

**MINUTES
MORRIS COUNTY
OPEN SPACE PRESERVATION TRUST FUND COMMITTEE
30 Schuyler Place, 4th Floor, Morristown, New Jersey
March 19, 2014**

The meeting was called to order at 7:35 P.M. by Deena Leary.

Members present:

Ted Eppel, Morris County Planning Board
Janet Foster, Morris County Historic Preservation Trust Fund Review Board
Larry Gindoff, Morris County Municipal Utilities Authority
Don Kuser, Region IV - Denville
Leon Moreau, At-Large
Deborah Nielson, At-Large
Diana Orban Brown, Region II – Mendham Township
Robert Purnell, Region VI – Montville
William Roehrich, Region I – Washington Twp. (arrived 7:37 P.M.)
Mark Taylor, Region VIII – Florham Park
Kathy Valva, Region III - Jefferson
Rick Watson, Region VII – Morris Township
Kim Wentworth, Morris County Park Commission

Members with excused absence:

Stephen Shaw, Region V – Mountain Lakes

Also attending:

Deena Leary, Director, Morris County Department of Planning & Public Works
Christine Marion, Director, Morris County Division of Planning & Preservation
Barbara Murray, Open Space Program Coordinator
John Napolitano, Esq., Special Counsel, Morris County Open Space Trust Fund

Members of the public:

None

INTRODUCTIONS

Members and staff introduced themselves. Ms. Deena Leary advised she would chair tonight's meeting since last year's Chairperson was no longer on the committee. Elections for officers for 2014 would occur at the next meeting.

OPEN PUBLIC MEETING STATEMENT

Protem Chairperson Leary 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.

APPROVAL OF MINUTES

On a motion by Ted Eppel, seconded by Diana Orban Brown, the committee approved

the minutes of the December 10, 2013 meeting. A roll call vote was taken.

Aye: Eppel, Foster, Moreau, Orban Brown, Purnell, Taylor, Watson Nay: None

Abstain: Gindoff, Kuser, Nielson, Roehrich, Valva, Wentworth

STAFF REPORT

1. Ms. Barbara Murray discussed P.L. 1997, Chapter 24, the state enabling legislation which permits the creation of municipal and county open space trust funds and outlines permitted uses of the tax. Chapter 24 provides the basis for the rules and regulations which govern Morris County's Open Space Trust Fund.
2. Ms. Murray reviewed the Trust Fund Rules and Regulations with the Committee. She stated the Rules are a comprehensive document covering all Trust Fund programs.
3. Ms. Murray described the role of regional representatives and provided a background on the composition of the committee for new members. She noted the primary role of members is to review and make annual recommendations to the Board of Chosen Freeholders on open space applications. Ms. Murray outlined membership responsibilities. She advised financial disclosure forms normally accessed from the Department of Community Affairs (DCA) website are currently unavailable, and would be until further notice as an online filing system is being developed by the DCA.
4. Mr. John Napolitano, Esq. reviewed the County's policies governing conflict of interest and attendance at meetings with the committee.

NEW BUSINESS

1. Project Status Report – Ms. Murray reviewed the list of recent and projected closings with the committee.
2. Ms. Murray reviewed the grant timeline and process for the committee. Ms. Murray stated both applications and appraisals will be due on June 20. The county will have a licensed review appraiser review each appraisal submitted and resolve any discrepancies prior to the committee's review in September. The review appraiser was utilized for the past three years and the review procedure has been formalized in the current review policy. In August, staff prepares materials for an application summary booklet for members to use on the field visits, which will be scheduled for September. Final presentations by the applicants will occur in October, as will the committee's final deliberations on grant recommendations. Awards are typically announced by the Board of Chosen Freeholders in November.
3. Grant Extensions – Ms. Murray stated that grant extensions would be addressed by the committee at the next meeting. Per the Rules and Regulations, applicants awarded funding have fifteen months to acquire the property and are eligible for up to two grant extensions. The first grant extension would extend six months from the initial expiration date deadline. The second grant extension would extend until the application deadline for the current funding round or in this case June 20 of this year. A recent amendment to the Rules and Regulations requires applicants to demonstrate

greater progress towards acquisition within the grant time frame. Applicants must have a fully executed contract to be eligible for a second grant extension. The Open Space Committee can grant waivers to this requirement, upon showing of good cause.

OLD BUSINESS

1. Diversion Policy – Mr. Napolitano provided a background to the proposed policy. Projects funded by the Green Acres Program will be covered by its guidelines for diversions, but as State funding diminishes and county funds are increasingly used as a sole source of funding, a county policy needs to address diversions. The policy largely mirrors Green Acres guidelines. The first step would be for applicants to obtain written evidence that Green Acres does not have jurisdiction over the proposed diversion. Members reviewed the policy, including the proposed notice and advertising requirements. After discussion, further suggestions were made to enhance the notice requirements. Mr. Napolitano will incorporate the comments into another draft to be discussed at the next meeting.
2. Preservation Trust Fund Analysis and Strategy Report – Ms. Murray briefed the committee on the current study. At the request of the Freeholders, the study is being undertaken and addresses all programs which derive funding from the trust fund tax. The project is designed to take a thorough and objective review of all projects completed since the inception of the trust fund tax and determine what future investment in land acquisition, historic site preservation, park development and maintenance is needed based on current inventories and municipal input. Mapped inventories will be reviewed and authenticated while implementing a new classification scheme being employed by the State. Currently, data continues to be collected and reviewed with the goal of completing the final report by June 30.

NEXT MEETING DATE

The next regular meeting is scheduled for Monday, April 7, 2014 in the 4th Floor Conference Room of the Office of Planning & Public Works, 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 Ted Eppel, the meeting was unanimously adjourned at 9:04 P.M.

Respectfully submitted,

Barbara J. Murray