

OPEN SPACE PRESERVATION BOARD MEETING

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

April 3, 2018

PRESENT:

Leslie R. Floyd
Haig Kasabach, Chair
Alan Hershey, Vice Chair
Wendy Mager (arrived late)
Frank D’Amico
Tricia Fagan

REPRESENTATION:

County Executive
Assunpink Rep .
Piedmont Rep.
Millstone Rep.
Ag. Board Rep.
Cultural Rep.

ABSENT:

Michael Shine
Jennifer Rogers

Planning Board
Park Commission

NON-VOTING:

Emily Blackman

Secretary

Chairman Kasabach called the meeting of the Mercer County Open Space Preservation Board to order at 5:00 PM. The Board welcomed Mr. D’Amico as the new representative to replace Mr. Mount from the County Agricultural Development Board and expressed thanks to Mr. Mount for his service.

I. 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.

II. APPROVAL OF MINUTES

Ms. Fagan had a correction to the October 10, 2017 minutes. On page three in the discussion of the Hall property, the minutes stated that she was uncomfortable with the idea of eminent domain for active recreation. Ms. Fagan asked to amend the minutes to read that she is uncomfortable with the idea of eminent domain for active recreation in the context of this application. Mr. Hershey made a motion to approve the minutes of the October 10, 2017 meeting with the amendment. Ms. Fagan seconded the motion. The minutes were unanimously approved, with Mr. D’Amico abstaining.

III. PUBLIC COMMENT

None

IV. OLD BUSINESS

A. Rails-to-Trails

Ms. Blackman and Ms. Floyd reported that the negotiation with Conrail is ongoing. There are no updates that can be publically shared as yet, but there has been some positive progress.

(Ms. Mager arrived at 5:10 pm)

10/10/17 Rails to Trails

Ms. Fritzinger 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. Fritzing 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. Fritzing reported that negotiations are still ongoing with Conrail.

2/7/2017 Rails to Trails

Ms. Fritzing 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.

B. Powell Property/Herrontown Transfer

Ms. Floyd reported that the Powell property closed and both Powell lots will be managed by D&R Greenway Land Trust. The transfer of the Herrontown Woods property to Princeton is in process and should be completed soon. The County will continue to own the two Powell lots.

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.

C. Crosswicks Greenway

Ms. Blackman and Ms. Floyd reported that the County is in the process of buying a small property from AT&T that will add to the Crosswicks Greenway to improve potential trail connections. The Board expressed interest in re-visiting the maps of the Greenway and trail plan at the next meeting.

D. Penn East Pipeline

Ms. Floyd reported that the County, State and Hopewell Township are currently in federal court to appeal the FERC decision.

E. Moore Station Quarry Redevelopment

Ms. Blackman reported that the County is beginning a planning process to consider different feasible uses for the Moore Station Quarry. The County will take ownership of the quarry from Trap Rock in 2023 by previous agreement. The County plans to hire a consultant to complete a feasibility study for different uses and hopes to have a firm under contract by the end of this year.

V. NEW BUSINESS

A. Reorganization

a. Election of Officers

Ms. Floyd asked for nominations for Chair, Vice Chair, Secretary and Board Attorney. Ms. Mager nominated Mr. Kasabach and Mr. Hershey to remain in their current roles as Chair and Vice Chair. Ms. Fagan seconded the nomination. Mr. Kasabach and Mr. Hershey were unanimously approved as the Chair and Vice Chair.

Mr. Kasabach nominated Ms. Blackman to continue as Secretary. Ms. Floyd seconded the nomination. Ms. Blackman was unanimously approved as Secretary.

Mr. Kasabach nominated Ms. Bacso as the Board Attorney. Ms. Fagan seconded the nomination. Ms. Bacso was unanimously approved as the Board Attorney.

b. Urban Representative Vacancy

Ms. Floyd and Ms. Blackman reminded the Board that the Urban Representative position remains open. Ms. Floyd encouraged the Board to let her or Ms. Blackman know if they have any suggestions for a person to fill the position. Ms. Mager suggested we might ask the Trenton Garden Club. Mr. D'Amico suggested there might be a member of the Farm Bureau who could be interested. Ms. Blackman will follow up with both suggestions.

B. Grant Applications

a. Goldman

Ms. Blackman presented the Goldman application for the Board's consideration. The application was from D&R Greenway Land Trust to place a conservation easement on the ~64 acre Goldman property, Block 65, Lot 11.04 on Dublin Road in Hopewell. The application requested \$434,000, which is 40% of the appraised value of \$1,085,000. The property contains high quality forest, scrub/shrub habitat, farmland and a portion of the Woolsey Brook. The property was donated

to D&R Greenway without a conservation restriction; D&R plans to place a conservation easement on the property and sell it to a conservation-minded neighbor. The Board discussed the need for the easement to contain public access and the potential for trail connections. D&R is not using Green Acres funding for this property, so there will be no formal requirement for public access from the State. Ms. Mager made a motion to recommend a grant of \$434,000 with the condition that the easement and survey will contain public access and the potential for trail connections. D&R also will need to record a Deed of Conservation Restriction to the County. Mr. Kasabach seconded the motion. The application was unanimously approved.

b. Censoni

Ms. Blackman presented the Censoni application for the Board's consideration. The application was from West Windsor Township to purchase the ~17 acre Censoni property in fee. The application requested 40% of the CFMV, to be determined by appraisals that are in progress. The Township estimated the CFMV at \$650,000. The property is Block 15, Lot 1 on Clarksville Road in West Windsor and contains ~50% forest and ~50% farmland. It is adjacent to the 96-acre Azmy (Aegle) property that received a County grant last year and is across the street from the municipal complex. With this property, the Township will have 177 contiguous preserved acres in this area and will meet its open space plan preservation goal. The Township plans to continue to farm the property until there is a need for more active recreation space. The Board discussed the problem of approving applications without CFMVs and was unwilling to approve 40% of the CFMV without a cap on the amount. Since the Township estimated the CFMV at \$650,000, the Board decided a reasonable funding cap for the County's grant approval would be \$300,000. This provides some cushion in case the CFMV comes in at \$750,000 but in no event can the grant exceed 40% of the CFMV. Mr. Hershey made a motion to recommend a grant of 40% of the CFMV, not to exceed \$300,000. Ms. Mager seconded the motion. The application was unanimously approved.

c. Princeton Battlefield addition

Ms. Blackman presented the Princeton Battlefield addition application for the Board's consideration. The application was from the Civil War Trust to aid in the purchase in fee of a ~1.1 acre portion of a larger ~14.85 acre project the Trust is pursuing. The ~14.85 acres, owned by the Institute for Advanced Study, contain all of Block 10401, Lot 3, a portion of Block 10401, Lot 1 and a portion of Block 10501, Lot 1.01 in Princeton. The application requested \$344,000, or 40% of the appraised value for Lot 3. The purchase price of the portions of Lots 1 and 1.01 being preserved was determined through a complicated process based on the development that the Institute for Advanced Study had planned to build on the site. Therefore, the Trust's application to the County was only for Lot 3. The ~14.85 acre property includes ~0.5 acre of wetlands and ~4.2 acres of forest. It is the Maxwell's Field tract from the 1777 Battle of Princeton and is adjacent to the Princeton Battlefield State Park and the Institute Woods. The Trust plans to transfer the property to the State Park for inclusion in the Park's walking trails and interpretive programs. Mr. Hershey made a motion to recommend a grant of \$344,000. Ms. Mager seconded the motion. The application was unanimously approved.

d. Blalock

Ms. Blackman presented the Blalock application for the Board's consideration. The application was from the NJ Conservation Foundation (NJCF) for the purchase in fee of the ~23 acre Blalock property on Crosswicks-Hamilton Square Road, Block 2712, Lot 155 in Hamilton. The application was for 40% of the CFMV, to be determined by appraisals. NJCF estimated the total acquisition cost as \$545,000, including a house on the property that they plan to subdivide on a 2.5 acre lot and sell separately to a private buyer. The majority of the property is farmland, with stands of trees and ~11 acres are modified wetlands. The property is adjacent to Township and SADC preserved land and is part of a regionally significant concentration of preserved land. The house and adjacent barn are historically significant. The property is not in the County's ADA and so does not qualify for farmland preservation funding. The property will be owned and managed by Hamilton Township. They plan to continue agriculture as a temporary use and will build a trail on the property for public access. The Board again discussed the problem of approving applications without CFMV and in this case, of approving an application with a house on it. The Board decided that because the house is potentially going to be sold to a private buyer and not being demolished or used for a conservation purpose, it should not be included in the County funding. The Board decided to move forward with the application by recommending a grant of 40% of the CFMV of only

the open space portion of the property. Ms. Mager made a motion to recommend a grant with these conditions. Mr. Hershey seconded the motion. The application was unanimously approved.

C. Review of Open Space Tax

The Open Space Board adopts a resolution annually to recommend to the County Executive the amount of open space tax that should be levied for the fiscal year. The County has the ability to levy up to \$0.03 per \$100 equalized assessed value for the acquisition of open space, preservation of farmland, recreational development, historic preservation and stewardship. Ms. Floyd recommended that the County continue to collect the current rate of open space tax for 2018 (\$0.025 per \$100 of assessed value). She reminded the Board that the County can collect up to \$0.03 per \$100, but has been able to fund all project needs with the \$0.025 tax rate. Mr. Kasabach made a motion to adopt a resolution recommending to the County Executive to continue collection of the County Open Space Tax at \$0.025. Mr. Hershey seconded the motion. The motion was unanimously approved. This recommendation will be forwarded to the County Executive and the Board of Chosen Freeholders.

D. Review of Open Space Grant Policy

Ms. Floyd reviewed the current open space grant policy and recommended to the Board that it remain the same (40% of CFMV, with a project limit of \$1,600,000; a requirement that 10% of funds come from a source other than the County or Green Acres; and the ability to grant 50% of CFMV to urban projects). Mr. Hershey asked if this more restrictive policy (compared to a previous grant round where the County funded up to 50% of CFMV) has a negative impact on small municipalities such as Pennington or Hightstown. The Board discussed that small municipalities are able to get Green Acres funds and often have other funding partners. The County also retains the option of participating with direct County funding for projects of regional significance. Mr. Hershey made a motion to continue with the current grant policy for the year. Ms. Fagan seconded the motion. The motion was unanimously approved.

E. Discussion

The Board agreed that using a screen to show meeting materials (agenda, past minutes, maps) rather than printing paper copies worked well and would like to continue this for future meetings.

CORRESPONDENCE: None

CLOSED SESSION (if necessary): None

ADJOURNMENT

Mr. Kasabach made a motion to adjourn the meeting. Ms. Floyd seconded the motion. The meeting was unanimously adjourned at 6:25 pm.

Respectfully Submitted,

Emily Blackman
Secretary