



COUNTY OF BERGEN
DEPARTMENT OF ADMINISTRATION AND FINANCE
DIVISION OF OPEN SPACE
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James J. Tedesco III
County Executive

November 9, 2015

Via email only

Ms. Jacqueline Hone
Ridgewood, NJ 07450

RE: Village of Ridgewood – Proposed Schedler Park Project
2015 Bergen County Open Space Trust Fund Municipal Park Improvement Program

Dear Ms. Hone:

This letter is to acknowledge receipt of your email/letter dated October 1, 2015 to the Bergen County Board of Chosen Freeholders regarding potential flaws/deficiencies in the Village of Ridgewood's 2015 application to the Open Space Trust Fund for a grant to improve Schedler Park to: install underground utilities; demolition of two car garage and small shed; capping of inoperable well; selective removal of down, dead or diseased trees; site cleanup; and cut in proposed parking lot driveway entrance.

By way of background, the Trust Fund Program provides grant funding to municipalities and qualified nonprofit organizations. Eligible activities for grants include land acquisition, floodplain protection, park development and improvement, historic and farmland preservation. This program has been providing grants since 1999 and the Division of Open Space is committed to ensuring grant application procedures are followed. It welcomes and reviews concerns expressed by citizens. Time and effort are expended to examine such concerns to ensure grant program rules and procedures are being followed.

Beginning in 2000, the Village of Ridgewood has applied to the Trust Fund program for a variety of grants ranging from land acquisition, historic preservation and park development projects. When the Division of Open Space has asked Village officials for clarification or for additional information relating to the Village's Trust Fund application(s), they have fulfilled such requests enabling the Division to complete its work. The Village has been responsive to our most recent requests.

In order to respond to your request to revisit the grant application process, Bergen County's Division of Open Space reviewed the Village's documents and related materials. A review of the Village's 2008 and 2009 land preservation applications was also conducted. To that end, the Division studied each of the issues raised in your email/letter and concludes that the Village's 2015 Open Space Trust Fund Municipal Park Improvement Program ("TFMP") application complies with the requirements and practices of the Trust Fund Program, subject to additional ongoing review. Furthermore, we note that the Trust Fund Program does not provide for the County to supersede local, municipal government jurisdiction of its municipal park and recreation facilities.

To that end, this letter summarizes each of your email/letter allegations and sets forth the Division of Open Space's responses on a point by point basis.

1. "The Village's applications, used to obtain approximately \$2 million in grants, were completed with intentional false and misleading information, without municipal endorsement and public notification as required."

The Village received two Trust Fund grants from the Trust Fund's funding years in 2008 and 2009 totaling \$1.6 million towards the acquisition cost of the Schedler property of \$2,790,000. The acquisition of this property occurred through the Trust Fund's County Program.

More particularly, Village Resolution No. 08-130 was passed on June 11, 2008 to authorize submission of its 2008 Trust Fund application for acquisition, for which the Village held its public hearing on June 11, 2008. Village Resolution No. 09-211 was passed on July 8, 2009 to authorize submission of its 2009 Trust Fund application for acquisition, for which the Village held its public hearing on July 8, 2009.

In addition, the County Trust Fund Public Advisory Committee held two required public hearings for this open space acquisition project on December 1, 2008 and March 1, 2010, whereby funding recommendations were presented for funding years 2008 and 2009, respectively, prior to final Board of Freeholder approval pursuant to Freeholder Resolutions No. 59 adopted on January 21, 2009, and No. 532 adopted April 21, 2010.

The County finds no evidence of the Village's submission of intentional false and/or misleading information in support of its applications to acquire the Schedler property. If you believe same exists, please specify in detail.

2. "Does the county seek restitution in these matters?"

The Village applied to the Trust Fund in both 2008 and 2009 funding rounds for acquisition funding to assist in the acquisition of the Schedler property for the expressed purpose of building a new active recreation facility with ballfields and supporting park infrastructure.

The County does not seek restitution of funds granted for a qualified open space land acquisition completed in accordance with the Trust Fund Program Statement as adopted by the Board of Freeholders. As per the Trust Fund Program Statement, the acquisition of land for conservation and recreation purposes is an eligible project to be funded under the Trust Fund County Program.

Further, the following state statutes authorize County Open Space Trust Funds:

N.J.S.A. 40:12-15.2 a. (1) "The governing body of any county may submit to the voters ...in a general election a proposition authorizing imposition of an annual levy...for any or all of the following purposes...as determined by the governing body

(a) Acquisition of lands for recreation and conservation purposes"

N.J.S.A.40:12-15.6 Distribution of monies of funds; land acquired under section;

a. "Governing body of any county...may adopt a resolution authorizing the distribution of monies...to municipalities within the county...provided that any municipality...receiving such monies has presented a plan to the county documenting the proposed use of the monies."

3. "(See attached applications. Points of concerns/comments highlighted)"

Staff has reviewed your annotated documents and specific responses are set forth herein.

4. "The Village is currently seeking an additional \$100,000 of Open Space Funds, application submitted September 1, 2015, and more grant requests are to be expected. (See attached application)"

The Village's 2015 Trust Fund application is Phase I of a multi-phase project to develop and create an active recreation facility. Active recreation facilities are authorized pursuant to the Open Space Trust Fund Municipal Park Improvement Program Rules and Procedures.

5. "We attended the Open Space Trust Fund Committee meeting, this past Monday. Mr. Abbatomarco stated the erroneous, incomplete application, submitted by the Village, is acceptable and a common practice. Village of Ridgewood Manager and Counsel said the same. (See attached article)."

Applicants to the Trust Fund are given opportunities to address incorrect and incomplete applications. Following an initial review of the Village of Ridgewood's 2015 Trust Fund application the Division of Open Space sent the Village email communications on September 15th and September 21, 2015, informing it of needed information, corrections, or amendments to its 2015 Trust Fund application. Copies of the emails have since been provided to you.

6. "Mr. Abbatomarco further explained, the Village application will not go through the normal committee review process. Instead, the application will be reviewed by two staff

members. It is at their discretion if further information/documentation is needed. Please confirm if this is in fact County Policy and if Robert Abbatomarco and Adam Strobel are the two reviewing and recommending these applications.”

The normal Trust Fund review process for municipal park improvement Trust Fund applications initially involves staff reviews, who work to accommodate funding requests within the limitations of the amount of available grant funding in a particular Trust Fund Subregion. If preliminary grant award recommendation consensus is not reached among the County and the Subregion’s applicants, then a meeting of that Subregion’s municipal representatives will be held to review the funding requests. Such Subregion meetings are only held on an as-needed basis. All municipal park improvement preliminary grant recommendations would then be presented to the Trust Fund Public Advisory Committee for its approval prior to the preliminary grant funding recommendations being presented to the Board of Freeholders for preliminary and final approval.

7. “Grant application state Municipal Funds as the source of matching funds. Actual source is a private group, the Ridgewood Baseball/Softball Association (RBSA).”

The County Trust Fund has no jurisdiction over a local government’s receipt and/or use of monetary donations or gifts and has no power to approve or disapprove of contributions/donations used by the Village.

8. “Unbeknownst to the public and full Council, recently the Village Manager and three Village Council members accepted a \$200,000 gift from the (RBSA).”

The County Trust Fund has no jurisdiction over a local government’s receipt and/or use of monetary donations or gifts and has no power to approve or disapprove of contributions/donations used by the Village.

9. “RBSA was stripped of their 501(c)3 status for not paying taxes over three years. This may be the reason why they were not disclosed previously as the source.(see attached article)”

The County Trust Fund has no jurisdiction over nonprofits or tax obligations.

10. “This park will generate a substantial amount of money...concession stand, hall rental, field time, uniforms, player enrollment fees, membership fees, field rentals etc. Additionally, site plan includes two-story building. Full second floor to be used as meeting room or rented for sports related functions. We believe the site plan, proposed use and RBSA involvement is a breach of contract with the County and possible violation of Open Space guidelines. (See attached County Deed/Contract).”

To date, no new buildings have been proposed or presented by the Village to the Trust Fund Municipal Park Improvement Program.

The Trust Fund Deed of Conservation Easement requires a municipality’s use of park property to be consistent with, and comply with, Green Acres’ rules and regulations,

which do permit fees to be charged for use of recreation facilities. See N.J.A.C. 7:36:25 .9.

Note: The Schedler property is not listed on the New Jersey and National Registers of Historic Places.

11. "Project is not consistent with Village of Ridgewood's Master Plan or Parks Fields & Recreation Plan, but rather a public committee's incomplete plan. Page 1 of 15. Full committee report and Village's actual plans shows proposed plan is grossly inconsistent. (Can be provided immediately upon request)"

The County Trust Fund has no jurisdiction over a local government's master plan or zoning.

Schedler property was first identified for acquisition and preservation in the Village's Open Space Committee Report dated January 23, 2003, which also stated that the property "lends itself to active recreational development because it is level and easily accessible."

12. "Site plan submitted to county is not the actual site plan. See actual plan attached."

The Village's 2015 Trust Fund application included a plan labeled "Conceptual Rendering" of the fully-completed proposed park and recreation facility.

13. "Actual plan is a blatant disregard to previously approved plans, the health, safety and general welfare of the community. (see attached Plan dated 8/27/15)"

The Village's 2015 Trust Fund application included a plan labeled "Conceptual Rendering" of the fully-completed proposed park and recreation facility.

The County Trust Fund has no jurisdiction over a local government's plans.

14. "Historic Structure/Features /Elements present were not disclosed. Proper disclosure would mean strict preservation and limitations of park development and use. (See attached NJ DEP National Register of Historic Places)"

Following an initial review of the Village of Ridgewood's 2015 Trust Fund application, Division of Open Space staff sent the Village email communication on September 21, 2015, informing it that it needed to amend its answer to the Historic Preservation Assessment question on its 2015 Trust Fund application in order to clarify its response. Copies of the emails have since been provided to you. Copy of the email has since been provided to you.

Note: The Schedler property is not listed on the New Jersey and National Registers of Historic Places.

15. "Public Meeting notifications were not executed as mandated. Applications were submitted falsely stating this had been done as instructed. The Village has demonstrated a pattern of intentional omission and secrecy (see attached)."

Following an initial review of the Village of Ridgewood's 2015 Trust Fund application, the Division of Open Space sent the Village email communications on September 15th and September 21, 2015, informing it of needed information, corrections, and/or amendments to its 2015 Trust Fund application materials. Copies of the emails have since been provided to you.

The Village has since held the required public hearing on October 14, 2015, complying with the appropriate public meeting notifications. Its public hearing transcript will be submitted to the County Trust Fund following its approval by the Village Council in November.

16. "The Village of Ridgewood falsely informed the county that both the public meeting and resolution were completed, as mandated and submitted along with application. This is FALSE. A resolution endorsing the application- was approved after the application was submitted, on Sept. 9, and without a public hearing or knowledge."

Following an initial review of the Village of Ridgewood's 2015 Trust Fund application, the Division of Open Space sent the Village email communication on September 15, 2015, informing it that the public hearing requirement needed to be addressed.

The Village has since held the required public hearing on October 14, 2015, complying with the appropriate public meeting notifications. Its public hearing transcript will be submitted to the County Trust Fund following its approval by the Village Council in November.

The required municipal resolution was to be adopted on October 14, 2015, and is to be re-submitted to the County Trust Fund.

17. "Adverse environmental factors, threatened wildlife and threatened vegetation were not disclosed on applications. Full disclosure would mandate preservation and impose strict site limitations. This omission is how they will get away with demolition and clear-cutting of the last green acre parcel in our area (7 acres), which will expose hundreds of residents and wildlife to noise, pollution, Route 17, high volume traffic, dangerous conditions and irreversible damage."

Following an initial review of the Village of Ridgewood's 2015 Trust Fund application, the Division of Open Space sent the Village email communication on September 21, 2015, informing it that it needed to complete the Environmental Factor question on its 2015 Trust Fund application, whereby the Village was directed to make use of NJDEP's Natural Heritage Data search and provide the requested search results to the County Trust Fund. Copy of the email has since been provided to you.

Should an issue arise, County Trust Fund grants require applicants to comply with all Federal, State, County, and Municipal laws, rules, and regulations applicable to the activities in connection with park projects.

18. "This property, directly on Rt. 17. North, within feet of an interstate commuter Park & Ride, is the last green space in the area. All this is being done without expert studies and without notification to or clearance from New Jersey Department of Transportation, Environmental Protection and Historic Preservation."

County Trust Fund grants require applicants to comply with all Federal, State, County, and Municipal laws, rules, and regulations applicable to the activities in connection with park projects, including, but not limited to, the Local Public Contracts Law.

An Applicant stipulates to this when it executes the Trust Fund Project Contract prior to the actual release of any County Trust Fund monies.

19. "Permitting this project to move forward without an investigation or proper studies, would be an act against the public and threat to their health, safety and welfare."

County Trust Fund grants require applicants to comply with all Federal, State, County, and Municipal laws, rules, and regulations generally applicable to the activities in connection with park projects, including, but not limited to, the Local Public Contracts Law.

20. "We believe the Deed of Conservation Easement (attached) gives Bergen County jurisdiction over this matter."

Trust Fund Deed of Conservation Easement states that the Village agrees to retain, protect, and use the Property for Conservation Values involving open space conservation and recreation purposes. Conservation and recreation purposes means the use of lands for open space, greenway corridor, watershed, wetlands protection, flood protection, environmental education, scenic preservation of natural areas, ecological and biological study, forests, water reserves, wildlife preserves, active and/or passive recreation use. Usage shall be consistent with the policies of the New Jersey Department of Environmental Protection and Green Acres' rules and regulations. (Emphasis added.)

21. "As such, we request the Board of Chosen Freeholders step in and protect the residents of Ridgewood."

Trust Fund Program does not provide for the County to supersede local, municipal government jurisdiction of its municipal park and recreation facilities.

Based upon our review, the Division of Open Space does not find any irregularity in the Village's current Trust Fund grant application or with their previous land acquisition applications for the property in question. The basis of your concerns and resolution thereof rests with the Village of Ridgewood. Accordingly, the Village of Ridgewood's 2015 TFMP park development

application remains eligible for a formal grant award recommendation by the Trust Fund Public Advisory Committee.

Thank you again for your interest and concerns about the Trust Fund Program. Please feel free to contact me with any questions that you may have at 201-336-6458 or by email at astrobel@co.bergen.nj.us.

Respectfully yours,

Adam L. Strobel

Adam L. Strobel
Director