

MINUTES
MORRIS COUNTY
OPEN SPACE PRESERVATION TRUST FUND COMMITTEE
30 Schuyler Place, 2nd Floor, Morristown, New Jersey
December 5, 2018

The meeting was called to order at 7:33 P.M. by Chairperson Rick Watson.

Members present:

Marcia Asdal, Region I – Chester Township
Nita Galate, Morris County Historic Preservation Trust Fund Review Board
Robin Jones, Region VI - Pequannock
Joyce Kanigel, Region IV – Rockaway Borough
Guy Piserchia, At-Large
Don Richardson, Region VIII – Long Hill
Elliott Ruga, Region V – Boonton Town
Laura Szwak, Morris County Municipal Utilities Authority
Jay Thomson, Morris County Agriculture Development Board
Rick Watson, At-Large

Members with excused absence:

John Andrus, Region II – Mendham Borough
George Coogan, Region VII – Morris Plains
Joseph Nametko, Region III – Netcong
Annabel Pierce, Morris County Planning Board
Matthew Tal, Morris County Park Commission

Also attending:

Christine Marion, Director, Morris County Office of Planning & Preservation
Barbara Murray, Open Space Program Coordinator, Morris County Office of Planning & Preservation

Members of the Public:

Jim Florance, President, Protect our Wetlands, Waters & Woods (POWWW)
David Landry, POWWW board member

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 Don Richardson, seconded by Nita Galate, the committee approved the regular and closed session minutes of the September 5, 2018 meeting. A roll call vote was taken. Aye: Asdal, Galate, Jones, Kanigel, Piserchia, Richardson, Ruga, Thomson, Watson Nay: None Abstain: Szwak

On a motion by Don Richardson, seconded by Nita Galate, the committee approved the regular and closed session minutes of the September 15, 2018 site visits. A roll call vote was taken. Aye: Asdal, Galate, Jones, Kanigel, Richardson, Szwak, Thomson, Watson Nay: None Abstain: Piserchia, Ruga

On a motion by Don Richardson, seconded by Nita Galate, the committee approved the regular and closed session minutes of October 23, 2018 final presentations. A roll call vote was taken. Aye: Asdal, Galate, Jones, Kanigel, Piserchia, Richardson, Ruga, Szwak, Thomson, Watson Nay: None Abstain: None

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 Robin Jones, seconded by Guy Piserchia, the committee closed the open portion of the meeting and voted to conduct a closed session at 7:35 P.M.

RETURN TO OPEN SESSION

The meeting reopened to the public at 7:57 P.M.

ACTION AS A RESULT OF CLOSED SESSION

“Jonathan’s Woods Extension-Donaldson”/Protect our Wetlands, Waters & Woods (POWWW) (located in Denville Township) – amendment to grant agreement:

On a motion by Laura Szwak, seconded by Elliott Ruga, the committee approved an amendment to the grant agreement. A roll call vote was taken. Aye: Asdal, Galate, Jones, Kanigel, Piserchia, Richardson, Ruga, Szwak, Thomson, Watson Nay: None Abstain: None

NEW BUSINESS

Discussion of funding round - Ms. Murray stated the last meeting of the year is used to solicit feedback from the committee on suggested improvements and/or changes to the application review process. Committee members stated the summary books, application presentation and secure website provided a detailed overview of the applications. Members believed site visits were still necessary to get an ‘on the ground’ view of a site. Technological methods (e.g., drone flyovers) could be used to supplement information.

OLD BUSINESS

Discussion – P.L. 2017, chapter 154 – expands definition of “acquisition” for county and municipal open space trust funds - Ms. Murray stated this discussion continues those of previous meetings, on whether the demolition and restoration should be funded under the open space program. The definitions of the Rules and Regulations of the Preservation Trust Fund have been amended to include both items, with each individual trust fund program considering whether to fund such items. The proposed rule amendment drafted by staff has been reviewed by County Counsel. She referred to the precis for the history and changes made to the county’s Flood Mitigation Program (FMP).

Ms. Murray stated the proposed rule considers open space projects may contain larger commercial structures, and potential contamination, which could render an acquisition very costly. Type of construction and prevailing wage rates are other factors. She detailed the proposed changes to Section 3.3.7 Acquisition Procedures. Definitions will mirror those used in the FMP. Demolition and restoration will be limited to a maximum of 10% of the eligible land cost, or \$50,000 whichever is less. Estimated costs must be provided in the application to be considered, and will be reimbursed after closing upon receipt and approval of proper documentation. In addition, demolition must be part of an open space acquisition project.

Members discussed the proposed rule change, including whether a cap should be placed on demolition and restoration cost and scope. Some members acknowledged many of the good open space sites are gone, and the proposed rule change offered a means for more developed municipalities to acquire open space sites. Others viewed the proposed amendment as a natural evolution of the county’s open space program. Some members were not in favor of the amendment and questioned whether the original intent of the ballot question is maintained. After further discussion, on a motion by Guy Piserchia and seconded by Laura Szwak, the committee voted to further the proposed rule change to the Board of Chosen Freeholders for their consideration and adoption. A roll call vote was taken. Aye: Galate, Jones, Kanigel, Piserchia, Richardson, Ruga, Szwak, Watson
Nay: Asdal, Thomson Abstain: None
Motion passed.

ADJOURNMENT

On a motion by Guy Piserchia, seconded by Nita Galate, the meeting was unanimously adjourned at 9:20 P.M.

Respectfully submitted,

Barbara J. Murray