

MINUTES
MORRIS COUNTY
OPEN SPACE PRESERVATION TRUST FUND COMMITTEE
30 Schuyler Place, 4th Floor, Morristown, New Jersey
April 26, 2012

The meeting was called to order at 7:37 P.M. by Deena Cybulski.

Members present:

Julie Baron, Morris County Park Commission
Louise Davis, Morris County Agriculture Development Board
Janet Foster, Morris County Historic Preservation Trust Fund Review Board
Leon Moreau, At-Large
Kathy Murphy, Region I – Mount Olive
Deborah Nielson, At-Large
Diana Orban Brown, Region II – Mendham Township
Greg Poff, Region IV – Rockaway Township
Stephen Shaw, Region V – Mountain Lakes
Laura Szwak, Morris County Municipal Utilities Authority
Mark Taylor, Region VIII – Florham Park

Member with excused absence:

Paula Danchuk, Region III – Mount Arlington
Ted Eppel, Morris County Planning Board
Robert Purnell, Region VI – Montville
Rick Watson, Region VII – Morris Twp.

Also attending:

Deena Cybulski, Director, Morris County Department of Planning & Development
Ray Chang, Director, Morris County Preservation Trust
Barbara Murray, Open Space Program Coordinator, Morris County Preservation Trust
John Napolitano, Esq., Special Counsel, Morris County Open Space Trust Fund

Members of the public:

Kurt Dinkelmeyer (departed meeting at 8:20 P.M.)
Dan Grant (departed meeting at 8:20 P.M.)
Barbara Eames, Morris Patriots (departed meeting at 8:20 P.M.)
Joe Tempesta, Administrator, Township of East Hanover (departed meeting at 8:45 P.M.)
Mark Prusina, Director of Public Works, Borough of Mountain Lakes (departed meeting at 8:54 P.M.)
Michael Catania, President, Schiff Natural Lands Trust (departed meeting at 9:07 P.M.)
Marissa Hartzler, Executive Director, Schiff Natural Lands Trust (departed meeting at 9:07 P.M.)
Robert Gallop, Deputy Mayor, Township of Chatham (departed meeting at 9:18 P.M.)

OPEN PUBLIC MEETING STATEMENT

Deena Cybulski stated that, in accordance with the Open Public Meetings Act, adequate notice of the meeting had been provided and filed with the Town of Morristown, the

Morris County Clerk, the Daily Record and the Star Ledger.

PUBLIC COMMENT

Mr. Kurt Dinkelmeyer of Towaco had comments on the Market Place grant. Montville received a County open space grant of \$1,350,000 in 2009 for the acquisition of 3 properties totaling 35 acres. Mr. Dinkelmeyer questioned the values, comp sales and development potential in the appraisal, prepared by Landmark I Appraisal, LLC which had a valuation date of June 30, 2009. He questioned why the County does not require 2 appraisals like Green Acres and require an updated appraisal. John Napolitano, Esq., Special Counsel Morris County Open Space Trust Fund stated neither the executed grant agreement, nor the adopted Rules and Regulations in place at the time, required one. Mr. Napolitano further explained the Committee discussed implementing performance measures at their December meeting and decided a second grant extension may require an updated appraisal. This provision would take effect for 2012 applications. Mr. Napolitano explained the county utilizes a licensed appraiser to review all application appraisals since 2011. The applicant is solely responsible for hiring the appraiser to prepare an appraisal of the property in question and submit a report to the county for review. The Township is solely responsible for negotiating a contract with the landowner. Mr. Dinkelmeyer asked if the ownership of the property changed would this affect the county's grant extension on the project. Mr. Napolitano stated the county deals with the grant recipient only, in this case Montville, not the property owner. Changes to the property ownership prior to acquisition do not affect the grant agreement. Mr. Dinkelmeyer suggested changes to the county's appraisal requirements and procedures. Mr. Napolitano stated the committee would consider his suggestions, but it would be difficult to implement midstream for existing grant agreements.

Dan Grant of Montville stated Montville has one of the most robust open space programs in the county. He expressed concern a dated appraisal was being honored for the current sale. Mr. Napolitano stated the committee remains apolitical in their review and recommendation of awards. He clarified there was no match requirement in the municipal/non-profit open space program. Mr. Grant stated it was not unreasonable to require a match.

Barbara Eames, Morris Patriots resides in Hanover. She urged the committee to carefully consider the use of open space dollars.

ELECTION OF OFFICERS

Ms. Deena Cybulski served as temporary Chairperson and took nominations for the position of Chairperson.

On a motion by Julie Baron, seconded by Louise Davis, Greg Poff was nominated for the position of Chairperson. There being no other nominations a roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
Greg Poff was elected Chairperson and chaired the meeting from this point forward.

On a motion by Julie Baron, seconded by Kathy Murphy, Laura Szwak was nominated for the position of Vice-Chairperson. There being no other nominations a roll call vote

was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
Laura Szwak was elected Vice-Chairperson.

On a motion by Julie Baron, seconded by Louise Davis, Kathy Murphy was nominated for the position of Secretary. There being no other nominations a roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
Kathy Murphy was elected Secretary.

APPROVAL OF MINUTES

On a motion by Stephen Shaw, seconded by Louise Davis, the committee approved the minutes of the March 22, 2012 meeting. A roll call vote was taken. Aye: Baron, Davis, Moreau, Murphy, Orban Brown (abstain on executive session for Wilmerding project), Poff, Shaw, Taylor (abstain on executive session for Stobaeus Park project) Nay: None Abstain: Foster, Nielson, Szwak

OLD BUSINESS

Financial Disclosure Forms – Ms. Barbara Murray reminded the committee that two copies of the financial disclosure form, each with an original signature, were due to the County Clerk’s office by no later than April 30, 2012.

Indicators Subcommittee – Ms. Murray stated any members interested in serving on the subcommittee to update the Open Space Element of the County Master Plan should contact her.

NEW BUSINESS - EXECUTIVE SESSION

WHEREAS, pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, the Open Space Trust Fund Committee may exclude the public to discuss matters as are provided under the Act; and

WHEREAS, said Act provided that this Committee may exclude the public from the discussion of such matters,

NOW, THEREFORE, BE IT RESOLVED, that the Open Space Trust Fund Committee hereby excludes the public in order to discuss such matters. The general nature of the subject to be discussed is as follows: Purchase, lease or acquisition of real property. On a motion by Julie Baron, seconded by Louise Davis, the committee closed the open portion of the meeting and voted to conduct a closed session at 8:30 P.M.

RETURN TO MEETING

The meeting reopened to the public at 9:42 P.M.

ACTIONS RESULTING FROM CLOSED SESSION

1. Township of East Hanover/Froling Estate: On a motion by Julie Baron, seconded by Kathy Murphy, the committee voted to approve a first six-month grant extension for the project. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
2. Borough of Mountain Lakes/King of Kings Back Acreage Acquisition: On a motion by Julie Baron, seconded by Leon Moreau, the committee voted to approve a first six-

month grant extension on the project. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Taylor.

Nay: None Abstain: Shaw

3. Schiff Natural Lands Trust/Pleasant Valley Mills Farm-Wilmerding: On a motion by Kathy Murphy, seconded by Louise Davis, the committee voted to approve a first six-month grant extension for the project and amend the grant agreement to have NJ Conservation Foundation hold and monitor the farm easement portion. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Poff, Shaw, Taylor. Nay: None Abstain: Orban Brown, Szwak
4. Township of Chatham/Fornaro Property: On a motion by Louise Davis, seconded by Julie Baron, the committee voted to approve a first six-month grant extension for the project. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
5. Town of Morristown/Acquisition and Preservation of 20 Hillcrest Avenue: On a motion by Julie Baron, seconded by Louise Davis, the committee voted to approve a first six-month grant extension for the project. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
6. Township of Pequannock/Pompton Riverwalk-Phase IV (Da Costa): On a motion by Louise Davis, seconded by Stephen Shaw, the committee voted to approve a first six-month grant extension for the project. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
7. Harding Land Trust/Primrose Farm Estates (Phase I): On a motion by Julie Baron, seconded by Stephen Shaw, the committee voted to approve a first six-month grant extension for the project. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None
8. Township of Jefferson/Hunter's Glenn: On a motion by Julie Baron, seconded by Leon Moreau, the committee voted to approve the grant amendment to the project concerning acreage to be applied to county deed restrictions. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor. Nay: None Abstain: None

Amendment to Policy P-1: Requirements for Appraisals

Ms. Murray reviewed the revisions to the appraisal policy as suggested by Robert G. Schwarz, MAI, the county's review appraiser for the open space program. Most suggestions were clarifications of the existing requirements, e.g., separation of land from structure value and the required details of the engineering report. Ms. Laura Szwak suggested adding the requirement the appraiser be on the Green Acres Program List of Approved Appraisers. On a motion by Louise Davis, seconded by Julie Baron, the committee approved the revisions to the appraisal policy with Ms. Szwak's suggested addition. A roll call vote was taken. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Nielson, Orban Brown, Poff, Shaw, Szwak, Taylor.

Nay: None Abstain: None

Project Status Report

Ms. Murray reviewed the past and upcoming closings with the committee.

Release of 2012 Open Space Application Form

Ms. Murray informed the committee the 2012 application form was recently released. Like last year, it will be completed online in a live database in a secure environment. A project map must also be created online through the Morris County Public Resource Interactive Mapping Application (MCPRIMA) Public Land Management Tool.

Report of Flood Mitigation Committee (FMC)

Ms. Louise Davis stated she was elected Chairperson of the FMC, which met for the first time on April 16, 2012. At that meeting, preliminary approval was granted for three Fast Track applications (Pequannock, Lincoln Park, and Denville). These same 37 applications received Freeholder approval at the April 25 meeting, for total encumbered funds of \$3,300,000.

NEXT MEETING DATE

The next regular meeting is scheduled for Wednesday, September 12, 2012 in the 4th Floor Conference Room of the Offices of Planning & Development, located at 30 Schuyler Place, Schuyler Annex Building, in Morristown, New Jersey at 7:30 P.M.

ADJOURNMENT

On a motion by Leon Moreau, seconded by Laura Szwak, the meeting was unanimously adjourned at 9:59 P.M.

Respectfully submitted,

Barbara J. Murray