



BOROUGH OF CALDWELL

Resolution No: 6-147

Date of Adoption: June 1, 2021

TITLE:

RESOLUTION AUTHORIZING A CONTRACT WITH THE LAND CONSERVANCY FOR ASSISTANCE IN APPLICATIONS FOR OPEN SPACE GRANT FUNDS

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

Whereas, the Borough of Caldwell (the "Borough") wishes to engage the services of The Land Conservancy ("the "Conservancy") for the provision of specialized services related to the application by the Borough for grant funds for the acquisition and/or development of open space within the Borough; and

Whereas, the Conservancy is a non-profit organization dedicated to the preservation of open space and has a staff of personnel uniquely qualified in such pursuits; and

Whereas, the Borough wishes to explore the possibility of acquiring additional properties for the purposes of preserving open space within the Borough for the use and enjoyment by our citizens; and

Whereas, such services also include such tasks as are outlined in the proposal submitted by the Conservancy, which is attached hereto and made a part hereof; and

Whereas, the Borough Administrator has reviewed the proposal from Conservancy for such services and has agreed with Conservancy to terms and conditions that are appropriate to the needs of the Borough;

Now Therefore Be It Resolved By The Mayor And Council Of The Borough Of Caldwell New Jersey That:

1. The proposal of Conservancy as reviewed by the Borough Administrator and as attached hereto is hereby accepted by the Borough as the basis of a contract for the provision of those services by Conservancy; and
2. The Borough Administrator is hereby authorized and directed to enter into an agreement with Conservancy for the provision of the services described in the attached proposal; and
3. The maximum amount authorized to be paid to Conservancy pursuant to such agreement is ten thousand dollars (\$10,000); and
4. The Borough Attorney is hereby authorized and directed to prepare an appropriate form of contract to allow to perform the services and receive the compensation set forth in the attached proposal; and
6. The award of this contract is subject to and conditioned upon the provision by the Chief Financial Officer of the Borough of a certification of the availability of funds sufficient to provide for payment of the contract; and
7. The Borough Clerk is hereby authorized and directed to cause such notices as are required by statute to be provided in the form as required by such statutes for the award of contracts of this type.

RECORD OF COUNCIL VOTE

_____ presented the following resolution - Seconded by: _____

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Schmidt						Lace				
Rodgers						DePalma-Iozzi				
Cole						Gates				

Brittany Heun, Deputy Clerk

John Kelley, Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.



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QUALIFICATIONS AND EXPERIENCE

THE LAND CONSERVANCY OF NEW JERSEY: OPEN SPACE ADVISOR

The Land Conservancy is uniquely experienced and well qualified to assist Caldwell Borough with its open space preservation program. The Township is currently considering the acquisition and preservation of properties along Bloomfield Avenue to create a “Grover Cleveland Trail” linking Essex County’s Grover Cleveland Park to the National Park Service Grover Cleveland Birthplace.

Our team has helped towns in Essex County preserve a dozen properties totaling 154 acres. This includes the former Dougherty and Personette Street properties in Caldwell Borough . In Livingston Township we recently closed on two projects, culminating several years of negotiation, planning, and coordination of the transactional costs. ([Livingston Acquires 20 acres of Open Space, Horse Farm Preserved in Livingston Township](#)).

We are a fully comprehensive land preservation organization with staff skilled and experienced in the requirements and expertise needed to identify, negotiate, and complete land preservation projects. Our staff has completed 470 land conservation transactions throughout New Jersey, many on behalf of local governments. We have the capacity and ability to quickly and efficiently step in to work with the Township on land preservation projects.

The resources of our office include a team of highly trained land preservation specialists, and a state-of-the-art Geographic Information Systems (GIS) center. Staff is skilled at a variety of web-based software. The Land Conservancy has licensed software which includes ArcGIS 10.8, PhotoShop, InDesign, Adobe Professional, Canva, and the Microsoft Office Suite.

The Land Conservancy of New Jersey is an accredited nonprofit land trust organization dedicated to permanently protecting land for conservation of natural resources, recreation, and water quality protection. Founded in 1981, we have helped more than 100 government and private organizations preserve, steward, and protect open space. We have written 170 plans, including Caldwell Borough’s 2019 Open Space Plan Update, preserved over 28,200 acres, and helped towns receive \$245 million for land preservation.

The Land Conservancy has received numerous awards for our work:

- 2018 – Governor’s Environmental Excellence Award for Land Conservation
- 2015 – New Jersey Planning Officials – Preservation of Beaver Brook Farm presented to Warren County, in partnership with The Land Conservancy of New Jersey.
- 2015 – New Jersey Chapter of the American Water Resources Association Excellence in Water Resources Protection for the South Branch Preserve Ecological Restoration Project in Mt. Olive Township, Morris County.



SCOPE OF WORK
BOROUGH OF CALDWELL: OPEN SPACE ADVISING

Our contracts are designed to offer a range of open space advising services to the municipality including coordination with funding agencies on behalf of the Borough. Our assistance will focus on preserving the land that would comprise the “Grover Cleveland Trails,” a vision for linking Essex County’s Grover Cleveland Park to the National Park Service Grover Cleveland Birthplace along Bloomfield Avenue. Initial work would be to help Caldwell acquire the undeveloped lands currently owned by Mr. Haberman and assist with negotiations to preserve adjoining lands owned by Caldwell University (and others as requested by the town). Our term as Open Space Advisor to the Borough will extend for a one-year period.

1. Green Acres Application:

- a. Prepare the Borough’s 2021 application to NJDEP Green Acres Planning Incentive (PI) grant program. This category is open to municipalities that have an open space tax and an adopted Open Space and Recreation Plan approved by Green Acres. Funding is available in the form of a Green Acres 50% matching grant. To be eligible for funding under the Planning Incentive category, the town must have enacted, and be collecting and expending, an open space tax pursuant to either N.J.S.A. 40:12-16, of at least one-half cent per \$100 of assessed value.
- b. Assist the Borough with the public hearing notice and resolution required for the application.
- c. Work with the Borough and Green Acres to submit the required paperwork to receive funding for projects, once these lands are under contract by the Borough.

2. Negotiation:

- a. At the Borough’s request, work with the private landowner(s) and negotiate to achieve the best acquisition value for Borough.
- b. Work with Mayor and Administrator on negotiations already begun by the Borough.
- c. Staff will conduct landowner meetings, as necessary, to successfully advance the land acquisition project.
- d. Develop specific acquisition strategies and financing scenarios for purchasing the property.

2. Due Diligence:

- a. Develop any needed municipal resolutions for the completion of the project.
- b. Upon request, manage the due diligence work for the open space acquisition in coordination with the Borough. This includes obtaining proposals, coordinating work schedules, and reviewing all work products to ensure quality and compliance with government regulations.
- c. Provide ongoing communication and coordination with agencies responsible for land preservation.

3. Advising:
 - a. Discuss and work on issues that may arise within the Borough related to this project.

 4. Meetings:
 - a. Staff will attend meetings with landowner as necessary to move projects forward.
 - b. The Land Conservancy will attend up to four (4) meetings, using a remote platform, if requested by the Township. If attendance is requested for in-person municipal-based meetings, there would be an additional \$250 per meeting fee.
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FEE: \$10,000

*Proposal submitted May 26, 2021
Work to commence upon approval and authorization by Caldwell Borough*