

**Borough of Kinnelon  
Open Space Advisory Committee  
Meeting Minutes for December 10, 2008**

Attendance: Bob Collins, Jeff Derwin, Carol Vreeland, Gene Orcutt, Carol Sventy, Absent: Lucy Meyer  
Guest: Matt Dank (MLC), Mayor Sisco was also in attendance

**Public Session**

- Public: None Present

Public Session Closed

**Approval of Meeting Minutes** – Tabled till January 2009 meeting

**Committee Report: Bob Collins**

- Weber Tract was up for tax lien sale on Dec. 4<sup>th</sup>. Bob spoke to Borough attorney, and there was no way to postpone the sale even though this may have overriding consequences moving forward with the purchase of the property. Steve Weber reached out to the Mayor and made a decision to pay the 2007 taxes and the interest for 2007. One problem is still the owner of record (Roseland Properties), and even though there is a foreclosure judgment, it hasn't been executed to the best of the Borough's knowledge. Roseland has been dealing with the Weber's to resolve outstanding issues such as the dam.
- Mayor said that Steve Weber wasn't too happy, that Steve felt that after the judgment was made that the info should have filtered down to the Borough in regards to the ownership / deed change. Mayor Sisco explained that it is not unusual for items like this to take 3-4 months until the Borough receives official notification, and in court order situations it seems to take even longer. The Borough may need to seek legal assistance in resolving the ownership before acquiring the property.
- The DEP judgment against Roseland regarding the dam: it is our understanding that DEP instructed Roseland to remediate the dam to its original condition. Matt Dank spoke to DEP and they indicated that since we were moving forward with a potential acquisition from the Webers, that we should get all parties together to discuss the best treatment of the dam. DEP indicated that if breaching the dam made more sense, then we should pursue that.
  - Matt said that in speaking with Matt Rogers and the DEP, that breaching the dam would be okay but would not be the Borough's responsibility – it is the Weber's. There is an agreement (contract) ready, but need the dam issue to be resolved. NJ Land Conservancy will go ahead and get proposals for an environmental report, so that everything will be ready to go when the time comes. Matt hopes to make progress in the coming months.
  - Bob asked the Borough attorney to contact the Webers' 2 months ago. We haven't rec'd any feedback. We've been up front about our intentions, but now that we have funding in place, we can't leave this open ended.
  - Mayor Sisco said that the payment of taxes might be added onto the total price of the property. He felt that due to the ownership confusion and the court judgment, this tax payment will come into play someplace down the line. The fact that the Webers' paid the taxes is an encouraging sign.
- The Borough Working with Land Conservancy & DEP on some administrative matters regarding some of the Planning Incentive Grants and the Open Space Inventory. Don't know where original inventory came from, perhaps from Tom Kline. This inventory is no longer current.
- Article in paper – Supreme Court unanimously upheld the Highlands Act. Basically said that the constitutionality of the act is not in question. Court did not comment on the lower courts ruling.
- Meeting Schedule – frequency of meetings: decided that we meet every other month starting with January 2009.

- For next meeting: committee to think about Chairperson and Vice Chairperson. Bob & Mayor are also looking to appoint members to the Council's Open Space Committee.

### **Land Conservancy of New Jersey Report: Matt Dank**

- Kohler Property closing on 12/30/08
  - All funding is in place & ready to go. Kinnelon contributed \$25,000 for approximately 32 acres, out of the Borough's OS Fund.
  - The county funding committee is concerned about the difference of the actual acreage of the property. The difference being 218 acres vs. 185 acres. This is due to old tax maps etc. A revised letter from the appraisers is needed, once this is done, deal will be complete.
  - Bob mentioned that the Land Conservancy had contacted him regarding the PSE&G easement for the proposed tower run that will go through the portion of Kohler property that Kinnelon will be acquiring. Bob brought this to the attention of the Borough attorney and he doesn't feel that it will present any problems. Poles will be higher so that they won't have to widen the easement. Easement has been in place since 1920's.
- Green Acres Awards – approximately \$200,000 per community – little bit less each year, since the state is running out of money.
- Outlook for 2009 preservation efforts: everything seems fine.
- King Enterprises – Owner is working with the Park Commission to sell his property

### **New Business:**

- Property Prioritization List
  - Carol Sventy recreated the property prioritization list that Tricia Aspinwald (Land Conservancy of NJ) originally created in 2006/2007. Copies were handed out to each committee member. In 2009 the committee will review properties and choose another property to acquire.
  - Parcel off of Kaitlin Court (approx. 25 acres) was mentioned to Carol Sventy by a home owner 'Kelly' as a possible acquisition. The property behind this house is owned by an elderly woman (name presently unknown) and this property backs up to Green Acres owned property.
- McKelvie Property
  - Located by the conservation easement on Kinnelon Road. Originally they wanted to donate the land to the Borough and the amount for tax write off was around \$175,000, for whatever reason, the owners got involved with their attorneys and it hasn't gone anywhere after that. Matt will revisit by calling or sending a letter.
  - Bob mentioned the greenway along the Pequannock River. Are there any small parcels along here we should look at.
- Closing note, Bob thanked the committee for all their efforts and dedication. Suggested that we identify HS students for 2009, look for a sophomore and a junior since seniors are preoccupied with college applications. Gene suggested setting this up in June or July so that this could be set by Fall. Jeff suggested putting together a list of criteria in choosing a new member and perhaps even putting together a contest. Carol S. suggested increasing the members overall, and the Mayor suggested increasing it to nine (currently the number is six).
- Mayor Sisco asked if it was acceptable to put property within Kinnelon that was purchased with Green Acres funding, into the resource inventory. For example: Buck Mountain, which was purchased by State funds. Matt said that any property in the municipality that used Green Acres funds or State funds, had to be on the inventory. Matt will double check with Courtney in his office.

### **Meeting Adjourned:** (Gene Orcutt & Jeff Derwin)