

MINUTES
MORRIS COUNTY
OPEN SPACE PRESERVATION TRUST FUND COMMITTEE
30 Schuyler Place, 4th Floor Conference Room, Morristown, New Jersey
December 12, 2011

The meeting was called to order at 7:30 P.M. by Chairperson Collins.

Members present:

Julie Baron, Morris County Park Commission
Robert Collins, Region VI - Kinnelon
Joe Donegan, At-Large
Ted Eppel, Morris County Planning Board
Len Fariello, Region VII – Hanover
Jasmine Lim, Region V – Parsippany-Troy Hills
Leon Moreau, At-Large
Kathy Murphy, Region I – Mount Olive
Deborah Nielson, At-Large
Michael Obremski, Region II – Randolph
Laura Szwak, Morris County Municipal Utilities Authority

Members with excused absence:

Paula Danchuk, Region III – Mount Arlington
Louise Davis, Morris County Agriculture Development Board
William O’Connor, Region VIII – Chatham Township
Greg Poff, Region IV – Rockaway Township

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
Frank Pinto, Director, Morris County Department of Human Services
Jennifer McCulloch, Assistant Director, Morris County Agriculture Development Board

OPEN PUBLIC MEETING STATEMENT

Robert Collins 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.

RECOGNITION OF DEPARTING COMMITTEE MEMBERS

Mr. Frank Pinto, former Director of the Morris County Department of Planning & Development, recognized the open space program accomplishments of the following present committee members whose terms will expire at the end of 2011: Robert Collins,

Len Fariello, Michael Obremski, Joseph Donegan and Jasmine Lim. Each member was given a framed resolution and thanked for their years of service on the committee.

APPROVAL OF MINUTES

On a motion by Julie Baron, seconded by Joe Donegan, the committee approved the regular and closed session minutes of the June 30, 2011 special meeting, as corrected to note William O'Connor was not present for the closed session discussion. A roll call vote was taken. Aye: Baron, Donegan, Eppel, Fariello, Lim, Moreau, Murphy, Szwak
Nay: None Abstain: Collins, Nielson, Obremski

On a motion by Deb Nielson, seconded by Ted Eppel, the committee approved the minutes of the regular and closed session minutes of the September 12, 2011 meeting, as corrected to note the measurable open space indicators as listed by Ms. Szwak. A roll call vote was taken. Aye: Baron, Collins, Eppel, Fariello, Lim, Moreau, Murphy, Nielson, Szwak
Nay: None Abstain: Donegan, Obremski

On a motion by Len Fariello, seconded by Ted Eppel, the committee approved the regular and closed session minutes of the September 17, 2011 site visits. A roll call vote was taken. Aye: Baron, Collins, Donegan, Eppel, Fariello, Lim, Moreau, Murphy, Nielson, Szwak
Nay: None Abstain: Obremski

On a motion by Julie Baron, seconded by Jasmine Lim, the committee approved the regular and closed session minutes of the October 1, 2011 site visits. A roll call vote was taken. Aye: Baron, Collins, Eppel, Fariello, Lim, Murphy, Nielson, Obremski
Nay: None Abstain: Donegan, Moreau, Szwak

On a motion by Len Fariello, seconded by Joe Donegan, the committee approved the regular and closed session minutes of the October 25, 2011 presentations. A roll call vote was taken. Aye: Baron, Collins, Donegan, Eppel, Fariello, Lim, Moreau, Murphy, Nielson, Obremski, Szwak
Nay: None Abstain: None

On a motion by Julie Baron, seconded by Laura Szwak, the committee approved the regular and closed session minutes of the October 27, 2011 presentations. A roll call vote was taken. Aye: Baron, Collins, Donegan, Eppel, Fariello, Lim, Moreau, Murphy, Nielson, Obremski, Szwak
Nay: None Abstain: None

NEW BUSINESS

1. “Dixon’s Pond”/NJCF, (Twps. of Boonton & Rockaway) – Amendment to Grant Agreement – (At this point, Laura Szwak left the meeting room). Ms. Barbara Murray stated this was a 2010 grant award of \$1,200,000 to preserve approximately 130 acres at the Boonton/Rockaway Twp. border. The Trust for Public Land (TPL) has negotiated the contract on behalf of NJCF who will be the final owner. The project required a subdivision to separate lands to be retained by the owner. During this process, it was discovered a portion of Block 10601-Lot 1 does not exist in the deeds and the tax maps were incorrect. This property therefore needs to be excluded from the grant agreement. The land, however, will still be acquired. The total area to be acquired per the survey is approximately 129 acres, which is a de minimus change

from grant agreement and thus does not impact grant award. On a motion by Jasmine Lim, seconded by Len Fariello, the committee approved the amendment to the grant agreement to remove Block 10601-Lot 1 due to a deed error. A roll call vote was taken. Aye: Baron, Collins, Donegan, Eppel, Fariello, Lim, Moreau, Murphy, Nielson, Obremski Nay: None Abstain: None
(At this point, Laura Szwak returned to the meeting room).

2. Project Status Report – Ms. Murray reviewed the list of recent and anticipated closings with the committee.
3. Application Review Process – Ms. Murray stated the last meeting of the year is used to review the past funding round and solicit input from the committee on suggested changes. Members discussed the online application form, site visit schedule, format of the summary book, secure website and appraisal reviews performed by the county’s review appraiser, Robert Schwarz. Members believed the professional level of appraisal review was beneficial to the review process. It was suggested that the appraisal policy be revised to explicitly state structures must have a separate value in the appraisal. It was also agreed to copy the applicant on all communications between the appraisers. Members discussed requiring two appraisals for all applications and believed this would impose an unnecessary added cost to those applicants not applying to Green Acres; therefore, it should not be required.
4. Subcommittee Meetings
 - a. Open Space Indicators – Ms. Laura Szwak reported the results of the subcommittee meeting held on November 30. In July, the subcommittee convened to discuss indicators to permit qualitative analysis of the trust fund goals and objectives. The indicators identified from the matrix list have been mapped for the committee’s review. Ms. Szwak reviewed 3 maps prepared by the GIS Division:
 - Proximity to Open Space, measured by address units within ¼ mile buffer of preserved open space. Address units are defined as building footprints and can be either residential or commercial properties. 72% of address units are within walkable distance of open space;
 - FEMA Flood Hazard Areas (preliminary); and
 - NJGS Groundwater Recharge PotentialPreserved lands are shown on all maps. Ms. Szwak stated these indicators can be used to demonstrate how measureable goals of open space preservation are being achieved. Ms. Szwak made a motion to have the Open Space Element of the Morris County Master Plan updated. The committee discussed the motion. Mr. Ted Eppel stated the review should incorporate preserved lands beyond the political boundaries and examine adjacent counties. Chairman Collins stated the present document should be available for review and suggested the next open space committee continue review efforts. Since the open space element is part of the county’s master plan, it was suggested the county planning board review the matter.

On a motion by Laura Szwak, seconded by Len Fariello, the committee recommended the county planning board investigate updating the open space element of the county master plan, continuing the work of the subcommittee. A roll call vote was taken. Aye: Baron, Collins, Donegan, Eppel, Fariello, Lim, Moreau, Murphy, Nielson,

Obremski, Szwak Nay: None

Abstain: None

b. Signs on Preserved Properties – Mr. Len Fariello reported the results of the subcommittee meeting held on November 30. In October, the committee recommended a subcommittee be formed to discuss signs designating preserved open space on trust fund properties, including design and implementation. Mr. Fariello stated Green Acres requires a sign on their preserved lands. Ms. Cybulski contacted Green Acres for further information on their policy. The municipality is responsible for posting the sign and maintaining it. Approximately 226 projects have been completed employing Morris County Trust Fund dollars. Ms. Murray presented a sample sign designed in house for use on Morris County preserved lands. She stated the present grant agreement includes an optional provision for the sign. The committee discussed possible costs and vendors for producing signs, sources of revenue to complete the signs, installation, long-term maintenance and jurisdiction. Members agreed the sign should be applicable retroactively for all Morris County preserved lands, remain an option at the discretion of the grant recipient, and be designed in house. The sign could be suggested at the time of closing.

On a motion by Len Fariello, seconded by Robert Collins, the committee recommended the sign concept be presented to the Board of Chosen Freeholders for their consideration. A roll call vote was taken. Aye: Collins, Donegan, Eppel, Fariello, Lim, Moreau, Murphy, Nielson, Obremski, Szwak
Nay: None Abstain: Baron

5. Performance Measures for Issuing Grant Extensions – Ms. Murray stated per the current grant agreement, applicants are permitted two grant extensions on projects. The first extends six months from the expiration date of the initial 15 month grant period; this is October 1st of the following calendar year. The second extension period extends from October 1st to the application deadline the following year; this is approximately 8 months more. Ms. Murray inquired whether performance measures, such as a signed contract, should be required at the first grant extension expiration date. If progress was not being demonstrated, an extension could be denied unless extenuating circumstances are proven. This would allow returning grant funds to be applied to the present, not future, funding round since grant deliberations are made in late October.

Members believed it could be difficult to prove extenuating circumstances even if negotiations are continuing. The committee believed the ability to grant waivers to the rule should remain. Staff was directed to draft a proposed revision to the Rules and Regulations to require a contract by the first grant expiration date. The Board of Chosen Freeholders could grant waivers to the rule.

6. Flood Relief Program – Ms. Jennifer McCulloch updated the committee on the status of the program. The initial concept meeting for municipalities was held on October 19, 2011 and was well attended by representatives from 13 municipalities. Ms. McCulloch provided a history to the public law. The county's 1988 open space element specifically identifies land acquisition and home buyout programs as a management strategy for flood control. When the homes are demolished, the land is

restored to its conditions, functioning as a flood storage area and public open space.

Unencumbered trust funds dollars, primarily from the CADB program, could be used to initially fund the program. A draft application form and new chapter to the Trust Fund Rules and Regulations have been prepared. These will be brought to the county's exploratory committee for their review and comment. The program seeks to supplement existing flood relief programs (FEMA and Blue Acres) as well as municipal funds to attain these goals. The county will work closely with municipal applicants to tailor acquisition strategies in groups of properties in order to maximize flood protection. The county program will not fund demolition, elevations or other non-acquisition mitigation measures. Mr. Len Fariello stated it would be important to limit the allocation per trust fund program, so this one was not in competition with the open space grant program. Ms. Cybulski stated a finite allocation from the trust fund had not been determined for the program.

ADJOURNMENT

On a motion by Ted Eppel, seconded by Len Fariello, the meeting was adjourned at 9:19 P.M. All in favor.

Respectfully submitted,

Barbara J. Murray