy to show the different projects that he has worked on the, the type of work that is being done and what can be done in Sussex County. In that section of the plan, the opportunities for projects were identified. It also identified strategies. Each town has a Fact Sheet which has a map showing where it fits within the County, how the land is being used and the land cover. Estimates of population are also shown. The priorities, as identified by the individual towns, are also included.

Ms. Davis said at the last two public meetings, she spent a lot of time talking about the development of the water resource model. The project identified those areas that were important in Sussex County with respect to water resources. It was divided into three focus areas: hydrology, stream and aquifer qualities, and aquatic ecosystem functions. Detailed maps and data were used to come up with hydraulic information, water quality and the functioning. She said that there are currently conversations with the County about developing a web-based platform so that all of this information will be available online. Maps were shown of the three focus areas and a composite of all three focus areas looking at 12 characteristics. There were 176,000 acres that come up as important with respect to water resources. To prioritize the acres, they pulled out the permanently protected land and identified the high priority and lower priority areas. Properties that are within 500' of publically-owned land have a higher priority. These properties totaled 22,680 acres and have three to five of the important characteristics. For stream and aquifer quality, there are 26,000 acres and for aquatic ecosystem functions, there are 41,000 acres. Ms. Davis said there is funding for water resource protection and it is her job is to help communities access funding so that they can protect what is important to them. There are 16,912 acres that scored as high priority acres. Of those, 14,776 acres are greater than one acre in size and 9,959 acres are located within 500' of public land. When merged with the tax assessor's data base, it shows that 9,959 acres are on 1,468 properties. Those 1,468 properties totaled 52,000 acres.

Sussex County has received \$2.6 million in open space funding. In 2014, the residents of New Jersey voted in to set aside funding from the Corporate Business Tax for open space and farmland preservation. The Governor has vetoed it twice. The Governor has a conditional veto and the Senate is set to vote on overriding that veto on Monday. The Assembly will immediately take up that vote if the Senate overrides it. Ms. Davis asked people to contact their State Legislators and encourage them to override the Governor's veto.

Ms. Davis said that Nathaniel Sajdak is here to answer questions about the stewardship component of the plan. At the outset of the project, the Freeholders said it was very important that they have the opportunity to see the document, review it and approve it before the Open Space Committee gives its final approval. That is scheduled for July 13. Her schedule for this project is that it is being presented tonight; it was released to the public earlier this week and she would like to have all final comments prior to the Freeholder meeting. The document will be finalized by July 29, when it is due to the funder, the Open Space Institute.

Chairman Lundin introduced himself, the other members of the Open Space Committee and County staff. He said this plan is the culmination of a lot of effort. He also said that 42% of the County is somewhat preserved and that another 52,000 acres or so should be preserved. The public overwhelmingly supported the referendum to renew the Trust Fund. With the limited funds the County has available, there is no way to acquire all of the high priority acres. In the 15 years of the program, 20,000 acres of farmland and 2,000 acres of open space have been preserved. He said the plan should be used as a guide of properties to potentially look at. If a town has a parcel that is not

on the list, the Committee is ready to look at application for property not on that list if the town can show the importance of the property to the town, or at a regional or county perspective. On-site inspections are very important and every parcel that ever came before the Committee has had a visit from the Committee. The Committee wants to know what the towns think about the plan. They have until July 13 to submit comments.

Scott Olsen from Byram Township said that his Open Space Committee meets once every other month. They met the day before they received the plan and will not meet again until August. Therefore, the Committee does not have time to review it as a whole. He asked if the comment period can be moved to August. Ms. Sylvester said it cannot because the grant deadline for the Open Space Institute is at the end of July. Mr. Lundin said this is going to be primarily an online plan. If there are errors in the plan, corrections can be made after that date. Mr. Olsen asked if there was a way to get smaller area maps or online access. Mr. Lundin said that is currently being worked on. The grant did not provide sufficient funds to bring up a full-fledged data system. There is a proposal from The Land Conservancy in-house, The Land Conservancy for a consultant, and the County is looking at County resources. He also said that there is a tool called, New Jersey GeoWeb which has similar data that can probably be used on an interim basis.

Ed Szabo from Stillwater said that at the last meeting he made a statement regarding his concerns about the federal government acquiring private property. He wants to know if this is addressed in the document. Mr. Lundin said it has been the policy of the Open Space Committee since day one that the Freeholders will not own any property. Anything that the County has participated in with County Open Space dollars has a primary project sponsor, either a municipality or a non-profit, that owns the land. The second principal that the Freeholders established from day one was that the municipality has to endorse the acquisition. He added that the Open Space Committee did not participate in an acquisition for open space because the town did not endorse it. The third principal that the Freeholders established is that there must be a willing seller. The Freeholders do not want the County to be involved with condemnation action. The price also has to be agreed upon. The protections are clearly there. The Open Space Committee is only advisory to the Freeholders. Every purchase is approved by the Freeholder Board at a public hearing. He said the protection is there for the County government. He cannot guarantee the same for the federal or state government. Every County Open Space dollar has a municipal endorsement and has a willing seller. Mr. Szabo said that information should be in the document. Mr. Lundin said that information is in the Open Space Committee's By-Laws. Ms. Sylvester said the By-Laws are in the appendices of the plan. Glenn Schweizer said the plan makes reference to the By-Laws and the policy by which the Committee practices.

The meeting was once again opened to the public.

Carla Kostelnik from Andover Township said there are a lot of water resources in Andover Township that are not owned by Andover Township but are owned by American Water Company. There is activity at the quarry which is taking water out of the ground and putting it into the Paulins Kill. She asked if the County has any control

over this or if there is any policy about that activity. She said this is a degradation of their water supply. Mr. Schweizer said that is governed by the NJ Department of Environmental Protection. Any work on groundwater or surface water is done by permit and is governed by the DEP. Mr. Lundin said any diversion of more than 100,000 gallons a day of groundwater or surface requires a permit from DEP. The Clean Water Act of New Jersey says that they cannot issue a permit that is not in accordance with a Water Quality Management Plan and there is a Water Quality Management Plan for Sussex County. There is a separate County Committee, called the Water Quality Management Committee, which meets on the second Thursday of the month. Alice Brees is the staff person assigned to that Committee. The County's Water Quality Management Plan has been in Trenton since last August. Ms. Sylvester said that plan is also online.

No other comments were offered. The meeting was closed to the public.

MOTION:

A motion was made by Glenn Schweizer for the Open Space Committee to send the Open Space Recreation Plan Update to the Freeholder Board for their review and with a recommendation for approval. The motion was seconded by Louis Caruso. A roll-call vote was taken. All were in favor.

Chairman Lundin said the record will be kept open until the day of the Freeholder Meeting on July 13, 2016 for any public comments. He said they want the plan to be as accurate as possible, so anything that the towns can get to them will be looked at and the plan will be corrected. He thanked those who attended the meeting.

B. APPLICATION – VERNON TOWNSHIP:

An application for open space preservation was received from Vernon Township earlier this week. Since it has just been received, this is not a formal hearing. Chairman Lundin asked if there was anyone present from Vernon Township. Charles Volker said he is the Vernon Township Business Administrator and that he wrote the cover letter on the application. Mayor Harry Shortway and Councilwoman Jean Murphy are also here.

Mr. Volker there are a lot of people coming to one of the premier parts of the Appalachian Trail in Vernon, the boardwalk, and he is concerned for their safety. The area intersects with County Route 517 and cars are being parked along Route 517, many of which are illegally parked. The police are doing their best to curb the illegal parking. Many people are parking in the residential areas, which is also presenting issues. People are parking on both sides of the streets and emergency vehicles are unable to get in and out in the event of an emergency.

There was a meeting with the stakeholders on May 23. Autumn attended this meeting. There were people from Vernon, the NJDEP, the Appalachian Trail, Wawayanda State Park and New York/New Jersey Trail Conference. The meeting was narrated by Chief Randy Mills. There is not sufficient parking for the numbers of people using the trail.

Mr. Lundin asked if acquisition of this tract would resolve 100% of the parking problems. Mr. Volker said it would not, but it is a step in the right direction. There are parking limited areas on the property because of DEP issues regarding wetlands. This parcel is probably 150' from an adjunct trail that leads right through the boardwalk. Mr. Lundin asked if safe pedestrian crossings could be provided. Mr. Volker said the pedestrian crossings on Route 517 have been constructed. They haven't done anything with crossings in the residential area. This is the only property that they could find in the entire area. He said people will not walk a distance to get to the trail. Mr. Lundin asked how the purchase price was determined. Mr. Volker said that was an estimate. He said he spoke with both owners and their attorney but he has not been able to speak with anyone from the bank. Jean Murphy said today she received a call from a realtor who said she just listed One Carol Drive and asked if the town was putting a parking lot there. The owners have not paid their mortgage for about five years and their attorney advised them to list their house. The Sheriff's sale is coming up. The house is listed as a short sale and they are trying to stall the Sheriff's sale. The realtor told Ms. Murphy that the house is listed for \$140,000. Mr. Volker said it is their intent to raze the house. When asked, Mr. Volker said that the DEP said there would not be State funds available for this project. Mr. Lundin asked if the Township is putting any money toward the acquisition. Mr. Volker said at this time, the town does not have any money available to put in. Mr. Schweizer asked what the County's policy in using Open Space Funds to purchase properties with structures on them was. Mr. Lundin said it has been done. Appraisals have to be done prior to the acquisition.

Mr. Lundin asked Mayor Shortway if Corey Stoner talked to him about another parcel. There is a sand and gravel operation that is shutting down and it is adjacent to the Appalachian Trail. Mr. Shortway said that property would involve crossing Route 94 and then it's another half mile to the boardwalk. Autumn said a lot of properties in the area are environmentally constrained, with a C-1 stream or it is in a flood plain or there are wetlands that are of high importance. Donald Ploetner asked how many cars the property would accommodate. Mr. Volker said they have not asked their Engineer to move forward with this project because he is paid by the hour. They estimate between 40-60 vehicles. When asked, he said the lot would not be paved, it would have stone.

Mr. Lundin said that Vernon had an Open Space Trust several years ago. He asked if there was nothing left in it. Mr. Volker said they still have money in it but they are looking to purchase more property for the greenway and to protect the marshes. The Vernon Township Open Space tax has been defeated twice in the past 10 years.

Lisa Chammings said the use of the lot is being changed from residential. She asked if that is a feasible use for the lot. Mike Dolan said it may not be a permitted use in a residential zone in the absence of a principal structure. Mr. Dolan said he thinks the project has viability and suggested that a BPO be done so that they have a clear idea as to the property's market value. Mr. Volker said they have been dealing with a very short timeframe.

Ms. Murphy said she asked Mr. Shortway if they should proceed now that the house is listed. Mr. Schweizer asked if the town would finance the demolition of the house and

do the site improvements for the parking lot. Mr. Shortway said no, because the town does not have any funds for this. He is also looking for federal and state funding. Autumn advised him that County funds can only be used for acquisition. Mr. Lundin said there may be a problem with making an offer through the short sale because they don't have a way to guarantee the funds. He said the town has a greater chance of success going through the bank and that the bank may be more willing to deal because they could possibly structure it so that they could take a charitable contribution to a government entity.

Lou Caruso pointed out an area on the map and asked who owns it. Autumn said it is part of the County right-of-way. There are drainage ditches and no structures are permitted in the right-of-way.

The Vernon representatives asked for help and guidance. Mr. Dolan said they need a purchase price before they can move forward. Mr. Volker said he spoke with the owner this afternoon, and he said he wasn't looking to list it right away. Because of his deteriorating health, the owners are interested in staying in the house as long as possible. If this purchase does not take place until later this year, it would be fine with him.

The Committee thanked Vernon Township for coming in.

Autumn asked the Committee if they would be interested in pursuing this project. Donald said they need to come up with a price. Cliff said it is a unique idea but they need to do their appraisals. He added that they shouldn't put a bid through the realtor on a short sale because if the bank came back and accepted the price, the bank wants to close within 30 days. Glenn said the town should use their funds if the project was important to them. Donald said there is also the issue of removing the structure from the property. Glenn said they need a financial plan because he doubts the County will support a project if they don't know how it will be completed. Glenn said that Vernon should demolish the house and after the house is gone, they should come to the County to purchase the property. Cliff said if Vernon owns the property, the County will not acquire the property. It's been tried before. He said it is possible for the New Jersey Conservation Foundation or The Land Conservancy to buy it, knowing that public funds are coming and then sell it to the County at a later point.

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Mike Dolan. The motion was seconded by Donald Ploetner and carried unanimously. The meeting adjourned at 9:10 p.m.