

**MINUTES
MORRIS COUNTY
OPEN SPACE PRESERVATION TRUST FUND COMMITTEE
SPECIAL MEETING**

July 14, 2021

Held remotely via WebEx:

<https://morriscountynj.webex.com/morriscountynj/j.php?MTID=m2f4f7fa78a52c7653645b35aef37b63f>

Phone In: 1-408-418-9388

Access Code: 173 024 1829

The meeting was called to order at 7:01 PM by Chairman Jay Thomson.

Members present:

Jacqueline (Jaki) Albrecht, Region III – Roxbury (arrived 7:09 PM)
Patrick Antonetti, Region VI – Lincoln Park
Betty Cass-Schmidt, Morris County Park Commission
Jennifer Cooper, Region I – Chester Borough
Nita Galate, Morris County Planning Board and Trail Program Advisory Committee
Thomas “Ace” Gallagher, Region VII – Hanover (arrived 7:03 PM)
Suzanne McCluskey, At-Large
Robert Norton, Region IV - Wharton
Mohamed Seyam, At-Large
Laura Szwak, Morris County Municipal Utilities Authority
Jay Thomson, Morris County Agriculture Development Board

Members with excused absence:

Astri Baillie, Region VIII – Madison
David Kaplan, Region V – Parsippany-Troy Hills

Also attending:

William Johnson, Esq., Special Counsel, Morris County Preservation Trust Fund
Joe Barilla, Director, Morris County Office of Planning & Preservation
Barbara Murray, Open Space Program Coordinator, Morris County Office of Planning & Preservation

Members of the Public:

Diane Hickey, Esq., Attorney for Parsippany diversion
James Lott, Esq., Attorney for Parsippany diversion
Karen Benson, P.G., H2M Associates, consultant for Parsippany diversion
Patrick K. Cole, H2M Associates, consultant for Parsippany diversion
John Wieworka, Water Superintendent, Parsippany-Troy Hills Township
Sean Andres, Assistant Water Superintendent, Parsippany-Troy Hill Township

OPEN PUBLIC MEETING STATEMENT

Chairman Thomson 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.

Chairman Thomson read the virtual meetings statement.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES

1. On a motion by Laura Szwak, seconded by Nita Galate, the committee approved the minutes of the May 27, 2021 special meeting. A roll call vote was taken. Aye: Antonetti, Cass-Schmidt, Cooper, Galate, McCluskey, Norton Seyam, Szwak, Thomson Nay: None Abstain: Gallagher
2. On a motion by Betty Cass-Schmidt, seconded by Suzanne McCluskey, the committee approved the Glen Alpin closed session minutes from the May 27, 2021 special meeting. A roll call vote was taken. Aye: Albrecht, Antonetti, Cass-Schmidt, Cooper, Galate, McCluskey, Norton Seyam, Szwak Nay: None Abstain: Gallagher, Thomson
3. On a motion by Suzanne McCluskey seconded by Nita Galate, the committee approved the Parsippany minor diversion closed session minutes from the May 27, 2021 special meeting. A roll call vote was taken. Aye: Albrecht, Antonetti, Cass-Schmidt, Cooper, Galate, McCluskey, Norton Seyam, Szwak, Thomson Nay: None Abstain: Gallagher

NEW BUSINESS – Diversion Requests

1. Harding Township – adoption of a resolution memorializing Committee action on a Major Diversion located on a portion of the Glen Alpin property (Block 34 – Lot 1) in Harding Township

On a motion by Nita Galate, seconded by Jaki Albrecht, the committee recommended approval of the Glen Alpin Diversion resolution to memorialize the committee’s recommendation of approval as detailed in the May 27, 2021 special meeting minutes. A roll call vote was taken. Aye: Albrecht, Antonetti, Cass-Schmidt, Cooper, Galate, McCluskey, Norton Seyam, Szwak Nay: None Abstain: Gallagher, Thomson

2. Continued discussion of Parsippany-Troy Hills Township’s request for a Minor Diversion located on a portion of the Smith Road Sheep Farm property (Block 736 – Lot 9.01) – Ms. Karen Benson provided a brief PowerPoint presentation which provided background on the proposal and addressed the committee’s additional questions. The Parsippany Water Dept. proposes to divert a 0.164-acre portion of Block 736 – Lot 9.01 to construct a replacement well, pump house and access drive to support the Township’s drinking water system. Lot 9.01 is part of the Smith Road Sheep Farm project (Block 736 – Lots 9.01 and 9.02) comprising a total of 4.98 acres, funded in part with an open space grant of \$350,000 in 2005. Ms. Benson provided the history to the project and reviewed the project timeline to date. In 2017, well 20 experienced capacity and water quality issues and rehabilitation was not sustainable. The search for a replacement well ensued for two years. During 2019 and 2020, at least

14 parcels, both publicly and privately owned, were evaluated for a replacement well. Ms. Benson reviewed the replacement well siting criteria and also parcels evaluated at the request of the NJDEP Green Acres program as part of the alternatives analysis. She noted per the email included in the information package that, barring any unforeseen issues with Part 2 of the final application, NJDEP staff intends to recommend approval of the minor diversion. One reason cited was that the alternatives analysis demonstrated to Green Acres' satisfaction that there is no feasible, reasonable and available alternative for this project.

Other questions previously asked by the committee were also addressed. Parsippany representatives stated they were open to offering the current well 20 well site as a replacement in lieu of compensation, but that financial compensation could also be used. The new replacement well would need to first be fully operational and this could take a few years. Mr. Patrick Cole stated the design of the new well house was chosen to look like a residence to match the aesthetic of the neighborhood. He also detailed the footprint of the physical volume needed by the equipment that would need to be enclosed by the structure and visually compared the proposal to more industrial structures used elsewhere in the township. Ms. Diane Hickey detailed how the financial compensation in lieu of replacement land was calculated to arrive at a figure of \$11,619. Mr. William Johnson, Esq. stated that any future diversions before the committee would need to follow reimbursement guidelines per the adopted trust fund rules in place at the time, on a case by case basis.

After Parsippany's presentation, the committee asked additional questions. Mr. Jay Thomson had questions about the distribution of the well water which were addressed by Mr. Cole. Ms. Suzanne McCluskey stated the house is used by the soccer club but did not see any fields on the property. Representatives confirmed there were no soccer fields on the property. Ms. Laura Szwak inquired about properties evaluated in the alternatives analysis and specifically why certain ones lacking open space restrictions were not evaluated with site borings for suitability for the replacement well as well as certain private lots. Ms. Benson addressed her questions and advised the lots without open space restrictions had other constraints, including being within the zone of influence of another well, and private lots were out of the aquifer. Discussion ensued about the replacement site and future use should the replacement well no longer be used. Parsippany representatives stated that after performing the multi-year alternatives analysis for siting the replacement well, they hoped it would have a life span of fifty plus years; however, should the well no longer be used, they would be open to having the area revert back to open space.

Closed Session:

At the conclusion of all committee questions, all members of the public were moved to the lobby. On a motion by Nita Galate, seconded by Betty Cass-Schmidt, the committee entered into closed session at 7:59 PM to discuss the minor diversion request from Parsippany-Troy Hills Township.

Return to Open Session and Action as a Result of Closed Session:

The committee returned from closed session at 8:28 PM. All members of the public were returned to the meeting from the lobby. On a motion by Nita Galate, seconded

by Jaki Albrecht, the committee recommended approval of the Township of Parsippany-Troy Hills Water Utility's minor diversion request of a 0.164-acre portion of Block 736 – Lot 9.01 to construct a replacement for well 20, pump house and access drive to the Board of County Commissioners. The committee also recommended approval of \$11,619 as the financial compensation to Morris County for the diversion. Additionally, Parsippany represented they were amenable to having the diverted area revert to open space should the replacement well no longer be used. The committee recommended this condition be included in the recommendation to the Commissioners, and that should it occur there would be no financial compensation back to Parsippany. A roll call vote was taken. Aye: Albrecht, Antonetti, Cass-Schmidt, Cooper, Galate, Gallagher, McCluskey, Norton, Seyam, Szwak, Thomson Nay: None Abstain: None

NEXT MEETING DATE

The next regular meeting is scheduled for Tuesday, September 14, 2021 at 7:00 PM via WebEx for the committee's review of the 2021 applications.

ADJOURNMENT

On a motion by Jaki Albrecht, seconded by Suzanne McCluskey, the meeting was unanimously adjourned at 8:36 PM.

Respectfully submitted,

Barbara J. Murray