

MEADOWLANDS CONSERVATION TRUST
PUBLIC MEETING
MINUTES

DATE: June 17, 2005
TIME: 10:00 a.m.
PLACE: New Jersey Meadowlands Commission
3rd Floor MERI Conference Room
Lyndhurst, New Jersey
RE: Meeting of the Meadowlands Conservation Trust

TRUSTEES PRESENT:

WILLIAM SHEEHAN, Chair
Hackensack Riverkeeper

MARK BECKER, Vice Chair
Co-Director of Bergen Save the Watershed Action Network

DENNIS ELWELL
Mayor of Secaucus

ABIGAIL FAIR
Association of NJ Environmental Commission

GREG REMAUD
NY/NJ Baykeeper

CHRISTOPHER GALE
Representative of Bob Ceberio
Executive Director, NJMC

ALSO PRESENT:

KRISTINA SCHVEJDA
Executive Director, Meadowlands Conservation Trust

RENEE HANENBERG
Administrative Assistant, Meadowlands Conservation Trust

AMY DONLON (via teleconference)
Representative of Penny Ludman
Deputy Attorney General

DAMON MCDOUGAL
NJMC Staff Attorney

LARA RODRIGUEZ
Marketing Manager, NJMC Environment Center

ABSENT:

ROBERT CEBERIO
Executive Director, NJMC

MICHAEL GONELLI
NJMC, Commissioner

PENNY LUDMAN, ESQ.
Deputy Attorney General

1. Chairman Sheehan presided over the Meadowlands Conservation Trust Board of Trustees meeting.
2. After reading the Sunshine Law, Ms. Schvejda read the roll call for the June 17, 2005 meeting of the Meadowlands Conservation Trust.
3. Review and Adoption of Minutes: Minutes of the April 8, 2005 meeting were adopted and approved with a motion made by Mayor Elwell, seconded by Chris Gale and unanimously carried by acclamation.
4. Chairman's Report: Chairman Sheehan noted that the Meadowlands region is moving along in ways that people never expected. Cooperation is coming from all sides: environmental, conservation and economic development perspectives are evident. The work of NJMC, MCT, and Meadowlands Regional Chamber of Commerce are helping to make the Meadowlands a unified resource for everyone. Chairman Sheehan also noted that the story of the Empire Tract appears in the latest issue of Hackensack Riverkeeper's publication, *Hackensack Tidelines*. A copy of the issue was handed out to those in attendance.
5. Resolutions: The following resolution was moved by Trustee Fair, seconded by Trustee Becker and unanimously carried –

- A. Resolution authorizing the Executive Director of the Meadowlands Conservation Trust to enter into an agreement with Joseph E. Gassib, Sr. for the conveyance of property from Joseph E. Gassib, Sr. to the Meadowlands Conservation Trust (Resolution 05-05)

The resolution involves a donation in fee simple from Mr. Joseph Gassib. The property, located in New Milford, is 1.5 acres and is contiguous to the Hackensack River. There are town-owned athletic fields on the north end of the property and a small park on the southern end. The owner has given MCT appraisals and surveys of the property. The cost for the Trust would not be too much. The property is valued at \$277,000. Trustee Fair asked if there were any encroachments from the athletic fields and if maintenance would be necessary. Ms. Schvejda noted that since this is a fee simple, the Trust would be responsible for any maintenance. However, there are no encroachments. Chairman Sheehan asked if the property is adjacent to the land purchased by the Bergen County Trust Fund. Ms. Schvejda does not believe it to be. The property is land-locked with no available access, except by canoe. The portion adjacent to the athletic field is fenced in.

The following resolution was moved by Trustee Fair and seconded by Trustee Remaud. Chris Gale abstained. Altogether there were five votes in the positive and one vote abstained.

- B. Resolution of the Meadowlands Conservation Trust authorizing the Executive Director to enter into a memorandum of understanding with New Jersey Meadowlands Commission and Bergen County Police Department regarding the Empire Tract (Resolution 05-06)

The resolution asks that MCT, NJMC, and Bergen County Police Department enter a memorandum of understanding to work together and cooperate to ensure there is protection of and enforcement within the Empire Tract.

6. Business:
 - A. Old Business
 - a) License Plate Update: Ms. Schvejda and Ms. Hanenberg, with the help of Lara Rodriguez, put together a small presentation to local car dealerships. MCT is in the

process of putting together a license plate program where car dealerships assist in promoting the Meadowlands plates. Since all new car owners must go through the process of obtaining license plates, this seems like an ideal way of reaching out to the public. There was a small attendance at the meeting. Jim Kirkos, CEO of Meadowlands Regional Chamber of Commerce, offered some great ideas. The Trust would like to go to each car dealership and give a very short presentation. The first five dealerships that sign up for the program will be recognized and offered a free boat trip for their staff. There will also be a mention of participating dealerships in a future edition of *Meadowlands USA* magazine, along with an article on MCT and the license plate program. Mr. Kirkos also suggested that MCT should invite dealerships to a future Board of Trustees meeting and honor them with a plaque, possibly presented by a local politician.

- b) Status of Hudsonia LTD: Erik Kiviat continues to move forward with this project. He has picked out the photographs for the publication.
- c) Norwood Update: Ms. Schvejda has received several proposals for surveys. They range between \$35,000 and \$50,000 for the sealed surveys. Title insurance and title search is going to be difficult because there are 129 parcels and most of them are separately owned. The companies have offered a price between \$100 and \$150 for each parcel. If there are any liens there is an additional \$165 per parcel. Any disputes would result in an additional \$250 per parcel. Ms. Schvejda noted that the soft costs for this easement would run between \$60,000 to \$70,000. MCT is working with the town to help cover some of the costs. Chairman Sheehan asked if the issue of encyclopedia lots was ever solved. Ms. Schvejda said it has not been resolved. Encyclopedia lots were given out years ago to customers who bought a set of encyclopedias. Some of the lots are 1/16 of an acre. All together the size is about 1.38 acres. Ms. Schvejda suggested that the conservation easement not include this area until all legal issues are resolved. Chairman Sheehan stated that the Trust should be careful regarding this matter. It is possible that, without a conservation easement on the encyclopedia lots, one day someone could develop that land and be surrounded by a “privacy fence” of preserved land.
- d) Paddling Hackensack River with other organizations: The three-day trip began at the headwaters of the Hackensack River. Chairman Sheehan and Vice Chair Becker also participated. Hackensack Riverkeeper provided ground support for the entire trip.
- e) WMA5 Update: Ms. Schvejda regularly attends the WMA5 meetings. They are almost finished with their plans for GIS mapping. Ms. Schvejda would like to have Ms. Hanenberg go out one day a week and fact-find all of the parcels MCT has identified. The Trust’s intern identified all of the Trust’s parcels through tax maps and aerials that are no longer current. In northern New Jersey, land gets bought and developed very quickly so it is important to have up to date and accurate records.
- f) Meeting with Dr. Beth Ravit and Pete Kallin: At the last Board of Trustees meeting, Dr. Ravit and Mr. Kallin gave a presentation on studies that could be done on the Empire Tract. The Commission has already done some studies on the Empire Tract. There is a three-page list of documents that are available in NJMC’s library. Before beginning a new study, Ms. Schvejda would like to see the studies that have already been completed.
- g) Meeting with Clarke family: Ms. Schvejda has had more meetings with the Clarke family about the conservation easement they would like to donate. This 3-acre Demarest property is located across the street from a municipal park. The family has completed the appraisals, survey, and title work. The family must complete this easement by November because of their inheritance taxes. Some concerns about the property focus on whether this easement falls into the criteria of open space that MCT plans to pursue. This property has no endangered species or trails associated with it. The land is landscaped and has mature trees. Vice Chair Becker stated that although the land is not pristine wildlife habitat, it is open space within the watershed, and he would prefer to see the three-acre parcel stay in tact as green open space rather than subdivided into three or four houses. The conservation easement would restrict future owners from expanding the house. Trustee Fair noted that she is in favor of preserving open space on land with mature trees. Chris Gale asked if there are any responsibilities to the homeowners

regarding maintenance and whether there would be anything to stop them from cutting down trees. Ms. Schvejda noted that a document would be put together detailing the restrictions to homeowners. Trustee Fair suggested that donors be recognized on some level. Trustee Elwell noted that the Trust needs to determine criteria for types of land to be preserved. This is a discussion that the Land Acquisition Committee needs to have. Market value for the property (house and land) stands at \$1.85 million. Chairman Sheehan stated that Bergen Trust Fund might have an interest in the house for historic purposes. Penny Ludman, DAG will write up a draft contract to be emailed to Trustees. The draft contract should detail the expectations of homeowner and MCT as well as the conditions of the conservation easement.

- h) Audit for MCT: The audit for MCT is being done. Ms. Schvejda is going to try and have them done yearly.
- i) Website Update: Ms. Hanenberg described the updated website. Originally, MCT's website was one page located within NJMC's website. It has been updated to at least six or seven pages. The pages include information on the Trust, Board of Trustees, Staff, and Reference materials such as maps, links, and a glossary. Ms. Hanenberg is still in the process of updating the News and Photos sections of the site. She would like to include news pieces on each land acquisition as well as any events that may occur in the future. The Board suggested that a new page be developed that highlights and recognizes donors of land and conservation easements. Chris Gale noted that NJMC has put together a committee that deals with NJMC's website and offered to let MCT join. Trustee Fair suggested that there might be a web designer who would be interested in donating their expertise. Lara Rodriguez noted that MCT's website is docked within NJMC's website and is therefore confined to the software used by the Commission, making it more difficult for a web designer to work with it.

B. New Business

a) Empire Tract

- a. New Business: Chairman Sheehan noted that in the lead up to taking possession of the Empire Tract, one of the things people complained about was that the tract had a name associated with a development company. He would like to rename the site the "Richard P. Kane Natural Area." The Birding Festival, which will be held on September 17, 2005, would be a good event to hold a dedication ceremony with Mr. Kane present. Ms. Schvejda suggested that Chairman Sheehan reach out to Mr. Kane and get his consent. Chairman Sheehan asked for a motion to be made. Vice Chair Becker made a motion to rename the Empire Tract. The motion was seconded by Trustee Fair and unanimously carried. Ms. Schvejda asked if MCT would lose funding if the name is changed. Damon McDougal stated that changing the name should not hinder any funding as long as there is a written record of this happening. Amy Donlon does not foresee any problems occurring with a change of name, but said that it should be looked into before any steps are taken. Lara Rodriguez suggested also putting a public notice in the paper, proclaiming a change in name.
- b. A few weeks ago there was a brush fire on the Empire Tract. Approximately 70 acres were burned. There were no buildings or people involved with the burning. Several fire departments responded and put the fire out within a few hours. The Carlstadt administrator and police chief drove Ms. Schvejda around the burned area.
- c. There have been problems with ATV riding on the Empire Tract. The Trust has had signs made up. Ms. Schvejda had a meeting with Chairman Sheehan and Bergen County Prosecutor, where they determined the language to be used on the signs. The signs will be posted as soon as possible since ATV riding increases during the summer. Ms. Schvejda will meet with Commissioner Kaiser to discuss fencing along the edge where Empire Tract meets BCUA. At the stakeholders meeting, Martin McHugh, director of NJ Fish and Wildlife Service, offered to have training for his officers on the Empire Tract. Ms. Schvejda also

had a meeting with Trustee Ceberio, Bergen County Captain Malaka and Lieutenant Lepinski. Bergen County offered some manpower to patrol the Empire Tract. Capt. Malaka suggested having Bergen County hold its mounted police training once or twice a year on the Empire Tract. NJMC has been gracious to help the Trust post signs around the perimeter. Lara Rodriguez suggested that Ms. Schvejda or Chairman Sheehan attend an editorial board meeting with local papers to advise them that the Trust is posting these signs. She suggested starting with the South Bergenite or writing an Op-Ed piece. Ms. Schvejda noted that she has had discussions with DEP about trying to find a piece of land in North Jersey where ATV riding would be permitted, giving riders a legal alternative.

- d. Ms. Schvejda has thought about installing a simple surveillance camera at the Empire Tract. Lt. Lepinski suggested the Trust install a laser-triggered camera that ties in with the police department. Gates installed will have keypads that allow officers to enter specific areas depending on their rank.
 - e. Fifty signs have been made up and approximately forty will be posted around the tract.
 - f. At the next Board of Trustees meeting, Trustee Ceberio and MERI will present their studies on the Empire Tract. Trustee Remaud would like to get some recommendations from NJMC and MERI on how to proceed with managing the Tract. Chairman Sheehan stated that the Trust must decide whether to permit the Hassidic community to continue harvesting phragmites in September. The Trust has liability concerns if someone gets injured while trying to cut phragmites. Trustee Fair suggested obtaining a release that would hold the Trust unaccountable for any injuries that may occur on the land.
 - g. Damon McDougal discussed the recent OPRA request received by MCT. Mark Leonard from Hartz asked for any and all files related to the acquisition of the Empire Tract. The Commission gave him a copy of the deposited check. About 157 copies of related materials were given over to Mr. Leonard by MCT. Penny Ludman was consulted on this request and came to the office to ensure that there were no privileged materials in the files. This was the first OPRA request made to the Trust.
- b) MCT Funding: Ms. Schvejda noted that there is the opportunity to close on four deals by the end of the year. This will cost the Trust between \$100,000 and \$200,000 for the soft cost fees involved in land acquisitions. Soft cost fees include title search, appraisals, environmental assessments, and surveys. Grants for soft costs are not available and therefore the Trust needs to find another funding source.
- a. Chairman Sheehan stated that the relocation of radio towers from Encap would result in lease payments of \$200,000 to \$250,000 being directed to the Trust. These funds could be used for general operating expenses.
 - b. Ms. Schvejda discussed the funding sources available right now: The license plate program should help to increase funds. Investing Empire Tract funds would allow the Trust to use any interest generated for general funds. The initiative by Senator Sarlo to have MCT listed on NJ income tax forms is moving along. Finally, the Commission will loan money to MCT but only for projects that fall within the Meadowlands district.
 - c. Trustee Fair suggested that the Trust reach out to Meadowlands Regional Chamber of Commerce. Lara Rodriguez stated that it would be best to meet with Jim Kirkos and schedule presentations for the MRCC and Visitor's Bureau committees.
 - d. Trustee Remaud asked that a budget be prepared for board members so that the money available is known and priorities can be set.
 - e. Trustee Elwell noted that Rep. Rothman has money set aside for Meadowlands land preservation. Ms. Schvejda will be having meeting with Rep. Rothman, as well as with Senator Corzine and Senator Lautenberg.

- f. Trustee Remaud stated that Baykeeper has non-profit funding through Green Acres that, with the consent of Green Acres, may be available as a grant to the Trust. He will look into this matter. Trustee Remaud said that Baykeeper also has soft cost money that may be available to the Trust. Finally, he suggested contacting Michael Catania of the non-profit consulting firm Conservation Resources, Inc. Ms. Schvejda said that she is planning a meeting with Mr. Catania in the near future. **If the Trust does work with Mr. Catania, Trustee Remaud suggested that he be asked for assistance in funding soft costs and planning rather than restoration or projects where funding is already available.**
- g. If funding does not become available soon, Ms. Schvejda will not be able to complete the Demarest and New Milford projects, and those donors will go elsewhere. The Trust may be able to complete the Norwood conservation easement by November if there is help from the town.

7. Closed Session

8. Open Session

9. Next Meeting set for August 19, 2005, 10:00 a.m., NJMC lecture room.

10. Motion to adjourn meeting was made.

Meeting adjourned at 12:45 pm.

Kristina R. Schvejda, Executive Director
Meadowlands Conservation Trust