

**County/Municipal
Open Space Partnership
of
Somerset County
Policy and Procedures Manual**

Revised February 2006



**The Somerset County
Board of Chosen Freeholders**

Somerset County Is An Equal Opportunity Employer

County/Municipal Open Space Partnership
of
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Section 1. General Provisions

1.1 Purpose and Objectives

The Policy and Procedures Manual for the County/Municipal Open Space Partnership Grants of Somerset County is created for the following purpose and objectives:

- (a) To assist the municipalities of Somerset County in providing an adequate supply of lands and structures for public recreation and conservation;
- (b) To establish the process, policy and procedures by which Somerset County will provide funding in the form of Partnership Grants to municipalities to acquire lands and structures that have recreation or conservation attributes; and
- (c) To establish procedures by which Somerset County will ensure that lands and structures acquired will remain in use for recreation or conservation purposes in perpetuity.

1.2 Scope

This Manual constitutes the rules governing the review and award of grants to municipalities for the acquisition of land and structures. These rules establish project eligibility requirements, applicant eligibility, application requirements, application review process, parcel evaluation criteria, roles and responsibilities, funding award categories and criteria, grant terms, and program administrative requirements.

1.3 Manual Review

This Manual shall be reviewed by the Somerset County Board of Chosen Freeholders at least once every three years seeking input from the public and those Boards, Commissions and Committees identified in Subsection 8.1.

1.4 Construction

These rules shall be construed liberally to effectuate the purposes and objectives of the County/Municipal Open Space Partnership of Somerset County.

1.5 Severability

If any provision of this Manual is declared ineffective or invalid by any court of competent jurisdiction, that provision shall be severed and all remaining provisions shall continue in full force and effect.

1.6 Program Information

Unless otherwise specified, any questions and all submissions required under this manual should be directed to the Somerset County Planning Board, P.O. Box 3000, 20 Grove Street, Somerville, NJ 08876; (908) 231-7021.

Section 2. Definitions

2.1 Definitions

The following terms as used in this Manual shall have the following meanings, unless the context clearly indicates otherwise:

"*Acquisition*" means the purchase of fee simple or some lesser interest in land or structures, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation.

"*Appraisal*" means a certified property appraisal prepared by a State-certified appraiser who Green Acres has approved based upon such appraiser's work experience, professional certification, and sample work product.

"*Appraised value*" means the fair market value for land and structures as determined by a State Green Acres certified appraiser.

"*Average of the appraised values*" means the average of the fair market values stated in two or more appraisals obtained in accordance with Section 6 of this Manual.

"*Award resolution*" means a resolution adopted by the Somerset County Board of Chosen Freeholders, that identifies those applications which have been approved to receive Partnership Grant funding and the award amounts.

"*Chapter 24, Public Laws 1997*" means the State Statutes which regulate county and municipal Open Space, Farmland and Historic Preservation Trust Funds.

"*Conservation easement*" means an interest in land less than fee simple absolute, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will, or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to retain land or water areas predominantly in their natural, scenic, open or wooded condition; appropriate for conservation of soil or wildlife; appropriate for outdoor recreation or park use; or appropriate as suitable habitat for fish or wildlife, which empowers the holder or grantee of the interest to, and which may automatically, forbid or limit any or all of the following:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, or other structures in, on, or above the ground;

2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other mineral substance;
5. Surface use except for purposes permitting the land or water area remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or fish and wildlife habitat preservation; or
7. Other acts or uses detrimental to the retention of land or water areas for recreation or conservation purposes.

"*Cost*" means the expense of the acquisition of lands and/or structures as defined in Subsection 2.1 for recreation and conservation purposes with Partnership Grant funding.

"*Eligible acquisition costs*" means that portion of the appraised value that the Somerset County Open Space Advisory Committee deems eligible for funding based upon Partnership Policies and Procedures.

"*Grant agreement*" means the written agreement between the Somerset County Board of Chosen Freeholders and a municipality governing the municipality's performance of the grant and the County's provision of Partnership Grant funding.

"*Grant period*" means the two year time period from the date of the Award Resolution passed by the Somerset County Board of Chosen Freeholders in accordance with Subsection 10.1(d) of this Manual or a one year time period from such subsequent Resolution authorizing an extension of time as provided under Subsection 10.3 of this Manual.

"*Green Acres*" means the program operating within the New Jersey Department of Environmental Protection with rules established by N.J.A.C. 7:36 et seq.

"*Improvement*" means any physical change to land made with the intention of expanding or enhancing its use for some specific purpose or purposes.

"*Land*" or "*Lands*" means real property, including improvements, rights-of-way, water, riparian and other rights, easements, privileges, and any other rights or interests in, relating to, or connected with real property.

"*Municipality*" means an incorporated local unit within Somerset County.

"*Market value*" means the most probable price for which land will sell in a competitive market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by any unusual benefit to the purchaser.

"*Open Space and/or Recreation and/or Greenways Plan or Element*" means the plan developed by a municipality that identifies existing and potential open space preservation and/or recreation opportunities within its jurisdictional limits.

"*Parcel*" means contiguous lands under the same ownership. A parcel may consist of more than one block and/or lot.

"*Parkland*" means land acquired, developed, and/or used for recreation and conservation purposes.

"*Partnership*" means the County/Municipal Open Space Partnership of Somerset County

"*Partnership grant*" means the award of funds by the Somerset County Board of Chosen Freeholders under the County/Municipal Open Space Partnership of Somerset County.

"*Person*" means any individual, municipality, nonprofit, corporation, partnership, organization, association, or other entity.

"*Phase 1 environmental assessment*" means an evaluation of a project site to determine whether historic or current activities have a potential of causing contamination or if possible contamination originating from off-site sources is likely to have had an impact on the project site. The assessment shall contain the following:

1. A review of past and current land uses for indications of the manufacture, generation, use, storage and/or disposal of hazardous substances on the project site.
2. An evaluation of potential project site soil and/or groundwater contamination resulting from past or present project site land use activities and, to the extent possible, adjacent off-site operations.
3. An evaluation of the project site and neighborhood for surficial conditions or indications of environmental hazards.
4. A review of records of governmental agencies such as county services agencies, local health service agencies, New Jersey Department of Environmental Protection and the Federal Environmental Protection Agency to gather information pertaining to the storage, handling, or disposal of hazardous materials at the project site and in the immediate vicinity.

5. A recommendation for further assessments, if necessary, to evaluate whether contamination, environmental hazards or special resource value concerns may exist.

"*Project site*" or "*Project*" means all those lands and structures as described in the grant application, in which the municipality intends to acquire a real property interest, regardless of how acquired, to be held for recreation and conservation purposes, or on which the municipality intends to develop facilities for recreation and conservation purposes.

"*Recreation and conservation purposes*" means use of lands and structures for parks, open space, natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter sports, or similar uses for either public recreation or conservation of natural resources, or both.

"*Recreation and Open Space Inventory*" or "*ROSI*" means the listing of all parcels of land held by a municipality for recreation and conservation purposes at the time of receipt of Partnership Grant funding, including a description sufficient to identify each such parcel.

"*Somerset County Open Space Advisory Committee*" means the advisory committee established by Somerset County Board of Chosen Freeholders Resolution R91-241 adopted on April 16, 1991.

"*Structure*" means a construction for occupancy, use or ornamentation that is installed on, above or below the surface of the ground.

Section 3. Applicant Eligibility

3.1 Eligible Applicants

Any Somerset County municipality, or combination of Somerset County municipalities, that has the authority to enter into a grant agreement with the County of Somerset and to fulfill the obligations agreed to under the grant agreement is eligible to apply for Partnership Grant funding.

Section 4. Project Eligibility, Project Costs, Conditions and Limitations

4.1 General Provisions

- (a) The Somerset County Board of Chosen Freeholders may establish a maximum funding limit per project or per applicant based upon available funds and Partnership priorities established by said Board.
- (b) A municipality shall be limited to submitting two (2) applications per grant round. Joint applications submitted by two or more municipalities shall constitute an application for each involved municipality.
- (c) The municipality is responsible for meeting all requirements of this Manual, State statutes, Federal statutes, and local ordinances, as applicable.

4.2 Eligible Land Acquisitions

- (a) Lands for recreation and conservation purposes, as defined at Subsection 2.1 and located within Somerset County, are eligible for acquisition with Partnership Grant funding. Lands may include, for example:
 - 1. River waterfront, or a lake, pond or stream that provides for opportunity for physical and visual public access, swimming, water sports, fishing and/or boating;
 - 2. A natural area such as a wildlife preserve, forest and/or wetland, scenic vista or landscape that provides opportunity for conservation, nature observation, camping and/or hiking;
 - 3. Open space suitable for playgrounds, athletic fields, and active or passive recreation.
- (b) Lands shall constitute a single parcel, as defined at Subsection 2.1. A separate parcel shall constitute a separate application. More than one parcel may be considered as a single application when:
 - 1. The parcel areas are small.
 - 2. The several parcels, together, create a lineal feature and project.

Applicants intending to submit more than one parcel shall contact the County Planning Board staff for a determination of eligibility prior to submission of an application.

4.3 Ineligible Land Acquisitions

The following land acquisitions are not eligible for Partnership Grant funding:

- (a) Any site to be purchased in fee to which public access is not permitted, unless the Somerset County Open Space Advisory Committee, with Board of Chosen Freeholder endorsement, agrees that public accessibility would be detrimental to the land or any natural resources associated with the land;
- (b) Any perpetual conservation easement not consistent with Subsection 2.1;
- (c) Any site that is more than 50% covered with structures or other impervious surfaces that are intended to remain;
- (d) Any site that is, or intended to be, used as a public road right-of-way.
- (e) Any land that is, or was subject to, the Green Acres diversion process as defined at N.J.A.C. 7:36-21 et. seq.

4.4 Acquisition of Structures

- (a) A municipality may apply for funding for the acquisition of a structure, in conjunction with an eligible land acquisition, under the following circumstances:
 - 1. When the municipality agrees to maintain and operate the improved properties and structures for recreation and conservation purposes to support the use of a public recreation facility; or
 - 2. When the improved property and structures are located within the 100 Year Flood Hazard Area as established by Federal Emergency Management Agency (FEMA) and are proposed for demolition to create or expand upon a public recreation opportunity and help advance a flood management initiative supported by FEMA funding or some other public funding source. The acquisition of such structures may be funded up to 50% of the cost of acquisition.
- (b) Structures that do not meet the criteria of Subsection 4.4(a) above, and are proposed for demolition, are not eligible for Partnership Grant funding.

4.5 Acquisition of Conservation Easements

- (a) A municipality may acquire a perpetual conservation easement, provided the easement:
 - 1. Provides for reasonable public access;
 - 2. Is contiguous and beneficial to other public parkland or easements which provide or is planned to provide public access; or

3. Provides for the acquisition of those rights necessary to serve as a buffer or protective area to existing permanent open space or to a unique natural area or wildlife habitat.

- (b) If a municipality acquires a conservation easement utilizing Partnership Grant funding, the owner shall be required to enter into an agreement with the municipality granting to the municipality the "right of first refusal" were the property in whole or in part to be placed on the market for sale in fee simple absolute or for some lesser interest for a use other than agriculture, conservation or recreation.

- (c) If a municipality proposes to acquire a conservation easement upon agricultural lands of which more than 50 % is located within a County designated Agriculture Development Area, the municipality shall solicit commentary from the Somerset County Agriculture Development Board 45 days prior to submitting Partnership Grant Application. The commentary shall be included in the application package.

4.6 Donations Toward the Cost of Acquisition

If an acquisition is to be funded in part by a donation, the municipality shall submit, as part of the application for Partnership Grant funding, a letter from the donor which expresses the donor's intent to donate cash or a portion of the appraised value of the parcels or easements to be acquired and which states the estimated value of the donation.

4.7 Allowable and Disallowable Project Costs

- (a) The following costs, as determined by the Somerset County Board of Chosen Freeholders, are allowable, provided the costs are incurred in conformance with Chapter 24, P.L. 1997:

1. Costs which the municipality incurs to acquire title or permanent interest in eligible land and structures as permitted under this Section, except those listed in 4.7(b).

- (b) The following costs are disallowed:

1. Cost of appraisals;
2. Cost of legal fees;
3. Cost of title searches and title insurance;
4. Cost of engineering and/or survey;
5. Cost of environmental audit;
6. Cost of building demolition, renovation and/or stabilization;

7. Cost associated with administration or operation related to the acquisition;
8. Cost of salaries or wages of employees of the municipality;
9. Cost of real property taxes; and
10. Costs associated with an application for Partnership Grant funding.

Section 5. Funding Award Categories

5.1 Acquisition

- (a) A purchase of lands with or without structures which either possess unique or sensitive natural resource characteristics or is suitable for active or passive recreation and is consistent with eligible acquisitions as identified in Subsections 4.2 and 4.4; or
- (b) A conservation easement acquisition of lands which either possess unique or sensitive natural resource characteristics or is suitable for active or passive recreation but whose fee simple acquisition is neither desired nor necessary to achieve the municipal open space, conservation or recreation goals and is consistent with eligible acquisitions as identified in Subsection 4.5.

5.2 Reimbursement

A municipality may apply for reimbursement of the acquisition cost for a project site by submitting a grant application in the grant round which immediately follows the date of closing on the acquisition.

Section 6. Application Process

6.1 Timing

The Somerset County Board of Chosen Freeholders may authorize up to two (2) grant rounds per calendar year. The grant rounds shall operate within six month time frames from January 1st to June 31st and July 1st to December 31st. Applications will be distributed to municipalities within 45 days of the commencement date of the round and due returned 45 days thereafter.

6.2 Preapplication Procedures

Prior to the submission of a Partnership Grant application:

- (a) Municipalities are encouraged to request a pre-application conference with a representative of the Somerset County Planning Board as early as possible, prior to

application submission, to discuss project eligibility, evaluation criteria and application requirements.

- (b) The municipality shall, at a regularly scheduled public meeting, agendaize for public comment the proposed acquisition project and Partnership Grant funding application.

6.3 Application Requirements

An application submitted by the municipality shall contain all of the following:

- (a) A completed Partnership Grant Application Form;
- (b) Photographs (printed and on a cd or 3.5 floppy disc as *.jpg files) of the lands and structures subject to the application;
- (c) Tax map of the property and surrounding area indicating preserved lands in the project vicinity;
- (d) Map showing location of point of access to project site, location of all roads, easements, and environmental hazards on property and surrounding area;
- (e) Map identifying location of natural resources and environmental characteristics (e.g., wetlands, soils, steep slopes);
- (f) Map showing location of cultural, historic and man-made characteristics;
- (g) Map showing the subject property and all preserved lands (Municipal, County and State within one (1) mile of the property);
- (h) USGS quadrangle map showing location of property;
- (i) Zoning map of property and surrounding area;
- (j) Copy of deed restrictions, if any;
- (k) Copy of most recently adopted municipal open space, conservation, greenways and recreation plans;
- (l) Municipal governing body resolution of support for acquisition and long term management along with the minutes of the public meeting at which application was discussed;
- (m) Letters of support from the municipal Environmental Commission and the municipal Parks Department / Recreation Department;
- (n) Copy of appraisal(s) as required by Subsection 6.5;

- (o) Completed property owner consent form allowing County staff to enter the property for the purpose of reviewing, evaluating and photographing all lands and structures subject to the acquisition;
- (p) Documentation confirming date of closing for reimbursement funding as identified in Subsection 5.2; and
- (q) A Recreation and Open Space Inventory as defined in Subsection 2.1.

6.4 Determination of Eligibility

Within 30 days of receipt of a complete application a representative of the Somerset County Planning Board shall determine if the acquisition is eligible for funding in accordance with Section 4.

6.5 Appraisal Procedures

In accordance with Subsection 6.3:

- (a) One original copy of a full narrative, certified appraisal shall be submitted for each Partnership Grant funding request.
- (b) Two original copies of full narrative, certified appraisals shall be submitted if the Partnership Grant funding request is either:
 - 1. In excess of \$100,000 per acre for a fee simple absolute acquisition; or
 - 2. In excess of \$10,000 per acre for a conservation easement; or
 - 3. In excess of \$500,000.
- (c) The municipality shall hire a State-certified appraiser who Green Acres has approved based upon such appraiser's work experience, professional certification, and sample work product.
- (d) All appraisals shall have been prepared no more than one year prior to the submission for Partnership Grant funding.

6.6 Application Distribution and Review Process

The distribution and review of Partnership Grant applications will be conducted as follows:

- (a) Somerset County Board of Chosen Freeholders authorizes distribution of Partnership Grant application forms to municipal governing bodies, planning boards, environmental commissions and open space advisory committees.

- (b) Completed applications are submitted to the Somerset County Planning Board by the deadline date identified in the application transmittal.
- (c) Applications will be reviewed by the Somerset County Planning Board within 30 days of receipt to determine any deficiencies in completeness. If deficiencies are present the municipality will be notified in writing and given 15 days from the date of notification to make the application complete or the application will be deemed incomplete for review and returned to the municipality without prejudice.
- (d) Letters of eligibility and ineligibility will be sent to municipalities submitting applications within 45 days of receipt of application.
- (e) Designated County Planning Board and County Park Commission staff will conduct site visits of lands and structures identified in grant applications, evaluate information provided with the completed application, complete Point Evaluation System forms and provide this information to the Somerset County Planning Board and Park Commission.
- (f) The Somerset County Planning Board and Park Commission will independently, in closed session, review the information provided from staff evaluations and prepare confidential grant award recommendations which will be provided to the Somerset County Open Space Advisory Committee.
 1. The Somerset County Open Space Advisory Committee will, in closed session, review the grant award recommendations which were provided by the Somerset County Planning Board and Park Commission, modify as it determines appropriate, and transmit to the Somerset County Board of Chosen Freeholders grant award recommendations.
 2. The Somerset County Board of Chosen Freeholders will review all grant award recommendations for the purpose of approving or denying Partnership Grant funding awards and the amounts of awards. The Board of Chosen Freeholders reserves the right to consider and review all grant award recommendations in closed session as a part of pending contracts. All grant award recommendations shall also be considered at a Public Meeting of the Board of Chosen Freeholders. A resolution shall be prepared for a Public Meeting authorizing the award of grants as determined by the Somerset County Board of Chosen Freeholders.

6.7 Approval or Disapproval of Application

- (a) If the application for Partnership Grant funding is approved, the Somerset County Board of Chosen Freeholders shall notify the municipality in writing of the amount of the award and any action required by the municipality to proceed with the grant award.
- (b) If the application for Partnership Grant funding is disapproved, the Somerset County Board of Chosen Freeholders shall notify the municipality in writing and offer the

municipality an opportunity to meet with them or their representatives to discuss the basis for disapproval.

Section 7. Project Evaluation Criteria and Point Evaluation System

7.1 Project Evaluation Criteria

Project evaluation criteria are a broad list of factors, which will be considered when evaluating lands and structures for acquisition. The criteria are in part specifically incorporated into the Partnership Grant Application, the Point Evaluation System and the overall project evaluation process. The list is being provided for both the applicants and reviewers to assist in the preparation of applications and the review of projects. The list is not meant to be all inclusive but shall include the following:

(a) Environmental/Natural Characteristics

1. Floodplain protection
2. Wetlands protection
3. Steep slope protection
4. Geological significance
5. Threatened and/or endangered species
6. Plant and animal habitats
7. River or stream corridor
8. Known environmental hazards

(b) Cultural/Man-made Characteristics

1. Presence of historic structure or district
2. Presence of buildings or structures
3. Relationship of buildings to open space
4. Relationship to agricultural priority area
5. Areas of cultural significance

(c) Planning Relationship and Coordination

1. Relationship to other Somerset County plans including but not limited to: cultural resource preservation, agricultural preservation, county master plan and scenic corridor plan.
2. Relationship to municipal plans including but not limited to: master plan, conservation, greenways or open space preservation plan and land development or zoning ordinances.
3. Relationship to State plans including but not limited to: State Development and Redevelopment Plan (SDRP), New Jersey Open Space and Outdoor Recreation Plan Summary or the New Jersey State Trails Plan.
4. Relationship to regional plans and coordination with adjacent municipalities or counties.

(d) Recreation/Open Space Uses and Needs

1. Public access
2. Water access
3. Use-specific size
4. Aesthetic views and vistas
5. Linkage possibilities
6. Proposed active and/or passive uses
7. Long and short term need based upon County need tables
8. Percentage of municipality within Planning Area 1 (PA1) as designated by the SDRP
9. Acquisition opportunities

(e) Administration and Acquisition

1. Cost of acquisition
2. Methods and difficulty of acquisition
3. Assistance from other agencies or organizations in acquisition and/or management
4. Support and commitment from municipal boards and private groups

5. Long-term responsibilities
6. Future development and maintenance
7. Restrictions on use of property

7.2 Point Evaluation System

The following point evaluation system will be utilized by designated County Staff, Somerset County Park Commission, Somerset County Planning Board and the Somerset County Open Space Advisory Committee to evaluate grant applications. The point system will be combined with other considerations and used as a guide in making grant decisions. There are seven evaluation categories with points assigned for each factor therein. The maximum possible total point value is 110. The points shall be assigned to the following protocol:

(a) Category 1: Municipal Need

A maximum of 20 points may be assigned based upon the evaluation of the extent to which the proposed acquisition will satisfy local open space deficits as outlined in the Somerset County Parks, Recreation and Open Space Master Plan. Overall municipal need assessment may not necessarily reflect the need for a particular acquisition project. The project need will be determined by specific needs to be satisfied by the particular acquisition, as identified by the municipality.

(b) Category 2: Acquisition Opportunity

A maximum of 20 points may be assigned based upon the potential for the subject land or lands to be developed for non-open space use including housing, commercial, office or industrial.

(c) Category 3: Resource Protection

A maximum of 20 points may be assigned based upon the quality and quantity of natural and cultural resources to be conserved or protected from development.

(d) Category 4: Funding Support

A maximum of 20 points may be assigned based upon the amount of local funding support and by measure of Partnership Grant funding needed.

(e) Category 5: Projects of Regional or County Significance

A maximum of 10 points may be assigned for projects of regional or county significance. These projects are either: multi-jurisdictional, protect a contiguous area, or add to existing parkland currently under public or non-profit ownership.

(f) Category 6: Consistency with Other Plans

A maximum of 10 points may be assigned to those projects that take into consideration the recreational needs and open space related recommendations that are identified in the municipal planning documents, Somerset County Master Plan, Somerset County Parks, Recreation and Open Space Master Plan, Somerset County Agriculture Retention and Development Master Plan, State Development and Redevelopment Plan, the New Jersey Open Space and Outdoor Recreation Plan Summary, and Regional planning initiatives.

(g) Category 7: Metropolitan Credits

Ten (10) points will be given to any municipality that has 50% or more of its land area designated as Planning Area 1 (PA1) by the Office of State Planning in the State Development and Redevelopment Plan.

Section 8. Partnership Roles and Responsibilities

8.1 Roles and Responsibilities

The following are the roles and responsibilities of the various County Boards, Commissions and Committees involved in the County/Municipal Open Space Partnership:

(a) Somerset County Board of Chosen Freeholders

1. Setting of the annual tax levy for Open Space, Farmland and Historic Preservation Trust Fund.
2. Setting of allocation for Partnership Grant funding.
3. Approval of Partnership Grant awards.
4. Approval of Policy and Procedures for County/Municipal Open Space Partnership and amendments thereto.

(b) Somerset County Planning Board

1. Recommend the annual tax levy for the Open Space, Farmland and Historic Preservation Trust Fund.
2. Administration of the County/Municipal Open Space Partnership.
3. Preparation and distribution of Partnership Grant application forms.
4. Provide assistance to municipalities in the preparation and submission of Partnership Grant application forms.
5. Review of Partnership Grant applications making award recommendations to the Somerset County Open Space Advisory Committee.
6. Assist in a joint annual report of the County/Municipal Open Space Partnership.

(c) Somerset County Park Commission

1. Recommend the annual tax levy for the Open Space, Farmland and Historic Preservation Trust Fund to the Somerset County Board of Chosen Freeholders.
2. Review of Partnership Grant applications making award recommendations to the Somerset County Open Space Advisory Committee.
3. Provide assistance to municipalities in the preparation and submission of Partnership Grant application forms.
4. Assist in a joint annual report of the County/Municipal Open Space Partnership.

(d) Somerset County Open Space Advisory Committee

1. Make award recommendations to the Somerset County Board of Chosen Freeholders after review of Partnership Grant applications and the award recommendations made by the Somerset County Planning Board and the Somerset County Park Commission.
2. Review and recommend extension of grant awards.
3. Assist in a joint annual report of the County/Municipal Open Space Partnership.
4. All other responsibilities identified in this manual and from time to time identified by the Somerset County Board of Chosen Freeholders.

Section 9. Appraised Value and Eligible Acquisition Costs

9.1 Appraised Value

(a) Grant awards shall not exceed the appraised value, calculated as follows:

1. If only one appraisal has been obtained on a project site, the appraised value shall be that presented in the report.
2. If two or more appraisals have been obtained on a project site, and the difference between the appraisal values is 10 percent of the higher appraisal value or less, the appraised value shall be the average of the appraised values.
3. If two or more appraisals have been obtained on a project site, and the difference between the appraisal values is greater than 10 percent of the higher appraisal value, the appraised value shall lie within the range of appraised values and shall be determined by the Somerset County Open Space Advisory Committee.
4. Notwithstanding the above, the Somerset County Board of Chosen Freeholders or the Somerset County Open Space Advisory Committee may cause to have prepared either a review of a submitted appraisal(s) or an independent appraisal, prepared in accordance with Subsection 6.5, if necessary or appropriate to assist in determining the appraised value in instances where the value is disputed or difficult to ascertain. The municipality shall be responsible for the cost of the appraisal.

9.2 Eligible Acquisition Costs

The Somerset County Open Space Advisory Committee shall determine the eligible acquisition costs as defined in Subsection 2.1 and in accordance with this Manual.

9.3 Supplemental Funding

(a) A municipality may apply for supplemental funding for a project acquisition if:

1. The application is resubmitted within the two funding rounds immediately subsequent to the initial application; and
2. All application requirements, in accordance with Subsection 6.3, are satisfied.

(b) A resubmission for supplemental funding shall constitute a new application on behalf of the subject municipality in the new funding round.

Section 10. Grant Agreement, Grant Period, Negotiations for Purchase of Project Site, Extensions of Time, Disbursements of Grant, Transfer of Awards and Accounting and Record Keeping Requirements

10.1 Grant Agreement

- (a) Following review and approval by County Counsel, the Somerset County Planning Board shall transmit the grant agreement to the municipality. The municipality shall ensure that the grant agreement is approved and signed by the mayor of the municipality within 60 days of receipt. Any grant agreement not signed by the mayor of the municipality and returned within one year of the date of the award shall constitute forfeiture of the grant award. The grant agreement shall contain:
1. An identification of the project site with all lands and structures to be acquired;
 2. The amount of the grant award;
 3. The estimated cost of acquisition of the project site;
 4. Special conditions for the grant as appropriate;
 5. All required deed restrictions as attached to this Manual and identified as Grant Agreement Deed Restrictions or as may otherwise be determined as appropriate or necessary by County Counsel to be contained within the deeds of the parcel to be acquired; and
 6. Other terms and conditions governing maintenance, use and development deemed appropriate by the Somerset County Board of Chosen Freeholders to carry out the goals and objectives of the County/Municipal Open Space Partnership.
- (b) The municipality shall submit, in conjunction with an executed grant agreement, a Phase 1 Environmental Assessment of the project site. If the assessment reveals environmental contamination that is materially different from that indicated in the grant application, the Somerset County Board of Chosen Freeholders reserve the right to either rescind the grant award or place such conditions upon the award as it deems appropriate to mitigate the contamination.
- (c) Upon receipt of the executed grant agreement by the Somerset County Planning Board said Board will forward the agreement to the Somerset County Board of Chosen Freeholders for execution by formal resolution.
- (d) Upon execution of the grant agreement by the Somerset County Board of Chosen Freeholders, the Somerset County Planning Board will direct the Treasurer of Somerset County to deposit within the account established for the municipality an amount equal to the grant award.
- (e) The grant period shall be two years from the date of execution by the Somerset County Board of Chosen Freeholders unless extended in accordance with Subsection 10.3.

10.2 Negotiations for Purchase of Project Site

Negotiations for the purchase of the project site shall be the sole responsibility of the municipality.

10.3 Extensions of Time

- (a) In the event that the municipality has proceeded with due diligence and negotiated in good faith but has encountered unforeseen difficulties in the negotiation for acquisition of the project site, the municipality may request a one (1) year extension of the grant period.
- (b) The request for an extension of time shall be submitted in writing by the governing body of the municipality outlining the reasons for the request, the history of the negotiations and the difficulties encountered.
- (c) The request shall be reviewed by the Somerset County Open Space Advisory Committee and forwarded onto the Somerset County Board of Chosen Freeholders with its recommendations.
- (d) If agreed to by the Somerset County Board of Chosen Freeholders, said Board will approve the extension of time by a formal resolution.
- (e) If a formal written extension is not requested by the expiration date of the time period of the grant, the grant award shall be forfeited by the municipality. The municipality shall be solely responsible for monitoring the expiration of the grant award and requesting any extensions.

10.4 Disbursement of Grant

- (a) The municipality shall notify the Somerset County Planning Board twenty (20) days prior to the scheduled closing on the project site.
- (b) Upon such notification, the Somerset County Planning Board shall direct the Treasurer of Somerset County to release the funds within the municipality's account and to make them available upon the closing on the property.

10.5 Transfer of Funding

Transfer of a grant award from one project site to another is expressly prohibited.

10.6 Accounting and Record Keeping

The Somerset County Planning Board shall maintain the necessary and appropriate accounting and record keeping for the County/Municipal Open Space Partnership.

Grant Agreement Deed Restrictions

- A. The lands described herein have been acquired by (municipality) in whole or in part with funds from the Somerset County Open Space, Recreation, Farmland and Historic Preservation Trust Fund. These lands shall be held in trust and used exclusively for the purposes authorized by the Open Space and Farmland Preservation, Recreation and Conservation and Historic Preservation Act, as may be amended from time to time (N.J.S.A. 40:12-15.6b)
- B. (Municipality) agrees to make and keep the open space accessible to the public, unless the municipality and the County determine that public accessibility would be detrimental to the lands, waters or improvements thereon, or to any natural resources associated therewith [N.J.S.A. 40:12-15.6d(3)].
- C. (Municipality) agrees not to lease, sell, exchange or donate the property described herein which is being acquired pursuant to P.L. 1997 c.24, N.J.S.A. 40:12-15.6a except upon approval of the Somerset County Board of Chosen Freeholders and upon such conditions as the Somerset County Board of Chosen Freeholders may establish [N.J.S.A. 40:12-15.6d(4)].
- D. (Municipality) agrees to execute and donate to the County of Somerset at no charge a Conservation Restriction or Historic Preservation Restriction, as the case may be, pursuant to P.L. 1979, c.378 (C) 13:8B-1 et seq. on any open space to be acquired using funds received from the Somerset County Open Space, Recreation, Farmland and Historic Preservation Trust Fund [N.J.S.A. 40:14-19. (d) (5)].

Effective Date: February 2006