

Delaware Township Open Space Committee Minutes

Monday, September 16, 2019

Prepared by Katherine Fullerton, Open Space Coordinator

Open Space Chairperson Rosalind Westlake called the meeting to order at 7:35pm. Open Space Coordinator Katherine Fullerton took the roll call. In attendance were: Susan Lockwood, Steven Smotrich, and Rosalind Westlake. Bob Hornby was in attendance.

Member Smotrich made a motion to approve the June 17, 2019 meeting minutes and Member Lookwood seconded the motion. All voted in favor.

Update of Existing Applications

The OS Committee received an update on the following applications:

- Maresca – Mr. Hornby reported on the status of the Maresca application. The exception area has been confirmed in order to keep it at the 1.8 acres on the application. The survey is under review at the State. Ms. Fullerton reported that the Township Attorney is still working on an access easement with Washington Farms. There was some confusion on the attorney's part regarding the cemetery's connection to the Maresca/Martin farmland preservation application. It is not certain that Washington Farms will agree to an easement. Mr. Hornby and Ms. Fullerton will discuss this further with SADC. Currently, there is a handshake agreement for access to the cemetery, but SADC does not want to be responsible for creating a landlocked property. The question is: if the Township needs to have access to the cemetery, how would they access the property. The Martins do not want unrestricted access through their property to the cemetery.
- Lee/Lau – The survey has been completed and is being reviewed by SADC. As part of the preparation for closing, the SADC was obtaining information for an Affidavit of Title for the title insurance. Mrs. Lau was confused by the Affidavit of Title and requested that they stop preservation on the property. There was also a question about the CMV, even though Mr. Lee and Mrs. Lau accepted the CMV and signed the Sale Agreement. Per the Sale Agreement, the Lee/Lau family would need to repay the Township for the funds spent on professionals so far in the process. Per the SADC, there are a few options. One of which is that the Township could pay up to the highest appraisal value for the property. The State would pay the amount based on the CMV and the Township would pay the difference. The Township could also enter into a contract with the Lee/Lau family to postpone the application. They would pay the Township for the funds already spent and then reapply for farmland preservation with new appraisals in the future. The two-year application time period will end in April 2020, so they can reapply after that time. There is also an option to try to work with the Lee/Lau family to have them accept the CMV and the signed Sales Agreement and proceed to closing. To complicate matters further, Mr. Lee and Mrs. Lau are leaving for Hong Kong in October and returning in April. There is no issue if we postpone the closing until April when they return.

The Open Space Committee discussed the option agreement, which was superseded by Mr. Lee and Mrs. Lau signing the sales agreement. There was also disinterest in paying the Lee/Lau family more than

the CMV. It was felt that the State certified these appraisals, so the CMV should be accepted by the Township and the applicants. It was noted that they signed the Sale Agreement, which is a contract and they are facing a breach of contract. It was also noted that if they re-apply they would need new appraisals, which may come in lower than what they had with this application. The Committee stressed that Mr. Lee and Mrs. Lau need to repay the Township prior to them reapplying for preservation or pulling the application. The Committee decided that there should be a deadline for them to make a decision and either to repay the Township or preserve the property. The aim would be for shortly after they return from Hong Kong at the latest.

- Bellsflower – Mr. Hornby reported that Ms. Miller from the SADC would be doing a baseline visit next week, which would suggest that closing will be soon.
- Kohler Farm – After the decision at the May SADC meeting, the SADC has now had to step away from any property within the PennEast area, due to the PennEast application to DEP for another permit. Unless the PennEast project is rejected, there is no way to preserve this property right now.
- Cizek – Delaware is still waiting for the Green Acres funding. D&R Greenway expressed some concern that Delaware had never done a resolution confirming the Township's commitment to help fund the preservation of Cizek. A resolution was not needed with the application for supplemental funding to Green Acres. An offer of a resolution was made to D&R Greenway, but so far Linda Mead has not needed one.
- Curtis Farm – NJCF had an appraisal done, but expected the Township to pay for it, so we had to go over the Township bidding process again. In the end, NJCF is fine with the process. The appraisal value is not public record, and NJCF did not want it shared yet. They are still working on negotiations.
- Kulas Farm – no update.
- Prutzman Farm – maybe next year, pending financial concerns.
- Application for Municipal Grant Funds from Hunterdon County – the Township was granted the funding from the Municipal Allocation. The Township is waiting for the Freeholders to approve the funding and to receive the money.
- There is a potential farm preservation application – the Herrman property, Block 17 Lot 20. There is a question about access and development potential which is being worked out.

New Applications/Updates

Green Plan – It was suggested that the Green Plan should be part of the Open Space and Recreation Plan. It seems that the concept of the Green Plan works with the intent of the Open Space and Recreation Plan. The Committee agreed. The Plan is still being worked on, so there was nothing more to be reported.

SADC Annual Report Paperwork

The SADC Annual Report has been drafted. The SADC sent out an email with preservation data that Ms. Fullerton was cross-referencing over the past few weeks. Everything is prepared to be submitted digitally.

The Improvement and Maintenance Plan –

The Recreation Committee will review this at their October meeting.

Debt payment –

Diane McDaniel did a presentation to the Township Committee regarding the erroneous Capital Fund payment from almost twenty years ago to be paid in full. This would transfer \$120,000 from the Open Space Trust Fund to the Capital Fund. It was noted that the Township could not use these funds for Open Space purchases anyway, since it was already earmarked to be transferred. The Committee had a discussion regarding debt payments and the County Municipal Allocation grant that will be paying open space debt.

County Open Space Committee Update

Member Goldman was not in attendance, so there was no report on the County Open Space Committee.

Open Space and Recreation Plan Update

The OSRP was discussed earlier in the meeting.

Chairperson Westlake opened the meeting to the public.

Mr. Hornby spoke about a call from the SADC regarding any complaints of PennEast surveys on preserved properties. Ms. Fullerton suggested contacting Member Coffey and Mr. Bench from the AAC. Member Lockwood mentioned that previously, the Township had a list of the properties that PennEast was going to access. Ms. McKinney or Mr. Duggan might have this information. The extent of easements on this list is unknown. Mr. Hornby also announced that the County will be doing a revised Farmland Preservation Plan, so there will be some outreach for public comment.

Member Lockwood announced that the NJCF Rally has been scheduled for March of 2020. It will be held at a new venue, due to scheduling constraints. A request for proposals for conference sessions has gone out. Chairperson Westlake closed the public portion of the meeting.

Member Lockwood made a motion to adjourn the meeting and Member Smotrich seconded the motion. The meeting ended at approximately 8:35 pm.