

Delaware Township Open Space Committee Minutes
Monday, July 20, 2020
Prepared by Katherine Fullerton, Open Space Coordinator

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Attendees are asked to announce themselves when they come into the meeting, so that all in attendance can be aware of each other. If using the computer video, we ask that you change your name upon entering the meeting.

Open Space Chairperson Rosalind Westlake called the meeting to order at 7:32pm. Open Space Coordinator Katherine Fullerton took the roll call. In attendance were: Larry Coffey, Emy Drew, Joshua Goldman, Kathy Katz, Susan Lockwood, Steven Smotrich, and Rosalind Westlake. Josh Petruchelli arrived to the meeting at 8pm.

There were thirteen members of the public in attendance.

Member Katz had a minor change to the minutes from June 15, 2020. Member Coffey made a motion to approve the June 15, 2020 meeting minutes as amended and Member Smotrich seconded the motion. All voted in favor.

Update of Existing Applications

The OS Committee received an update on the following applications:

- Maresca – The SADC is continuing to do their own title search to find any other potential easement access for the cemetery from any other adjacent property, just like they were last month.
- Lee/Lau – We are closer to closing with this application. The survey is back with SADC for review and the title has been updated and is with SADC. It may be a couple months until the closing.

- Cizek – Closed on June 30, 2020. The Township is looking forward to having all that open space available to residents and under the maintenance of D&R Greenway.
- Curtis Farm – The application to the County has gone well. The Freeholders need to approve the funding and process the Purchase Order. The non-profit application is with SADC, which has extended the deadline for non-profit grants, and NJCF has extended their contract with Mr. Curtis, so they have more time to process the grant applications.

There may be another application pending in the next few meetings.

Discussion of Open Space Referendum

The Committee has been asked by the Township Committee to provide input and commentary whether any Open Space Funds should be used for maintenance for Township Open Space properties.

The Chair's initial thoughts on this was to get the thoughts of all the Committee members, and there are members of the public who would like to provide their comments.

Chair Westlake has inquired about the bond documents and if they allow for anything other than the acquisition of land. If the bond indentures do not allow for any other activities than acquisitions, then this question is moot. Chair Westlake has discussed this with the Township Attorney who will be looking into this. Since the debt has not been repaid, this is still relevant as the bond restrictions are extremely strict and in effect until the bond is fully paid. It was noted that there are approximately four years left until the bond payments are done. This question needs to be answered by the Bond Counsel and the Township Attorney.

The Chair also wondered exactly what maintenance is required. The Open Space Committee does not preserve property only to have the property not maintained. Who is the responsible party for maintaining these properties? It could be useful to do an inventory of Open Space properties in the Township, their maintenance needs, and who is responsible for maintenance. There are other questions, such as what is the definition of maintenance and the expense involved - gas for mowing, signs? Is the Township looking at \$10,000 or \$300,000 annually for maintenance? Are there other sources of funding for maintenance? This ties back to who is responsible for maintaining the Open Space property in the Township.

This is a discussion only. We are looking for comments and thoughts on whether any funding from the Open Space Trust Fund should be used – a limit or percentage? Comments regarding the identification of necessary maintenance and cost for maintenance would be useful.

Larry Coffey – Member Coffey is not sure of the maintenance needs for the Township. Farmland preservation is taken care of by the property owner. Open Space property might need trails maintained, which is generally done by volunteers. If the necessary work relates to trails, there could be a budget

item for maintenance. Member Coffey is not sure how this maintenance issue has come up after so many years of the Township doing this.

Steven Smotrich – As a liaison for the Recreation Commission, Member Smotrich focused his discussion on Dilts Park. He suggested that there might have been open space funds used there in the past. There have been complaints regarding the lack of maintenance on trails and bridges at Dilts Park. It was noted that there are several Ash trees at the park that will need to be removed. He reviewed the improvements done to Dilts park recently: volunteers have worked on the trails, made a firepit, and made benches by the pond. The Recreation Commission has been discussing future ideas for the pond area. This comes back to the definition of maintenance.

Joshua Goldman – Member Goldman has felt strongly that towns preserve open space and then do not spend the necessary funds to maintain and protect these properties. Therefore, he has no problem using Open Space Funds to mow fields and protect the open space that it has purchased. He would not want the Open Space Trust Fund money spent on recreation or maintenance equipment.

Emy Drew – Member Drew has only heard of concerns regarding the lack of maintenance of the trails at Dilts park. The Township has a tight budget and if there could be some funds used, that would be good. It is not known how much of the fund would be needed, but this is a gap that needs to be filled.

Susan Lockwood – Member Lockwood echoed Member Coffey's comments – she noted that the Township did not pay for the original Dilts Park, it was a donation – historically the Township has arranged open space so that there is a non-profit who is responsible for maintaining the open space property. It sounds like the Township has bought all this open space and is not able to maintain it, when it is only the Dilts Park that needs the financial assistance for maintenance. What does maintenance mean? Something that will benefit everyone. Trail maintenance is important. Tree removal is costly. It was noted that the Shade Tree Committee asked the Township for funds to remove the trees repeatedly, and the Township Committee had not put enough in the Shade Tree budget. The Township Committee puts Township resources into Dilts Park. It needs to be discussed how much is needed and budget accordingly. Should it come out of the Open Space Trust Fund? How much is being asked annually? It can't be open ended; it needs to be a finite amount for a certain use. If it is for Dilts Park, we should say it is Dilts Park and not make it sound as though there are open space properties that the Township neglects.

Chair Westlake commented that it sounds as though the problem area is only for Dilts, not for other properties. Member Smotrich noted that the DTAA provides a substantial volunteer service for maintaining Dilts park. If this had to be paid for, it would increase the budget substantially.

Kathy Katz – Member Katz echoed what everyone else has said – we need an inventory of the open space needing maintenance. Is this limited to Dilts Park? The Township Environmental Commission is responsible for the White Oak trail. They have done the maintenance on that trail as a Committee, along with volunteers. They worked on it after the last Environmental Commission meeting, but there is more

to be done. The scope of the work and the cost would be important to know. Guidance in the form of information and experience on costs of maintenance from the Environmental Commission could be useful for this discussion. Those figures for the White Oak Trail are compiled and will be easy to share.

Member Lockwood brought up a final point regarding the funding. For every dollar we put into a preservation effort, the Township leverages extra funds from other sources. It is important to discuss how the funds are currently being used and how removing some funds would impact the Township's preservation effort. There is not as much money in the Open Space Trust Fund as it looks for purchasing a property. If we remove a portion of the funds for maintenance, we will limit the amount available for land purchases and the Township loses the amount of money that would be used to match those funds for preservation. Member Lockwood also pointed out that the bond ordinances were set up to be paid off in the most efficient way, so that there would still be funds for acquisitions.

At this point, Chair Westlake opened the meeting to the public for comments. Being on a Zoom meeting, she called on each member of the public as they appeared on her screen.

Bob Hornby – Mr. Hornby is the Farmland Coordinator for Hunterdon County, as well as a Delaware Township resident with two kids in the soccer program. The County provides funds for maintenance, but these are Capital Improvements, not mowing. In Delaware, the County does all the monitoring on the 5,000 acres of preserved farmland. Delaware has contributed 3.8 million out of 38 million spent on farmland preservation. This is essentially a 10:1 benefit in funding to resident farmers. This is only farmland, not Green Acres. In regards to future preservation, for County lead applications, as long as the Township has the funds for the 20%, it doesn't matter where the funds come from. If the Township is taking the lead for farmland preservation, the State requires a dedicated funding source. The funding for anything in the Township comes down to priorities. The funds for the Shade Tree Committee to remove trees was found after seven years. Mr. Hornby noted that the person mowing the grass is the same person, whether it is Dilts Park, or the ditches. The Township has had a good relationship for farmland preservation and the County hopes to continue that.

Scott Kingston – The existing buildings at Dilts are his concern. They are falling apart and capital funds for the maintenance of the existing structures are needed. He does not see any need for new buildings, but the existing buildings need to be maintained. The weeding and mowing have been handled. It looks bad to have the buildings look so bad when the park looks so nice. He hates to see the park whittle away just because people can't find funds in the budget. If this isn't the right place for funding, then maybe there is a different fund. He feels that the whole community should decide if this is the right place for the funds to be used, or if there is a better fund. The whole community uses Dilts Park and sees it this way.

Brendan Burns – He is trying to understand the mechanics of the funding so far. All the open space properties have needs – how does the Township financing handle this? He noted that there is a lot of interest in Dilts Park; it is the Town Center for the community. There is a need there that needs to be

better defined. There is a beneficial use to have an important community center. He would like to understand how everyone feels about the future development of Dilts Park.

Tim Soltis – He is on the Recreation Commission and coaches at Dilts Park. He echoes Scott and Brenden's points – the buildings at Dilts Park are in disrepair. Most of the open space in Delaware Township is passive, whereas Dilts Park is active. Much of the work to develop the Park has been done by Scouts and other volunteers. If there are extra funds, from any source, using them on Dilts Park would be helpful. There is also the Village Green, which the Recreation Commission has been looking at for Township activities.

Joseph Wiley – He has a question about the wording about the 2006 ballot and bond referendum. He noted that it appears that the referendum limits the use of funds for just acquisitions. This question has been posed to the Township Attorney. We are waiting for the Bond Counsel's response.

ARPAS (American Registry of Professional Animal Scientists), Kenneth Cummings – Mr. Cummings commented that the Township Committee needs to get the legal questions answered soon if there is going to be a referendum on the ballot this fall. It was noted by Member Lockwood that the wording of the existing Open Space Trust Fund referendum only allows for the funds to be used for acquisitions. A new referendum is needed to allow funds to be used for maintenance. Chair Westlake pointed out that there can't be a new referendum until the question of the bond indentures has been answered.

Jamie Waltman, the Township Deputy Mayor, expressed interest in the bond language as well. He did point out that many of the surrounding municipalities use their Open Space Trust Fund for maintenance expenses, so the bond language may not be as much of a hindrance as we think it may be. Mr. Waltman worked with the Township CFO, Diane McDaniel, to review the actual funds used. Their review suggests that the Township would need \$50,000 annually for Dilts Park. This would include materials and labor from Public Works. The Township Committee is looking for any sources for funding this maintenance, and perhaps some capital expenses in order to improve the buildings. Mr. Waltman referenced the Open Space Trust Fund projection done by Ms. McDaniel which shows bond payments over the next three years, and suggested that \$50,000 could come out of the Open Space Trust Fund annually without impacting open space preservation. He suggested taking this back to the people of the Township as a referendum so improvements can be made to Dilts Park so other people wished they live here. During the latest bond rating review, the park was a reason for a higher bond rating, so the Township should treat it as the gemstone that it is.

Ravenna Taylor – Ms. Taylor expressed that Dilts Park should be a reason to live here, but people also move here for the open space and preserved farmland. If people want a nicer park and maintenance at Dilts Park, then a new referendum should be written. The Township should not pirate the Open Space Trust Funds. It was a lot of hard work to do the preservation that has been done so far, it would be a terrible loss in the long term.

Josh Petruchelli – Member Petruchelli supports Deputy Mayor Waltman. He has children active at the Park and has put in numerous hours of volunteer work there. It is the community hub and should be treated as such. It is a place for community activities and where Township residents come together.

Roger Byrom – He also came here for the open space and preserved farmland. We should not lose the priority that we're investing a small amount and getting 5x from the County and State to buy and preserve the land. The local farmers are getting 10x from outside the community as a reward for preserving their land. He understands the issues at Dilts park. One way to deal with these issues would be a new referendum for maintenance costs and/or considering a friends group as a way to provide this service.

Sam Thompson – Mr. Thompson began by thanking the Committee for their work. He agrees with the need to fund Dilts Park as a community park. His children grew up there and he volunteered during that time. There should be money for maintaining this park - there had been money for the Park. It should not come from the Open Space Trust Fund. His reading of the budget indicates that the Township Committee allocated \$38,000 to Dilts Park this year. The money the Township spends ultimately comes from the taxpayers. The difference is that the Open Space Trust Fund leverages the taxpayer's money from other places, 5:1 or even 20:1. He would be thrilled to work with a Friends of the Park group. This group could fundraise, so that the maintenance funds are not coming from the taxpayers.

Kristin McCarthy – Ms. McCarthy also started by thanking the Committee for their work. She had three points: 1) She applauds the current administration, since, during the pandemic, the park has been used a lot and the park looks great. It has never looked better. The Township should pride itself on that. This space should be cherished and it should be as great as it can be. 2) This issue came up when she was on the Township Committee several years ago and the language was clear that using the Open Space Trust Fund money for maintenance is not allowed. The Township residents have been very clear on wanting to spend taxpayer money on open space and preserved farmland. 3) Instead of changing the use of the Open Space Trust Fund money, a better referendum could be to create a 0.5% tax dedicated for Dilts Park maintenance, which would generate approximately \$40,000. At the same time, a non-profit group, Friends of Dilts Park, could be created. This group would work with the tax and fundraise to match the tax. If the new referendum were only 0.5%, it would be a small sum, but if matched by fundraising would be a substantial amount for park improvements. The funding for Dilts Park should not be at the expense of open space preservation.

Roger Harris – Mr. Harris wanted to understand the potential risk of deficits of the Open Space Trust Fund as mentioned earlier by Chair Westlake. Chair Westlake explained the projections by the Township CFO indicating the debt service for the next 20 years; the income and expenses for the Open Space Trust Fund. Since the Township is at the end process of paying off the debt, the next three or four years will have significant debt service payments. It was noted that the Township has an excellent reputation for preserving open space and farmland preservation. The concern is to not jeopardize the Township's bonding ability. Mr. Harris agreed with this concern, and expressed concern about needing to bond in order to pay for a large open space project. He noted that open space has nothing to do with

maintenance. The Open Space Committee is charged with facilitating preservation. We'd be cutting our own budget. It is all about Dilts. The Township Committee accepted the park when it was given to the Township, knowing full well that the Township would be responsible for maintaining it. The Township has also expanded it recently, also knowing that there would be maintenance costs. This request is a slippery slope – where does it end? This is park maintenance and the Township Committee needs to find the funding to support the maintenance. This is clearly not what was anticipated with the Open Space Trust Fund. The park is important, and Mr. Harris volunteered there when his kids were young. Mr. Harris is opposed to the use of Open Space Trust Fund money for park maintenance funds. The Township Committee was able to pay for it in the past.

Alix Bacon – Ms. Bacon echoed the comments from before and agreed that until the legal issues are resolved, there is no way the Township can have a referendum in the fall. It looks like there is an issue about how to maintain Dilts park. This open space money does not set aside the maintenance for Dilts Park. The Township was hesitant to accept the donation of the park because of the maintenance concerns. In the end, the Township accepted the park. It is a Recreation issue, not an Open Space issue. The Open Space lands in the Township have been preserved through a joint effort with the State agencies and non-profits. The Township purposely owns a minority of the property so it does not need to maintain the lands. Therefore, the non-profits maintain the preserved Open Space lands. They mow the trails, they monitor the lands and make sure it is accessible, usually with volunteers. There are volunteer stewards to maintain trails and do work days. NJCF also works with corporate volunteers to help maintain their properties. If there are any problems with the NJCF properties, please let them know, since that is their responsibility, and not Delaware Township's responsibility, particularly due to the legal documents involved in the preservation of the land. The Open Space Committee works hard to preserve open space and the Committee needs all the resources available to it. There are still many vulnerable properties. A referendum for a separate tax is fine; a friend's group is great. This is not the place to go for these funds. It is a general budget item; the Township Committee has provided the funds in the past and provided \$38,000 this year. Let's see a plan for the maintenance of Dilts Park and decide what needs to be done and what doesn't need to be done.

Chair Westlake expressed appreciation for all the comments from the attendees. The Committee will review the notes from the meeting and will share these comments with the Township Committee. This process will begin at the next Open Space Committee. The public is welcome to attend the next meeting. The discussion on the Open Space Referendum was closed and the meeting moved on to the next agenda item.

County Open Space Committee Update

Member Goldman announced that the County Open Space meeting is scheduled for next week. He will attend and will update the committee at the next meeting.

Open Space and Recreation Plan Update

Member Smotrich reported that the Recreation Commission has not had a chance to work on the Open Space and Recreation Plan, but it will be on the agenda. They have other items to discuss. The draft

Maintenance Plan is on the agenda for the next meeting. The Commission hopes to review it and return it to Coordinator Fullerton so it can be approved by the Township Committee and submitted to the County.

Comments from the Committee

Member Coffey noted that this is the second time that the Township Committee has tried to take Open Space Trust Funds for other uses.

Member Lockwood thanked Chair Westlake for running a good meeting and thanked everyone for attending and commenting on the issue.

Meeting Open to the Public

There were members of the public still at the meeting. Chair Westlake called on each of them. Each member of the public who spoke thanked the Open Space Committee for their work and had nothing else to say. Chair Westlake closed the public portion of the meeting.

It was noted that there is an August meeting scheduled, but usually this Committee cancels the August meeting. Member Coffey made a motion to postpone the Open Space Committee business to September 21, 2020 and Member Goldman seconded the motion. All in favor.

Member Goldman made a motion to adjourn the meeting and Member Lockwood seconded the motion. The meeting ended at approximately 9:00pm.