

# minutes

## MORRIS COUNTY TRAIL CONSTRUCTION GRANT PROGRAM ADVISORY COMMITTEE 2020 POST AWARD MEETING

**DATE:** Tuesday January 14, 2020  
**TIME:** 5:00 PM TO 7:00 PM  
**LOCATION:** County of Morris  
30 Schuyler Place, 2<sup>nd</sup> Floor Conference Room  
30 Schuyler Place, Morristown NJ

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### CALL TO ORDER (by Betty Cass-Schmidt at 5:02 PM)

#### Reading of Open Public Meetings Act

- a. 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       12/18/2019       in compliance with the Open Public Meeting Act. The above complies with the requirements of N.J.S.A. 10:4-10(A).

#### Roll Call

##### ○ Present attendees:

- Betty Cass-Schmidt
- Denise Chaplick
- Duncan Douglas
- Nita Galate
- Dave Helmer
- Jim Hutzelmann
- Janice Karmon
- Stuart Lasser
- Tom Malinousky
- Christine Marion
- Barbara Murray
- John Napolitano
- Isobel Olcott
- Robert Parnell
- Richard Seabury

##### ○ Attendees not present:

- Joe Barilla
- Julie Baron
- Bill Johnson
- Barbara Murray
- Kevin Sullivan

#### Open for Public Comment

(none present, none made, no motion)

#### Meeting Minutes Approval

- Motion to approve October 29, 2019 minutes was made at 5:12 PM by Betty Cass-Schmitt, so moved by Nita Galate and seconded by Isobel Olcott.

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## GRANT AWARDS

Award Update (2016 – 2019)

- Awarded 26 grants funding 14.33 miles and \$2.7 million since 2016.

### 2016 award update

- Motion called at 5:26 pm by Cass-Schmitt to grant a 6 month extension to Randolph Township for their 2016 Heritage Trail Extension project due to bankrupted contractor. Motion so moved by Olcott and seconded by Galate. All in favor, none opposed, no abstentions.
  - 6 month extension starts at the end of March, 2020
- Discussion on Mine Hill regarding 12/31/19 meeting. Come March 31<sup>st</sup>, funds are returned to the pot if the municipality does not notify us in writing or requests reimbursement.

### 2017 award update

- Every project is in progress, no hitches with the exception of Washington Township (slight realignment change from what was submitted (due 3/31/2021))

### 2018 award update

- All in progress, Long Hill has completed their project.

### 2019 award update

- Grant Agreements all issued at the end of last year. Grant Agreements will be issued shortly.

Olcott commented on the decent track record of this program to date.

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## POST AWARD ASSESSMENT

- 2020 Proposed Program Schedule
  - a. (See attached schedule spreadsheet)
  - b. Special meeting allotted in the middle of June for realignment/plan review
  - c. 1<sup>st</sup> week in October is a packet/summary book review
  - d. Please check your schedules for proposed October 27, 28<sup>th</sup>, 29<sup>th</sup> for a committee deliberation meeting
- Lessons Learned
  - a. Successful projects are usually highly developed with the application, small and simple
  - b. Challenging projects include conceptual designs, self-imposed changes, regulatory requirements, budgets exceeding estimates & grant award, or bid version of design differs
  - c. Summary – applicants are reluctant to complete design in advance of grant award
    - Project variation between bid and actual design
    - Demand for contractors inflates costs
    - Budgets exceed initial grant award
- Proposed Program Changes for 2020
  - a. Improved focus on design process, more of an incentive is needed, encourages more sustainable design, want to encourage a skill level that they need to encourage consultants.
    - Fund Planning & Design – phase I grant (100%)
    - Fund two categories of construction – phase 2 grant (80%/20%)
      1. Minor – small and simple (criteria apply)
      2. Major – more complex
    - (mirrored off of the Historic Preservation Program)
    - Phase I
      1. Planning – explore feasibility of project & gain support
      2. Final Design – prepare final project details to complete bid package used for construction (includes surveys and permits)
        - a. Require design review (30% & 75%)
        - b. Costs certified by Licensed Estimator

## Open Discussion of Program Changes

- Q: Once we fund phase I, aren't we obligated to fund phase II (Olcott)?
- A: Napolitano says no because it is a competitive grant. It all comes down to how much money is there and what are they looking for.
- Q: How does Historic Preservation split their funding (design/construction) (Olcott)? Everybody is in the same pot.
- Q: how much time can elapse between awarding a Phase I and Phase II grant? (Olcott)
- A: (Chaplick) This has not been defined. It would be a minimum of one year.
- Q: Can they come back 5 years later? (Olcott)
- A: Yes, but what will influence that is permitting (because they expire). (Hutzemann/Chaplick) Although just because an applicant did a design, it does not mean they got the permits yet. You may put off construction for a few years because of capital matching/costs. (Napolitano) It could take 2 years to complete a design phase and 2 years to complete a construction phase, whereas now they are trying to squeeze it all into 3 years. (Chaplick)

## Phase I

We would pay for a DEP permit (Olcott)? Yes. Once you lay out the money for that, if the project doesn't get done, we might be out the money. HP funds 80/20% for projects more than \$5k, 100% for projects less than \$5k. Olcott is not comfortable with funding permitting fees. Chaplick says that it's all part of the design process. Their 20% in with the soft costs will get people to commit (Lasser). We could pay for a consultant to explore what's needed, but NOT the application fees (\$1k-2K). Galate says we have to get a mindset of what we are trying to do....are we trying to trail Morris County, or are not we trying to control a grant? We have to look more openly at this..... Malinousky – How do you keep track of the construction part of it? Denise – must submit a proposal of the line item tasks that they expect to do in order to complete the project. The project has not been approved yet, so how are you giving them money (Lasser). It is been approved at the local level.

- What is the guarantee that we will get better plans (Malinousky)? Napolitano says reimbursement to part of the engineering fees if the project gets approved?
- How do we monitor for what they're doing with design? We're proposing a design review (30%/75%). If we say we don't like this, have we bought into liability? I would be reluctant to make design comments. (Napolitano) (watching Jim squirm). All we can do is make recommendations. Part of that final package is a signed and sealed bid package. (Chaplick).
- Caps are proposed for each of the stages.
- When does the committee come into play in the design phase (Olcott)? Chaplick responds if there are aspects of their application that differ from their documentation, we would let them know our concerns. They will bring in a concept design and need to submit a Phase I application. (capped amount).
- You wouldn't bifurcate the award (Olcott)? There are two different award levels for Phase I.
- How do you put a dollar value on planning...? We shouldn't be giving them grants to find out. (Malinousky)?
- Parcell asks shouldn't people already have a .25 mile of trail mapped out already before they come here? Yes.
- Phase I should result in a bid package (Olcott)
- Galate asks, but this isn't a requirement, right? People aren't REQUIRED to come in to three phases. Three phases are for the more timid municipalities who need more backing, but they are not necessarily needed. But Chatham is going to want \$\$\$ for the planning phase (Malinousky).
- Right now we're not getting shovel ready design.
- Would you really give someone \$20k for planning (Olcott)? Feasibility study is around \$8-10k Which route is the best. A consultant, muni engineer, muni planner can do this. Think SWAT. (Chaplick).
- Galate – a municipality should really know what they want to do. Olcott doesn't want to get in the role of the consultants.

- Hutzelmann – usually these ideas come in by some open space committee member....they could use a little help. Malinousky says it is a risk if the town does not approve that.
- Historic preservation program starts with SHPO and other prerequisites....we're a blank page
- Galate – in her municipality, “this is where we want the trail, this is what we want done, and this is where we will go forward” is clearly decided by the municipality. Chaplick says “But is that the **best** plan?” Galate says no, but it's not up to committee to tell the municipality what they want to do with their trail.
- Lasser – 24 projects were approved, and a couple got kicked out. That is a good track record. Napolitano reminded everyone that projects have been kicked out in OSTF.
- Malinousky – no guarantee that the bids will come in affordably, whether we fund design or not.
- Olcott supports one submission that results in a bid package should be phase I 80%/20%
- Malinousky – can we keep it the way it is now, and we improved your design, can we say 15% of it will go to design? Marion – they won't commit then, and the program will run into the same problem of a lack of design

**Final Decision: 80/20 split, will include DEP permit fees, max \$25k to prepare for final design.**

### Phase II

Major and minor phases (max criteria for minor phases) , \$50k threshold

- Not everybody will need to go through design, pre-application meeting is required and a pre-approval meeting is also required.
- Napolitano has an issue with the length of trail being a criterion. (Chaplick) Anything over ½ mile tends to cost over \$50k.
- Galate – Who is going to police these phases now? It sounds much more complicated. (Staff routinely reviews/follows up through the application process now – Chaplick)
- Olcott and Malinousky do not think this would work. Galate says “so what if they have to give the money back?”. Next year when you come back you're going to do better. Are these criteria going to scare someone off?
- Cass-Schmitt agrees with the minor/major split in Construction Phase II. Major requires full plans. We wanted an alternative to give them a minor grant.
- We like to tee people up for success. Our goal is to get the trail built.

**Final Decision: Consensus on a major/minor option path for phase II – all in favor, none opposed at 6:42 PM**

If a person accepts a grant, and gives it back later on, it hurts future applicants (Lasser). Our program is not that competitive ....yet. (Chaplick anticipates us getting there in the next couple of years)

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### **NEXT STEPS (not covered in meeting)**

Distribute 2019 Grant Agreements  
 Revise Program Rules & Materials  
 Spring Orientation & Application Release

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### **UPCOMING MEETINGS: (not covered in meeting)**

March – Agreement Extensions and/or misc approvals  
 May/June – Changes and/or approvals  
 Early October – Summary Book Review  
 Later October – Q/A & Deliberations

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MEETING ADJOURNED (Motion to adjourn at 6:56PM by Cass-Schmitt moved by Lasser, seconded by Olcott.)

DRAFT