Garden State Preservation Trust June 19, 2017, Meeting Minutes Johnson Education Center, Princeton, NJ

Chairman Ken Atkinson called the meeting to order at 11:03 a.m. Executive Director Ralph Siegel read a statement certifying compliance with the Open Public Meetings Act and then called the roll. Public members in attendance were: Chairman Atkinson, Vice-Chairman Greg Romano, Andrew Buzby, Laura Overdeck and Benjamin Spinelli. Ex-officio members in attendance were Susan Payne (for Agriculture Secretary Douglas H. Fisher), Richard Boornazian (for DEP Commissioner Bob Martin), Glenn Ceponis (for Community Affairs Commissioner Charles A. Richman) and Ryan Feeney (for Treasurer Ford M. Scudder).

At 11:38 a.m., following the vote on the Green Acres Resolutions, Martha Sapp replaced Mr. Boornazian as ex-officio representative for DEP Commissioner Martin.

OPENING REMARKS

Chairman Atkinson thanked board members and preservation agency staff members for making the trip to the Johnson Education Center in Princeton, a remote location, for the meeting since there were no rooms available at the Statehouse complex in Trenton. Both houses of the Legislature were in session. He said he personally did not mind the extra commute because of the convenient parking. He also announced cancellation of the scheduled July 11 meeting.

APPROVAL OF MINUTES OF DECEMBER 16, 2016, BOARD MEETING

Mr. Siegel asked if there were any corrections or clarifications to the draft minutes of the meeting. There were none. Mr. Siegel noted the consideration of these official minutes was a formality because a substantive version of the minutes had been submitted in December 2016 and had completed the Governor's veto review process.

Moved by Ms. Payne Seconded by Vice-Chairman Romano Approved 7-0

Chairman Atkinson and Mr. Ceponis abstained because they had not attended the Dec. 16, 2016, meeting.

EXECUTIVE DIRECTOR'S REPORT

Mr. Siegel welcomed everyone to the Johnson Education Center. He said the facility and surrounding park were products of a hallmark Green Acres project on lands that were part of the Woody Johnson estate. He said the GSPT has met at the Johnson center previously and he thanked the D&R Greenway Land Trust for making the facility available to them with less than one week's notice.

Mr. Siegel reviewed the contents of the members' Meeting Folders, including the resolutions for board consideration. He noted that the Summary and project lists mailed to the members had some minor typographical errors, all of which had been corrected in Meeting Folders the members had before them today.

Green Acres FY2017 Summary Local and Nonprofit Acquisition & Parks Development Projects					
	Recommendation	FY2017 CBT Funds	Green Trust Loan Rayments	Cancellations	Interest Earnings
Local Acquisition Grants Local Park Development Grants Local Stewardship Grants	\$37,143,720 \$33,174,425 \$1,382,079				
TOTAL LOCAL GRANTS	\$71,700,224	\$36,684,000	\$29,184,699	\$5,520,594	\$310,931
NonProfit Acquisition Grants NonProfit Park Development Grants NonProfit Stewardship Grants	\$5,795,000 \$2,450,000 \$747,898				
TOTAL NONPROFIT GRANTS	\$8,992,898	\$6,758,000		\$1,244,665	\$990,233
Total Recommendation	\$80,693,122	\$43,442,000	\$29,184,699	\$6,765,259	\$1,301,164
(*NOT SUBJECT TO GSPT VOTE) Administration*	\$5,200,000		\$5,200,000		
Total Proposed Appropriation	\$85,893,122	\$43,442,000	\$34,384,699	\$6,765,259	\$1,301,164

Mr. Siegel reviewed the Corporation Business Tax (CBT) funds forecasted to be available to cover the recommendations for the Green Acres Local and Nonprofit Grants programs. He said the CBT allocation was being limited to 75 percent of the CBT revenue forecast for Fiscal Year 2017 in case actual revenue collections fell short of the budget appropriation. He said this was a conservative approach because collections reports for the first 11 months of the fiscal year show CBT revenues were coming in close to 100 percent. He said the 25 percent withheld, which could total about \$17 million, would roll forward into the next fiscal year.

Mr. Siegel said the CBT funds were supplemented by surplus funds from the Diesel Risk Mitigation program. In addition, a large component of the funding, \$29.1 million, came from Green Trust loan repayments.

Mr. Siegel also noted \$6.77 million in funds available from the cancellation and withdrawal of old projects, making those funds available for new appropriations.

Mr. Siegel said the recommendations for stewardship projects are a culmination of many years of policy discussions. He said the GSPT conducted an all-day conference in 2006 at this very same Johnson Education Center on the question of how to define stewardship and how to provide funding for it. He indicated he had brought with him copies of the proceedings report generated from that conference.

PRESENTATION OF GREEN ACRES LOCAL & NONPROFIT GRANT RECOMMENDATIONS

Green Acres Director Martha Sapp introduced some staff members and thanked the board for scheduling a meeting.

Ms. Sapp said to date the Green Acres program has preserved 690,000 acres with conservation partners in every county and across the state. She said the land preservation work continues but in some ways it has become more difficult as the obvious projects have been completed. She said, "We joke in the office that all of the easy projects have been done and the ones that are left require a lot of ingenuity, patience and a sense of humor."

Ms. Sapp said the applications for this funding round were received in February. She said every single application is reviewed, ranked and then funded in ranking order according to the money available. She said the applications requested a total of \$260 million, of which \$81 million was being recommended to the GSPT and the Legislature for approval. She said, "It is a lot of money but it is never quite enough."

Ms. Sapp said many counties and municipalities have sophisticated land-preservation operations in which they purchase land in advance and then seek reimbursement from Green Acres. She said, "We need to do the best we can to keep them going."

Ms. Sapp said one of the most exciting parts of the recommendations package under consideration by the GSPT board was \$748,000 in the new stewardship grants. She said a lot of field research went into the development of the stewardship grants. She said Green Acres decided to place an emphasis on projects that improved natural resources rather than projects focused on recreational facilities. She said existing park-development grant programs were adequate to address recreation issues.

Ms. Sapp said the Office of Green Acres by past policy would limit applicants to receiving either an acquisition grant or a development grant. Applicants could not receive both. But in the case of stewardship grants, the Green Acres program permitted applicants for acquisition or development grants to also receive the smaller stewardship grants.

Concerning the acquisition grants for municipalities, Ms. Sapp said the base award was set at \$500,000. She explained grants for municipalities with high population density are set at base-times-1.5 (\$750,000) and for cities qualified for urban aid at base-times-2 (\$1 million). She explained county applicants receive base-times-2 (\$1 million) with densely populated counties receiving base-times-2.5 (\$1.25 million) and urban counties receiving base-times-3 (\$1.5 million). She said the base calculation system was predictable and understandable so no one needs to be concerned the sums were subject to influence or "meddling."

Ms. Sapp said the majority of acquisition grants went to "Planning Incentive" municipalities that have pre-approved land acquisition plans. She said these towns take precedence because they raise hundreds of millions of dollars in matching sums on their own through their local taxes.

Mr. Siegel asked Ms. Sapp to clarify the two-grant allowance policy for stewardship applicants, which she did.

Vice-Chairman Romano asked whether stewardship grants had any inclusion for staff time or staff costs. Ms. Sapp said no, the grants could only be used for expenses for

capital projects, which had to be matched by the applicant agency. She said it was made clear that staff time is not an eligible cost.

Ms. Payne asked about a stewardship grant that mentioned environmental education. Ms. Sapp said the grant would fund the development of informational kiosks and signage but could not be used for building structures. She said some projects include waterfronts and boardwalks but none cover hard construction costs. Ms. Payne asked for clarification that the grant could not be used to fund payroll for environmental educators. Ms. Sapp clarified that it could not.

Ms. Payne asked about grants involving historic sites. Ms. Sapp said they were intended for improvement of gardens and park grounds around the historic buildings, not for the types of bricks-&-mortar projects funded by the New Jersey Historic Trust.

Mr. Boornazian added that the DEP's historic sites division has other funding mechanisms for maintaining or rehabilitating the historic properties owned by the state.

Mr. Siegel asked if the stewardship grants were a reimbursement program. Ms. Sapp said it was typically a reimbursement but it was possible in certain cases the grant would be used to pay a contractor bill directly for work that has been completed.

Vice-Chairman Romano said the Green Acres Local Grants program was more critical than ever because many counties were reducing their land-acquisition funding levels.

Ms. Sapp said creating partnerships with local agencies, nonprofits and foundations to share project costs has made for some complicated deals but it is necessary. "It is really the staff that makes these deals work," she said.

Chairman Atkinson said the Green Acres program recently preserved the first state park in Gloucester County, the Tall Pines State Preserve. He said it was a complex project with multiple funding sources and Green Acres staff members were the central coordinators.

When Ms. Sapp had concluded her presentation, Mr. Siegel added some points to his Executive Director's report.

Mr. Siegel explained to the board members their meeting today was something of an emergency in an effort to get the Green Acres appropriations bills through the Legislature in the next 11 days before the Legislature begins a lengthy summer recess. He said the effort to get the bills through in such a short time frame was something of a "three-point shot, but at least we are on the court."

Mr. Siegel said the Green Acres appropriations bills had already been drafted in accordance with the GSPT's proposed resolutions and were ready for introduction that afternoon. He said the four Farmland Preservation appropriations bills are up for final approval today in the Legislature and the Historic Trust appropriations bill was already on the Governor's desk.

(Note: The Green Acres appropriations bills were introduced the day of the GSPT June 19 meeting, approved by the Legislature June 29 and signed into law July 21. The package of four Farmland Preservation bills cleared the Legislature June 19 and was signed into law Aug. 7. The Historic Trust appropriation was signed into law July 13.)

RESOLUTION #17-001 TO APPROVE GREEN ACRES RECOMMENDATIONS FOR LOCAL GRANTS, SUBTRACTING FROM THE LIST GRANTS TO GLOUCESTER COUNTY, BEDMINSTER AND PEAPACK-GLADSTONE, WITH FUNDS TO COME FROM THE PRESERVE NEW JERSEY (CBT) GREEN ACRES FUND AND THE DIESEL RISK MITIGATION FUND

Mr. Siegel explained the purpose of having nine resolutions. He said there are separate resolutions for each program and for each separate funding source. In addition, he explained it has been customary to extend the courtesy to board members of separating out recommended projects on which they feel they need to recuse. He said he separates out the recusal projects into separate resolutions so the recusing members can still vote on the main packages.

Moved by Ms. Payne Seconded by Vice-Chairman Romano Approved 9-0

SIDE NOTE (NOT PART OF THE MINUTES): This resolution approves the appropriation of \$69,598,517 from the CBT Fund for Green Acres Local Grants to counties and municipal governments. The overall appropriation is actually \$71.7 million but \$2.1 million is being subtracted and put into separate resolutions to accommodate recusals.

The total \$71.7 million Local Grants package breaks down as follows:

- \$37.1 million for land acquisitions.
- \$33.17 million for recreational development projects.
- \$1.38 million for stewardship projects.

RESOLUTION #17-002 TO APPROVE GREEN ACRES RECOMMENDATIONS FOR LOCAL GRANTS, SUBTRACTING FROM THE LIST GRANTS TO GLOUCESTER COUNTY, BEDMINSTER AND PEAPACK-GLADSTONE, WITH FUNDS TO COME FROM THE GREEN TRUST BOND FUNDS LOAN REPAYMENT ACCOUNTS, CASH MANAGEMENT FUND INTEREST RETURNS AND PROJECT CANCELLATIONS AND WITHDRAWALS.

Moved by Ms. Overdeck Seconded by Ms. Payne Approved 9-0

SIDE NOTE (NOT PART OF THE MINUTES): This resolution approves the appropriation of \$69,598,517 for Local Grants to counties and municipal governments *from old bond funds* with money made available by Green Trust loan repayments or by the cancellations of old projects. It DOES NOT repeat or double the funding in Resolution #17-001. It is a companion resolution to give the Green Acres staff the flexibility to draw the same \$69.6 million from either the CBT fund or the old bond funds.

RESOLUTION #17-003 TO APPROVE GREEN ACRES RECOMMENDATIONS FOR LOCAL GRANTS FOR ACQUISITION AND STEWARDSHIP PROJECTS TO GLOUCESTER COUNTY, BEDMINSTER AND PEAPACK-GLADSTONE WITH FUNDS TO COME FROM THE PRESERVE NEW JERSEY (CBT) GREEN ACRES FUND AND THE DIESEL RISK MITIGATION FUND

Mr. Siegel as Board Secretary-Treasurer chaired the quorum for the purposes of this vote.

Moved by Mr. Spinelli Seconded by Ms. Payne Approved 7-0

Chairman Atkinson recused from the vote because he works in the Gloucester County preservation office and the county is a grant recipient.

Vice-Chairman Romano recused from the vote because he works for New Jersey Conservation Foundation, which serves as a consultant to Bedminster and Peapack-Gladstone in their preservation projects.

SIDE NOTE (NOT PART OF THE MINUTES): This resolution approves the appropriation of \$2,101,707 from the CBT Fund to Gloucester County, Bedminster and Peapack-Gladstone for land acquisitions and stewardship projects. It was split into a separate resolution to accommodate board member recusals.

RESOLUTION #17-004 TO APPROVE GREEN ACRES RECOMMENDATIONS FOR LOCAL GRANTS FOR ACQUISITION AND STEWARDSHIP PROJECTS TO GLOUCESTER COUNTY, BEDMINSTER AND PEAPACK-GLADSTONE WITH FUNDS TO COME FROM THE GREEN TRUST BOND FUNDS LOAN REPAYMENT FUND ACCOUNTS, CASH MANAGEMENT FUND INTEREST RETURNS AND PROJECT CANCELLATIONS AND WITHDRAWALS.

Mr. Siegel as Board Secretary-Treasurer chaired the quorum for the purposes of this vote.

Moved by Mr. Spinelli Seconded by Mr. Ceponis Approved 7-0

Chairman Atkinson recused from the vote because he works in the Gloucester County preservation office and the county is a grant recipient.

Vice-Chairman Romano recused from the vote because he works for New Jersey Conservation Foundation, which serves as a consultant to Bedminster and Peapack-Gladstone in their preservation projects.

SIDE NOTE (NOT PART OF THE MINUTES): This resolution approves the appropriation of \$2,101,707 to Gloucester County, Bedminster and Peapack-Gladstone for land acquisitions and stewardship projects *from old bond funds* with money made available by Green Trust loan repayments or by the cancellations of old projects. It DOES NOT repeat or double the funding in Resolution #17-003. It is a companion resolution to give the Green Acres staff the flexibility to draw the same \$2.1 million from either the CBT fund or the old bond funds.

RESOLUTION #17-005 TO APPROVE GREEN ACRES RECOMMENDATIONS FOR NONPROFIT GRANTS FROM THE ENCLOSED LIST OF NONPROFIT AGENCIES FOR ACQUISITION, DEVELOPMENT AND STEWARDSHIP PROJECTS, SUBTRACTING FROM THE LIST THE NEW JERSEY CONSERVATION FOUNDATION, SAVE HAMILTON OPEN SPACE AND TEWKSBURY LAND TRUST, WITH FUNDS TO COME FROM THE PRESERVE NEW JERSEY (CBT) GREEN ACRES FUND AND THE DIESEL RISK MITIGATION FUND.

Moved by Ms. Payne Seconded by Mr. Buzby Approved 9-0

SIDE NOTE (NOT PART OF THE MINUTES): This resolution approves the appropriation of \$7,992,878 from the CBT Fund for Nonprofit Grants. The overall appropriation is actually \$8.99 million but \$1 million is being subtracted and put into separate resolutions.

The total \$8.99 million Local Grants package breaks down as follows:

- \$5.8 million for land acquisitions.
- \$2.45 million for recreational development projects.
- \$747,898 for stewardship projects.

RESOLUTION #17-006 TO APPROVE GREEN ACRES RECOMMENDATIONS
FOR NONPROFIT GRANTS FROM THE ENCLOSED LIST OF NONPROFIT
AGENCIES FOR ACQUISITION, DEVELOPMENT AND STEWARDSHIP
PROJECTS, SUBTRACTING FROM THE LIST THE NEW JERSEY
CONSERVATION FOUNDATION, SAVE HAMILTON OPEN SPACE AND
TEWKSBURY LAND TRUST, WITH FUNDS TO COME FROM CASH
MANAGEMENT FUND INTEREST RETURNS AND PROJECT
CANCELLATIONS AND WITHDRAWALS.

Moved by Ms. Overdeck Seconded by Mr. Spinelli Approved 9-0

SIDE NOTE (NOT PART OF MINUTES): This resolution approves the appropriation of \$7,992,878 for Nonprofit Grants *from old bond funds* with money made available by Green Trust loan repayments or by the cancellations of old projects. It DOES NOT repeat or double the funding in Resolution #17-005. It is a companion resolution to give the Green Acres staff the flexibility to draw the same \$7.99 million from either the CBT fund or the old bond funds.

RESOLUTION #17-007 TO APPROVE GREEN ACRES RECOMMENDATIONS
FOR NONPROFIT GRANTS FOR ACQUISITION AND STEWARDSHIP
PROJECTS TO THE NEW JERSEY CONSERVATION FOUNDATION, SAVE
HAMILTON OPEN SPACE AND TEWKSBURY LAND TRUST FROM THE
PRESERVE NEW JERSEY (CBT) GREEN ACRES FUND AND THE DIESEL
RISK MITIGATION FUND

Moved by Chairman Atkinson Seconded by Mr. Boornazian Approved 8-0

Vice-Chairman Romano recused from the vote because he works for grant recipient New Jersey Conservation Foundation, because he sits on the board of Save Hamilton Open Space and because NJCF assists the Tewksbury land Trust as a consultant.

SIDE NOTE (NOT PART OF THE MINUTES): This resolution approves the appropriation of \$1,000,020 from the CBT Fund to New Jersey Conservation Foundation, Save Hamilton Open Space and Tewksbury Land Trust for land acquisitions and stewardship projects. It was split into a separate resolution to accommodate a board member recusal.

RESOLUTION #17-008 TO APPROVE GREEN ACRES RECOMMENDATIONS FOR NONPROFIT GRANTS FOR ACQUISITION AND STEWARDSHIP PROJECTS TO THE NEW JERSEY CONSERVATION FOUNDATION, SAVE HAMILTON OPEN SPACE AND TEWKSBURY LAND TRUST FROM CASH MANAGEMENT FUND INTEREST RETURNS AND PROJECT CANCELLATIONS AND WITHDRAWALS.

Moved by Ms. Payne Seconded by Mr. Buzby Approved 8-0

Vice-Chairman Romano recused from the vote because he works for grant recipient New Jersey Conservation Foundation, because he sits on the board of Save Hamilton Open Space and because NJCF assists the Tewksbury land Trust as a consultant.

At this point in the meeting, Ms. Sapp replaced Mr. Boornazian as ex-officio representative of DEP Commissioner Martin.

SIDE NOTE (NOT PART OF MINUTES): This resolution approves the appropriation of \$1,000,020 to New Jersey Conservation Foundation, Save Hamilton Open Space and Tewksbury Land Trust for land acquisitions and stewardship projects *from old bond funds* with money made available by Green Trust loan repayments or by the cancellations of old projects. It DOES NOT repeat or double the funding in Resolution #17-007. It is a companion resolution to give the Green Acres staff the flexibility to draw the same \$1 million from either the CBT fund or the old bond funds.

EXECUTIVE DIRECTOR'S REPORT

Mr. Siegel explained the Green Acres program resolutions to this point concerned the use of Fiscal Year 2017 funding. He said the DEP State Capital Projects recommendation proposes to use Fiscal Year 2018 prospective funding. He said State Capital Projects used to be a direct budget appropriation but under the 2016 Preserve New Jersey Act, these project recommendations for capital projects at the state parks, forests and wildlife refuges must now come through the GSPT.

Mr. Siegel said the largest funding component of the Capital Projects package was a contingency fund for \$1.2 million. He said funds could be moved between categories during the year as long as the Treasury Department's Office of Management & Budget is notified of the shift. He said these are a same parameters the GSPT board approved for State Capital Projects at its Dec. 16, 2016, meeting.

PRESENTATION OF GREEN ACRES STATE CAPITAL PROJECTS GRANT RECOMMENDATIONS

Mr. Boornazian, the DEP assistant commissioner for natural resources, which includes supervision of the Divisions of Parks & Forestry and Fish & Wildlife, made the presentation for DEP about State Capital Projects recommendations for state-owned land in those two divisions.

Mr. Boornazian added to Mr. Siegel's explanation by observing the State Capital Projects once were funded from the CBT dedication until the 2014 voter referendum changed the dedication of those funds to the land preservation programs.

In reviewing his list of projects, Mr. Boornazian highlighted a four-year project to hook up Island Beach State Park into the Berkeley municipal sewerage system. He said this project, now in its final planning phase, would cost up to \$9 million.

Vice-Chairman Romano asked about the category identified as "in-house projects." Mr. Boornazian explained these were projects in which DEP's own work crews can handle the capital projects. He said this is a great savings over bidding out the project work to private contractors.

Ms. Payne commented on how much water quality has improved at Island Beach State Park. Mr. Boornazian said the DEP makes daily coastal monitoring flights with sensors that measure chemical content of coastal waters and tidal estuary rivers.

RESOLUTION #17-009 TO APPROVE NJDEP RECOMMENDATIONS FOR CAPITAL PROJECTS IN STATE PARKS, FORESTS, RECREATION AREAS AND WILDLIFE REFUGES FROM THE PRESERVE NEW JERSEY (CBT) GREEN ACRES FUND AND THE DIESEL RISK MITIGATION FUND.

Moved by Ms. Sapp Seconded by Mr. Spinelli Approved 9-0

SIDE NOTE (NOT PART OF THE MINUTES): This resolution approves the appropriation of \$12,300,000 from CBT Funds to be collected in FY2018 for capital projects in the State DEP Division of Parks & Forestry and Division of Fish & Wildlife. The other appropriations in Resolutions #17-001, #17-003, #17-005 and #17-007 use CBT funds from the past fiscal year FY2017. Resolution #17-009 is "prospective," authorizing funding for projects for the upcoming Fiscal Year.

The eight Green Acres resolutions -001 thru -008 total \$80.7 million from the CBT Fund and older bond funds. The DEP State Capital Projects appropriation of \$12.3 million brings the grand total to \$93 million.

The CBT Fund is the major source at \$55.7 million. Loan repayments provide \$29.2 million. Project cancellations and interest earnings provide \$8.1 million.

BOARD MEMBER COMMENT

Chairman Atkinson asked if any board members had a comment.

Vice-Chairman Romano praised Mr. Boornazian and Ms. Sapp for their presentations and thanked their staffs for the work required to prepare these recommendations. Vice-Chairman Romano said he knows it is not easy to balance all of the different interests involved.

Ms. Payne, who is executive director of the Farmland Preservation program, said in the days in which land acquisition was financed by GSPT bond issues (2000-2009), there was a predictable, annual process. She said with the transition to CBT that is completely off the tracks. She said we have fewer funds and it would be better to restore predictability by handling appropriations at the start of the fiscal year rather than at the end of it, as occurred today.

Ms. Payne said, "Our goal is to come back to the GSPT a lot sooner than later."

Mr. Boornazian said that since the Green Acres Local and Nonprofit grant recommendations were being voted on now, at the very end of Fiscal Year 2017, the agency probably would not have a Local and Nonprofit grant round during Fiscal Year 2018 that begins in two weeks. He said they would probably allow the funding to build up for two years and then administer the next grant round during Fiscal Year 2019.

Ms. Sapp reinforced this plan, stating that applications for recreational development projects can involve a lot of expense for municipalities that might need to hire consultants or engineers to scope out a proposed project. She said it is best to ensure enough funds are in place to make this costly application process worthwhile.

Mr. Siegel noted that the 2016 Preserve New Jersey Act required that project recommendations be submitted every two years. He said the previous version of the Garden State Preservation Trust Act had required project submissions every six months.

Mr. Siegel added the comment that the stewardship project recommendations made by the Green Acres program today and by the Farmland Preservation program last December ended the debate that began in 2014 in which lobbyists claimed stewardship funding would be a loophole to divert preservation money to fund the administrative costs of nonprofit organizations. "They have put that (fear) to rest," he said. "Taxpayers can be confident the stewardship funds are not a loophole."

PUBLIC COMMENT

No public members were present.

ADJOURNMENT

Chairman Atkinson asked to adjourn the meeting. Moved by Vice-Chairman Romano Seconded by Ms. Payne

Approved by voice vote 9-0.

Respectfully submitted

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Ralph Siegel executive director/board secretary Oct. 17, 2017

Others in attendance representing agencies:

Office of Green Acres staff members Amy Sumoski and Kerry Owen; Lisa LeBoeuf from the authorities unit of the Governor's Counsels Office.