

Morris County Trail Construction Grant Program

DATE: January 31, 2017

LOCATION: Morris County Office of Planning & Preservation
30 Schuyler Pl., 4th fl., Morristown, NJ

RE: Advisory Review Committee
POST AWARD DEBRIEF

The meeting was called to order at 4:07 p.m., staff member Chaplick read the following notice: Notice of this meeting was posted on the bulletin board of the Clerk of the Board of Chosen Freeholders and faxed to the Morris County *Daily Record* and *Star Ledger*, and filed with the Morris County Clerk and the Municipal Clerk of the Township of Morris on January 23, 2017 in compliance with the Open Public Meeting Act. The above complies with the requirement of N.J.S.A. 10:4-10(A).

ADVISORY COMMITTEE ROLL CALL

The following were present:

Commissioner Julie Baron

Commissioner Betty Cass-Schmidt

Mr. Duncan Douglas

Mr. Tom Malinousky

Ms. Nita Galate

Commissioner Barbara Shepard

Ms. Isobel Olcott

Mr. Marty Epstein

Commissioner Seabury was not present for the meeting.

STAFF IN ATTENDANCE

Executive Director Dave Helmer MCPC

Morris County Counsel John Napolitano, Esq.

Deena Leary, Director MC Dept. Planning & Public Works

Jim Hutzemann, MCPC Engineering Manager

Christine Marion, Director, MC Division of Planning & Preservation

Barbara Murray, Coordinator, MC Open Space Program

Denise Chaplick, MCPC, Coordinator, Trails Construction Grant Program

Commissioner Cass-Schmidt asked for a motion to open and close the public portion of the meeting since there was no public present. Motion was made by Commissioner Baron and seconded by Isobel Olcott and approved by voice vote.

Commissioner Cass-Schmidt asked for a motion to approve the Minutes of August 16, 2016, Isobel Olcott made the motion to approve the minutes and was seconded by Tom Malinousky and approved by a roll call vote.

Commissioner Cass-Schmidt asked that everyone review the contact list if there are any changes please let Denise Chaplick or Barbara Murray know.

At this point Commissioner Cass-Schmidt moved into the post-award assessment to review a summary of suggested revisions. Staff noted that this is not an all-inclusive list, and is meant as a starting point for discussion. If anyone has any suggestions or clarifications, they would be able to discuss them here.

When Commissioner Cass-Schmidt presented the grant award recommendations to the Freeholders, she did explain that this was the first year of the program and that we expect to revisit the approach/process next year to address any issues and improvements.

Denise Chaplick then went over the summary of suggested revisions.

Staff felt that interviews with the applicants would be helpful to fill in the gaps; the applicant would be in front of you to be able to clarify any questions first hand. The applicant would be directed to bring all the right people to that session so that they are not surprised by “I don’t have the answer to that question” or “I’ll have to get back to you”. If they have the questions ahead of time, they can prepare in advance and get the appropriate feedback or bring the appropriate person to the Q&A.

It would not mean that the members could not ask the questions that they wanted to ask. Isabel Olcott stated that we have to remember that if a professional is required to come to an evening meeting they will charge so it is an expense to the municipality. She is not sure if we want to put that responsibility on the municipality or not. She feels that the Committee should keep that in mind.

Denise Chaplick pointed out that the municipality does not have to bring the professional to the session.

Commissioner Cass-Schmidt wondered if they did have the questions supplied, they would have it ahead of time so that they would be able to either bring along someone if they wanted and not necessarily bring along the engineer.

Committee member Galate stated that in order for the municipality to consider the trail project they would have already had a presentation to their counsel.

Isabel Olcott stated that she feels that this committee needs assistance with technical details of the applications. Commissioner Cass-Schmidt reminded that this is staff’s role and they will be provide this during the review of the Summary Books with the Committee.

Staff noted that overall schedule changes of the program to release application in early April verses May. The letter of intent will be due in mid-June and applications would be due in July.

Isabel Olcott asked Barbara Murray if she envisions the Q&A sessions would be structured sort of like the Open Space Trust Fund presentations. Barbara Murray felt that it would be more direct based upon the feedback from the Committee, prior to those meetings. Some of you may not have any questions for them, and as a courtesy, we would have to let them present.

Isabel Olcott agreed with Barbara Murray that the applications that had no questions should still have a chance to present, and she feels that it would be interesting to know how it would go.

Barbara Murray sees this as an opportunity and probably the only opportunity for the Committee to have a one-on-one with that applicant. As it was pointed out, last year there were some hanging questions that no one could answer.

Duncan Douglas asked if the Freeholders had any questions. Commissioner Cass-Schmidt stated that yes they were interested in what applications were not funded. They also asked what criteria was used. We stated that the requested amount exceeded the funding available and that we decided that we were not going to have partial funding. So, the projects were ranked and when the money ran out those were the projects that were not funded. The committee did not think it was a good precedent to look for the ancillary funds and that we wanted to stay within budget.

Executive Director Helmer stated that the Committee would look at the applications and decide if it would be a valid project or not. It was also felt that what they had seen the last year there was not a lot of engineering in any of the projects.

Commissioner Cass-Schmidt feels that the format for the question and answer period is for the Committee to get the questions to staff. Then the applicant can address questions in the 20 minutes.

Isabel Olcott asked that when the questions are submitted to the staff, does the staff sort out the questions they feel are inappropriate, and who is the arbiter of the list of questions. Executive Director Helmer feels that if the staff felt something was inappropriate should reach out to the Committee members first because it should not be the Committee's determination.

Denise Chaplick pointed out that staff could maybe answer the question immediately and it would not be necessary to go back to the applicant. The questions would have to be streamlined before sending them out to applicants.

Commissioner Cass-Schmidt feels that when you give the Municipality's a specific date for presentation, that they should not get a chance to add on to it.

Executive Director Helmer stated that previously questions from the Committee members were fairly consistent. He also mentioned that it is not very likely that applications you will extensive number of questions.

Commissioner Cass-Schmidt summarized that all were in agreement. Applicants would be asked to come in, and the time would be open now. The plan would be to put the maps up and it was agreed that there is to be no power point at all. It would be up to the applicant to decide who they would send to the meeting. It was also felt that it would be better to have a dialog of questions and answers instead of a lengthy presentation.

Previously, Commissioner Seabury suggested conducting field visits to help understand the projects. However, Commissioner Cass-Schmidt really was not in favor of this idea. Most of the

staff was also not in favor of that. Executive Director Helmer spoke with Commissioner Seabury about the fact that each project is different and some of them might be harder to visualize especially if it is a new trail. He feels that it allows a little too much subjectiveness to the process.

The questions was asked if the site visits would be a condition of the award or the payment after the award of the project. Executive Director Helmer feels that it would be a kick off with staff to get a view of the current conditions to ensure that they are not just billing for something that is already completed. He also mentioned that Committee members could do individual site visits.

President Cass-Schmidt then discussed the question with Counsel that if the Park Commission has helped fund certain parcels of land would they have to recuse themselves from any discussion.

Counsel Napolitano stated that if the Park Commission retained ownership of the property it would be interpreted that the Park Commission is giving themselves the grant. Executive Director Helmer stated that in most cases we are partial owners, the second point relates to Committee member Douglas who is a part time employee of the Park Commission, however he has no decision as far as Open Space from Land Acquisition is concerned. Counsel felt that that scenario might be ok, however; he is having some doubts about the parcels that we have partial ownership. Executive Director Helmer also pointed out that we have no responsibility on any of those partials to maintain and/or construct. The only reason the ownership came into play is because we were being used as the second County Open Space Trust Fund. They do not have to come to us in some cases if you acquire something before you build a trail you need to go to the owner, the Park Commission has no obligation to that and they do not want to be involved in that aspect.

Counsel Napolitano also pointed out that if someone did get hurt on a specific trail and the Park Commission was part owner they could be sued because they are one of the owners.

Executive Director Helmer further explained the hierarchy of the Park Commission to Counsel. In the case of Jefferson Township, everyone on the Commission was recused because the Mayor of that Community is an employee of the Park Commission. He is the only public official that we have on staff at this time, but he feels that it was good to be very conservative. Counsel Napolitano will look into this issue further.

President Cass-Schmidt then discussed the issue of the possibility of a municipality having more than one application. Can they submit a second application if they already have a grant awarded? What is the number of grants that can be active at any one time? The recommendation of the staff is that existing grants be completed prior to the award of any other grants.

Barbara Murray noted that we would need to let the municipalities know about this ruling. If the Committee decides that a municipality is not eligible for a second grant unless/until the first awarded project is complete. Currently, the rules regarding this are silent on this matter.

Nina Galant stated that as part of the evaluation you should look at if they already have a grant check to see how far they actually are with that grant. Counsel Napolitano suggested that one of the questions in their Q&A could be “You got a grant last year have you started, where are you now with it.”

The Committee felt it would decide during the evaluation process, and in the future maybe there would be a need to modify the rules. The Committee determined that it would be their judgment call to evaluate each applicant as to whether they are overextending themselves.

President Cass-Schmidt then discussed a question about varying design requirements. Hopefully for a smaller municipality that is looking for a smaller amount of money it is less complicated. Committee member Olcott asked if it would be more helpful if the more intricate design the more information would be required. She feels that if they have a component that is complicated they need to have more detail. Staff member Chaplick also felt that if the project were complex they would have to show more detailed information on the project.

Counsel Napolitano suggested that one way could be to put a paragraph in that the applicant is required to file sufficient design details so that the Committee can accurately evaluate the application then give examples i.e. list of permits required. The verbiage should be sufficient so that we could sufficiently evaluate the cost estimate what has been submitted not necessarily the cost estimate.

Committee members and staff agreed that applications and rules and regulations should be revised to reflect design requirements be based on the level of cost and/or complexity of project. Where applicants would be required to submit sufficient design details so that the Committee can accurately evaluate the application and outlining specific examples of what might be expected such as noting the required permits and status of submission, cross-sections, construction methods, material selection, etc.

Committee members and staff agreed that cost estimates should be well developed. The level of detail provided should exhibit a thorough understanding of what is needed to complete the project. Cost estimate should be detailed enough to be able to reconcile estimate with reimbursement. Staff should prepare sample cost estimate applicants can use as a guide.

Staff proposed offering an incentive to encourage applicants to prepare well-developed project designs. Although funding for design was not the original intent of program, the state of the applications and costs estimates submitted were lacking in design. Staff notes that municipalities are apprehensive to go through the effort and costs of design if they are not guaranteed a grant award. Committee members suggested allowing reimbursement of engineering and design to be used as matching funds. The Committee agreed to allow design, engineering and permits to be eligible as matching funds. The purpose is to build trails not through red tape in the way.

The Committee acknowledged that it is their desire to manage the program so that high standards are maintained, but they also do not want to burden applicants. Applicants should be required to submit sufficient design details to convey their understanding of constructing the project. It will be the committee discretion to determine if the information provided by the applicant is sufficient.

Staff presented the new project category Trail Enhancements, and pointed out that that is an evolution of the previous Trail Restoration category. Trail enhancement would be used to improve the existing conditions to accommodate increased volume and ADA compliance. This project type

would require that applicants justify that existing trails are in good repair. This category is not intended to address deferred or lack of maintenance.

An example of a trail enhancement type of project would be something that is now a goat path and proposed improvements would make into a facility like the traction line. Staff asked the Committee what type of information they would want to obtain from the applicant.

The Committee recommended that photos of the specific trails and a project narrative be required as part of the application.

The Committee discussed the need to better verify and document in-kind services. Currently we do not give a lot of clarity on what should be used to document and justify in-kind services. Staff suggested using certification pages similar to what is used as part of grants with the State of New Jersey.

It was agreed that they would continue with in-kind. That actual employment wage rates would be used. There are also formulas available on how to evaluate volunteer hours. Many grants give the opportunity to use volunteers to work on the project with formulas for in-kind match for their time.

The Committee agreed that they were not interested in moving to partial funding of projects. The Committee agreed to maintain the full funding approach again for the 2017 funding cycle.

The Committee agreed that first time applicants should be required to attend pre-application meetings. Previous applicants are welcome to attend if they desire.

The Committee agreed that applicants should be required to provide a clear project map, in color, with a graphic scale and north arrow.

The Committee agreed that applicants should be required to indicate the status of permitting within the application.

The Committee agreed that staff should prepare sample cost estimate for the applicants to follow.

The Committee agreed with staffs recommended minor edits to the program Rules & Regulation.

Staff indicated that the next step is to forward Contract Agreements to 2016 awardees.

Staff indicated that roughly \$817,000.00 would be available for 2017 funding cycle.

With no further discussion items or questions, Committee Chair made a motion to adjourn, which was moved by Nita Galate and second by Duncan Douglas. The meeting adjourned at 6:37 pm.