

MINUTES OF THE OPEN SPACE COMMITTEE MEETING

JUNE 25, 2007

Mayor Weinstein called the meeting to order at 7:30 p.m.

Present: Superintendent Graff, Wendy Dabney, Joan Goldstein, Mayor Weinstein, Manager Metzler, Benny Salerno, Sharon Rendfrey, Crystal Robbins, Heather Blecher, Ira Frankel, Maureen Moriarty, Peter Kortright, Councilmember Trawinski, Ted King and Michael Hakim.

Also Present: Don Smartt (arrived late)

Absent: Jack Susser, Jon Taner

It was the consensus of the Committee that minutes are posted on the Borough's website.

Mayor Weinstein stated that the River Road items would be held until Don Smartt arrived.

Status Reports:

TPL – (Trust for Public Land) – Manager Metzler did not have any new issues to report. He stated they have had considerable success on other properties. They have to certify the funding that is available. He did not want to get into a situation where there is more land available to them than money to spend.

2nd Street – Manager Metzler discussed the 2nd Street property and the possibility of the town acquiring the land. He met with the property owners and they are interested in selling their property. Ira Marks, OEM Coordinator, has begun the process of a mitigation request to FEMA. Manager Metzler expects to learn the status of the request in 90 – 120 days. They will have to add the home to their Open Space inventory. Manager Metzler and OEM Coordinator Marks have met with the homeowners and they want to proceed.

Naugle Property – Manager Metzler stated discussions have taken place between Borough Attorney Rosenberg and counsel representing the developers of the Naugle property and the property owner. They will need to make a determination of the funds available if they decide to move forward with an acquisition. Funds raised from the Open Space Tax in 2006 totaled \$114,922. For 2007 the funds were \$246,572., giving them total Open Space Tax receipts of \$361,494. They have two unfunded bond ordinances in the amount of \$400,000. and \$450,000.

Manager Metzler spoke to the State regarding the Open Space Grant they received. Funds were allocated to the grant and the money is available to them. He reported they have \$91,000. in Open Space Funds from the County dedicated to the Naugle properties. The Borough has \$1,752,494. for the acquisition of Open Space.

Maureen Moriarty inquired if they would purchase the entire property. Mayor Weinstein stated they are still discussing this issue. They have \$91,000. available from the County that the Borough would have to match, giving them \$182,000. in funds. It has not been determined if those funds will be used for improvements on the Naugle House or towards its purchase. They have not decided how much of the property besides the building would be purchased.

Crystal Robbins inquired if the demolition costs for the 2nd street residence would be covered by these funds. Michael Hakim explained that the State Open Space Funds are for acquisition only. There are other ancillary costs that are permitted in acquisition, such as surveys, engineering walk over and environmental examination. Manager Metzler stated the FEMA mitigation funds, if approved, would cover those costs. There is a concern about funding, as they are in negotiations on two properties and looking at George Street.

Maureen Moriarty inquired if George Street was a land swap. Mayor Weinstein clarified there was property that could be used for Open Space. The property is owned by the Fire Department. Crystal Robbins inquired if the 2nd Street acquisition would be at market value. Michael Hakim stated it was permissible with State Funds. Their approach was to reclaim developed areas and turn them into open space areas. Ira Frankel inquired if this would be prioritized. Michael Hakim explained that each property on their open space inventory was justified. He suggested they make a similar case for the 2nd street property. Manager Metzler stated they could justify their action as the Lackland Storage acquisition will be at the north end of the Passaic River Walk and the property on 2nd Street would be the southern entrance/exit.

Sharon Rendfrey clarified the home's address as 4-50 2nd Street, as it was noted incorrectly in last month's minutes. Michael Hakim stated they would need to submit an amendment requesting that the 2nd Street site be approved and added to their inventory. He thought they should do several properties at one time. Wendy Dabney thought there was a provision for properties that might become available on the Passaic River. Mayor Weinstein stated they were able to add properties. Maureen Moriarty wondered if other homes impacted by flooding would also request a buy out. Manager Metzler felt another resident might make a claim but justification would be difficult. He felt the acquisition of the 2nd Street resident was appropriate.

Manager Metzler stated FEMA funds would cover 75% of the acquisition and demolition costs. The local jurisdiction (Open Space Trust Fund) would cover 25% of the costs of acquisition of open space. Green Acres Funding would not permit this. The Borough would pay 25% of the demolition costs. Sharon Rendfrey inquired if additional properties in the area could be acquired. Manager Metzler stated the other properties did not fit the FEMA criteria. The removal of the 2nd Street home would benefit the other residents.

Michael Hakim inquired if the progress letter was sent to Green Acres. Manager Metzler stated they needed to certify funds, but the CFO would not certify without a letter from the State confirming the funds were appropriated. A letter was received from

the State and the funds were certified. Maureen Moriarty requested that committee members be given a copy of the State's letter. Michael Hakim stated there is intense competition for these funds and they took the right steps by sending a letter to the State.

Green Acres Status – Mayor Weinstein inquired about the Green Acres Grant for the turf field. Manager Metzler stated the paperwork had not yet been submitted. Mayor Weinstein received an application from the County which was due on August 31, 2007. He will discuss this at the Council Meeting and request funds for the turf field from the County as well.

Old Business – Michael Hakim reported there was a compromise in Trenton on the Green Acres Funding for 2008. Governor Corzine is permitting a greater level of referendum on the fall ballot. This will fund the State at a reasonable level for a year and a full bond issue will be put before the voters in 2008.

Maureen Moriarty verified that the amount they are collecting has doubled. Mayor Weinstein discussed the amendment application for adding properties to the Open Space Recreation Plan. He suggested committee members e-mail the Manager with other properties that should be added to the list. This will be placed on the next meeting agenda for a consensus. The current list is on the Borough website.

Councilmember Trawinski reiterated that they are in serious negotiations regarding the Naugle property and was cautiously optimistic. They will know for sure by August 22nd. Maureen Moriarty will attend a Grant Workshop for Historic Preservation. Councilmember Trawinski felt they will need to know how to fix up the Naugle property. Michael Hakim will help with the grant application after approval is received from Council.

Maureen Moriarty stated there is grant money for historic preservation at the County level. They will also apply to the State, as the Naugle House is listed as one of the ten most endangered sites. Joan Goldstein wondered if they will have reenactments because of the railroad site or if it would be used a museum. These are some of the issues that need to be decided.

Peter Kortright understands the historic nature of Naugle. The committee needs to proceed and think of a sub-plan for Naugle property to obtain money for historic preservation. They need to determine what is unique about Naugle. Crystal Robbins inquired if Open Space tax dollars would be used to buy the property and questioned how they would pay for the house.

Councilmember Trawinski stated they would use County Open Space Trust money and a portion of the \$900,000. that was set aside. He stated that Council is committed to preserving the house. The Garreston Forge House established a non-profit organization that manages the house. They received over \$200,000. for preservation. There should be a group responsible for the Naugle house. The house is on revolutionary war maps and could be used for reenactments for students or they could

study the plant life for Science classes. Committee members should e-mail their suggestions to the Manager

Matt Ahearn suggested a joint environmental and historical educational facility in connection with the County. This would provide easier access to funds and volunteers. Sharon Rendfrey wondered if shows like "Restore America" or companies like Home Depot could donate materials or time. Maureen Moriarty stated that the preservation process must be done by professionals certified in the Dutch Colonial style. Names could be obtained from Preservation New Jersey.

Michael Hakim discussed the timeline for submitting the amended Open Space and Recreation Plan and stated the review may take some time. He felt they should submit the 2nd Street plan immediately. If they purchase the home with Green Acres Funds, they could wait and submit a consolidated amendment. Ira Frankel felt they should wait for FEMA. Further discussion will be necessary if FEMA funds do not come through.

The TRL was not pursued by Manager Metzler. They attempt to acquire land in towns where matching funds are contributed. He stated the funds they have are rapidly becoming committed. He feels this is very fast moving.

River Road Improvement Corp:

Mayor Weinstein introduced Don Smartt (RRIC). Mr. Smartt stated that RRIC has been pursuing the River Walk concept. Lackland Storage owns property on Wagaraw Road which was offered to the Borough several years ago. The Council turned them down. Provided there are guarantees towards maintenance and upkeep, Lackland will convey the property to either the Borough or another eligible non-profit organization. Mr. Smartt discussed the landscaping designs and stated that RRIC is willing to maintain the property. The proper method of conveyance would need to be worked out. Mayor Weinstein will bring this issue to the Council Meeting.

Wendy Dabney inquired about the strip of land between the Gannett Sign and the garages and the Dell property. Dell Trucks have made the property muddy. Mr. Smartt thought Dell was renting the property. He will check the list of property owners to verify this. The Manager will look into this issue.

Peter Kortright inquired why things were not progressing faster. Mayor Weinstein thought there was still action required by RRIC. Since that was not the case, he will place this on the next work session agenda. Wendy Dabney inquired about the grant they had recently applied for. Mr. Smartt stated they were denied for the third year in a row. He felt they have not received active political support. Wendy Dabney inquired if they would still be eligible for funds through RRIC to do the upgrade once it is transferred to the town. Mr. Smartt felt this should be a public/private partnership. It would cost RRIC approximately \$3,000. to \$5,000. per year to maintain the improved lot. The cost of upgrade is estimated at less than \$10,000., which could be reduced

with donated products and services. Maureen Moriarty visited the property and felt it was well-maintained by Lackland. Mr. Smartt outlined the maintenance, clean up and upgrading that would be needed. Mayor Weinstein felt there were resources within the Borough that could be utilized, such as the Garden Committee. Don Smartt felt an ongoing effort would be best organized through private partners. RRIC would be willing to work with the Open Space Committee to raise the necessary funds in both products and cash to coordinate the upgrade. It was the consensus of the Committee to proceed.

Crystal Robbins questioned who would make the decisions in a private/public partnership. Mayor Weinstein explained that the Borough would own the property and would make the decisions. Ira Frankel made a motion that this issue be placed on Council's agenda with a second by Health Blecher. Motion passed unanimously.

George Street – Councilmember Trawinski asked where RRIC stands on this issue. Don Smartt stated RRIC wanted to produce a cooperative parking effort in the block as there is a shortage of parking. The RRIC's has encouraged cooperative parking on a voluntary basis. They have reached out to seven property owners who are short on parking spaces. They sought approval from Council to do a cooperative parking agreement and have hired an attorney to draft that agreement. There is interest from five property owners, but the idea was rejected by Dr. Winhoffer and Piccolo Italia's property owner has the site up for sale. The parking agreement will not work without the unanimous participation of all seven locations. They hope to gain between 28 and 35 spaces at George Street. It was clarified that Open Space funding was not being used to purchase the parking lot. Don Smartt stated RRIC has volunteered to underwrite the first \$100,000 of the overall cost of consolidating the various pieces of property. Cooperative property owners will pick up the costs exceeding \$100,000. Total cost will depend on the improvements requested by the property owners, but he estimated an additional \$100,000.

Don Smartt presented a map of the Fire Department Property, Well House and envisioned parking lot. There is a green section and asphalt area between the Well House and Fire Department. The Well House cannot be touched. The Committee is interested in acquiring an asphalt area approximately 40 feet by 105 feet, which would be turned into a park. Currently they do not have a parking overflow problem on the side streets with employees or tenants. If River Road keeps developing and businesses do not have adjacent parking, cars will park on the side streets. This will be a good opportunity to anticipate and relieve a potential problem.

Benny Salerno wondered when they determine that voluntary measures are not going to work. Don Smartt explained that when voluntary action fails it becomes a public policy issue which goes to Council. RRIC has tried not to harm the neighbors, which is why the agreement was voluntary. They will abide by Council's decision. If there is a cooperative parking agreement with a property and the property is sold, the agreement carries with it. Councilmember Trawinski thought they could achieve several goals by

proceeding with the land swap. Benny Salerno felt the neighbors would be happier with a park.

Don Smartt stated the Fire Department was willing to enter into a lease agreement several years ago. He explained there were deed restrictions on a portion of the property. Mayor Weinstein stated the swap would allow one portion to become a parking area. If RRIC did not do the parking lot, that would be the area they would purchase.

Manager Metzler explained that the Borough, as a private/public partnership, had invested a considerable amount of money into River Road. If the property is acquired by Green Acres, it has been identified as an area that is deficient in parking. He inquired if there was any other property in that section of River Road that would offer the same number of parking spaces. Don Smart stated that the Arts Center, before it was sold, was the biggest opportunity for parking. This current location would be the last opportunity for parking, without eminent domain, in that quadrant of River Road.

Peter Kortright inquired about the house on River Road where the owner had passed away. He felt that might be a potential site. Don Smartt explained there was a legal problem and the site was tied up with various lawsuits.

Matt Ahearn stated there was a request from a property owner on River Road to purchase the lot for home construction and parking. The Fire Department was not interested. Mayor Weinstein clarified that the owners of the Old Library Theater property were working closely with River Road and wondered if there was a possibility for cooperative parking at that site. Don Smartt stated the neighbor on the other side would not cooperate. He discussed the concept of eminent domain and felt the Borough lost a powerful tool when public action is put aside. Mayor Weinstein did not feel they should give more property to someone who has refused to cooperate.

Matt Ahearn discussed another scenario regarding the lots where the Fire Department had planned to propose a house. The lots could be retained as exclusive parking for the Fire Company. There would then be additional parking on the side, coming towards the Fire House from the Well side, where a park could be situated. The area would increase to 80 X 105 feet. The Fire Company would sell off a larger portion on the opposite side.

Mayor Weinstein felt the Fire Company and the Committee needed to review the ideas. He felt RRIC and Council should also discuss this. It was suggested the Committee take a field trip to visit the property. Matt Ahearn asked for expedition of this issue. Councilmember Trawinski explained the timeline required for Council action. The Building Permits have been issued. The Fire Company was advised that an Affidavit was required. Councilmember Trawinski felt lenders would not approve before the appeal time was expired. He stated that pressure will come to George Street if River Road continues to develop. He wanted to hear the opinion of the other Council members.

Felice Koplick inquired as to the maximum size of the lot to be used for parking. The size was estimated to be 60 feet and would yield 28 – 35 parking spaces. Peter Kortright asked that Committee members be given a sketch showing the various proposals. There is a parking lot sketch available but one will be needed for the park.

Don Smartt felt the Committee should discuss issues and concerns associated with a park, such as students cutting through and leaving litter, use by dogs, lighting, etc. RRIC was mindful of the residential element, and did not plan lights, concrete or permanent items. It was designed to be passive due to lack of parking and traffic safety issues. Benny Salerno did not think the neighbors would complain about the park, as they would be the ones who used it. Wendy Dabney felt the residents were concerned about loitering. A “No Dogs Allowed” sign could be posted.

Manager Metzler asked Committee members to stop by the Fire House on Tuesday, July 10th at 7:30 p.m. so that they can view the areas under discussion. It was suggested members also look at the shopping area and check out signs that have been posted. Members were asked to look at the freezer truck outside of B & B and experience the dynamics of the area.

The parking plan will be e-mailed to the Committee for their review and it will be posted on the River Road website. The Zoning Board still has the original exhibits A1 & A2.

Mayor Weinstein scheduled the next meeting for Monday, July 23rd at 7:30 p.m.

Adjournment – The meeting was adjourned at 9:00 p.m.