

Delaware Township Open Space Committee Minutes

Monday, May 17, 2021

Prepared by Rosalind Westlake, Open Space Chair

Join Zoom Meeting

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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 7:30pm. The Pledge of Allegiance was led by Chair Westlake and then she took the roll call. In attendance were: Larry Coffey, Joshua Goldman, Kathy Katz, Susan Lockwood, ~~Josh Petrucci~~, Steven Smotrich, Rosalind Westlake. Chair Westlake noted for the record that Karin Peklak has submitted a volunteer application to become a member of the Committee.

The Committee reviewed the April 19, 2021 meeting minutes. A motion was made by Member Smotrich to adopt the April minutes and the motion was seconded by Member Goldman. All voted in favor except for Member Katz who abstained.

Update of Existing Applications

The OS Committee received an update from Chair Westlake on the following applications:

- Lee/Lau – The closing was scheduled for May 14, 2021. At the closing, Mrs. Lau decided not to close. She did not understand that those portions of her property that already had easements or other restrictions on it were not included in the calculation of acres for which she was to be paid. Chair Westlake discussed the options that might be available to acquire the property with the SADC and the County. It was determined that Mrs. Lau would remain responsible for the expenses incurred by the Township. It was also determined that there was no reason that she

could not reapply. It was noted that the property is not particularly valuable because it is bisected by a stream with significant buffers and much of it is wetlands.

- Curtis Farm – This property is scheduled to close soon by NJCF with the County holding the easement. There is no Township involvement.

Open Space Coordinator Position

Chair Westlake advised that the Township had put a hold on the decision to hire an Open Space Coordinator. Chair Westlake also advised that she had expressed significant concern to the Mayor and other committee members that this position is very important for a number of reasons. Member Coffey reiterated his concerns that the lack of an Open Space Coordinator will impact the update statutorily required for the Master Plan. He noted that either the Township pays now by hiring a new Coordinator or the Township would pay later because in the absence of a coordinator, the Township will have to hire a professional planner to update the Master Plan Tables in the Farmland Preservation Element.

County Open Space Committee Update

Member Goldman advised that there was no meeting.

Comments from the Committee

Chair Westlake noted that the requested donee acknowledgment form from the IRS to allow for a partial charitable deduction for the land preservation should probably be redirected to D&R Greenway. Chair Westlake advised that she had reached out to the Township Clerk to find out if there were any existing applications for volunteer positions and to request that a post be placed on the Township website. No volunteer applications were in the township records.

Member Lockwood advised that the Mayor wants a referendum seeking to take 50% of the Open Space funding to be used for “other purposes.” Member Lockwood is on the Township Committee subcommittee. She advised that in her opinion, using these funds for other purposes is problematic. The Members discussed at length the concerns of this referendum. First there is the issue of debt service. This needs to be covered before any other funds are spent, even for open space/preserved lands. Second, it has yet to be officially determined whether the bond indenture for the Open Space Funds allows for the diversion of Open space funds. This is a significant legal question that could result in violations of the bond indenture and sanctions/penalties issued by the Trustee of the bonds against the Township. Third, in order to receive matching funding from other sources, we have to have the open space tax used for open space purposes. This could negatively affect our ability to access such other sources of funding. Has the Township researched whether this proposal would impact the ability of the Township to receive the \$26,000 grant from the County for maintaining Dilts Park? Fourth, acquiring open space is a significant savings on the potential impact of ratables collected on the same property if developed. This “cost of community” has been clearly demonstrated to negatively impact budgets. For example, the cost of supporting a 50 house development is far greater than the amount of taxes that can be collected from those 50 properties. Fifth, it is not possible to determine how much funding is required for the OSC to acquire additional open space/preserved farmland. This also renders it impossible to negotiate with property owners to acquire lands as the OSC will not have a clear understanding of what funds are available to OSC for these acquisitions.

The Members unanimously agreed that the OSC should send an open letter to the Township Committee and the citizens of the Township asking the above questions. The Members also discussed researching the legal issue of what happens to matching funding from other government agencies if Open Space funds are diverted for other uses. The Members also agreed that an OPRA Request for a complete copy of the Bond Documents should be made.

Meeting Open to the Public

There were no members of the public present, so the Chair closed the meeting to the public.

Member Katz made a motion to adjourn the meeting and Member Coffey seconded the motion. The meeting ended at approximately 8:30 pm.