

**MINUTES**  
**MORRIS COUNTY**  
**OPEN SPACE PRESERVATION TRUST FUND COMMITTEE**  
**30 Schuyler Place, 4th Floor, Morristown, New Jersey**  
**April 7, 2014**

The meeting was called to order at 7:32 P.M. by Deena Leary.

Members present:

Ted Eppel, Morris County Planning Board  
Larry Gindoff, Morris County Municipal Utilities Authority  
Don Kuser, Region IV - Denville  
Deborah Nielson, At-Large (arrived 7:34 P.M.)  
Diana Orban Brown, Region II – Mendham Township  
Robert Purnell, Region VI – Montville  
William Roehrich, Region I – Washington Twp.  
Stephen Shaw, Region V – Mountain Lakes  
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:

Janet Foster, Morris County Historic Preservation Trust Fund Review Board  
Leon Moreau, At-Large

Also attending:

Deena Leary, Director, Morris County Department of Planning & Public Works  
Barbara Murray, Open Space Program Coordinator, Morris County Division of Planning & Preservation  
John Napolitano, Esq., Special Counsel, Morris County Open Space Trust Fund (arrived 7:51 P.M.)

Members of the public:

Kurt Dinkelmeyer (departed meeting at approximately 8:00 P.M.)  
Nancy Burwell (departed meeting at approximately 8:00 P.M.)  
Christine Dwyer (departed meeting at approximately 8:00 P.M.)  
Neil Henry, Administrator, Township of Long Hill (departed meeting at 8:19 P.M.)

**OPEN PUBLIC MEETING STATEMENT**

Protem Chairperson Leary stated that, in accordance with the Open Public Meetings Acts, 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 asked if the actions of the committee will be available online. Ms. Deena Leary stated the committee's actions would be shown in the minutes once posted

online. Mr. Dinkelmeyer inquired about fund balances in the open space trust fund account. Ms. Leary recommended Mr. Dinkelmeyer submit an OPRA request in order to address since the committee did not have that data. Ms. Leary clarified that open session of the meeting would consist of actions on grant extension requests being discussed this evening.

Ms. Nancy Burwell inquired why the open space tax continues when there was a significant balance in the account. Ms. Leary explained the tax rate is not under the purview of the open space committee and offered to address Ms. Burwell's and other members of the public's questions.

### **ELECTION OF OFFICERS**

Ms. Deena Leary served as temporary Chairperson and took nominations for the position of Chairperson for 2014.

On a motion by Ted Eppel, seconded by Mark Taylor, Rick Watson was nominated for the position of Chairperson. There being no other nominations a roll call vote was taken. Aye: Eppel, Gindoff, Kuser, Nielson, Orban Brown, Purnell, Roehrich, Shaw, Taylor, Valva, Watson, Wentworth. Nay: None Abstain: None  
Rick Watson was elected Chairperson and chaired the meeting from this point forward.

On a motion by Robert Purnell, Ted Eppel was nominated for the position of Vice-Chairperson. Mr. Eppel declined the nomination. Chairperson Watson asked if there were any other nominations for Vice-Chairperson. Seeing none, he asked if there were any volunteers for the position. Stephen Shaw volunteered, who was nominated by Ted Eppel and seconded by Larry Gindoff. There being no other nominations or volunteers, a roll call vote was taken. Aye: Eppel, Gindoff, Kuser, Nielson, Orban Brown, Purnell, Roehrich, Shaw, Taylor, Valva, Watson, Wentworth. Nay: None Abstain: None  
Stephen Shaw was elected Vice-Chairperson.

On a motion by Bill Roehrich, seconded by Kim Wentworth, Larry Gindoff was nominated for the position of Secretary. There being no other nominations a roll call vote was taken. Aye: Eppel, Gindoff, Kuser, Nielson, Orban Brown, Purnell, Roehrich, Shaw, Taylor, Valva, Watson, Wentworth. Nay: None. Abstain: None.  
Larry Gindoff was elected Secretary.

### **APPROVAL OF MINUTES**

Ms. Barbara Murray explained the minutes from the March 19, 2014 meeting were distributed at this meeting. The committee decided to table the minutes to allow time for their review.

### **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 Don Kuser, seconded by Stephen Shaw, the committee entered into executive session at 7:45 P.M.

### **RETURN TO MEETING**

The meeting reopened to the public at 8:55 P.M.

### **ACTIONS AS A RESULT OF CLOSED SESSION**

1. Township of Long Hill/“Central Park” – On a motion by Deborah Nielson, seconded by Diana Orban Brown, the committee voted to approve the use of any unused grant funds for the duration of litigation, not to exceed December 31, 2014. Aye: Eppel, Gindoff, Kuser, Nielson, Orban Brown, Purnell, Roehrich, Taylor, Valva, Watson, Wentworth      Nay: Shaw      Abstain: None
  
2. Passaic River Coalition/“River Road Lots” – On a motion by Diana Orban Brown, seconded by Ted Eppel, the committee voted to approve an amendment to the project and first six-month grant extension. Aye: Eppel, Gindoff, Kuser, Nielson, Orban Brown, Purnell, Roehrich, Shaw, Taylor, Valva, Watson, Wentworth      Nay: None      Abstain: None
  
3. Township of Denville/“Jersey City Property” - On a motion by Stephen Shaw, seconded by Robert Purnell, the committee voted to approve a first six-month grant extension for the project. Aye: Eppel, Gindoff, Nielson, Orban Brown, Purnell, Roehrich, Shaw, Taylor, Valva, Watson, Wentworth      Nay: None      Abstain: Kuser
  
4. NJ Conservation Foundation/“Drakestown Preserve Addition-Biggiani J” – On a motion by Stephen Shaw, seconded by Don Kuser, the committee voted to approve a first six-month grant extension for the project. Aye: Eppel, Gindoff, Kuser, Nielson, Orban Brown, Purnell, Shaw, Taylor, Valva, Watson, Wentworth      Nay: None      Abstain: Roehrich

### **OLD BUSINESS**

Diversion Policy – Mr. John Napolitano, Esq. reviewed the updates made to the policy as a result of the last committee meeting. Ms. Deborah Nielson inquired about notification of all property owners within 200 feet, since it was not indicated. Mr. Napolitano read the NJDEP Green Acres rules for diversions and noted it was not a requirement. Members agreed that the county diversion policy should include notification of all property owners within 200 feet. On a motion by Larry Gindoff, seconded by Mark Taylor, the committee recommended approval of the county diversion policy, with the amendment to include notification of all property owners within 200 feet. Aye: Eppel, Gindoff, Kuser, Nielson, Orban Brown, Purnell, Roehrich, Shaw, Taylor, Valva, Watson, Wentworth      Nay: None      Abstain: None

### **NEXT MEETING DATE**

The next regular meeting is scheduled for Monday, September 8, 2014 in the 4<sup>th</sup> Floor Conference Room of the Offices of Planning & Public Works, located at 30 Schuyler

Place, Schuyler Annex Building, in Morristown, New Jersey at 6:30 P.M.

**ADJOURNMENT**

On a motion by Stephen Shaw, seconded by Robert Purnell, the meeting was unanimously adjourned at 9:15 P.M.

Respectfully submitted,

Barbara J. Murray