

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

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

Members present:

John Andrus, Region II – Mendham Borough
Marcia Asdal, Region I – Chester Township
George Coogan, Region VII – Morris Plains
Nita Galate, Morris County Historic Preservation Trust Fund Review Board
Robin Jones, Region VI - Pequannock
Joyce Kanigel, Region IV – Rockaway Borough
Joseph Nametko, Region III – Netcong
Annabel Pierce, Morris County Planning Board (arrived 7:06 P.M.)
Guy Piserchia, At-Large
Don Richardson, Region VIII – Long Hill
Elliott Ruga, Region V – Boonton Town
Matthew Tal, Morris County Park Commission
Jay Thomson, Morris County Agriculture Development Board
Rick Watson, At-Large

Members with excused absence:

Laura Szwak, Morris County Municipal Utilities Authority

Also attending:

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

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 George Coogan, seconded by Don Richardson, the committee approved the minutes of the March 27, 2018 meeting. A roll call vote was taken. Aye: Andrus,

Coogan, Galate, Jones, Kanigel, Pierce, Piserchia, Richardson, Ruga, Tal, Thomson,
Watson Nay: None Abstain: Asdal, Nametko

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 George Coogan, seconded by Joseph Nametko, the committee closed the open portion of the meeting and voted to conduct a closed session at 7:07 P.M.

RETURN TO OPEN SESSION

The meeting reopened to the public at 8:27 P.M.

1. 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.
2. 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.”

Since that time, the definition of ‘acquisition’ in the Rules and Regulations of the Trust Fund (which are based on Chapter 24) were amended, and the county’s Flood Mitigation Program (FMP) rules were amended to fund these items within certain parameters. John Napolitano stated it is at the County’s discretion as to whether to fund these additional items. The open space committee began discussion on the matter last fall, but agreed to take no further action at the time. It was agreed that each program under the Preservation Trust Fund could use different definitions.

Ms. Murray stated the FMP program guidelines could be adopted for open space, but the former allows for reimbursement of soft costs, whereas open space does not. The average cost of demolition for a residence is approx. \$10,000-\$20,000 (per FMP), but the open space program could see projects with much larger commercial structures and potential contamination which could render restoration costly.

Members discussed scenarios for a proposed rules change, including placing a cap on demolition and restoration cost and scope, funding a percentage of the demolition, and not funding these items at all under the open space program. After discussion, it was agreed that staff would draft a proposed rule for further discussion and amendments if necessary at our next meeting to start the process.

NEXT MEETING DATE

The committee will reconvene for applicant presentations on Tuesday, October 23, 2018 beginning at 6:00 P.M. at the County Library located at 30 East Hanover Avenue in Whippany, NJ.

ADJOURNMENT

On a motion by Guy Piserchia, seconded by Matthew Tal, the meeting was unanimously adjourned at 9:02 P.M.

Respectfully submitted,

Barbara J. Murray