

**MINUTES
MORRIS COUNTY
OPEN SPACE PRESERVATION TRUST FUND COMMITTEE
30 Schuyler Place, 4th Floor Conference Room, Morristown, New Jersey
September 10, 2013**

The meeting was called to order at 6:38 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
Mark Taylor, Region VIII – Florham Park
Rick Watson, Region VII – Morris Twp.

Members with excused absence:

Ted Eppel, Morris County Planning Board
Deborah Nielson, At-Large
Laura Szwak, Morris County Municipal Utilities Authority

Also attending:

Deena Leary, Director, Morris County Department of Planning & Development
Christine Marion, Director, Morris County Planning Board
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
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

On a motion by Louise Davis, seconded by Stephen Shaw, the committee approved the

regular and closed session minutes of the March 19, 2013 meeting. A roll call vote was taken. Aye: Baron, Danchuk, Davis, Foster, Moreau, Murphy, Orban Brown, Poff, Purnell, Shaw, Szwak, Taylor Nay: None Abstain: Watson

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 Louise Davis, seconded by Stephen Shaw, the committee closed the open portion of the meeting and voted to conduct a closed session at 6:39 P.M.

RETURN TO MEETING

The meeting reopened to the public at 8:06 P.M.

NEW BUSINESS

1) Second grant extensions:

a. Borough of Florham Park/“Stobaeus Park Addition-Vespa”

On a motion by Rick Watson, seconded by Stephen Shaw, the committee recommended approval of a second grant extension for the project. A roll call vote was taken. Aye: Baron, Danchuk, Davis, Foster, Moreau, Murphy, Orban Brown, Poff, Purnell, Shaw, Watson Nay: None Abstain: Taylor

b. Township of Pequannock/“Pompton Riverwalk-Phase V: Alemy”

On a motion by Stephen Shaw, seconded by Mark Taylor, the committee recommended approval of a second grant extension for the project. A roll call vote was taken. Aye: Baron, Danchuk, Davis, Foster, Moreau, Murphy, Orban Brown, Poff, Purnell, Shaw, Taylor, Watson Nay: None Abstain: None

c. Township of Long Hill/“Central Park”

On a motion by Louise Davis, seconded by Kathy Murphy, the committee recommended approval of a second grant extension for the project. A roll call vote was taken. Aye: Baron, Danchuk, Davis, Foster, Moreau, Murphy, Orban Brown, Poff, Purnell, Taylor, Watson Nay: Shaw Abstain: None

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) Preservation Trust Fund Analysis and Strategy Report – Ms. Murray provided an update on the proposed report to the committee. The committee’s last discussion in March introduced the goal of the report to determine how much land is not only left, but what remains to be done. Rather than just focus on the open space program, a more encompassing study of the entire trust fund and all its funded programs was envisioned to determine what future investment in land acquisition, farm and historic site preservation, and park development and maintenance is needed. Meetings will be held with each of the county’s 39 municipalities and non-profit land trusts who have received trust fund dollars to answer a survey related to the preservation trust fund and all of its programs. Mapped data related to preserved open space and farmland will be obtained to verify and authenticate the county inventory. The report will be used to delineate the parameters of a possible new voter referendum that could alter the allowable uses of the tax and range of spending within the current and/or new programs. A request for proposals was developed and bid by the Park Commission. A total of five proposals were received and evaluated with the final selection anticipated by the end of September. Work will commence in October, with a final report due by the end of next June.

Ms. Kathy Murphy suggested investigating more flexibility to the open space application deadline. She suggested a second funding round per year would permit more flexibility when municipalities are not able to meet the annual deadline, due to the status of negotiations or funding. Ms. Deena Leary stated the interviews with the municipalities may show a need for additional flexibility.

- 5) Diversions of Preserved Lands – Mr. John Napolitano stated the county currently does not have a process to address diversions. A large majority of projects have also been funded by Green Acres, which does have a detailed policy and procedure. Mr. Napolitano stated he spoke with both Lisa Stern and Caroline Armstrong at NJDEP-Green Acres regarding Green Acres’ jurisdiction over both funded and unfunded parkland. In cases where Green Acres’ funding is used, the party seeking a diversion must follow the procedure set forth in NJAC 7:36-26 et. seq. In addition, diversions of unfunded parkland must also follow this procedure. If a municipality takes receipt of Green Acres funding, any parkland that the municipality owns or has an interest in at that time becomes unfunded parkland subject to Green Acres rules. Per Green Acres rules a diversion must be for a public purpose.

Mr. Napolitano suggested that any county policy on diversions first require the applicant to confirm whether or not Green Acres has jurisdiction. Guidelines for proposed use and procedural requirements would need to be addressed. Members requested staff prepare a preliminary set of guidelines for the October meeting to continue the discussion.

NEXT MEETING DATE

There will be no regular meeting in October. The committee will reconvene for applicant

presentations and final deliberations on Monday, October 28, 2013 beginning at 6:30 P.M. at the County Library located at 30 East Hanover Avenue in Whippany, NJ.

ADJOURNMENT

On a motion by Kathy Murphy, seconded by Robert Purnell, the meeting was adjourned at 8:45 P.M. All in favor.

Respectfully submitted,

Barbara J. Murray