

**MINUTES**  
**MORRIS COUNTY**  
**OPEN SPACE PRESERVATION TRUST FUND COMMITTEE**  
**30 Schuyler Place, 4th Floor, Morristown, New Jersey**  
**September 12, 2017**

The meeting was called to order at 7:02 P.M. by Chairperson Rick Watson.

Members present:

Tom Donadio, Region V – Boonton Township  
Edward Engelbart, Morris County Historic Preservation Trust Fund Review Board  
Larry Gindoff, Morris County Municipal Utilities Authority  
Joyce Kanigel, Region IV – Rockaway Borough  
Joseph Nametko, Region III - Netcong  
Guy Piserchia, At-Large  
Barbara Shepard, Morris County Park Commission  
Donald Travisano, Region II - Dover  
Rick Watson, At-Large

Members with excused absence:

Marcia Asdal, Region I – Chester Twp.  
Mary Dougherty, Region VII - Morristown  
Greg Keller, Morris County Agriculture Development Board  
Dev Modi, Region VIII – Harding  
Annabel Pierce, Morris County Planning Board

Also attending:

Deena Leary, Assistant County Administrator  
Christine Marion, Director, Morris County Office of Planning & Preservation  
Barbara Murray, Open Space Program Coordinator, Morris County Office of Planning & Preservation  
John Napolitano, Esq., Morris County Counsel  
Robert G. Schwarz, MAI, Review Appraiser, Morris County Preservation Trust

Members of the Public:

Jim Leach, Jefferson Township Administrator (departed meeting at 7:15 P.M.)

**OPEN PUBLIC MEETING STATEMENT**

Chairperson Watson 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 Guy Piserchia, seconded by Tom Donadio, the committee approved the regular and closed session minutes of the March 30, 2017 meeting. A roll call vote was taken. Aye: Donadio, Engelbart, Gindoff, Kanigel, Nametko, Piserchia, Travisano, Watson                      Nay: None                      Abstain: Shepard

## **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 Barbara Shepard, seconded by Larry Gindoff, the committee closed the open portion of the meeting and voted to conduct a closed session at 7:04 P.M.

## **RETURN TO OPEN SESSION**

The meeting reopened to the public at 9:36 P.M.

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

### **1. Township of Jefferson – “Babbling Brooke”**

On a motion by Don Travisano, seconded by Barbara Shepard, the committee recommended a second grant extension for the project. A roll call vote was taken. Aye: Donadio, Engelbart, Gindoff, Kanigel, Nametko, Piserchia, Shepard, Travisano, Watson                      Nay: None                      Abstain: None

### **2. Borough of Lincoln Park – “Midwood Flood Storage Area Addition”**

On a motion by Don Travisano, seconded by Tom Donadio, the committee recommended Robert Schwarz, MAI perform an appraisal of the property (land only) to determine Morris County Accepted Market Value (AMV) and maximum potential grant. A roll call vote was taken. Aye: Donadio, Engelbart, Gindoff, Kanigel, Nametko, Piserchia, Shepard, Travisano, Watson                      Nay: None                      Abstain: None

### **3. Site Visit and Final Applicant Presentation Schedule - Ms. 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.**

### **4. Report of Recent Trust Fund Closings - Ms. Murray reviewed the recent trust fund closings with the committee.**

### **5. Discussion – P.L. 2017, chapter 154 – expands definition of “acquisition” for county and municipal open space trust funds - Ms. Murray stated the this law passed in July**

2017 amends P.L. 1997, Chapter 24 (a.k.a. N.J.S.A. 40:12-19) and expands the definition of ‘acquisition’ for county and municipal trust funds to specify that the term includes demolition, debris removal and restoration of lands to a natural state. The goal of the amendment was to resolve any differing interpretations or application, which may be currently occurring at the local level regarding the definition of the term. Under the new full definition, “Acquisition” or “acquire” means the securing of a fee simple or lesser interest in land, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation, and includes the demolition of structures on, the removal of debris from, and the restoration of those lands to a natural state or to a state useful for recreation and conservation purposes.”

John Napolitano stated since the Rules and Regulations of the Trust Fund are based on Chapter 24, the definition of ‘acquisition’ must be amended, but it is at the County’s discretion as to whether to fund these additional items. In addition, the County’s Flood Mitigation Program (FMP) is considering whether to fund these additional items under its rules. Members discussed the amended definition in relation to the open space program. There was concern over the term ‘restoration of the lands to a natural state or to a state useful for recreation and conservation purposes.’ Remediation of soil contamination for these purposes could render a project very costly, and there is ambiguity what agency determines what is deemed ‘useful.’ The county could also define what it deems this to mean under the various programs. It was agreed that each program under the Preservation Trust Fund could use different definitions and to take no action on the matter at this time.

#### **NEXT MEETING DATE**

The committee will reconvene for applicant presentations on Monday, October 23, 2017 beginning at 6:00 P.M. at the County Library located at 30 East Hanover Avenue in Whippany, NJ.

#### **ADJOURNMENT**

On a motion by Joseph Nametko, seconded by Guy Piserchia, the meeting was unanimously adjourned at 9:54 P.M.

Respectfully submitted,

Barbara J. Murray