



MINUTES – TUESDAY, MARCH 23RD – VIA ZOOM

Enter Closed Session: The Board entered Closed Session at 12:45 upon a motion by Mr. Craig, seconded by Mr. Clemans.

Attendance Board Members:

Dave Clemans
David Craig
Leslie Gimeno
Commissioner Will Morey
Neil Byrne

Attendance Others:

Barbara Ernst, Scott Mullen, Joe Molineaux, Jeff Lindsay

Due to the time, there were no deliberations on the new applications presented today.

Ocean City Skate Park: Mr. Byrne abstained from participation in this item due to a conflict. Ms. Gimeno provided an overview of the City's proposal to construct a new skate park and to remove the existing Open Spaces-funded Skate Park. They are seeking the Open Spaces Board's approval for their plans. Mr. Lindsay explained the terms of the existing shared services agreement between the County and City and pointed out sections of potential relevance that include Section 3.03 "maintenance" and Section 7 "default". He explained the general process of contract dispute and advised against pursuing that route. Ms. Gimeno explained that the Open Spaces Board and staff did not envision this type of scenario when working to develop program guidelines and documents, and wanted to have an understanding of what the range of options are. Board members agreed that this situation warrants taking a closer look at our agreements to strengthen language in regard to consequences of lack of maintenance and/or a project not reaching its useful life. Discussion included items such as desire to protect taxpayers' investment, new site being adjacent a school, and public input on the City's plans. Board members were asked to develop any additional questions or concerns and forward the same to Ms. Gimeno, who will work with Mr. Lindsay to develop a response to the City. Commissioner Morey acknowledged the City's efforts to be communicative and cooperative, and urged the Board to find a reasonable solution.

ARC of Cape May County, Inc. – Sale of Falkinburge House: Mr. Craig abstained from participation in this item due to a conflict. Ms. Gimeno said that the ARC of Cape May County had reached out to her to explain their desire to sell the Falkinburge House, which

had previously received a Historic Preservation Grant from the Open Spaces Program. She said that the ARC feels that the property does not adequately suit their needs as an Administrative Headquarters due to the nature of the work that they do and the population that they serve, citing accessibility issues. The ARC is seeking to meet all of its obligations with regard to the grant before selling the property to a private individual. Ms. Gimeno said that per the Shared Services Agreement, the County does have the ability to prevent the sale or to impose conditions upon it which can include the execution of a 15-year historic preservation easement.

Mr. Clemans said that the Falkinburge House is of great importance to Cape May County as it's one of the only historic brick houses. He said that in the absence of a Township Historic Preservation Commission, the property would not be protected if it were owned by a private citizen. The National Register listing does nothing from a protection standpoint, and it is totally vulnerable going into private hands.

Mr. Lindsay said that he reviewed the Shared Services Agreement and confirmed that we can require a 15-year historic preservation deed restriction. He said that he and Ms. Gimeno had spoken with the ARC's COO and appears that the ARC is amenable to putting the easement in place before they sell it; we are able to make that contingent upon our approval. Ms. Gimeno said that the easement should be for the "Complex" which involves all structures and 8 acres of land so that the ability to subdivide the property is eliminated (for the duration of the easement). Mr. Lindsay said that this is an opportunity to reevaluate our agreements and to make modifications to address these and similar issues in the future.

Mr. Byrne said that he was concerned with the precedent that this would set. Commissioner Morey suggested including terms for repayment in the future to give the Board more latitude. Mr. Lindsay said that we have clear authority in the matter and are not obligated to agree to the sale. It was determined that Board members would provide Ms. Gimeno with any additional thoughts on the matter within a few business days so that Ms. Gimeno could work with Mr. Lindsay to provide direction to the ARC. Of primary concern was the preservation of the complex, the protection of taxpayers' dollars, and the shifting of the property from an entity that is eligible for our funding (historic oriented non-profit) to an entity that is not (private owner).

Potential Land Acquisition- Ay: Ms. Gimeno said that there were 2 properties along Seigtown Road adjacent the alignment for the Regional Bike Path that were for sale. She had reached out to the property owner to see if she (Ms. Ay) would be interested in selling the property to the County, and had received positive response. Ms. Gimeno said that the property would be well suited for a small trailhead to serve the Bike Path, and was asking for a consensus of the Board to pursue the acquisition. Consensus was reached to pursue the property and to have Ms. Ay submit a land acquisition application prior to the 4/15 deadline.

Dennis Township Chestnut Street Park: Consensus was reached to direct the Township to solve the access issue, then the Board would resume further consideration of the application.

Return to Open Session: The Board returned to Open Session at 1:31, upon a motion by Mr. Clemans, seconded by Mr. Byrne. All in Favor.