

**PUBLIC HEARING REGARDING
GREEN ACRES APPLICATION ENTITLED
“JAMES STREET WETLANDS PROJECT”**

This special meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 6:00pm. Commissioner Gerkens was present.

The Mayor asked all to rise for the Pledge of Allegiance.

This Special Meeting was called pursuant to the provisions of the Open Public Meetings Act and in accordance with the Green Acres application regulations. Notices were published in the Beach Haven Times on February 9, 2017 and the Sandpaper on February 8, 2017. Notices were posted on the bulletin board in the Municipal Building and have remained continuously posted.

Mayor Oldham stated the purpose of this meeting was to receive input from the public regarding the Borough submitting an application for Green Acres funding to acquire the wetlands property at the south end of town, known as Block 1 Lot 1. He stated this should not be confused with the ballot question approved last November to collect an open space tax and to form an Open Space Advisory Committee. He noted the property owner (of the wetlands), George, was present. The Mayor stated there are many steps to the application process and this public hearing is to find out if the public is in favor of the Borough moving forward to purchase this lot and maintain it as open space. A number of emails in favor have been received and will be attached to the application along with the comments heard tonight.

Commissioner Gerkens made a motion to open the public discussion, seconded by Mayor Oldham.

The Mayor stated he wanted to give everyone an opportunity to speak; he asked each person to state their name and address.

The following is a summary of public comments made in support of the application:

- Fred Ballet from North Beach stated on behalf of the kiting, dog-walking, paddling and the community in general, he applauded the Borough's efforts and endorses the application.
- Vincent Vitale from Surf City, stated he is in favor of the property being converted to public space so the good folks in the community and on the block can use it like it was intended to be used and like it has been used in the past.
- Ted and Paula D'Amico, 7 James Street, Harvey Cedars, stated they were both in favor of keeping this property as open space. They have no doubt this area protected their property during Sandy and they would not know where the flood waters would go if this area were to be developed.
- Lisa Bromwell from Ship Bottom supports this application as a member of the kiting community and as Vice President of Alliance for a Living Ocean. Converting this land to Green Acres would preserve it from being re-zoned in the future.
- Rich and Sue Warren, 5515 Holly Avenue, Harvey Cedars stated they are certainly supportive of the Borough's efforts to try to preserve this property and pursue the Green Acres funding. This is one of the few remaining natural pieces of Bayfront and it is a worthwhile effort to try to preserve it.
- Vince Stango from North Beach (with 25 feet of property in Harvey Cedars), stated he is in favor and supports the purchase.
- Ray Unger, 5308A Long Beach Blvd., Harvey Cedars, stated he is in favor of the Green Acres funding.
- Vee Stadleberger, 3 James Street, Harvey Cedars, stated her husband's memorial bench had to be moved from the Bayfront to her property. The bench was used and enjoyed by the whole community and should be returned to its rightful place, back on the bay where the whole community can enjoy it again. She and her family are very much in favor of this initiative.
- Tom Polise, 9A W. Bergen Ave., Harvey Cedars, stated he was in favor of the application.
- Wendy McBair, 11 William Street, in Harvey Cedars, stated she is in favor of the application and read a statement, a copy of which is attached.
- Susan Carrill, 12 James Street, stated she is humbly in support of going after Green Acres funding. She has enjoyed the property for 25 years, enjoyed the recreational use and enjoyed watching the wildlife and seeing all her neighbors enjoy recreational use.

She hopes it can be preserved for that purpose as it is one of the remaining pieces that is undeveloped in Harvey Cedars.

- Mrs. Lyons, 5308 Long Beach Blvd., Harvey Cedars, stated she's been in Harvey Cedars for over 40 years and enjoys the wonderful, peaceful, family-like, friendly bay area and is very much in favor of the initiative.
- Britta Wenzel, Executive Director of Save Barnegat Bay, stated her Board and organization are very much in support of the application and will gladly offer a formal letter of support for the application.
- A member from the Alliance for a Living Ocean also offered to write a letter of support.

The following is a summary of questions and comments made regarding Green Acres and the application process:

- Green Acres funding is money the State provides municipalities to purchase land. It is a grant, not a loan. There are different types of Green Acres applications; this program is different from the Green Acres program used to develop the park. Maintenance would be done by the Borough, the State would have input, there would be certain things that the Borough would not be able to do, such as development; the State sets the rules. If funding is available, it is anticipated that little to no tax dollars would be used to purchase this property.
- The application has already been filed, the deadline was February 15th. Green Acres allows a window for corrections and additions to the application. This public hearing was a requirement that could not have been met prior to the deadline.
- If this property gets converted over to public space, would there be any restrictions on activities such as kayaking, kiteboarding, other water sports? The Mayor's understanding is that recreation would be encouraged by Green Acres.
- The Board is in favor of the application, this meeting is to give the public an opportunity to voice their opinions. If the public was overwhelmingly not in favor of this application, the Board would have to reconsider it. If Green Acres funding is not obtained, there are other options to pursue, such as the County open space and the future use of the local open space funds.
- How much over fair market value would the funding allow for the purchase? The process includes obtaining appraisals, surveys, assessments, but, in the Mayor's opinion, the owner should be able to make a fair return on his investment.
- If this is purchased through Green Acres, would there be an opportunity to park on that street so other people can enjoy it other than the people that live there? There probably would not be additional parking provided.
- Britta Wenzel, Executive Director of Save Barnegat Bay, stated the Borough will need a local match and they have helped townships and other organizations with that financial aspect. The Mayor asked her to leave her contact information with the Clerk.

The following is a summary of questions and comments made regarding the Open Space Tax and Committee:

- The Open Space Advisory Committee will have criteria for membership and representation. The Committee will have 7 members that will include a member of the Taxpayers' Association and property owners who may or may not be fulltime residents.
- The criteria to purchase any future properties will predominantly be set by the Committee.
- The Committee would make an inventory of potential properties to become part of open space that the town might consider to buy.
- A list of volunteers is being maintained by the Clerk. Anyone wishing to volunteer should contact the Clerk.
- If additional funds were needed for this application, it is possible the new open space tax can be used, if recommended by the Advisory Committee. The Committee will give their recommendations to the Board. The Board has the final decision.
- The open space tax collected in Harvey Cedars will be placed into a separate fund designated specifically for open space.

Other topics that were discussed regarding the wetlands property:

- The wetlands property adjacent to the James Street wetlands does not need funding through Green Acres, it already belongs to Long Beach Township. To the best of the Mayor's knowledge, the Township will preserve it as wetlands.
- What if the owner is not agreeable to converting it to Green Acres, what would happen after that? The Mayor has had an initial conversation with the owner of the property about the possibility of purchasing this with Green Acres funds; the next steps and negotiations are dependent on receiving grant money.

- Is there public access to the mean high water line? The Mayor stated the mean high water mark is determinable and usually mapped, and is part of the public trust; on the other hand, the owner of the property has the right to preclude people from being on his property. Bruce Hyde, 13 James Street, stated there is access to the bay through a piece of property owned by the Rendfrey's on James Street.
- Has it been confirmed there can be no building on that piece of land? The Mayor said he determines it as wetlands, but it is the State's jurisdiction to decide whether it's buildable or not. It is the Mayor's belief that the only way to get an official answer is to apply for a CAFRA permit.
- Mr. George DiDonato stated he was the owner of the property and explained how he purchased the property. He stated the Decesare's were the original owners; Mr. Decesare died years ago and the tax payments stopped. The tax sale certificate was purchased by an investment firm in New York. The firm foreclosed on the tax sale certificate. The recording of the deed was delayed, so when he purchased it, the foreclosure deed was recorded simultaneously with his deed.
- Theresa Peterson stated she is hearing a lot of good will from the public and suggested perhaps the owner of the property would reciprocate by allowing some access. Mr. DiDonato and the public engaged in a brief discussion:
 - He asked if anyone came from far away who did not own any property here. The Executive Director of Save Barnegat Bay stated she was from Lavallette. Mr. DiDonato stated he was encouraged to buy this property by the Borough because there was a significant problem with the maintenance of the property, with parking, and kids drinking alcohol. When asked by someone who in the Borough encouraged him, he stated he has emails and can provide them. The public disputed Mr. DiDonato's statements.
 - Mr. DiDonato stated most of the people present are local people who would like to maintain the use of the property they had prior to him purchasing it. He said he is willing to grant deeded access to share the property in exchange for a cost, it wouldn't be for free. He stated it was always private property and anyone could have bought it, it was never public land.
- A gentleman stated that based on conversations this past summer regarding the use of this property, there would be a lot more people in attendance if the meeting were held in the summer.

It was suggested by a member of the public to collect signatures of people in favor of the application. A copy of the signature list is attached.

The Mayor stated that from what he has heard tonight, 100% of the public in attendance is in favor of this application, even Mr. DiDonato, therefore the Board will be moving forward to try to secure the grant.

Commissioner Gerkens made a motion to close the public discussion, seconded by Mayor Oldham.

The Mayor and Commissioner thanked all for coming. Commissioner Gerkens made a motion to adjourn, seconded by Mayor Oldham.

Meeting adjourned at 6:50pm.