

**MINUTES OF THE
NATURAL LANDS TRUST MEETING
February 22, 2013
12:00 PM**

Office of Natural Lands Management, Trenton, New Jersey

Chairman Catania called the meeting to order at 12:10 PM and roll was taken. A quorum of trustees was present. At least one of the trustees was a state governmental representative.

The Open Public Meetings Act notice was read as follows: Notice of the date, time, location and agenda, to the extent known, was forwarded to three newspapers of general circulation, and provided to the Secretary of State in accordance with the Open Public Meetings Act. It was also noted that such notice is now provided on the Trust's website in compliance with the Act requiring State, regional, and local authorities, boards, and commissions to establish a website providing specific information in order to facilitate transparency in government.

In attendance were:

Michael Catania, Chairperson
James Hall, Vice Chairperson
Theresa Lettman, Trustee/Secretary-
Treasurer
Emile DeVito, Trustee
Matthew Spayth, alternate for Adrienne
Kreipke, representative for the State
Treasurer

Ed Mulvan, alternate for Rich Boornazian,
representative for the DEP Commissioner
Larry Torok, DEP Trustee
Judeth Yeany, DEP Trustee
Caroline Keefe, DAG, Trust Counsel
Robert J. Cartica, Executive Director
Martin Rapp, Trust Staff
Cari Wild, Trust Staff

Absent were:

Steve Eisenhauer, Trustee
Thomas Gilmore, Trustee
State House Commission representative (not appointed)

Guests

Robert Darwin, de maximis inc., D'Imperio Property
Bruce Sattin, Esq., D'Imperio Property
Monica LaSelva, Brown and Caldwell, D'Imperio Property
Peter Randazzo, Brown and Caldwell, D'Imperio Property

General Public Comment: None

Financial Report: Mr. Cartica outlined the Financial Statements for the quarter ending September 30, 2012 and December 31, 2012. Mr. Mulvan motioned to approve the Financial Statements. Mr. Hall seconded the motion and, by a vote of 8 to 0, the Financial Statements were approved.

The **September 29, 2012 minutes** were reviewed. Mr. Hall motioned to approve the minutes. Mr. Torok seconded the motion and the minutes were approved by a vote of 7 to 0 with Mr. Mulvan abstaining.

Unfinished Business:

Ms. Wild provided the Board with a report on the status of activities at **Petty's Island Preserve in Pennsauken Township, Camden County**. In October 2012 the Trust received a grant in the amount of \$82,500 from the William Penn Foundation for funding toward community outreach, planning and implementation of projects to create an urban nature preserve at Petty's Island. Specifically the grant will fund activities such as a feasibility study of alternate locations for, and the design of, the cultural and education center, as well as wayside exhibits and other programming. In November 2012 the Trust hired Lammey and Giorgio, a consultant firm under term contract with the NJDEP, to conduct the feasibility study. The Trust expects a report from Lammey and Giorgio in the next couple of months after which the Trust will conduct another stakeholder meeting. In January 2013 the Trust received a Recreation Trails Program (RTP) grant in amount of \$24,000 to be used for the design, fabricating and installation of 12 or more interpretive wayside exhibits and other trail construction/improvements at Petty's Island. On February 8, 2013, the New Jersey Audubon Society, on behalf of the Trust as its educational programming contractor, conducted an interactive and productive education advisory group meeting, with wide community representation, to solicit input related to education, programming and resource interpretation at the Petty's Island Preserve.

New Business:

Ms. Wild provided background regarding the **Hamilton Preserve, Hamilton Township, Atlantic County-D'Imperio Memorandum of Understanding (MOU)** and introduced the D'Imperio representatives to present a request for access to the Hamilton Preserve through an MOU. The work requested to be authorized under the MOU is part of ongoing environmental remediation activities associated with the D'Imperio Property Superfund Site under an Administrative Order with the USEPA. The D'Imperio Property site is a 15-acre property of which 1.5 acres was used as an unauthorized dump in the mid-1970s. The dump consisted mainly of partially buried and ruptured metal drums. Many of the drums contained metals and various volatile organic compounds (VOCs) that contaminated the groundwater in two aquifers. Sampling from a monitoring well at the intersection of Route 40 and Babcock Road in February 2012 detected several VOCs above the groundwater performance criteria. As a result D'Imperio is required to expand its groundwater monitoring to fully delineate the plume. Groundwater flow and plume migration are moving in a southwest direction suggesting that the Hamilton Preserve is the southern edge of the detached plume. In order to confirm this, D'Imperio has proposed a Description of Activities that includes the installation of two or three monitoring wells on the Hamilton Preserve using a drilling rig. The access for this activity should be of very short duration. However, because D'Imperio is required to define the side gradient of the plume, it is still unsure how far they need to be off Babcock Road. They will create transect areas to determine side gradient well locations within an area at most 250 feet from the road but probably much less, perhaps 100 or 150 feet. These transect areas will be restored following the well installation. D'Imperio request long-term access only for sampling by people on foot with sample containers but such access may be as long as 10 years. To the extent that any contamination is found in groundwater below the Hamilton Preserve, necessitating additional monitoring, irrigation and/or extraction wells or other remediation, a separate approval by the

Trust is required. Under the proposed MOU, D’Imperio will provide a monetary payment of \$10,000 as reimbursement for staff time and resources. Mr. DeVito motioned to approve the MOU with the inclusion of the \$10,000 payment, the installation of gates, invasive species monitoring and management, and a requirement that the use of any fill at the property be pre-approved by the Trust. Mr. Torok seconded the motion and, by a vote of 7 to 0, with Ms. Lettman abstaining, the MOU was approved and the chair authorized to execute it subject to its approval and revision by the AG’s Office.

Mr. Cartica informed the Board of the **Transfer of Trust fund accounts from Merrill Lynch to Vanguard** and presented the **Resolution of the Board of Trustees Designating “Authorized Representatives”** under the Trust financial accounts. Notwithstanding the Trust’s 30 plus-year relationship with Merrill Lynch, in October 2012 it sent the Trust written notification that it was no longer willing to manage the Trust accounts. Merrill Lynch established an end-of-year deadline for the Trust to transfer its assets in-kind to another financial institution or risk asset liquidation with attendant fees and penalties. After consulting with similarly situated non-government organizations, the Trust determined to move its assets in-kind from Merrill Lynch to Vanguard. The resolution authorizes Chairperson Michael Catania, Secretary/Treasurer Theresa Lettman, and Acting Executive Director Robert Cartica to execute the all necessary account authorization forms and any other forms necessary in order for them to be deemed “authorized representatives” under the Trust’s accounts individually, without countersignature or co-signature, and to give instructions on behalf of the Trust for transactions in the Trust’s accounts including, but not limited to, the transfer of funds by wire, check or otherwise, or the writing, drawing or requesting of checks on the Trust’s accounts. Mr. Hall motioned to approve the Banking Resolution. DeVito seconded the motion and, by a vote of 8 to 0, the resolution was approved.

Mr. Cartica presented the **Calendar Year 2013 Budget**. Mr. Hall motioned to approve the Calendar Year 2013 Budget. Mr. Mulvan seconded the motion and, by a vote of 8 to 0, the budget was approved.

The Board considered the **Retreat-Roy/GA Land Management Assignment Offer in Southampton Township, Burlington County**. Ms. Yeany recused herself from the matter. Mr. DeVito motioned to accept the Management Assignment Offer. Mr. Hall seconded the motion and, by a vote of 7 to 0, the offer was accepted with Ms. Yeany abstaining.

The Board considered the **Hirst Ponds-The Nature Conservancy Land Donation Offer in Galloway Township, Atlantic County**. The Nature Conservancy has offered a stewardship endowment along with this land management donation in the amount of \$25,000.00. Mr. DeVito motioned to accept the Management Assignment Offer provided that it includes the \$25,000.00 land management donation. Mr. Torok seconded the motion and, by a vote of 8 to 0, the offer was accepted with Ms. Yeany abstaining.

The Board was advised of the recently approved **Moorestown Acquisition Fund-Approval for Expenditures** as required by the Board’s March 6, 1992 resolution. This latest approval authorizes the reimbursement of Green Acres expenditures for acquisitions within the Moorestown Project Area.

The Board considered the **Draft 2012 Annual Report**. Ms. Wild requested that the Board provide any comments/changes on the draft report within the next thirty days. Ms. Lettman

motioned to approve the draft report subject to Board members and staff having flexibility to incorporate changes. Ms. Yeany seconded the motion and, by a vote of 8 to 0, the 2012 Annual Report was approved.

Mr. Catania provided the **Delaware Bay Migratory Shorebird Subcommittee Report and request for additional funding**. At its September meeting, the Board approved the 2013 shorebird budget in the amount of \$98,800, of which \$81,100 was to the Conserve Wildlife Foundation (CWF). As a result of Hurricane Sandy, the Committee recommended that an additional \$25,000 be authorized for CWF in order for them to contract for rubble removal work along the shoreline from Reed's Beach to Pierces Point (an approximate 3.6 mile stretch). This stretch of Delaware Bay shoreline, used by approximately 70 percent of the shorebirds feeding and resting on the New Jersey side of the Bay, has been effectively reduced to rubble and mud. Sand that had covered the rubble and the marsh mat was lifted in the storm and deposited 20 to 50 yards inland. Without removal of the rubble, it will take years of beach erosion for the sand in the current location to be usable by shorebirds. Although Middle Township in Cape May County (where the critical shorebird habitat is located) has made FEMA and the Army Corps of Engineers aware of the situation and has made the necessary initial submissions, it is absolutely critical that immediate action be taken to remove the rubble before the horseshoe crab spawning season begins in April 2013. CWF would be authorized to use the additional \$25,000 to directly fund contractors or as a match for grants from funds such as the National Fish and Wildlife Fund or the New Jersey Recovery Fund. Although the Board noted at its September 2012 meeting that the Delaware Bay Migratory Shorebird account is being quickly depleted, the Trust needs to take whatever immediate action it can to ensure the protection of globally imperiled species before there is nothing left to protect.

The remaining **2013 meeting dates** are: June 14, 2013 (to be held in a Camden County location), September 20, 2013 and December 6, 2013.

Mr. Hall motioned for the meeting to be adjourned. Mr. DeVito seconded the motion and, by a vote of 8 to 0, the meeting was adjourned at 1:45 PM.

Respectfully submitted,



Theresa Lettman
Secretary/Treasurer