

## FRELINGHUYSEN TOWNSHIP OPEN SPACE ADVISORY COMMISSION

Minutes of November 4, 2009

### CALL TO ORDER

The meeting was called to order by Robin Randolph, Chair, at 6:50 pm.

### ANNOUNCEMENT OF PROPER NOTICE

Notice of this meeting was provided by advertising in the Express Times and New Jersey Herald, the official newspapers of the Township of Frelinghuysen, in accordance with the Open Public Meetings Act. Action may be taken at the meeting as advertised.

### ATTENDANCE

Members present: Robin Randolph, Nancy Nicholoff, Dan Carson, Debra Natyzak (6:53 pm), Maureen Cullen (7:00 pm)

Members absent: Cliff Kimball and Leigh Kramer

### MINUTES

Nancy Nicholoff made a motion to approve the revised October 7, 2009 minutes, seconded by Debra Natyzak, all in favor – aye. Dan Carson abstained.

### PUBLIC COMMENT

### OLD BUSINESS

- Forestry Management Plan – Received reimbursement from the state in the amount of \$3,000. Mr. Desiderio and Mr. Harman attended the conference to obtain CEU credits. At the conference Mr. Desiderio spoke with someone from the state regarding the Federal Stimulus Plan in place that any town with a completed Plan should get \$6,000.00. Ms. Randolph is going to speak more with Mr. Desiderio to find out what needs to be done to get that money. The state was also impressed that we have implemented the plan for hazardous and invasive trees. Due to this we should be able to get more grant money if we apply for it as other towns are utilizing monies to plant new trees.
- Open Space/Farmland Trust Fund Balance – There was no statement this month, the estimate for the combined total is approximately \$146,000.00.
- Chipper Party – Have been receiving a lot of compliments on the job done thus far. The trees are recuperating and growing without bad trees hindering their growth. The next chipper party will be on Saturday, November 14<sup>th</sup> at 8:15 am. Ms. Randolph will ask to use the township chipper this time. An email will be sent to confirm the date and time.

### NEW BUSINESS

- Debra Natyzak left message for Mr. Stykes that we will be going to walk the Dark Moon Road at 11 am. Will meet at Pittenger Lane on Route 519 which is next to the tunnel.
- Land Owner Appraisal Agreement – Megan Haidet, of The Land Conservancy, created an agreement for landowners going into preservation to sign agreement to pay ½ of the appraisal

cost (approximately \$2,500 per appraisal) if they back out of the deal. Ed Wacks approved the agreement.

Ms. Natyzak took letter from the Farmland Preservation Committee to the Township Committee to rescind this agreement. Ms. Randolph stated that open space were not aware of this and needed to discuss before the township committee can rescind the agreement. Ms. Randolph asked if it can wait until Open Space understands it better. Ms. Randolph inquired when the agreement was approved by the Township Committee. Ms. Natyzak said in September. Ms. Randolph questioned if there was a reason why Farmland wanted to rescind this agreement and Ms. Natyzak replied due to some landowners that wouldn't sign.

Dan Carson stated that if the applicant was seriously committed, the appraisal agreement would be a logical next step in the process. Presently, Landowners can choose to walk away with a value attached to their property. Mr. Carson also asked what the negatives are and Ms. Randolph responded that there is minimal money to spend in the trust fund and that it would protect the townships interest. Charlie Schaffer responded that when they first started, the Farmland Preservation Board told this committee from day one that the landowner can back out at any time during the process. He mentioned that the committee discussed this in length and that it was not an easy decision to come to.

#### **The Joint Meeting begins with Farmland preservation:**

- ***Please see the Joint minutes for this discussion session - November 4, 2009.***

#### EXECUTIVE SESSION

#### CORRESPONDENCE

All correspondence was reviewed.

- State of NJ Dept Division of Parks and Forestry – 2008 Green Communities Phase II Grant.

#### ADJOURNMENT

The meeting was adjourned at 8:13 p.m. with a motion by Nancy Nicholoff, seconded by Dan Carson. All members present in favor.

Respectfully submitted,

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Donna Zilberfarb  
Open Space Commission Secretary

## JOINT MEETING INFORMATION

- Ms. Randolph explained where open space was at and asked how farmland got to the decision that they did for rescinding the agreement. Mr. Banta explained that they can't give adequate property values and it is hard to ask them to front \$2 to \$3 thousand dollars if they don't like the value that comes from the appraisal. Mr. Banta also explained how the money loss happened with the different landowners. Ms. Randolph asked if there was another way to get more specific information. Rick Rogers suggested that the Land Conservancy (TLC) should be able to give a more information and aspects to the landowner. Mr. Banta doesn't think that TLC can be asked to provide numbers that they just don't know as each property is different.

Tom Charles suggested waiting to put agreement in place once the economy turns around. Right now people are coming in and we can get less houses and less taxes and feels now is not the time to put restrictive fees in place. Mr. Carson feels opposite and put in the fee and get the serious applicants only. If the deal goes through, then the landowner does not pay any costs. Mr. Charles feels that we still can't give them an honest estimate of their dollars before they are entering the program.

After much discussion from each committee, Ms. Randolph explained that the main concern is that open space was not aware of the rescinding of the agreement and wanted the opportunity to discuss thoughts. On an open space perspective, Ms. Randolph would like to keep the agreement in place for open space and hopefully keep for farmland but does not want to create waves and wants to work together with the farmland committee to help preserve land.

Mr. Banta and the farmland board feels that it is not in the best interest of the Farmland Preservation Committee to have this agreement and to put any constraints on any landowner wanting to preserve their property.

Ms. Randolph asked that when Farmland approaches the township committee that they can keep it to the fact that farmland preservation wants to rescind the agreement and not open space. Ms. Nicholoff also said to present it to the township committee as either, splitting the agreement between the two groups, unifying the agreement or rescinding it all together. Each committee tells their arguments and it is up to the township committee to determine which way the agreement should be used. Mr. Carson also stated that even though it makes sense for open space it doesn't make sense for farmland and it should possibly be kept separately per each committee.

Ms. Randolph asked for a vote from open space for keeping the agreement in place for open space acquisitions. Vote is as follows:

Dan Carson – Yes

Maureen Cullen – Yes

Nancy Nicholoff – Yes

Debra Natyzak – Abstain

Robin Randolph - Yes

Ms. Randolph will send letter to Township Committee asking to keep agreement in place for open space and Mr. Banta will send letter to the Township Committee asking them to rescind the agreement for farmland preservation.