

OPEN SPACE PRESERVATION BOARD MEETING

McDade Administration Building
640 South Broad Street
Trenton, New Jersey 08650-0068

October 10, 2017

PRESENT:

Leslie R. Floyd
Haig Kasabach, Chair
Alan Hershey, Vice Chair (arrived late)
Michael Shine
Jennifer Rogers
Gary Mount
Tricia Fagan

NON-VOTING:

Emily Blackman
Lisa Fritzingler
Jillian Stark

REPRESENTATION:

County Executive
Assunpink Rep .
Piedmont Rep.
Planning Board
Park Commission
Ag. Board Rep.
Cultural Rep.

Secretary
Assistant Planning Director
Land Steward

Chairman Kasabach called the meeting of the Mercer County Open Space Preservation Board to order at 5:00 PM

STATEMENT OF ADEQUATE NOTICE

Ms. Blackman announced that pursuant to the Sunshine Law, notice of this meeting was mailed to the Trenton Times and the Trentonian, and was posted in the County Clerk's Office and the County Administration Building.

APPROVAL OF MINUTES

Chairman Kasabach made a motion to approve the minutes of the August 8, 2017 meeting. Ms. Floyd seconded the motion. The minutes were unanimously approved.

PUBLIC COMMENT

None

OLD BUSINESS

10/10/17 Rails to Trails

Ms. Fritzingler reported that the County is still negotiating about the acquisition cost. Conrail is in the process of contacting landowners adjacent to the corridor to see if any want to purchase land. Conrail does not want to donate too much of the value of the corridor because of the precedent it might set for its other corridors around the country.

8/8/2017 Rails to Trails

Ms. Fritzingler reported that negotiations are continuing. The issue is on the price. The donation from Conrail is lower than we were lead to believe. We still expect to get the property well below appraised value. Even once we have an agreed price, the County would not enter into an agreement until the Environmental Assessment is completed.

6/6/2017 Rails to Trails

Mrs. Fritzingler reported that negotiations are still ongoing with Conrail.

2/7/2017 Rails to Trails

Ms. Fritzingler reported that Hamilton Township has passed a resolution in support of taking ownership of the Hamilton section. With both Townships in support of the project the county has meet with Conrail and has begun negotiations with the possibility of a significant donation. The County anticipates a response for Conrail in 6-8 weeks.

12/6/2016 Rails to Trails

Ms. Floyd reported that she has reached out to Hamilton to follow up on the meeting that was held. She felt that Hamilton received the project favorably.

10/4/2016 Rails to Trails

Ms. Fritzing reported that a four page color Vision Plan has been created by Rails to Trails staff. It will be used for meeting with Hamilton Township. Informal discussions with Township staff about the projects, indicates that a meeting with the Mayor will be possible. If the Mayor is supportive we will continue negotiations with Conrail.

8/2/2016 Rails to Trails

Ms. Fritzing reported that the project is moving along nicely. The County had a meeting last week with Rails to Trails people and D&R Greenway. Appraisals have been completed and have been giving to CONRAIL. CONRAIL requests that the County make an offer on the amount CONRAIL will contribute. The County is working on putting together information on the project to provide Hamilton due to the importance of having Hamilton on board with this project. Ms. Fritzing notified the board that the parcel of land the County is purchasing is owned by CONRAIL.

10/10/2017 Powell Property/Herrontown Transfer

Ms. Fritzing reported that we should be able to close soon on the second Powell lot. There is a berm that needs to be removed that required a wetlands permit. The contactors have obtained the permit and are in the process of the removing the berm and some debris now. Ms. Floyd updated the committee on the transfer of Herrontown Woods from the County to Princeton. Both Powell lots will be transferred to Princeton as well – the County is working through the Green Acres property transfer process.

2/7/2017 Powell Property

Ms. Fritzing reported that lot 11 is still undergoing the cleanup of the dump site.

12/6/2016 Powell Property, Princeton

Mrs. Fritzing reported that lot 8 of the property has been acquired. Lot 11 still needs to be acquired after the household dump site has been resolved. The wetlands permit for that work has been submitted to DEP.

2/2/2016 Powell Property, Princeton

Ms. Fritzing reported that the property is adjacent to Herrontown Woods. The County is working with D&R Greenway on this project. The agreement currently on the table is for the County to buy Lots 8 and 11, Lot 9 has a house that the property owners will sell separately. County will purchase the property and will provide a grant to D&R Greenway. D&R Greenway will manage the property and Mercer County will own it eventually hoping to transfer ownership to Princeton.

The only issue is the County will have to buy lot 8 first then lot 11, which has some environmental issues. However, the environmental issues involve household dumping which, the consultant involved isn't worried about. Lot 11 is also considered wetlands which require getting a wetlands permit. The County will close on Lot 8 then move forward with Lot 11 after environmental issue is resolved. The County will conduct the environmental work on both properties while the property owners will cover cost of the work. If the owners do not clean up the issues the County can rescind the deal.

10/10/2017 Hughes Drive Property, Hamilton

Ms. Fritzing reported that the environmental assessment was completed last week and we are awaiting testing results from the lab to see if any remediation is needed. We will be able to close quickly if there are no significant issues.

8/8/2017 Hughes Drive Property, Hamilton

The Environmental Assessment revealed two areas of concern regarding the garage and storage of equipment. The owners are in the process of cleaning up the garage, and then the soils will be tested,

6/6/2017 Hughes Drive Property, Hamilton

Mrs. Fritzing reported that the Agreement of Sale has been approved by the Freeholders and the survey, title and environmental work is all underway. We could close in a few months.

2/7/2017 Hughes Drive Property, Hamilton

The home inspection has been completed and the county is waiting to receive the report. The report will help determine the best use of the house and provide information regarding terms of the sale.

12/6/2016 Hughes Drive Property, Hamilton

Mrs. Fritzing reported that the Park Commission is evaluating the house and buildings to determine the future uses. A house inspection is also to be done.

10/4/2016 Hughes Drive Property, Hamilton

Ms. Fritzing reported that the agreements are still with the sellers for their execution. The sellers are working on the removal of UST and have indicated that once that is completed they will contact the County regarding the agreement. Ms. Floyd expressed that the County is very enthusiastic about acquiring this property.

8/2/2016 Hughes Drive Property, Hamilton

Ms. Fritzing described that the property is five acres and connects to Dam Site 21. Mr. Viteritto came to the County a few years ago and was interested in having the County purchase the property for preservation. The County had the property appraised and an offer was made. However, Mr. Viteritto got ill and passed away and the acquisition was put on hold. His two sons are now the owners of the property and want to honor their father's commitment to preserving the property. This parcel is in a good location because it will provide a way to get into the dam site. Ms. Floyd reported it will create a nice street entrance.

Ms. Fritzing reported that the County sent draft agreements to the brothers. An agreement was made between the two parties. The County is now waiting on the brothers to sign and return the agreements.

NEW BUSINESS

Grant Request: Hall

Ms. Blackman presented the Hall preservation application to the Committee. The Hall property is Block 33, Lots 2.01 & 3, about 123 acres in West Windsor Township at 229 Village Road East. The property is made up of forest and agricultural fields including ~92 acres of wetlands. The property contains soils classified as prime farmland or farmland of statewide significance and the property is adjacent to other open space parcels preserved by the Township. Preservation of the property is consistent with both County and Township open space plans. The Township plans to continue farming the property until the need arises to provide additional active recreation in the community, which may result from the next round of affordable housing obligations now being decided by the court. The Township plans to use eminent domain to acquire the property – they have tried unsuccessfully since 2001 to acquire the property from the Hall family. The property is now under contract with a developer and the Township governing body has authorized staff to use all means necessary to preserve it for the public good. An appraisal is underway, but the Township estimates the acquisition cost at \$2,000,000. They have requested 40%, or \$800,000, from the County, which is the maximum request under the new program rules. They plan to use the Township's Open Space Fund for the remaining \$1,200,000.

Mr. Hershey arrived for the discussion of the application.

Discussion was as follows:

- Mr. Mount noted that he would object to the use of eminent domain if the property was not being sold already to a developer.
- Ms. Fagan asked about the issue of the acquisition cost being unknown given that there is no appraisal and that the final value will be determined in court. Ms. Floyd reminded the Committee about the Robbinsville precedent where the Committee approved a grant when the Township was using eminent domain. The County grant will be based on 40% of the CMV; we do not have to consider what the court might decide. Mr. Hershey asked what the County's position is regarding municipalities using eminent domain for open space acquisition. Ms. Floyd said that as long as the County is not in the title, there is no issue with using the open space fund. She also noted that municipalities cannot use Green Acres money for eminent domain. Ms. Fagan stated that she is uncomfortable with the idea of eminent domain for active recreation in the context of this application.
- Ms. Rogers asked if we can restrict the future use of the forested portion of the property. Ms. Floyd stated that we cannot, but that any cutting of trees would need permitting, especially because of the high amount of wetlands on the property.

Mr. Shine made a motion to approve the Hall application at 40% of the appraised value. Mr. Kasabach seconded the motion. It was noted that the applicant made an error on the application – their requested County grant is \$800,000, not \$8,000,000. The motion was passed with an abstention by Ms. Fagan.

Discussion

- Ms. Fritzingler introduced the idea of reducing the amount of paper the Committee uses by not printing the minutes and showing maps and applications on a screen. The Committee agreed to do this at the next meeting.
- Ms. Rogers introduced Jillian Stark, the new land steward for Parks and Ms. Floyd introduced Emily Blackman, a new planner.
- The Committee discussed the County's deer management program. Mr. Mount suggested it would be useful for Ms. Rogers and Ms. Stark to attend an agricultural development board meeting because the issue of deer management on agricultural lands has been discussed at the board meetings recently.

CORRESPONDENCE: None

CLOSED SESSION (if necessary): None

ADJOURNMENT

Mr. Shine made a motion to adjourn the meeting. Ms. Rogers seconded the motion. The meeting was unanimously adjourned at 5:45 pm.

Respectfully Submitted,

Emily Blackman
Secretary