

SUSSEX COUNTY OPEN SPACE COMMITTEE

MINUTES

OCTOBER 25, 2012

The meeting opened at 7:37 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 Chamblings

MEMBERS EXCUSED: Wolfgang Gstattenbauer

MEMBERS ABSENT: Keith Utter

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

ALSO PRESENT: Freeholder Richard Vohden
Chris Land
Chuck McWhirter
John Morgan, Andover Borough Mayor
Kathy Haake, Trust for Public Lands

MINUTES CORRECTION/APPROVAL:

A motion was made by Glen Schweizer to approve the minutes of August 23, 2012 as presented. The motion was seconded by Lisa Chamblings and carried unanimously.

CORRESPONDENCE:

A. GRANT AGREEMENT FOR FRANCISCO FARM, 9/21/12:

Donna reported that the Grant Agreement for the Francisco Farm was prepared and sent out through County Counsel's office on September 21, 2012. The Trust for Public Land has received it. The attorney for Trust for Public Land had some concerns and Donna arranged for both attorneys to speak. Usually, Agreements need to be signed and returned within 30 days. This will be discussed in more detail later in the Agenda.

B. ARTICLES OF INTEREST:

Donna discussed an article related to the Green Acres funding for Parks and Open Space Projects throughout New Jersey.

The meeting was opened to the public so that Kathy Haake could provide the Committee with the status of the Bill. Ms. Haake said all three Bills passed in the Assembly today. It still needs to go before the Senate and then the Governor. They hope it will be finalized by January/February 2013.

The meeting was closed to the public.

OLD BUSINESS:

A. OPEN SPACE PROGRESS REPORT:

During the August meeting the Planning Intern talked about the work he was doing with the Open Space Program. On his last day, he provided Donna with a progress report. He summarized all the details regarding GIS documentation and how he and the County GIS Manager came up with different categories. There were over 1,000 vacant or unclassified land parcels in the 15-C Database with no way for him to classify them accurately. The last week he was with the County, he reached out to the municipalities, but was not able to reach all of them.

We were able to access Mike's e-mail and retrieve some of the responses. Detailed information was received from Hopatcong Borough which included a list from their code book. A response was received from Hamburg Borough which said they had two dedicated Open Space parcels which are owned by the Borough. Stanhope Borough said they have four parcels with numerous lots. Branchville Borough sent in the wrong information. Lisa Chammings provided Donna with information from Stillwater this evening. She said it was the newest map, dated September 20, and that it shows every parcel that has an easement on it as well.

Donna said the challenge right now is that Planning no longer has an intern and she is not sure who (or when) will work on this again. The goal is to gather the rest of the information and put it in a map form and then meet with all the municipalities for their

input and discussion on how to move forward in identifying greenways rather than scattered individual parcels. Greenways will become more important, especially with limited funding, for connecting the parcels and making it more user-friendly for hiking, biking, etc.

B. UPDATE ON COUNTY TRAIL PROJECT, GREEN ACRES:

Donna said the County owns a trail that goes through Sparta and parts of Franklin and that it is going to sell the surface rights to DEP. The County will hold the subsurface rights. The appraiser was in the Planning office in June and July for information and they were provided with mapping. On October 15, Donna spoke with Rich Osborne at Green Acres. He said the appraisals are completed but he has not seen them yet. Once the certification is made, an offer will be made to the County.

C. RULES AND REGULATIONS UPDATE:

Donna provided the Committee with updated Open Space Rules and Regulations. Donna said that County Counsel made some changes and she reviewed them with the members. On Page 3, VII – Open Space Project Process, third paragraph, “The Open Space Advisory Committee has developed an application package which may be amended as appropriate and established guidelines by which applications in the municipal/county charitable conservancy categories are to be evaluated.” With the Committee’s approval, Donna said she would make the change and then arrange to get this on the Freeholder Meeting Agenda.

MOTION:

A motion was made by Glen Schweizer to forward the amended Open Space Rules and Regulations to the Freeholder Board with a recommendation for approval. The motion was seconded by Lisa Chamings and carried unanimously.

NEW BUSINESS:

A. UPDATE FROM TPL ON FRANCISCO FARM PROJECT:

Kathy Haake, Trust for Public Land, said she was here this evening to provide the Open Space Committee with an update on the Francisco Farm project. She said they are still working on this project and that they are making progress. This summer they worked on an environmental assessment of the property and completed Phase 1. They asked the landowner to do some cleanup on the property, which was done. They will start working on Phase 2 of the environmental assessment. They also cleaned up some title issues on the project.

Last November, Andover Borough passed their Open Space Tax and they have already started collecting the tax. Andover Borough also applied for a Green Acres Grant and was awarded a \$325,000 Grant in September. Ms. Haake said she included the

funding scenario in the grant application. For discussion purposes, they are using an estimate of \$400,000 that Andover Borough will contribute to this project; \$325,000 from Green Acres; Trust for Public Land will also be putting in Green Acres dollars; the Sussex County Open Space contribution and a contribution from the State of New Jersey.

Ms. Haake said they are having difficulty in finding outside funds for this project. She said the property is in an area where people do not feel the need for preservation. Also, the plans for power lines cut through the northern end of Kittatinny Valley State Park. Talks continue with the landowner and they are looking at parcels that could be sold to private owners. This will address a ratable issue that's been brought up by Andover Borough as well as the Freeholders.

Ms. Haaek displayed a funding chart with highlighted areas. She pointed out an area that is a business on an adjacent farm called "Ag Choice." They are looking to move their business and are talking about purchasing one of the parcels. There is another parcel that Trust for Public Land hopes will remain as an active farm. They hope that the current farmers will purchase this and there is a potential that one may take over the farm. When it was suggested that the farm go into farmland preservation, Ms. Haake said Andover Borough is not eligible for farmland preservation funds. Green Acres has suggested that there be an Open Space Easement on the property. There is another small parcel to the east that is adjacent to the neighborhood which has a potential buyer. Ms. Haaek said they are suggesting to the landowner that he consider donating some portion of the property, most likely the farmhouse to the Historical Society. All of these donations and acquisitions will reduce the purchase price and bring the funding closer to the actual price.

Ms. Haaek said their current option goes until November 14; however they already discussed another three month option with the landowner. The attorneys are okay with this but they do have to check with the landowner. They have also talked about an additional three month extension, but they feel they will be able to close the property in six months. Donna said the County Planning Incentive Grant funds for this project are due to expire about mid November. The State advised the County over a year ago that they will not extend it. Donna said she recently spoke with Rich Osborne and he explained that if there was an actual project and it was definitely happening, there may be a possibility that Green Acres would allow those funds to remain attached to this project.

Glenn Schweizer asked about the funding shortage. Ms. Haake said they are still talking to foundations and that is usually where they find the last little bit of funding. When asked about the Highlands Trail, which was shown on the map, Ms. Haake said the State is very interested in seeing that trail completed; however they have two problems. The State does not own the property at the north where the trail crosses Rt. 206 and the tunnel and the land behind it at the other end where the trail goes under the railroad.

B. STILLWATER OPEN SPACE BROCHURE – LISA CHAMMINGS;

Lisa Chamblings provided the Committee with Stillwater Township's Open Space Brochure. She was looking for input on the brochure from the Committee members. Donna said from a marketing standpoint, it would be better to be a brochure rack size. Glenn Schweizer said he liked the fact that the surrounding municipalities are shown on the brochure. Cliff Lundin agreed and said it also shows future projects to connect the trails. Lisa said the town tried to get a greenway so that people could hike from Swartswood State Park to the Appalachian Trail. They need one more easement to do this. Glenn noticed that Stillwater is not located on the map. Lisa said they did spot that omission and it will be rectified. Donna asked if there was parking access to the fishing spots. Lisa said that was a good point and that she will add a note to say parking is available. Donna also suggested that they do not capitalize the "G" in Delaware Water gap. Donna and Cliff suggested that the permitted uses on the trails be listed, with icons to save space. Lisa said she values all the input and will take these suggestions to the Environmental Commission before they do a final printing of the brochure.

Freeholder Rich Vohden said the Freeholders are working their way through the budget line by line. He did not feel there were going to be any changes to the Dedicated Tax.

C. PRESENTATION ON SC FARMLAND PRESERVATION PROGRAM:

Chairman Cliff Lundin requested that Donna give the Open Space Committee some background information on her other program, the Farmland Preservation Program. Donna said the Farmland Preservation Program has been around for 30 years in the State of New Jersey. From the beginning it had advocates from the farming community in Sussex County. The County's first acquisition occurred in 1989 with the Minifie farm on the border of Green and Andover Townships. This acquisition was done in two parts, one in 1989 and one in 1990. Donna missed the first closing but was here for the second closing. She has been involved with this program from closing number two to 166. The first farm had 121 acres and two closings from now, the County will be reaching 17,000 acres of preserved farmland. The State recently celebrated their 200,000 acre anniversary. There are County Agriculture Development Boards in all but one county in the State and active programs in the majority of the counties.

Sussex County's farmland preservation program took off in 1994 when a yearly process was started. At that time, it took three years from application to closing. Donna described the process as beginning with landowners coming to the Board with an application which they reviewed based on State criteria. The Board then assigns a point value to the farms based on soils, local commitment, boundaries and buffers, agriculture production and proximity to another preserved farm. The Board does site visits on the farms and then ranks them. When approvals are received from both the municipality and the Freeholders, they hire two independent appraisers from a State

accredited list. The two appraisals are sent to the State where a review appraiser certifies the value. Then it is the obligation of the County to have the Title work done, a survey prepared and a Deed of Easement drawn up. The Deed of Easement is sent to the State for approval. Once approved, a closing is arranged. With the closing, the land is preserved in perpetuity for agricultural purposes.

The State has changed the process over the years. For awhile they were only taking a set number of applications per county. When the Garden State Preservation Trust came into effect in 1998, they changed to an open-ended process. The State took as many applications as the Counties could provide their financial contribution to.

When the Garden State Preservation Trust expired, about four years ago, the State started giving block grants to each county. At first they gave \$2 million to each county, however, the County needed money to leverage against it. There is a sliding scale formula that says how much the State will contribute and how much the county will contribute for an easement. Sussex County has an advantage because the land values per acre are so low, that the State puts in a higher percentage. For the first 20 years, Sussex County averaged about 70%-73% State money. As Sussex County started getting developed, land values in certain municipalities went up; so now the State contributes about 60%. Donna said it took about 2 ½ years to spend down the \$2 million. In addition to the base grant, each county could compete for additional money.

A second grant came out in 2011 for \$1.5 million. Donna said she just encumbered enough farmland to start looking for competitive dollars but the County does not have much money to leverage against it. During the last few weeks, there have been some articles in the newspaper saying that the \$73 million balance for farmland preservation, statewide, should be released early next year. Each county will get \$1 million and can then compete for up to \$6 million total.

Four years ago, the State required the Counties to update their Comprehensive Farmland Preservation Plan. The legislation says a county can't exceed a certain percentage of its land base to be in agriculture development areas. Prior to that, the County took farms voluntarily. To receive funding, the County had to designate Agriculture Development Areas. All of our townships (except Walpack and Byram) were included in the Ag. Development Area; the boroughs and the town of Newton were excluded. There are 13 municipalities that we can take applications from.

There was some discussion on different types of farms, particularly equine operations, which have been preserved. There was also discussion on the preservation process under the Federal Farm and Ranch program and through partnerships with non-profits.

Donna distributed copies of the "Four Seasons of Agriculture in Sussex County" brochure to the members. She explained the brochure was printed with grant money

as part of her agritourism work. It was created to help promote business for the farmers and is available to them without cost.

PUBLIC COMMENT:

Chuck McWhirter talked about his concern regarding the lack of maintenance on the Paulins Kill Trail. He said he and his son-in-law have been clearing trees off the trail path and have gotten in trouble. Cliff Lundin said the Open Space Committee is appointed by the County and that their primary mission is to evaluate sites that have been nominated to them as Open Space projects. They make recommendations to the Freeholders for distribution of the Open Space funds. Sussex County's policy is that it does not want to own or manages any of the open space land that it helped preserve. Glenn Schweizer suggested that Mr. McWhirter contact the Paulins Kill Valley Trail Association. Donna Traylor said Janice Elsishans is the new President of the Association. Donna added that in order to work on any State park land you have to fill out a volunteer form and that you can't use mechanical tools, such as a chain saw, etc.

Chris Land asked about the benefits to the landowner in preserving a farm. Donna said the landowner is getting a lump sum of money. Also, there are certain programs for soil and water conservation practices which offer additional funds to the landowner; and there are certain protections, such as eminent domain. Most of the landowners come to the program because of the monetary benefit but many have strong ties to the land and feel very strongly that they want to preserve the land in perpetuity. She also talked about the benefits in reselling the property.

Cliff Lundin said in all probability the Open Space Committee will not meet during November and December unless there is some emergency. A motion was made by Lou Caruso to cancel the November meeting. The motion was seconded by Glenn Schweizer and carried unanimously. The December meeting will be cancelled unless there is a need to have a meeting.

It was noted that Wolfgang's term will expire on December 31, 2012. Donna said she will contact him to see if he wishes to be reappointed. There was also some discussion about the vacancy that exists on the Open Space Committee and attendance requirements.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Lisa Chamings. The motion was seconded by Lou Caruso and carried unanimously. The meeting adjourned at 8:37 p.m.