

MINUTES
MORRIS COUNTY
OPEN SPACE PRESERVATION TRUST FUND COMMITTEE
30 Schuyler Place, 4th Floor Conference Room, Morristown, New Jersey
September 12, 2012

The meeting was called to order at 7:33 P.M. by Chairperson Poff.

Members present:

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

Members with excused absence:

Deborah Nielson, At-Large
Rick Watson, Region VII – Morris Twp.

Also attending:

Deena Leary, Director, Morris County Department of Planning & Development
Ray Chang, Director, Morris County Preservation Trust (arrived 8:22 PM)
Barbara Murray, Open Space Program Coordinator, Morris County Preservation Trust
Tina Boyer, Program Assistant, Morris County Preservation Trust (departed 9:58 PM)
John Napolitano, Esq., Special Counsel, Morris County Open Space Trust Fund (arrived 7:42 PM)
Robert G. Schwarz, MAI, Review Appraiser, Morris County Preservation Trust

OPEN PUBLIC MEETING STATEMENT

Greg Poff 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

There was no public comment.

APPROVAL OF MINUTES

Ms. Murray stated there was a correction to the April 26, 2012 minutes to indicate Mr.

Stephen Shaw abstained from voting on the King of Kings Back Acreage Acquisition first grant extension. On a motion by Stephen Shaw, seconded by Julie Baron, the committee approved the regular and closed session minutes of the April 26, 2012 meeting as amended. A roll call vote was taken. Aye: Baron, Davis, Foster, Moreau, Murphy, Orban Brown (abstain on closed session for Wilmerding project), Poff, Shaw (abstain on closed session for King of Kings project), Szwak (abstain on closed session for Wilmerding project)

Nay: None Abstain: Danchuk, Eppel, Purnell

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 Stephen Shaw, the committee closed the open portion of the meeting and voted to conduct a closed session at 7:36 P.M.

RETURN TO MEETING

The meeting reopened to the public at 10:05 P.M.

NEW BUSINESS

1) Second grant extensions, various projects – On a motion by Julie Baron, seconded by Louise Davis, the committee recommended approval of a second grant extension for the following projects, to expire on the application deadline for the 2013 funding round:

- Township of Chatham - “Fornaro Property”
- Township of East Hanover – “Froling Estate”
- Borough of Mt. Lakes – “King of Kings Back Acreage”
- Schiff Natural Lands Trust – “Pleasant Valley Mills Farm-Wilmerding”
- Township of Pequannock – “Pompton Riverwalk-Phase IV (Da Costa)”
- Harding Land Trust – “Primrose Phase I”

Aye: Baron, Danchuk, Davis, Eppel, Foster, Moreau, Murphy, Orban Brown (abstain on Wilmerding project), Poff, Purnell, Shaw (abstain on King of Kings project), Szwak (abstain on Wilmerding project) Nay: None Abstain: as noted

2) Site Visit and Final Applicant Presentation Schedule - Ms. Barbara Murray circulated the sign-up sheets for the site visits and reviewed the final presentation schedule with the committee. Ms. Murray indicated the committee’s policy is to require each member to visit at least 40% of the sites to participate in deliberations. Members can visit sites on their own to attain the attendance requirement.

3) Report of Recent Trust Fund Closings - Ms. Murray reviewed the list of recent and anticipated closings with the committee.

4) Report of Flood Mitigation Committee (FMC) – Louise Davis reported on recent activity of the Flood Mitigation Program (FMP), including amendments to the Rules & Regulations; the new FMP website, recent marketing and project activities.

5) Amendment to Trust Fund Rules and Regulations – Ms. Murray stated the FMP Rules and Regulations were recently amended to clarify flood mitigation projects must first be submitted to the FMC. Only if said application has been submitted to and rejected by the FMC and Freeholders, may the application be submitted to the municipal/non-profit grant program (Section 6.8-Acquisition Procedures). An amendment is proposed to Section 3.3.3 of the Open Space Rules to make flood mitigation acquisition projects ineligible under the open space program, unless they have been previously reviewed and rejected by the FMC. On a motion by Julie Baron, seconded by Diana Orban Brown, the committee recommended approval of the amendment to Section 3.3.3. A roll call vote was taken. Aye: Baron, Danchuk, Davis, Eppel, Foster, Moreau, Murphy, Orban Brown, Poff, Purnell, Shaw, Szwak, Taylor Nay: None Abstain: None

6) Amendment to Policy P-1: Requirements for Appraisals - Ms. Murray informed the committee this is second round utilizing a review appraiser. As a result, staff believed it would be best to formalize the review process for applicants to address the issues raised by the review appraiser, and address the results of the review. The proposed changes outline the credentials of the county’s review appraiser, details the county’s review process, the role of the applicant to keep informed throughout the review process, and the product produced by the review appraiser. If the review appraiser concludes that reasonable documentation is provided to support the value, it would become the county’s accepted market value (AMV). It is proposed that the county’s cost share on a project shall not exceed the AMV and all sources of funds from all trust fund programs. If there is disagreement on the value conclusion, the review appraiser would develop an independent conclusion of value which becomes the county’s AMV.

Committee members discussed the proposed revisions. Members questioned how ‘reasonableness’ is defined and could be subject to opinion, if it was under the county’s purview to come up with a determination of value, how a different agency’s determination of a certified value is made (including other county boards and commissions) and the potential impact this could have on other funding partners on a project. Staff explained the revisions are proposed to address situations where the review appraiser does not agree with the applicant’s appraiser. Meaningful guidance is necessary to guide funding recommendations in these situations. There is one project this round where appraisers disagreed on the value conclusion, Stirling Recreation Project. The committee could not reach consensus on recommending approval of the proposed appraisal policy revisions. Instead, a motion was made by Stephen Shaw, seconded by Mark Taylor, to authorize Robert Schwarz, MAI to perform an appraisal on the Stirling Recreation project. A roll call vote was taken. Aye: Baron, Davis, Moreau, Orban Brown, Poff, Purnell, Shaw, Taylor

Nay: Danchuk, Eppel, Foster, Murphy, Szwak Abstain: None

Motion carries.

NEXT MEETING DATE

There will be no regular meeting in October. The committee will reconvene on the first night of applicant presentations on Monday, October 22, 2012 beginning at 6:30 P.M. at the County Library located at 30 East Hanover Avenue in Whippany, NJ.

ADJOURNMENT

On a motion by Julie Baron, seconded by Ted Eppel, the meeting was adjourned at 10:57 P.M. All in favor.

Respectfully submitted,

Barbara J. Murray