

MEADOWLANDS CONSERVATION TRUST

BOARD OF TRUSTEES MEETING

OPEN SESSION MINUTES

DATE: October 2, 2024
TIME: 10:00 a.m.
PLACE: Lecture Room, 2 DeKorte Park Plaza, Lyndhurst, NJ

TRUSTEES PRESENT:

William Sheehan, Chairman
Hackensack Riverkeeper

Greg Remaud, Vice Chairman
NY/NJ Baykeeper

Robert Davidow
NJSEA Delegate

Samuel Viavattine (via phone)
NJDCA Delegate

ALSO PRESENT:

Christine Sanz, Chief Executive Officer
Ruth Thompson, Deputy Attorney General
Teresa Doss, Co-Director MRRI, Chief Naturalist
Michael Turso, MRRI Wildlife Biologist
Henry Pullin, MRRI Landscape Designer
Colleen Mercado, NJSEA Executive Administrative Specialist

1. Chairman Sheehan called the meeting to order.
2. Flag Salute
3. Sunshine Law Statement- CEO Sanz read the notice of meeting required under the Sunshine Law.
4. Roll Call
5. **REVIEW OF MINUTES**

Chairman Sheehan presented the Open Session Board meeting minutes from the June 19, 2024 meeting. Upon motion by Vice Chairman Remaud and second by Trustee Davidow, the June 19, 2024 Open Session Board meeting minutes were approved by a vote of 4-0.

Chairman Sheehan presented the Closed Session Board meeting minutes from the June 19, 2024 meeting. Upon motion by Vice Chairman Remaud and second by Trustee Davidow the June 19, 2024 Closed Session Board meeting minutes were approved by a vote of 4-0.

6. **REPORTS**
CEO REPORT

CEO Sanz reported the license plate revenues through August 2024 were \$20,501.76.

7. **PUBLIC PARTICIPATION**

Mr. Michael Turso narrated a power point presentation and provided the monitoring results for the 3rd Quarter of 2024. He noted that in general there had been no observation of dumping or anything alarming. Mr. Turso provided the following observations:

- Central Woods, Norwood – observed a ton of mile-a-minute on the site and recommended staff deploy weevils to control the growth of this invasive plant species.
- Fox Hill West, Norwood – observed some adult wood frogs in the woods and a Broad-winged Hawk, a migratory species probably on his way to Mexico.
- Emerson Woods, Emerson – observed a night flock of migratory Tennessee warblers which basically nest in the sub-arctic boreal forest and winters in South Argentina.
- Pomander Walk, Teaneck – observed a flyby of a Great Blue Heron.

Ms. Doss noted that staff had deployed a total of 1,500 weevils between the Kane Marsh and Skeetkill, which was effective in keeping the mile-a-minute at bay. She suggested allocating resources for deploying weevils at Norwood Central Woods.

Mr. Pullin provided an update on the status of the new park in Carlstadt. He said that staff had issued an RFP for the construction of park features on September 5 and a mandatory pre-bid meeting was held on September 13, with three potential bidders attending. He noted that proposals were due on October 7.

Before continuing with public participation, CEO Sanz noted for the record that two public comments were received relative to the Norwood request that will be discussed in closed session. She noted that the Trustees had a copy of the public comments included in their meeting packets.

Mr. Mark Renna, President and Mr. Ryan Scerbo, General Counsel & General Manager of Evergreen Environmental. Mr. Renna and Mr. Scerbo made the following comments regarding the matter of the proposed expansion of the service area of the Kane Mitigation Bank that the Board would be discussing during Closed Session:

Mr. Renna made the following comments:

- He commented about the past Board's concern for preserving the Meadowlands and the tremendous efforts they took to save the Meadowlands from the development of Xanadu.
- He commented that the Kane Bank was created to only be used for transportation projects that would serve the greater network throughout the Meadowlands and that the mitigation would be used to offset any impact that happened in the Meadowlands.
- He commented that it is now fourteen years later since the Kane Bank began selling credits and once again there is a consideration to expand the service area.
- He said that he hoped that the Board remembers why Kane became a mitigation bank as they went into closed session to deliberate.

Mr. Scerbo made the following comments:

- He commented on legal arguments that were raised in 2016 when the Board had considered an expansion of the Kane service area and ultimately denied it.
- He commented that some of the more important legal points raised in 2016 involved the potential violation of the public bidding law that could arise from an expansion of the Kane area.

- He stated that part of the reason Evergreen declined to participate in the original procurement was the restrictions associated with the Kane Bank and if the Board approved an expansion now it would unfairly deprive competent and successful mitigation banking firms from fully participating in the public process that occurred previously.
- He commented that he and Mr. Renna believe that any decision by the Board to support an expansion of the Kane Bank would lead to a protracted dispute that would involve members of the banking industry, regulatory agencies and likely third-parties as well.

Mr. Andrew Fede, Special Counsel for the Borough of Norwood spoke in regards to a request from the Borough to amend the Conservation Easement held by the Trust at Fox Hill Woods West. He explained that the Borough was seeking a land swap that would allow the Borough to take a small portion at the edge of the Fox Hill Woods and incorporate it into their affordable housing plan. He provided the Board with a sketch of the building design to show it would not be a gigantic structure and would be a good buffer to the open space. He stated that in return, the Borough was offering the Trust a parcel of land located in the same area with a little more acreage that would be added to the conservation easement.

8. **OLD BUSINESS** - None

9. **NEW BUSINESS** – CEO Sanz stated that a request was received from NJDEP to consider a scout project to place a couple of benches at Emerson Woods, which is Green Acres encumbered and one of the properties that the Trust holds a conservation easement. She explained that NJDEP indicated that the benches would not disturb any habitat or wildlife and would be for public enjoyment of the woods. She said that the Chairman and staff feel this is consistent with the statute to allow passive recreation. She noted that if approved, she would have MRRRI work directly with the Borough in approving the location and types of benches.

Vice Chairman Remaud said that he interprets a lot of the conservation easements with strict observance of the intention, which is preservation. He noted that in this case the benches are very much an enhancement at the site and is in keeping with what the Trust is trying to do with these properties. He stated that he was in favor of the scout’s project and made a motion to approve. Trustee Davidow seconded the motion, followed by all in favor.

10. **RESOLUTIONS** - none

11. **CLOSED SESSION**

Resolution 24-05 Consideration of a Resolution authorizing the Meadowlands Conservation Trust to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing:

- Update on Request for Amendment to Conservation Easement at Fox Hill Woods West in Borough of Norwood.
- Legal Advice Concerning Letter from Evergreen Environmental Dated September 12, 2024 Regarding Kane Wetlands Mitigation Bank Located on a Portion of the Richard P. Kane Natural Area – Objection to Service Area Modification.

CEO Sanz read the Closed Session Resolution into record.

Upon motion by Vice Chairman Remaud and second by Trustee Davidow followed by all in favor, Resolution 24-05 was approved to enter Closed Session.

Closed Session commenced at 10:25 a.m.

Open Session re-commenced at 10:55 a.m.

Upon returning into Open Session Chairman Sheehan asked for a motion regarding the Request for an amendment to the conservation easement in the Borough of Norwood.

Vice Chairman Remaud stated that upon review of the letter from the Borough Attorney and on advice from Counsel, he motioned to reject any changes or modifications to the existing conservation easement at Fox Hill Woods in the Borough of Norwood. Trustee Davidow seconded the motion. Roll call was taken:

Vice Chairman Remaud: Aye

Trustee Davidow: Aye

Trustee Viavattine: Aye

Chairman Sheehan: Aye

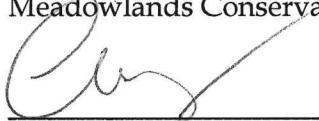
Vice Chairman Remaud thanked Mr. Fede and the Borough of Norwood. He stated that the Board's concern was that once the Trust starts modifying easements for development, it goes against the policies and procedures that the Trust has and in some ways contradicts some of the goals to preserve the land. He thanked Mr. Fede for his work originally on getting the property preserved.

12. **ADJOURNMENT**

Upon no further business, Motion to Adjourn was made by Trustee Davidow, seconded by Vice Chairman Remaud, followed by all in favor.

The meeting concluded at 11:00 a.m.

I certify that this is a true and accurate transcript of the Open Session Minutes of the Meadowlands Conservation Trust Board of Trustees meeting of October 2, 2024.



Christine A. Sanz
Chief Executive Officer

October 2, 2024

NAME	Roll Call	Closed Session Resolution 24-05
Chairman William Sheehan	P	Y
Vice Chairman Greg Remaud	P	Y
NJDCA Delegate Samuel Viavattine-via phone	P	Y
NJSEA Delegate Robert Davidow	P	Y

P = Present -- Absent A= Abstain
R= Recuse Y = Affirmative N = Negative