

**Borough of Kinnelon  
Open Space Advisory Committee  
Meeting Minutes for November 11, 2008**

Meeting called to order at 7pm, Bob read the Sunshine act, followed by Roll Call: Attendance: Bob Collins, Jeff Derwin, Carol Vreeland, Gene Orcutt, Carol Sventy, Matt Dank (MLC)

Absent: Lucy Meyer Guest: None

Public Session

- Public: None Present

Public Session Closed

Committee Report: Bob Collins

- Bob mentioned the Daily Record Article challenging the constitutionality of the Highlands Act – Governor Corzine stated: ‘nothing trumps the highlands act not even COAH’ (Council on Affordable Housing). The Boro of Kinnelon, under the new ‘math’, will be obligated for another 59 units. Kinnelon Boro council has had discussion around how do we develop housing in an area that is 99% within the preservation area. Seems to be more mixed signals from the Governor.
- Matt Dank has indicated that there may be other properties that come to our attention in the next few months, Bob asked Matt to reach out to the property owners and if there is interest in preserving these properties. Bob asked Matt to see if these properties also met the criteria in our property prioritization list.
- Weber Status Report:
  - Bob is delighted to relay to the committee (unofficially) that the Morris County Land Preservation Trust has approved and recommended our application of 1.4 million dollars, unofficial since it is being voted on by the Freeholders at their 11/11/08 meeting.
  - Bob, Carol V. & Matt came away from the Presentation with the thought that we would be approved, but perhaps not for the full amount. The MCLPT asked if we would be able to preserve this parcel without their funding, Bob said ‘no, it would be very difficult to move forward, and we probably not get support from the Kinnelon Council for any bond funding’. Bob thanked the Committee and Land Conservancy of New Jersey for all their hard work.
  - Still have to finalize the contract with the Webers. The dam still needs to be addressed as well. The majority of the council supports this project at this point in time, so it should not be a problem in getting the Mayor to approve the contract.
  - Bob asked Matt if we were the highest amount awarded. Matt said no, but he did indicate that we may have been the largest or 2<sup>nd</sup> largest parcel preserved with this amount.
  - Recap
    - \$1.4 from Morris County Land Preservation Trust
    - \$500,000 from Morris County Park Commission
    - \$300,000 matching grant from the Morris County Municipal Utilities Authority
    - \$300,000 Green Acres Planning Incentive Grant
    - \$300,000 contribution that Borough is contemplating
    - Total comes to 2.8 million
    - This total does not include money from the Forestry Legacy Program (approved without a \$\$ amount).
    - This total includes money from the private efforts of the grass roots committee to save the Weber Tract.

- Carol V. asked what happens if we don't get the Forestry Legacy money? Bob answered that the MUA has proposed a matching grant and ultimately; if we didn't exceed the contract price; that could be scaled back as well as the Boro's contributions.
  - Could end up with \$290,000 from MUA and \$290,000 from the Boro.
- Bob thinks this is the largest single grant the Boro of Kinnelon has ever received in its history of land preservation – he then thanked everyone for all their hard work & effort. Bob called & spoke with David Epstein from the Land Conservancy of NJ to thank him and his staff as well.
- We have an agreement in principal with the Webers regarding the sale price – no contract as yet; it is still under attorney review.
- The dam has not been remediated. It has been breached, but not to DEP standards. We don't know where the DEP stands at this point.
- Carol V. informed Bob that there had been activity on the property. Bob responded that it was currently considered private property so there wasn't much that the Boro could do at this point. Carol V. said that there are signs posted regarding hunting & trespassing.
- Back taxes will have to be satisfied before or at the point of sale.

#### New Business:

- We received a confirmation from Green Acres/DEP that our request for another Planning Incentive Grant had been received and we will move forward with another application. Don't know if it will be announced at the end of November or not, Bob C. will check with Matt.
- Property Prioritization list – Carol S. will recreate this list for our next meeting since Matt cannot find the original file that Tricia created in 2006/2007.
  - This can then be reviewed and discussed at the January 2009 meeting
- Bob spoke to Matt in regards to revising the OS maps so that it will show the Lam tract as well.
- Carol V. brought to everyone's attention a legal notice regarding tax sales certificates and Roseland Properties is on the list – Tax sale on December 4<sup>th</sup>. Bob will reach out to the Borough attorney – if a person pays this tax sales certificate, they only purchase a lien against the property not the title and they can hold this for two years. Back taxes are approximately &108,000.
- Boro Council is working on a plan to address the housing & COAH requirements
  - The Borough has joined the lawsuit against COAH saying that COAH's calculation is based on flawed data. We still have to be compliant and factor in the erroneous mathematical calculations into the master plan. If we don't do this, it won't allow us protection from builder's law suits.
  - Could reduce the number of units required by COAH

Meeting Adjourned: (Carol Vreeland, Jeff Derwin)