

# APPROVED

## **Garden State Preservation Trust** **March 11, 2009 Meeting Minutes**

Executive Director Ralph Siegel, in his capacity as the elected Secretary-Treasurer and therefore the ranking officer in attendance, called the meeting to order at 11 a.m. Mr. Siegel read a statement certifying compliance with the Open Public Meeting's Act and then called the roll. Public members present were: Andrew Buzby, Ken Atkinson, Jan Rosenfeld and Robert Hughey. Ex-officio members present were Susan Craft (for Agriculture Secretary Douglas Fisher), Gary Rice (for Acting DEP Commissioner Mark Mauriello), James Requa (for Department of Community Affairs Commissioner Joseph V. Doria) and Hans Goff (for State Treasurer R. David Rousseau.) Acting Chairman Michael Murphy was absent.

### **MOTION TO APPOINT PUBLIC MEMBER CHAIR PRO-TEMP**

Mr. Siegel, citing advice of Deputy Attorney General Cliff Rones, called for nominations and a motion to elect a temporary chair from among the public members present to conduct the meeting. Former Chairman Herbert Wegner was no longer a member of the board because of Assembly Speaker Joe Roberts' appointment of Mr. Buzby in December, and Vice Chairman Murphy, who had been thereby elevating to Acting Chairman, was unavailable for the meeting.

Mr. Siegel further explained election of officers for 2009 was planned for the meeting but even when completed would not take effect until the Governor's 14-day veto period had expired, so the chair pro-temp would remain in charge of the meeting regardless of the outcome of elections.

Mr. Hughey nominated Ms. Rosenfeld to serve as chair pro-temp. None others were so nominated.

Moved by Mr. Hughey  
Seconded by Ms. Craft  
Approved 8-0.

Chairwoman Pro-Temp Rosenfeld took over the gavel for the meeting.

### **REMARKS BY CHAIRWOMAN PRO-TEMP**

Chairwoman Pro-Temp Rosenfeld noted the full agenda and asked presenters to keep their remarks direct and succinct. She welcomed Mr. Buzby and Mr. Atkinson to their first board meeting.

**APPROVAL OF MINUTES OF JULY 29, 2008, BOARD MEETING**

Chairwoman Pro-Temp Rosenfeld and Ms. Craft submitted written copies of the minutes with suggested typographical corrections. Chairwoman Rosenfeld asked if there were any other corrections or clarifications to the draft minutes from the July 29 meeting. There were none.

Moved by Ms. Craft

Seconded by Chairwoman Pro-Temp Rosenfeld

Approved 8-0.

**ELECTION OF OFFICERS FOR 2009**

Chairwoman Pro-Temp Rosenfeld explained the statutory rotation of chair meant this year the Governor's appointee, Mr. Murphy, was the only board member eligible to be elected chairman of the Garden State Preservation Trust for 2009.

Mr. Atkinson nominated Mr. Murphy as chair in absentia.

Ms. Craft seconded.

Mr. Siegel conducted a roll call vote.

Approved 8-0 to elect Mr. Murphy chairman for 2009.

Chairwoman Pro-Temp Rosenfeld asked for nominations for the position of vice chairman of the Garden State Preservation Trust for 2009.

Ms. Craft nominated Chairwoman Pro-Temp Rosenfeld as vice-chair for 2009.

Mr. Atkinson seconded.

Mr. Siegel conducted a roll call vote.

Approved 8-0 to elect Chairwoman Pro-Temp Rosenfeld as vice chairwoman for 2009.

Chairwoman Pro-Temp Rosenfeld explained the board could elect anyone to serve as Secretary and as Treasurer and could combine the positions. The statute does not require these posts to be held by a voting board member.

Ms. Craft nominated Mr. Siegel to the combined post of Secretary-Treasurer for 2009.

Chairwoman Pro-Temp Rosenfeld seconded.

Mr. Siegel conducted a roll call vote.

Approved 8-0 to elect Mr. Siegel Secretary-Treasurer for 2009.

Mr. Siegel took a moment to explain the rules of recusal from a vote. He said that in order for a board member to recuse from an item, it is required the member to refrain from any involvement in the deliberations or discussion leading up to the vote. He said recusal is not the same as abstention, in which a member participates in deliberations but simply chooses not to register a “yes” or “no” vote, as is every member’s prerogative. He said recusal is more severe and requires complete detachment from the deliberations.

Mr. Siegel said his review of the minutes from a previous meeting reminded of the actions of one board member who “surprised” him by recusing from a vote after actively participating in the discussion about the measure.

### **EXECUTIVE DIRECTOR’S FISCAL REPORT Part 1**

Mr. Siegel reviewed the balance of funds available from the Garden State Historic Preservation Trust Fund of \$11.2 million and the balance available from the 2007 Historic Preservation Bond Fund with an authorized allocation of \$6 million from the November 2007 voter referendum. These in combination provided sufficient funds to cover the New Jersey Historic Trust recommended appropriation of \$15.6 million.

Mr. Siegel said the \$11.2 million allocation from the Garden State Historic Preservation Trust Fund would exhaust the funds available for appropriation out of that account.

### **PRESENTATION OF NEW JERSEY HISTORIC TRUST RECOMMENDED HISTORIC SITE MANAGEMENT AND LEVEL I & II CAPITAL GRANTS FOR FY 2009**

Historic Trust Executive Director Dorothy Guzzo reviewed the projects recommended for grant awards.

Ms. Guzzo said the Historic Trust recommended a grant total of \$15,557,201 and would bring the Historic Trust to the end of its GSPT funding. She said the agency took in 138 applications requesting \$38 million. She said the Historic Trust had planned to limit the grant total to \$10.5 million but chose to also tap into some of the funds available from the November 2007 referendum because of the volume and quality of the applications.

Ms. Guzzo said a third of the grants would go to municipal governments, a third to nonprofit organizations, five to county agencies and the balance to church nonprofits.

Ms. Guzzo presented a slideshow examining the Historic Site Management grants to fund programs ranging from planning, project assessment or design, to tourism interpretation.

Ms. Craft asked about the criteria for project selections and the decision-making process. Ms. Guzzo explained applicants’ proposals must conform to U.S. Department of Interior historic rehabilitation standards, must be listed or eligible for listing on the National Register of Historic Places, and must conform to an array of Historic Trust regulations and guidelines, and must be owned by a public or nonprofit agency. She said the objective was long-term preservation.

Ms. Craft noted that there are more applications than available funds, and asked how the recommended grants were selected from among all of the applications. Ms. Guzzo reviewed a rigorous process that included applicant conferences and meetings.

Ms. Guzzo continued her slideshow examining the Level I and Level II Capital Preservation grants.

Ms. Craft asked if these applicants are required to document their capacity to provide the 50-percent matching funds, and if an assessment of financial ability is one of the selection criteria. She asked if the Historic Trust was confident the successful applicants would be able to raise their side of the matching grant. Ms. Guzzo said applicants must demonstrate the ability to raise their share of the funds, and that this is consistently monitored. She said the grants are paid out in phases as reimbursements for work already completed, so the applicant is actually spending the funds first.

**RESOLUTION #09-001 APPROVING NEW JERSEY HISTORIC TRUST  
RECOMMENDATIONS FOR LEVEL I & II CAPITAL GRANTS AND  
HISTORIC SITE MANAGEMENT GRANTS FOR FY2009**

Chairwoman Pro-Temp Rosenfeld asked for motions to approve the Resolution.

Moved by Mr. Hughey  
Seconded by Mr. Requa  
Approved 8-0.

**RESOLUTION #09-002 APPROVING NEW JERSEY HISTORIC TRUST  
RECOMMENDATIONS FOR LEVEL I & II CAPITAL GRANTS AND  
HISTORIC SITE MANAGEMENT GRANTS FOR FY2009 FROM THE  
NOVEMBER 2007 HISTORIC PRESERVATION BOND FUND PL 2007 C.119  
AND FROM OTHER FUNDS**

Moved by Ms. Craft  
Seconded by Mr. Hughey  
Approved 8-0.

**EXECUTIVE DIRECTOR'S FISCAL REPORT Part 2**

Mr. Siegel said the Green Acres recommendations for State Acquisitions, Local Grants and Nonprofit Grants totaled \$194,043,120.

Mr. Siegel reviewed the balance of \$5.3 million from the Garden State Green Acres Trust Fund available for State Acquisition grants, and the full \$109 million available under the 2007 Green Acres Trust Fund arising from the November 2007 voter referendum.

Mr. Siegel said these sources represent a part of the funding that Green Acres is proposing for FY2009. He said he had no information concerning the availability of other funds and could make no recommendation to the board concerning these funds. Mr. Siegel deferred to officials from the Office of Green Acres to discuss these other funds.

**PRESENTATION OF GREEN ACRES RECOMMENDATIONS FOR STATE  
ACQUISITION GRANTS, LOCAL GRANTS AND NONPROFIT GRANTS FOR  
FY 2009**

A presentation was made by administrators Martha Sapp and Fawn McGee of the Office of Green Acres concerning the Green Acres Local & Nonprofit Grant Recommendations, Green Acres State Acquisition Recommendations and Blue Acres State Acquisition Recommendations.

Ms. Sapp said Green Acres received almost \$230 million in applications for local and nonprofit land acquisitions, of which \$88 million is available to be recommended. She said requests for funding for park and recreational development totaled \$132 million, of which \$51 million is available to be recommended.

Ms. Sapp said the funds being recommended come from the November 2007 referendum, interest earnings on the trust funds, loan repayments and project cancellations. She said Green Acres is committed to helping applicants succeed with projects, but sometimes if there is not adequate progress the State will cancel the funding for that project, and those funds then become available for other projects that are ready to go.

Ms. Sapp explained the various local grant programs ranging from 2-percent loans to 75-percent share cash grants. She said the largest sum goes to planning-incentive communities with their own tax source. She said a base award is established in each grant round. This year the recommendation for the base award is \$500,000. She said towns with higher population density qualify for 1.5 times the base grant, and urban aid communities qualify to 2 times the base grant. Similar ratios apply in county programs.

Ms. Sapp said the base award varies in each grant round, but the factor system is proven over time to be reliable and fair to all communities.

Ms. Sapp said urban park development is an especially important model during the economic downturn because these development and construction projects improve neighborhood values and create jobs. She said conditions for land acquisition also improve during economic downturns, and that local recreation resources are especially important when economic downturns make family travel more difficult.

Mr. Atkinson said he would recuse himself from the vote because his county agency was involved in dispersal of Green Acres Local Grant funds in Gloucester County, and he therefore would have oversight of certain of these grants.

Mr. Rice, who is deputy administrator of the Office of Green Acres, publicly thanked the staff of the Office of Green Acres for their tremendous work in preparing these recommendations.

Ms. McGee reviewed the State Acquisition Recommendations under the Green Acres and also the renewed Blue Acres programs. She said the total State Acquisition and Blue Acres recommendations of \$66 million would come from an allocation of \$45 million from the 2007 Referendum Bond Fund for Green Acres, \$12 million from the 2007 Referendum Bond Fund for Blue Acres, and \$9 million "from interest earnings."

She said 102 properties were acquired in 2008 to preserve 5,500 acres at a cost of \$48 million.

She said State Acquisitions were based on a regional bloc grant approach in which set sums were allocated to specific geographic areas, or "pods," thereby giving officials leeway on which projects to acquire within those geographic areas. She said statewide about 371 properties are available for acquisition at a rough cost of \$162 million. She

said presently about \$40 million in acquisitions are actually under contract for State purchase pending the prompt appropriation of funds.

Ms. McGee said the Blue Acres funds would go to acquire land for conservation or recreation access purposes in the floodways or tributaries of the Passaic, Raritan and Delaware rivers. She said eligible properties must be classified by the Federal Emergency Management Agency, or FEMA, as being subject to repetitive flood damage, or as useable to protect other land from such damage. Funds can also be used to demolish and remove structures on these acquisitions, citing the acquisition and clearing of frequently flooded homes along the Passaic River in Pompton Lakes and Wayne under the previous Blue Acres program created in 1995.

Ms. McGee said acquiring properties that are listed as FEMA priorities could draw substantial federal matching grants of up to 70 percent of the acquisition cost.

Chairwoman Pro-Temp Rosenfeld asked if FEMA grants were even available. Ms. McGee said these grants have already been funded. She said the State would be the applicant for the funds on a reimbursement basis. Ms. McGee reviewed the flood-area map books handed out to the members so they could see the broad areas qualified for grants under the recommendations were quite broad.

Mr. Siegel gave the Green Acres staff great credit for ensuring their funding recommendations complied with FEMA regulations. He said federal grant rules are mindlessly complicated and it would have been far easier and less time-consuming for Green Acres staff to simply skip the federal funding and propose independent acquisitions. Because federal funding for other conservation programs is limited, Mr. Siegel said the Blue Acres program could turn out to be the most successful of all GSPT programs in drawing matching federal funds.

#### **RESOLUTION #09-003 APPROVING GREEN ACRES STATE ACQUISITION PROJECTS FOR FY2009.**

Chairwoman Pro-Temp Rosenfeld asked for motions to approve the Resolution.

Moved by Ms. Craft

Seconded by Mr. Hughey

Approved 8-0.

**RESOLUTION #09-004 APPROVING GREEN ACRES STATE ACQUISITION PROJECTS FOR FY2009 FROM THE NOVEMBER 2007 GREEN ACRES BOND FUND PL 2007 C.119 AND FROM OTHER FUNDS**

Moved by Mr. Rice  
 Seconded by Mr. Requa  
 Approved 8-0.

**RESOLUTION #09-005 APPROVING GREEN ACRES LOCAL ACQUISITION & DEVELOPMENT PROJECT GRANTS FOR FY2009 FROM THE NOVEMBER 2007 GREEN ACRES BOND FUND PL 2007 C.119 AND FROM OTHER FUNDS**

Mr. Atkinson reiterated his recusal from the discussion and consideration of the Resolution because his county agency was involved in dispersal of Green Acres Local Grant funds in Gloucester County.

Moved by Mr. Rice  
 Seconded by Mr. Hughey  
 Approved 7-0.

Mr. Atkinson recused himself from the vote.

**RESOLUTION #09-006 APPROVING GREEN ACRES NONPROFIT GRANTS FOR FY2009 IN 20 COUNTIES PLUS GRANTS IN MORRIS COUNTY TO THE GREAT SWAMP WATERSHED ASSOCIATION, HARDING LAND TRUST, LAMINGTON CONSERVANCY, LAND CONSERVANCY OF NJ, PASSAIC RIVER COALITION, PROTECT-OUR-WETLANDS-WATERS-&-WOODS INC., TRUST FOR PUBLIC LAND, UPPER RARITAN WATERSHED ASSOCIATION, AND NEW JERSEY CONSERVATION FOUNDATION FROM THE 2007 REFERENDUM GREEN ACRES BOND FUND PL 2007 C.119 AND FROM OTHER FUNDS.**

Mr. Siegel took over for Chairwoman Pro-Temp Rosenfeld and presided over the meeting.

Mr. Siegel explained the structure of the Nonprofit Grant resolutions as a courtesy to Chairwoman Pro-Temp Rosenfeld so she could participate in this, the main Resolution, while recusing on Resolution #09-007 concerning the one grant on which she had a conflict of interest.

Moved by Mr. Rice  
 Seconded by Mr. Hughey  
 Approved 7-0.

Mr. Atkinson recused himself from the vote.

**RESOLUTION #09-007 APPROVING GREEN ACRES NONPROFIT LAND ACQUISITION GRANT FOR FY2009 TO SCHIFF NATURAL LANDS TRUST OF MORRIS COUNTY FROM THE 2007 REFERENDUM GREEN ACRES BOND FUND PL 2007 C.119 AND FROM OTHER FUNDS.**

Moved by Mr. Hughey  
Seconded by Mr. Rice  
Approved 7-0.

Chairwoman Pro-Temp Rosenfeld recused herself from the vote.

**RESOLUTION #09-008 APPROVING BLUE ACRES STATE ACQUISITION PROJECTS FOR FY2009 FROM THE 2007 REFERENDUM BLUE ACRES BOND FUND PL 2007 C.119.**

Moved by Mr. Rice  
Seconded by Ms. Craft  
Approved 8-0.

**RESOLUTION #09-009 AUTHORIZING THE TREASURY DEPARTMENT DIVISION OF ADMINISTRATION TO ISSUE REQUEST-FOR-PROPOSALS AND TO AWARD A CONTRACT FOR GSPT OFFICE AUDITS FOR FY2007 AND FY2008**

Chairwoman Pro-Temp Rosenfeld, who also chairs the Finance & Audit Subcommittee, explained the scope of the audit was small, confined only to the expenditure by the GSPT office of appropriated funds, because the major conservation trust funds were audited under statutory mandate by the State Office of Management & Budget. She the resolution authorizes her subcommittee to receive bids and then to award a contract.

Moved by Mr. Requa  
Seconded by Ms. Craft  
Approved 8-0.



**RESOLUTION #09-010 RATIFYING AND APPROVING FISCAL YEAR 2009  
GSPT OFFICE BUDGET**

Budget had been mailed to board members in advance and was enclosed in the board member's meeting books.

Board members discussed various aspects of the budget such as the funding for Farmland Preservation signs and the use of unexpended administrative funds.

Moved by Mr. Hughey  
Seconded by Ms. Craft  
Approved 8-0.

**RESOLUTION #09-011 TO MODIFY THE EXPENDITURE MONITORING  
PROGRAM ADOPTED IN RESOLUTION #04-010.**

Mr. Siegel explained how the Expenditure Monitoring Program would continue to function on an advisory basis.

Moved by Mr. Atkinson  
Seconded by Ms. Craft  
Approved 8-0.

**SUBSTANTIAL APPROVAL OF MEETING MINUTES FOR TRANSMITTAL  
TO THE GOVERNOR'S OFFICE.**

Mr. Siegel reviewed the actions taken during the meeting and requested "substantial approval" of the minutes of these actions as he had reviewed them.

Chairwoman Pro-Temp Rosenfeld asked for a motion for substantial approval of the March 11 meeting minutes to engage the Governor's 14-day veto period. (This would permit the resolutions to take effect without waiting for the minutes to be formally approved at the next Trust board meeting.)

Moved by Mr. Requa  
Seconded by Mr. Rice  
Approved 8-0.

**BOARD MEMBER COMMENT**

Ms. Craft discussed how the "dual appraisal" provisions apply to current projects since the requirement sunsets on June 30. She said the farmland program interpretation was to apply the provision only to projects in which specific, definitive steps have been taken in the application process by June 30.

Mr. Requa asked if any board members or others knew of university studies concerning economics or the impacts of land acquisition and conservation. Mr. Siegel

and a few others said they knew of none. Ms. Craft said her program had research on the positive impact of farmland preservation and municipal tax costs.

Mr. Rice again thanked Green Acres and DEP staff, staff members of the nonprofit partners, and fellow board member, Mr., Hughey, as former DEP commissioner.

### **PUBLIC COMMENT**

Linda Mead, executive director of the D&R Greenway Land Trust thanked the GSPT and Green Acres for moving rapidly on critical projects. She said with funding approval now in place contracts for preservation could be signed, some within several weeks.

Tom Gilbert of the Trust for Public Land and head of the Keep It Green Campaign advocacy group provided some answer to Mr. Requa's point, stipulating a very direct public-benefit return on land conservation investments. He said a study was being conducted to detail specific dollar benefits for preservation programs.

Mr. Siegel also introduced Kelly Mooij of New Jersey Audubon and the Keep It Green Campaign.

### **ADJOURNMENT**

Chairwoman Pro-Temp Rosenfeld asked for motions to adjourn the meeting.

Moved by Mr. Atkinson  
Seconded by Ms. Craft  
Approved by voice vote 8-0.

Respectfully submitted

Ralph Siegel  
executive director  
board secretary  
January 5, 2010

Others in attendance representing agencies:

GSPT DAG Cliff Rones  
Maura Tully, Governor's Counsel, Authorities Unit  
Daniel Patrick O'Connell of Evergreen Capital Advisers  
OLS staff counsel Carrie Anne Calvo-Hahn  
Thomas Gilbert of the Trust for Public Land/Keep-It-Green Campaign  
Kelly Mooij of New Jersey Audubon/Keep-It-Green Campaign  
Michael Catania of Conservation Resources Inc/Schiff Natural Lands Trust  
Linda Mead of D&R Greenway Land Trust  
Alison Mitchell of New Jersey Conservation Foundation/ Keep-It-Green Campaign  
Assorted legislative staff members.