

Morris County Trail Construction Grant Program

August 25, 2016

Fosterfields Living Historical Farm
Morris Township, New Jersey

The meeting was called to order at 4:00 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 August 16, 2016 in compliance with the Open Public Meeting Act. The above complies with the requirement of N.J.S.A. 10:4-10(A).

ROLL CALL

The following were present:

Commissioner Julie Baron
Commissioner Richard Seabury
Mr. Duncan Douglas
Ms. Nita Galate
Ms. Isobel Olcott
Ms. Barbara Murray
Ms. Christine Marion
Counsel John Napolitano

Commissioner Betty Cass-Schmidt
Commissioner Barbara Shepard
Mr. Marty Epstein
Mr. Tom Malinousky
Ms. Deena Leary
Mr. David Helmer
Ms. Denise Chaplick

Freeholder Liaison Cabana and Freeholder Liaison Meyers did not attend.

INTRODUCTIONS

Staff member Denise Chaplick introduced herself and is the administrator of the program along with Barbara Murray from the County Planning Department.

Commissioner Richard Seabury has been involved with the Morris County Park Commission for 45 years many of which he was Chairman of the Land Acquisition Committee and also on the Recreational Trails Committee, he has served three terms on the County Land Trust Committee, which these committees have given him some insight and he has spent many hours around the County and has also been involved at the municipal level in Montville.

Mr. Tom Malinousky from the Gillette Planning Board, professional land surveyor.

Vice President Barbara Shepard from the Morris County Park Commission. She is also the Township Administrator in Boonton Township Commissioner Shepard spends a lot of her free time either hiking or bicycling on various trails.

Mr. Marty Epstien, owner and operator of Marty's Reliable Cycle, he has been involved with the Morris County Park Commission participating in many events, since 1978. He is very happy to be here and would like to see more multi use trails that are more attainable to the citizens of Morris County.

Ms. Isobel Olcott, she has been involved in Open Space Preservation since 1980, she was the chairwoman of a County Referendum on increasing the bonding capacity of the Morris County Park Commission, she then worked at the Morris County Park Commission for ten years, she is also a member of the Harding Township Planning Board and involved in starting a few Open Space Trust Funds. Isobel is now a part of the Morris County Planning Board and enjoys being involved in regional land usage issues.

Park Commission President Betty Cass Schmidt, serves on the Recreation Trails Committee and prior to that she was on the Pequannock Township Council and Planning Board.

Mr. Duncan Douglas, has been involved with the trails since 1980. Her became involved with the Morris County Park Commission working on a trail that goes from Newfoundland to Hibernia. He has also laid out and constructed many trails for the Park Commission.

Ms. Nita Galate is currently a member of the Morris County Planning Board and the Morris Count Historic Preservation Grant Board. She also serves as Council Woman and Board President for the Borough of Mt. Arlington, serving many years on Land Use prior her appointment. Ms. Galate owns her own disposal company, Nita Carting LLC and is the Director of Bace Demolition Inc.

Commissioner Julie Baron has been a member of the Morris County Park Commission for many years. She has worked on many projects regarding trails.

Ms. Christine Marion the Division Head of Planning and Preservation overseeing the Preservation Trust program along with monitoring all the accounts and all the programs that go along with that as well as being an avid hiker.

Ms. Barbara Murray who is the Open Space Coordinator for Morris County she has been administering the Municipal Non Program for 12 years for the County. Prior to that she worked in Somerset County managing their nonprofit grant program.

Ms. Deana Leary is the Director of Planning and Public Works for Morris County she will be the intermediary between the group and the Freeholder Board.

Executive Director Dave Helmer thanked all who agreed to come on to this Committee and also recognized the Committee who were part of the policy development process. This is truly a collaboration between the County Planning Department and the Park Commission and he looks forward to seeing this process along.

Staff Member Chaplick then took a roll call of all members present.

Committee Member Chaplick proceeded to explain that there has been a lot of work done with the policy committee to develop the nuts and bolts of the program, and she would like to let everyone know what has transpired up until today.

The Committee itself consists of nine members four from the Morris County Park Commission Recreational Trail Committee, and two from the County of Morris Department of Planning and

Public Works, and three at large from the trail community.

This program is part of the Preservation Trust Fund and was created by voter referendum back in 2014. The purpose is to distribute funding via grants for the construction of trails for recreational trail use opportunities that benefit the communities and enhance the quality of life for the residents of Morris County.

Barbara Murray explained the goals of the program and also pointing out that they are all in the Rules and Regulations of the Committee. They are hoping that the program will accelerate construction of trails. This is the next logical step to make properties more accessible to the public. They are hoping that all these properties and trails that are constructed will be complimentary to those in the County Park System and this will enhance connections and provide linkages and in many studies trails offer a wide range of health benefits providing alternative means of transportation and tourism.

On April 27 the Rules and Regulations were formally adopted by the Freeholders creating the program. Applications were formerly released on May 15 on the website prior to two community workshops that were held at various locations throughout the county and were very well attended.

Through the summer there have been pre-applications meetings with various municipalities that intend to submit grants and they have been very beneficial for them and gives them the opportunity to ask questions and for us to get pointers on things that may have to be revised as time goes on.

The letter of intent that the municipalities fill out to show that they are interested was due July 29 and we will elaborate on where we stand with submissions to date.

Full applications are due September 1, and we are reserving the months of September and October for staff to review the applications to ensure that they are complete and to address any outstanding questions that we may have of the municipalities before they are brought before the full committee on November 3 and 4th. These are the two dates that are on the calendar for the Committee to review these applications. The final night will be left for deliberations by this Committee to arrive at their funding recommendations which will be presented to the Board of Chosen Freeholders at their Work Session on November 21, with the actual announcement of the awards on December 14 (tentative).

That is the schedule that we have so far, this could change but the goal in creating this schedule was to have the first round of grants announced this year.

All trail construction must occur on publically preserved parkland or it has to be private land dedicated for public recreation use.

A goal of this program was to have it open to all, but the Policy Committee decided that only municipalities would be eligible to apply. Lands that are held by non-profit and also that are in private ownership can have trail connections if there is a dedicated easement or public parkland. At this stage only grants for trail construction will be considered, and we are leaving

it to municipalities to provide the planning, the design and also 20% match. It will operate on a reimbursement basis only so the municipality will have to front the entire cost of the project to get it done and then get reimbursed when completed. They must submit proper documentation for reimbursement. Each municipality is limited to only one application per year. There was a link provided with the agenda for everyone for the Rules and Regulations section, and all the program guidelines and if there are any revisions to this, it would be brought to this Committee for their recommendation for changes.

All 39 municipalities within Morris County are eligible, and the project type as mentioned is for construction projects only. New Construction, non-motorized and motorized types, rehabilitation and restoration of existing trails if damaged has been caused due to Federal or State designated disasters and is documented, and Trail head facilities but is only going to be allowed if part of new trail construction.

The requirements will be permanently preserved public park land or private land with easements dedicated for public recreational use. The municipality just can't own the property they need to have a dedicated easement for public recreational use for the trail. The municipality will need to provide a match of 20% of the funds which can be provided in either cash or in kind services. The remaining 80% will be reimbursed upon project completion. The goal is to have these projects construction ready and it is reflected in the information that is requested on the application form looking for cost estimates, actual construction documents, and status of permitting. The goal is to have these projects shovel ready so that applicants can have these projects ready once the grants are awarded.

Committee Member Chaplick explained that the program is focusing on construction ready projects that could show an immediate result to produce something and the Policy Committee didn't feel that that planning and design were eligible categories at this time.

This is the first cycle of this program and they are expecting to evolve and change and grow accordingly to accommodate the needs of the application and any feedback we get from this Committee. As we go through this process keep in the back of your mind about what might be revised moving forward. It's a work in progress and we definitely want some feedback. It is anticipated that after we get through this first round we will be reaching out to you for specific feedback once things settle down.

For this particular cycle we have the availability of roughly \$700,000.00. The expectation is that we will award a minimum grant of \$5,000.00 since there is a lot of work that goes into review and assessment of an application and we didn't want things coming in for a couple hundred dollars. We felt that it is critical to keep a minimum requested amount. The maximum is also important because we don't want anyone to come in and feel they can be eligible for the entire amount. We are putting perimeters on the max grant which is 60% of the available funding.

There is also language in there that there is flexibility if the Committee feels that a particular project is viable for the entire amount that is also an option but only in select situations where the Committee feels strongly.

The application is a twostep process. The first is a letter of intent, we already have received

those and the next step is the full application which is due September 1.

A lot of this program is being modeled after the existing preservation trust programs, like the Historic Preservation Trust program, like Open Space and Flood Mitigation, we are not recreating the wheel and we are definitely learning lessons from these programs. The letter of intent comes from the Historic Preservation Program. The letter of intent asks applicants to prove that they own the property, because we don't want to fund something on property that they don't own, and we feel that that is critical and something to get out of the way immediately. We don't want to go through the application process and then realize that they don't own that parcel. It also includes some early cost estimates, and also a sense of where the matching funds might be coming from; do they expect to get it from a grant or do they expect it to come from their own Open Space Fund, and finally we ask, for the Mayor's signature at this stage so we know that the local leaders are aware of the ask since this is a reimbursement program and they will have to front all the money and we don't want them to find this out at the last minute.

There are ten components to the application process it is pretty basic information, contact information, project information, ownership verification, project justification, project map, design verification, support documentation, engineering cost estimate, and project signature page. The projects should be construction ready and we would like to see specific details so that we know that they have done the appropriate level of design and will be able to construct something viable. We are asking for support documentation such as a Resolution of support, and partnership agreements. If they have a 20% match, if they are looking at volunteer groups or if a local contractor billed his crew's time, we want to see if that person is committed by giving us a letter of intent.

The numbers should be pretty firm by the time they submit the application we need to have a true cost with that. We will need signatures by local officials authorizing and acknowledging the project they are proposing.

We had 18 submissions thus far and it is more than expected. The requested grant total is 1.7 million.

Counsel Napolitano went over the Policy and Procedures that the County of Morris follows regarding Conflict of Interest, and other regulations that would apply to the Committee members. (attachment)

Technically even though the Committee members are not paid for their participation we still fall under the Local Government Ethics Law, because it does not require a Committee member to be paid in order to have to follow this law. You always want to make sure that you are not advising or recommending anything to anyone.

Counsel Napolitano also reiterated to the Committee that it is in their own best interest to keep discussions private regarding any of the applications or decisions that are made as part of the Committee's work.

A question was raised that what if an application came in from your town and you are not on

the township Committee but you are a resident of that town, Counsel Napolitano remarked that in Open Space people leave the room because the Open Space Committee is appointed, by the towns. Here it is a little different because this is not a town appointed position so he feels that there is not a conflict, however if you are close to the administration or if, you live next to the property where the trail may be, you should step out. If the Committee feels better and would like to make it a policy that you shouldn't sit in on your own town you can do that. If you are not going to vote you are better off not being part of it, it is just safer and it would alleviate some problems.

Commissioner Seabury stated that earlier it was mentioned that the applications would describe the parcels, etc. is Counsel going to review the easements and deeds or staff. Counsel Napolitano responded that staff would get them first and then if there were any questions, Counsel would then look into it.

This is an evolving process, Open Space has been around for 23 years and once a year they have to change some rule, because something occurred that they have never had to deal with before. Counsel feels that this may or may not look like what you started with.

Commissioner Seabury asked the questions as to how good are the maps in terms of existing trails and existing parks when we start to look at this connectivity. Committee member Leary felt that the maps were fair and they have been really working on the mapping where we can start to see the connectivity. between not only trails but other parcels of Open Space be it whether Municipal, County or Park Commission.

It has been discussed with Committee Member Chaplick as to how they are going to capture the information especially on the successful applications so that we can make sure that five years from now we can look back on what was funded.

Committee Member Leary stated that they are still working on easements not a lone parcel and we have been making headway on this this new programming.

Commissioner Seabury inquired about the possibility of connecting adjacent Counties, such as Passaic and Morris, where a trail goes into two Counties. Committee member Leary pointed out that it would not be possible but the applicant should definitely include that to make their application stronger if for example they are connecting something to Passaic County, but the County does not have that level of GIS capability and connectivity available to us.

Executive Director Helmer stated that the Park Commission would have trail information but would be less likely to have a Mountain Lakes Trail from Wayne to Pequannock. As part of this process Park Commission staff can go out and document the trail system using GPS. Once project is completed we could make sure that those GPS coordinates are correct.

Every subsequent year we will start to see these lines forming, bicycle only, paved or unpaved and you will see the history of that process.

Committee member Leary pointed out that the County GIS group tried to gather information the same way as the State did so that when the State is ready to have all of this County's information together we will be ready. So it is coming along, it just is not there yet.

Committee member Chaplick informed the Committee that they will have highly sufficient and information packages for the Committee will be able to understand what the project is.

It was mentioned that the Historic Preservation program is actually more similar to this program that the Open Space Program, by the way it is structured, the way we award money the match program, it's not for acquisition most of the time. It was discussed how this program will be continually reevaluated depending on how things go this year. One thing that probably won't be reevaluated, because the funding source is the Preservation Trust Fund, the permanently preserved public property piece will always be a requirement. Even though there might be connections we cannot use these dollars to fund those trails using land that is not permanently preserved.

As far as the funds are concerned you are all aware that there is a Preservation Trust Fund Tax often referred to as the Open Space Trust Fund, and there are a lot of programs to that, for example the Farmland Preservation, Historic Preservation Park Improvements and this is now the newest program, the Trail Construction Grant Program. Every year the Freeholders will decide how much of the collection will be put towards this program.

The program is using the 2015 tax collection for this 2016 Grant cycle. This money is already in the coffers and ready to be distributed.

The handouts included a fact sheet for the Committee members which listed program overview, purpose of funding, permissible uses and projects, non-eligible uses, sources of funding, who is eligible, required qualifications, grant limits, applications process, deadlines, and contact information. (Attachment)

There will be no site visits or interview process for this program. Many of the existing programs do this, but we are expecting that the applications will come through to be fully understandable. In most cases nothing currently exists out there for anyone to see, so if we were to do a site visit there is not really much to see.

Committee member Chaplick was asked by a Committee member if the staff would be doing site visits since it might be helpful to have some photographs to look at to have a concept of the space where this is going to happen, in terms of its value as related to the region.

In the application process the applicant is asked to submit a project map and we kept that very undefined on purpose because we know that not everyone has the same skill level to create maps. If someone wanted to scribble something, make a photocopy that would be acceptable, while there are other municipalities who can create GIS maps. We are waiting to see what comes through the door to see how much we would need to supplement the information received.

For now, we want to get this program up and running and get a funding cycle accomplished in 2016.

When reviewing an application all questions should be directed through staff. Although

you may be familiar with someone who lives in a particular municipality all questions should be directed to staff.

Commissioner Seabury asked which staff member in particular should they go to, and Committee Member Chaplick stated that all questions should be filtered through her. She is the program administrator. If at any time the Committee members start getting inquiries directly also, please refer all those questions to Denise Chaplick.

There is also a schedule in the handouts and this reflects what has been done already and what is still planned to the end of the year.

There have been two Community Workshop meetings and there have been eight applicants who attended a pre-application meeting. Everyone found these very helpful.

Staff will be reviewing each application making sure that all the required documents have been received supplementing the information as needed to inform the Committee. The engineer will also be reviewing the documents that come through to ensure the constructability and that everything is up to standards.

The next phase will be to get the Committee a review package and the target would be to do that a week in advance of the review meeting so that the committee is not coming to the table completely cold. Our target for the review as mentioned before is November 3rd and 4th. Two days for the review and deliberation process.

The first day would be to familiarize the committee with the details of each application and answer questions accordingly and find any answers that we may have to go back to the applicant. The second day would be for deliberations, and we don't feel that with 18 applicants expected it could be accomplished in one day and we think definitely two days will be needed.

We have set aside early November for a variety of reasons, there is election day, League of Municipalities meeting, Thanksgiving, and we are trying to work our schedules before all of that happens.

The next milestone in our schedule is to make the recommendation to the Freeholder Board at their November 21st meeting. This is just a target we are trying to reach so that they could make a final decision before the end of the year at their December 14th, or if it has to be pushed out to the December 28th Freeholder meeting.

There is no way to anticipate how long the review process would take on the 3rd and 4th of November.

There will be a summary package sent out on October 27th, sent out the week before and it is anticipated that it is going to operate like a secure website like many members are familiar with. Similar to Open Space in previous days, or the Planning Board has a secured site and it was decided that it was the most efficient way to get you the information and information would be forwarded to you on how to access. Basically all the information would be on-line but you would need to access it with a secure password, that way you could look at it at your

leisure as well and you print what you want and go into as much detail as you want. Before the meeting we will have all the information necessary for that meeting.

We anticipate the review process will be similar to Open Space where by the Committee establishes a gold, silver, bronze ranking and working its way down from there. It would be appropriate to be assigning tallies or scores in your own mind after your advance review. It would be helpful to hit the ground running and into the November 3rd meeting and if nothing else it would help establish questions on the projects that you may feel are contenders.

A question was raised if some of the larger projects could be awarded in part just phases in an effort to award more applications than less is that a goal to consider. Committee Member Chaplick felt that this would be a good item for the Committee to discuss and agree on and get a sense of how you see this working. We do have parameters such as a limit of \$5,000.00 and the maximum of 60% of the available funds and less, so this might be something to consider along the way.

As part of the application requirements, we asked the applicant that they have their plans signed and sealed by a licensed professional. We are not here to critique the design at all or what they are proposing, related to aesthetics or standards or blame that on their local engineer or landscape architect it is up to them to assure that it is appropriately designed.

Committee Member Olcott feels that this is going to be an interesting year, the first year is always a little fitful and unsure, it is exciting and this is a strong Committee and it should be quite an adventure, it is something that will not be that easy the first year. Committee Member Chaplick agreed that it is a very exciting time, it is a new program and there will be some growing pains and we have some good models to follow.

Committee Member Chaplick asked for some feedback as to the time of day for the upcoming meeting on November 3rd and 4th. Should it be held in the evening, does the 4 to 6-time frame work for the majority of people or should we look for a different time of day.

The applications will be vetted during September and October. President Cass Schmidt suggested that when the applications are gone over would it be best to contact Denise Chaplick with the questions prior to the November meeting, so that these could be answered before then.

It was also discussed that it would be helpful to possibly separate the two days in November in case that there are questions that the Municipalities may need to answer.

It was felt that the schedule should be adhered to, the applicants at that point in the process are anxious to know how the reviews are going and would be available to answer any questions that may arise at these meetings.

The applicants will be notified that on those particular days they be available for any questions that may arise, if they are not available they should appointment someone else to be available at that time.

Executive Director Helmer stated that the Committee should be careful as to how far the

questions go, it is concerning where you could be leading them with certain questions.

President Cass Schmidt felt that it would not be unreasonable to ask the applicants to be available on the two days in November.

Committee member Duncan Douglas inquired approximately how large the package for their review would be. Committee Member Chaplick passed around a copy of the application that have been sent out. She did receive one and it seemed to be very thorough and informative package. Member Chaplick pointed out that she isn't sure that all applicant projects will be construction ready. A good number of people won't be able to be construction ready.

This may make some decisions easier. It was asked if those applications would be targeted or would there be staff comments. All applications will be presented and there will be some comments made regarding what is found and there will also be some insight gathered from the pre-application meetings held.

It was suggested that the information when received is scanned for members to look at. Executive Director Helmer suggested that when the full application is out there it would also be helpful for the Committee if they knew what sections that they should review, which would relate to their decision making. There are many components related to that application that can be reviewed ahead of time. This would all be on the secured website. It was felt that pointing out the pertinent points to the Committee members would be very helpful.

At the November 3rd meeting the Committee will be voting to appoint a Chair and Vice Chair. Typically, the Chair will be the person who will give the presentation to the Freeholders. The tentative time for the Freeholder meeting would be Monday, November 21st at 9:30 a.m.

The location and time of the next meeting has not been determined as yet.

Submitted by,

Denise Chaplick