

Garden State Preservation Trust
June 10, 2015, Meeting Minutes

Laura B. Overdeck of Millburn, Essex County, signed the oath of office as the Governor's appointee to the Garden State Preservation Trust, attested by Deputy Attorney General Edward Pillsbury.

Chairman Greg Romano called the meeting to order at 1:32 p.m. Executive Director Ralph Siegel read a statement certifying compliance with the Open Public Meetings Act and then called the roll. Public members in attendance were: Chairman Romano, Vice-chairman Ken Atkinson, Andrew Buzby, Bob Hughey and Ms. Overdeck. Ex-officio members in attendance were Susan Payne (for Agriculture Secretary Douglas H. Fisher), Assistant Commissioner Richard Boornazian (for DEP Commissioner Bob Martin), James Requa (for Acting Community Affairs Commissioner Charles A. Richman) and Anthony Longo (for Treasurer Andrew P. Sidamon-Eristoff).

*(This was former DEP Commissioner Bob Hughey's last GSPT meeting.
He formally retired in March 2016.)*

OPENING REMARKS

Chairman Romano welcomed members to the meeting and welcomed Ms. Overdeck to the board and to her first meeting. He paid tribute to former board member Michael Murphy for his decade of service. He noted it has been a long time since the last meeting (two years) and he thanked members for remaining available and for making the effort to attend the meetings of the Trust. He made note of the ballot referendum in November 2014 in which the voters approved a dedication of a portion of the Corporation Business Tax (CBT) to continue funding for open space, farmland preservation and historic preservation.

APPROVAL OF MINUTES OF APRIL 30, 2013, BOARD MEETING

Chairman Romano asked if there were any corrections or clarifications to the draft minutes of the meeting. Mr. Siegel noted the consideration of these official minutes was a formality to approve a full transcript of the meeting events and discussion. A substantive version of the minutes had been submitted in April 2013 and had completed the Governor's veto review process.

Moved by Ms. Payne.
Seconded by Mr. Requa.
Approved 7-0.

Ms. Overdeck and Mr. Hughey abstained because they did not attend the April 30, 2013, meeting.

ELECTION OF OFFICERS FOR 2015

Mr. Siegel welcomed Deputy Attorney General Pilsbury to the meeting, noting that he was filling in for the Trust's regular DAG, Cliff Rones.

Mr. Siegel explained the statutory rotation of chairmanship meant that in 2015, the Governor's appointee was to serve as chair.

Mr. Hughey nominated Ms. Overdeck as chair for 2015.

Ms. Payne seconded the nomination.

Chairman Romano asked if there was any discussion. There was none.

Mr. Siegel conducted a roll call vote.

Approved 9-0 to elect Ms. Overdeck chairwoman for 2015.

(Her election does not take effect until the end of the Governor's veto period so Chairman Romano remained chair of the meeting.)

Mr. Siegel explained the vice-chairman could be elected from any of the public board members.

Ms. Payne nominated Mr. Romano as vice-chair for 2015.

Vice-chairman Atkinson seconded the nomination.

Mr. Siegel conducted a roll call vote.

Approved 9-0 to elect Mr. Romano as vice-chairman for 2015.

Mr. Siegel 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. He explained the posts have been combined since 2004 and that he had been elected to this position each year since that time. Mr. Siegel said he had no preference in the matter but was simply informing the board of the election facts.

Ms. Payne nominated Mr. Siegel to the combined post of Secretary-Treasurer for 2015.

Mr. Requa seconded the nomination.

Chairman Romano asked if there were any other nominations. There were none.

Mr. Siegel conducted a roll call vote.

Approved 9-0 to elect Mr. Siegel Secretary-Treasurer for 2015.

Mr. Siegel also welcomed Amy Herbold of the Governor's Counsels Office, Authorities Unit, to the meeting.

EXECUTIVE DIRECTOR'S REPORT

Mr. Siegel expanded on remarks by Chairman Romano concerning the ballot referendum on Public Question #2, noting a larger approval margin compared with previous open space referenda. He said the Nov. 4 referendum amending the New Jersey Constitution to provide for the dedication of CBT funds was approved statewide by 65 percent and passed in all 21 counties. He noted that by comparison, the bond issue referendum in 2009 had received only 53% approval and was passed in only 15 of the 21 counties.

Mr. Siegel said legislation has been introduced, S-2769, to move the CBT funds through the Trust for approval, as has been the case with all open space funds dating to 1998. He said the Governor's budget proposal had provisions to appropriate the CBT funds directly to the land preservation and historic preservation programs and to the Department of Environmental Protection for capital and stewardship projects in the State Parks, forests and wildlife refuges. This budget provision did not propose an approval process involving the Trust.

Mr. Siegel discussed the New Jersey Supreme Court case, Gripenburg v. Ocean Township, handed down in January in which the court upheld the power of that township to set up a so-called "environmental conservation district," which in effect preserved a section of the township for open space. The Gripenburg family owned 34 acres with one house entirely within the environmental conservation district. As a result, under the municipal ordinance creating the environmental conservation district, the Gripenburg family would be unable to develop anything else on their property. The family filed a lawsuit challenging the validity of the municipal ordinance.

Mr. Siegel said national organizations like the Pacific Legal Foundation, a property rights group, took note of the case and joined in it by filing their own supporting briefs. He said the appellate division had struck down the municipal ordinance but that the state Supreme Court in a unanimous ruling overturned the lower court and ruled that the Ocean Township ordinance creating the environmental conservation district was constitutional.

Mr. Siegel said the full meaning of this ruling was unclear and to some extent was "in the eye of the beholder." But he added the state Supreme Court seems to have said that as long as a township implements a Smart Growth plan with development focused to a specific area, then environmental conservation districts in other parts of the township are permissible.

Mr. Siegel said it seems to be an enormous development in conservation law but it "flew under the radar."

Mr. Atkinson asked if other municipalities were following suit in this case.

Mr. Siegel said he knew of nothing and has seen nothing in the newspapers. He noted that the League of Municipalities has not said how the case should be interpreted.

Mr. Atkinson suggested that Mr. Siegel ought to look into the case more closely and report his findings to the members of the board. He said Gloucester County was trying to get its "transfer of development rights" program off the ground and he wondered if the Gripenburg case might have an impact on those efforts.

Mr. Siegel said such a request should come at the direction of the board.

Chairman Romano agreed and so directed the executive director to further investigate the Gripenburg case and report his findings.

EXECUTIVE DIRECTOR'S FISCAL REPORT

Mr. Siegel referred board members to the section of their meeting books that explained the sources of funds for these projects and the lists of the recommended Green Acres projects.

Mr. Siegel reviewed the fund balances for the Garden State Green Acres Preservation Trust Fund and the various Green Trust loan repayment trust funds which he said contained adequate balances to pay for the Green Acres recommendations. He said the recommendations for Local Grants totaled \$88.59 million, of which \$52.4 million was for acquisition grants and \$36.2 million was to fund recreational development. He said the major source of funds for this recommendation was the various Green Trust loan funds, which had balances of \$171 million.

Mr. Siegel explained \$4.75 million was recommended for Nonprofit Grants.

Mr. Siegel reviewed the detailed list of Green Acres project cancellations totaling \$9.67 million, which covered the entire Nonprofit Grant recommendation and contributed about \$5 million to the Local Grants recommendation. He made reference to a GSPT policy requiring identification of cancelled projects when the reallocation of such funds was being recommended. He reviewed the Green Acres documentation of these cancelled projects. He said the information Green Acres provided was a picture-perfect example of how to document such cancellations in order to show the funds available for new appropriations.

PRESENTATION OF GREEN ACRES LOCAL & NONPROFIT GRANT RECOMMENDATIONS

Green Acres Administrator Martha Sapp introduced herself and Green Acres senior acquisition specialist Lisa Stern, describing her as a personal mentor. She said there were many staff back at the office who were highly committed to the program, which has preserved 680,000 acres in every county "with much left to do."

Ms. Sapp began her presentation by explaining the recommendations for Green Acres grants. She said about \$215 million in requests had come in for acquisition projects, of which \$56 million was being recommended for funding, and that recreational development requests were in excess of \$80 million, of which \$37 million was being recommended for funding. She said this showed the need was still greater than the funding available.

Ms. Sapp said the cancellations of projects did not come as a surprise to any of those local governments or nonprofit agencies affected. She said it was an important objective of the Green Acres program to make sure all funded projects move forward, but that it was equally important to be fair to other potential applicants who could use funds which were sitting idle because some projects were not advancing. She said if a project is not making significant progress, the local government and nonprofit grant recipients are warned well in advance of any cancellation. She explained that sometimes these warnings stimulate more prompt action on projects but that sometimes certain projects simply cannot happen.

Ms. Sapp said the acquisition grants were structured with a "base award" of \$550,000, with higher-density communities qualifying for base awards of \$825,000 and

urban communities qualifying for \$1.1 million. Similar base-award calculations were done for recreational projects. She said the State has a higher responsibility to make sure projects are happening in higher density and urban communities.

Ms. Sapp said Nonprofit Grants were set on a base award of \$175,000, with well-established conservation land trusts qualifying for \$350,000 because of their proven track record in leveraging the funds needed to generate the required 50-percent match to the State grant. She said this leveraging really stretches the State money.

Ms. Sapp said the “press packets” in the members’ meeting books (in preparation for public dissemination) give details on the variety and intensity of the park development projects in communities that really need them.

Mr. Siegel noted the location of this “press packet” in the members’ meeting books.

Chairman Romano asked the board members if they had questions.

Ms. Payne asked about the balance of the \$171 million shown in the Green Trust fund accounts.

Mr. Siegel noted the Green Ares recommendations to use about \$82 million from these accounts were limited to Green Trust loan repayments that had occurred in the past five years. Ms. Sapp said many of those other funds were from earlier repayments and had been re-appropriated years ago.

Chairman Romano asked if the requirements for a minimum share of funding to go to urban areas applied to this reallocation of funds. Ms. Sapp said those minimum-share requirements apply only to the State Acquisitions program, not the Local Grants and Nonprofit Grants programs.

Mr. Siegel made note of the news clippings that appear in the members’ meeting books, a highlight of articles relevant to conservation for the previous two years. He made note of the obituary for Richard Sullivan, the founding commissioner of the Department of Environmental Protection (who was also Ms. Sapp’s father). He also pointed out a story about conservation funding in the Wall Street Journal that was accompanied with a graphic that gave an attribution to the Garden State Preservation Trust.

RESOLUTION #15-001 TO APPROVE GREEN ACRES LOCAL GRANT RECOMMENDATIONS FOR FY2015 IN ATLANTIC, BERGEN, BURLINGTON, CAMDEN, CUMBERLAND, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MONMOUTH, MORRIS, OCEAN, PASSAIC, UNION AND WARREN COUNTIES FROM GREEN TRUST BOND FUNDS FROM 1983 TO 1995, AND FROM A SPECIFIC LIST OF PROJECT CANCELLATIONS AND WITHDRAWALS.

Chairman Romano directed Mr. Siegel to conduct roll-call votes on the necessary resolutions to consider approval of the Green Acres recommendations.

Mr. Siegel explained there were seven different resolutions for two reasons. One reason was to use separate resolutions according to the separate funding sources, keeping votes on the use of the Trust's own Garden State Green Acres Preservation Trust Fund separate from votes on the use of funds from older trust funds and from project cancellations. He said a second reason for so many resolutions was to accommodate recusal requests, in this case from Chairman Romano and Vice-chairman Atkinson, so they could still vote on the larger funding recommendations.

The first resolution, #15-001, concerned the largest funding recommendation to use Green Trust funds for projects in 15 counties.

Moved by Mr. Hughey.

Seconded by Vice-chairman Atkinson.

Approved 8-0.

Ms. Payne recused herself from the vote because of a family conflict in Burlington County.

RESOLUTION #15-002 TO APPROVE \$1.7 MILLION IN GREEN ACRES LOCAL GRANT RECOMMENDATIONS FOR FY2015 IN ATLANTIC, BERGEN, BURLINGTON, CAMDEN, CUMBERLAND, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MONMOUTH, MORRIS, OCEAN, PASSAIC, UNION AND WARREN COUNTIES FROM LOAN REPAYMENTS IN THE GARDEN STATE GREEN ACRES PRESERVATION TRUST FUND.

Moved by Mr. Boornazian.

Seconded by Mr. Requa.

Approved 8-0.

Ms. Payne recused herself from the vote because of a family conflict in Burlington County.

RESOLUTION #15-003 TO APPROVE GREEN ACRES LOCAL GRANT RECOMMENDATIONS FOR FY2015 IN MERCER AND SOMERSET COUNTIES FROM GREEN TRUST BOND FUNDS FROM 1983 TO 1995, AND FROM A SPECIFIC LIST OF PROJECT CANCELLATIONS AND WITHDRAWALS.

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

Chairman Romano recused himself from the vote because of his involvement with projects in those counties.

RESOLUTION #15-004 TO APPROVE GREEN ACRES LOCAL GRANT RECOMMENDATIONS FOR FY2015 IN MERCER AND SOMERSET COUNTIES FROM FROM LOAN REPAYMENTS IN THE GARDEN STATE GREEN ACRES PRESERVATION TRUST FUND.

Moved by Ms. Payne.
Seconded by Vice-chairman Atkinson.
Approved 8-0.

Chairman Romano recused himself from the vote because of his involvement with projects in those counties.

RESOLUTION #15-005 TO APPROVE GREEN ACRES LOCAL GRANT RECOMMENDATIONS FOR FY2015 IN GLOUCESTER COUNTY FROM GREEN TRUST BOND FUNDS FROM 1983 TO 1995, AND FROM A SPECIFIC LIST OF PROJECT CANCELLATIONS AND WITHDRAWALS.

Moved by Ms. Payne.
Seconded by Mr. Longo.
Approved 8-0.

Vice-chairman Atkinson recused himself from the vote because of his involvement with projects in Gloucester County.

**RESOLUTION #15-006 TO APPROVE GREEN ACRES LOCAL GRANT
RECOMMENDATIONS FOR FY2015 IN GLOUCESTER COUNTY FROM
LOAN REPAYMENTS IN THE GARDEN STATE GREEN ACRES
PRESERVATION TRUST FUND.**

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

Vice-chairman Atkinson recused himself from the vote because of his involvement with projects in Gloucester County.

**RESOLUTION #15-007 TO APPROVE GREEN ACRES NONPROFIT GRANT
RECOMMENDATIONS FOR FY2015 FROM A SPECIFIC LIST OF
NONPROFIT PROJECT CANCELLATIONS AND WITHDRAWALS.**

Moved by Ms. Payne.
Seconded by Vice-chairman Atkinson.
Approved 8-0.

Chairman Romano recused himself from the vote because of his affiliation with a grant recipient.

BOARD COMMENT

Ms. Payne introduced Daniel Patrick O'Connell as new chief financial officer for the State Agriculture Development Committee. She noted Mr. O'Connell had served for many years as a fiscal consultant to the Trust.

Chairman Romano welcomed Mr. O'Connell to the meeting and said it would be a pleasure to work with him again.

Ms. Payne made reference to the tax incentive memo in the members' meeting books.

Mr. Siegel updated members on the status of legislation to make federal tax deductions permanent. These so-called HR-4 tax deductions have been getting renewed every two years and expired at the end of 2014.

Chairman Romano praised Ms. Sapp on her thorough presentation and on the "press packet" and other documents prepared for the meeting. He said he understands how these presentations take an enormous amount of work.

Mr. Siegel added his thanks in particular for the careful documentation and detail on the list of cancelled projects.

PUBLIC COMMENT

Chairman Romano asked if anyone in the public would like to make a comment. There were none.

ADJOURNMENT

Chairman Romano asked to adjourn the meeting.

Approved by voice vote 9-0.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'R. Siegel', with a stylized flourish at the end.

Ralph Siegel
executive director/board secretary
Dec. 16, 2016

Others in attendance representing agencies:

OLS staff member Carrie Anne Calvo-Hahn and legislative staff members Thea Sheridan and Lucinda Tiajoloff, and Jody Dellasandro of The Nature Conservancy.