

# **The Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund**

Hereinafter referred to as “The Morris County Preservation Trust Fund”

## **1. Introduction**

The State of New Jersey enacted legislation which permits "...the governing body of any County in which the voters of the County have approved in a general or special election, a proposition authorizing the acquisition of lands for conservation as open space and/or as farmland may annually raise by taxation a sum not to exceed the amount or rate set forth in the proposition approved by the voters..."

Acknowledging the need to preserve open space and farmland, the Morris County Board of Chosen Freeholders passed a resolution on August 12, 1992 authorizing the placement of a public question on the November 3, 1992 ballot. The voters of the county, in order to assure Morris County's long standing tradition of maintaining a high quality of life through the acquisition of open space, recreational lands, and areas of environmental significance, approved a non-binding referendum by a margin of 2 to 1 for the creation of the Morris County Open Space and Farmland Preservation Trust (“trust fund”) to be funded by a tax not to exceed \$.02 per \$100 of total county equalized real property valuation.

As a result of voter approved referendum, the Board of Chosen Freeholders established the trust fund by resolution on December 22, 1992. The fund commenced on July 1, 1993 with a tax equal to one-half cent per \$100 of total county equalized real property valuation. The Board of Chosen Freeholders annually reviews and sets the collection rate. Since its inception, five amendments have been approved by non-binding referenda; these amendments permit additional uses of trust fund dollars in accordance with Chapter 24 and increase the maximum collection rate. Rules and Regulations for the administration of the Morris County Preservation Trust Fund were formally adopted by the Board of Chosen Freeholders on December 14, 1994 pursuant to N.J.S.A. 40:12-19, and have been periodically amended as necessary.

The trust fund is divided into five program areas: 1) Open Space Preservation; 2) Farmland Preservation; 3) Historic Preservation; 4) Trail Construction and 5) Park Improvement Trust Fund (administered by the Park Commission). The Open Space Program is further divided into four program areas: 1) Municipal and/or qualified charitable conservancy projects; 2) Morris County Park Commission; 3) Morris County Municipal Utilities Authority; and 4) Flood Mitigation.

The Morris County Open Space Committee was created by the Board of Chosen Freeholders to review and evaluate applications under the Municipal and/or qualified charitable conservancy program and provide recommendations for funding. All recommendations are subject to the final approval of the Board of Chosen Freeholders.

The Morris County Park Commission was formed by referendum in 1955 to acquire and develop land for leisure and recreational use. The determination of which properties are to be acquired under this program shall be the responsibility of the Park Commission, subject to the final approval of the Board of Chosen Freeholders.

The Morris County Municipal Utilities Authority (M.U.A.) supports many efforts focused on protecting the environment including purchasing open space to protect the water supply, aquifers and their recharge areas. The determination of which properties are to be acquired under this program shall be the responsibility of the Municipal Utilities Authority, subject to the final approval of the Board of Chosen Freeholders.

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The Morris County Agriculture Development Board (CADB) was created by the Board of Chosen Freeholders in 1983 to oversee preservation of farmland in accordance with the Agriculture Retention and Development Act (N.J.S.A. 4:1C). The determination of which properties are to be acquired under this program shall be the responsibility of the CADB, subject to the final approval of the Board of Chosen Freeholders.

The Morris County Historic Preservation Trust Fund Review Board was created by the Board of Chosen Freeholders in 2002 to review and evaluate applications under the Historic Preservation Trust Fund Program and provide recommendations for funding. All recommendations are subject to the final approval of the Board of Chosen Freeholders. Sections 5.1 and 5.2 provide further details on the background of this program.

In September of 2011, P.L. 1997, c.24 (N.J.S.A. 40:12-15.1 et seq.) was amended and authorization expanded specifically to include “Blue Acres Projects”, additionally the name of these municipal open space trust funds could be changed to be “Municipal Open Space, Recreation, Floodplain Protection and Farmland and Historic Preservation Trust Funds.” The bill defines “Blue Acres Project” to mean any project to acquire, for recreation and conservation purposes, lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, 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.

The Morris County Flood Mitigation Program was created by the Board of Chosen Freeholders in March 2012 in response to increased, repetitive flooding in New Jersey, and especially the excessive flooding caused by Hurricane Irene in 2011. This program provides funding for the buyout of flood-prone residential properties (“Blue Acres Projects”); please see Section 6 for details. The Morris County Flood Mitigation Committee was created by the Board of Chosen Freeholders to review and evaluate applications under this program and provide recommendations for funding. All recommendations are subject to the final approval of the Board of Chosen Freeholders.

In May 2016, the Morris County Board of Chosen Freeholders adopted the Trail Construction Grant Program and created the Trail Program Advisory Committee. The development of the program was supported by the results of a survey performed during the creation of the 2013 Preservation Trust Fund Analysis and Strategy Report and the subsequent ballot question approved by voters. The Program will distribute grants to municipalities for the construction of trails on permanently preserved public parkland. The Trail Program Advisory Committee will review and evaluate applications under this program and provide recommendations to the Board of Chosen Freeholders for approval.

In October 2016, the Morris County Board of Chosen Freeholders created the Community Rating System (CRS) Assistance Program within the Flood Mitigation Program. Federal legislation, namely the Biggert-Waters Act of 2012 and the Homeowners Flood Insurance Affordability Act of 2014, significantly increased the cost of flood insurance for property owners in the private, business and public sectors nationwide. The CRS program, created by the National Flood Insurance Program (NFIP), incentivizes communities to better communicate and protect against future flood events through the implementation of superior flood hazard mitigation measures; these efforts may result in flood insurance discounts for all property owners within the community. Through the CRS Assistance Program, municipalities in need will be provided with technical expertise and resource support in their efforts to join and participate in the NFIP’s CRS program.

### **1.1 Allocation of Funds**

- a. The monies for the Park Improvement Trust Fund shall be allocated by resolution by the Board of Chosen Freeholders on an annual basis.

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- b. The monies for the Farmland Preservation program, Historic Preservation program, Trail Construction program and Open Space Preservation programs: (1) Municipal and/or qualified charitable conservancy projects; 2) Morris County Park Commission; 3) Morris County Municipal Utilities Authority; and 4) Flood Mitigation shall be allocated by resolution by the Board of Chosen Freeholders on an annual basis.

*Ancillary*

The Morris County Board of Chosen Freeholders may allocate funds by resolution to an ancillary category for County costs associated with property acquisition or trail construction.

**1.2 Allocation of Funds-Interest on Investments  
(Amended by Resolution #18, 12/23/2013)**

Any interest earned on the investment of funds from the Morris County Preservation Trust Fund shall be retained within the trust fund. Commencing in 2014, the total amount of interest credited from January to December shall be added to the following year's dedicated tax amount and distributed in accordance with Section 1.1b.

**1.3 Allocation of Added and Omitted Assessments**

Any Added and Omitted Assessment for a given year shall be allocated among all Preservation Trust Fund Programs in the following year in accordance with the Freeholder Resolution adopted in the following year.