

Appendix C.

Warren County Open Space, Recreation, Farmland, and Historic Preservation Trust Fund Rules and Procedures

WARREN COUNTY OPEN SPACE
RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND
PROCEDURES AND RULES

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Prepared for

Warren County Board of Chosen Freeholders

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THE WARREN COUNTY OPEN SPACE,
RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND
PROCEDURES AND RULES

1.1 Introduction

The State of New Jersey enacted legislation which states... “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 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...”. N.J.S.A. 40:12-16.

Acknowledging the need to preserve open space and farmland, the Warren County Board of Chosen Freeholders passed a resolution on July 28, 1993, authorizing the placement of a public question on the November 2, 1993, ballot. The voters of the county, in order to assure Warren 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 Warren County Open Space and Farmland Preservation Trust Fund to be funded by a tax not to exceed \$.02 per \$100 for total County equalized real property valuation.

The question posed to the public read as follows:

Shall the County of Warren consider establishing an open space trust fund to be used exclusively for the purpose of acquiring land for preservation as open space in order to protect drinking water sources, provide outdoor recreation and preserve farmland, in accordance with P.L. 1991, c.283, to be funded at a rate not to exceed \$.02 per \$100.00 of total county equalized real property valuation?

The interpretative statement read as follows:

This non-binding referendum will give the elected officials of the County of Warren the sentiment of the voters concerning the establishment of an “Open Space Preservation Trust Fund” to be used exclusively for the acquisition of land or water areas for the purpose of providing and/or protecting parkland or green spaces; protecting ecologically sensitive areas such as wetlands, stream corridors, drinking water sources, aquifers and recharge areas; to provide for public outdoor recreation and to preserve farmland. The county will annually determine the yearly rate, which may not exceed \$.02 per \$100.00 of total county equalized real property valuation. As an example, at the \$.02 rate, the owner of a property assessed at \$100,000.00 would be contributing \$20.00 to the Open Space Preservation Trust Fund. It has been recommended that the rate for the first year be set at \$.02. Money raised for this fund could only be used to acquire land which will remain as open space and for the costs of administering these acquisitions. Once the objectives of this program have been achieved, the tax can be discontinued.

As a result of the election, the Board of Chosen Freeholders, in a resolution adopted October 26, 1994, established the trust fund. This fund commenced January 1, 1995, with a tax equal to \$.02 per \$100 of total county equalized real property valuation. By resolution adopted March 27, 1996, the tax rate of \$.02 was authorized for 1996 and future tax years, unless directed otherwise at some later date. The initial procedures and rules governing the Trust Fund were formally adopted by the Board of Chosen Freeholders on June 26, 1996.

In February of 1997, the legislature repealed N.J.S.A. 40:12-6, replacing it with 40:12-15.1 requiring dissolution of the existing trust fund and replacing it with the "County Open Space, Recreation and Farmland and Historic Preservation Trust Fund". The Board of Chosen Freeholders took the required action by resolution on March 25, 1998.

In 1998, three questions were put on the ballot. Two asked the voters to increase the present dedicated tax by 1 cent each. One was dedicated to farmland preservation only. The other was for open space, farmland preservation and historic preservation. Both failed. The third question passed. It asked if maintenance of county owned open space property should become an eligible purpose. No more than 10% of the annual revenue collected may be used for maintenance purposes.

The question and interpretive statement read as follows:

The Question:

Shall the County of Warren consider allocating funds for the maintenance of county lands acquired for recreation and conservation purposes from the Warren County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund tax?

The Interpretive Statement:

This non-binding referendum will give the elected officials of the County of Warren the sentiment of the voters concerning the use of funds collected for the Open Space, Recreation, and Farmland and Historic Preservation Trust Fund to be allocated for maintenance of county properties acquired for recreation and conservation purposes. The amount of funds allocated for maintenance will be determined annually but may not exceed 10 percent of the annual revenue collected.

In 1999, the Board of Chosen Freeholders asked the voters for a 2 cent increase in the dedicated tax. In addition to farmland, recreation and conservation, maintenance and debt service, historic preservation was added as an eligible purpose. The voters passed the referendum by a 1.5 to 1 margin. The question and interpretative statement reads as follows:

The Question:

Shall the County of Warren consider increasing the amount collected for the “Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” by an additional 2 cents per \$100 of total county equalized real property valuation to be used exclusively for the purpose of acquiring land and easements to preserve farmland, open space, and historic properties in order to protect agriculture, drinking water sources, provide outdoor recreation, maintain county open space properties, and to pay the debt service incurred for the acquisition of such properties in accordance with N.J.S.A. 40:12-15.1 et seq?

Interpretive Statement:

This non-binding referendum will demonstrate to the Warren County Freeholders the willingness of the voters to increase the tax collected for the “Open Space, Recreation, Farmland and Historic Preservation Trust Fund”. It will be used exclusively for the acquisition of land or water areas to provide and/or protect parkland; to acquire farmland and conservation easements, to protect ecologically sensitive areas such as wetlands, stream corridors, drinking water sources, aquifers and recharge areas. It will provide for public outdoor recreation and preserve historic properties. The county will annually determine the yearly rate, which upon approval of this referendum may not exceed 4 cents per \$100.00 of total county equalized real property valuation. As an example, at the 4 cents rate, the owner of a property assessed at \$100,000.00 would be dedicated \$40.00 to the Trust Fund. Money raised for this fund can only be used for acquisition of properties that will remain preserved and for the costs of administering and maintaining these properties. Once the objectives of this program have been achieved, the tax can be discontinued.

In 2002 the Board of Chosen Freeholders asked the voters for an additional 2 cent increase in the dedicated tax. The voters passed the referendum by a 1.5 to 1 margin. The question and interpretive statement read as follows:

The Question:

Shall the County of Warren consider increasing the amount collected for the “Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” by an additional 2 cents for \$100 of total county equalized real property valuation to be used exclusively for the purpose of acquiring land and easements to preserve farmland, open space, and historic properties in order to protect agriculture, drinking water sources, provide outdoor recreation, maintain county open space properties, and to pay the debt service incurred for the acquisition of such properties in accordance with N.J.S.A. 40:12-15.1 et seq.?

Interpretive Statement:

This nonbinding referendum will demonstrate to the Warren County Freeholders the willingness of the voters to increase that tax collected for the "Open Space, Recreation, Farmland and Historic Preservation Trust Fund". It will be used exclusively for the acquisition of land or water areas to provide and/or protect parkland; to acquire farmland and conservation easements, to protect ecologically sensitive areas such as wetlands, stream corridors, drinking water sources, aquifers and recharge areas. It will annually determine the yearly rate, which upon approval of this referendum may not exceed 6 cents per \$100.00 of total county equalized real property valuation. As an example, at the 6 cents rate, the owner of a property assessed at \$100,000.00 would be dedicating \$60.00 to the Trust Fund. Money raised for this fund can only be used for acquisition of properties that will remain preserved and for the costs of administering and maintaining these properties. Once the objectives of this program have been achieved, the tax can be discontinued.

In 2003 the BCF bonded for \$5.5 million to fund the Open Space Plan of the Board of Recreation Commissioners. When the acquisition of lands within that plan is complete monies allocated to that program will be depleted by the attendant debt service.

1.2 Definitions

The following words and terms shall have the following meanings unless the context clearly indicated otherwise:

Acquisition – the securing of a fee simple absolute or a lesser interest in land or water areas, including easements restricting development, by gift, purchase, devise, installment purchase agreement, or condemnation. (N.J.S.A. 40:12-15.1)

Charitable Conservancy – A corporation or trust exempt from federal income taxation under paragraph (3) of subsection (c) of section 501 of the Federal Internal Revenue Code of 1986 (26 U.S.C. s.501(c)(3)), whose purpose include (1) acquisition and preservation of lands in a natural, scenic, or open condition, or (2) historic preservation of historic properties, structures, facilities, sites or objects, or the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes; (N.J.S.A. 40:12-15.1)

Conservation Restriction – 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 retaining land or water areas predominantly in their natural, scenic or open or wooded condition, or for conservation of soil or wildlife, or for outdoor recreation or park use, or as suitable habitat for fish or wildlife, to forbid or limit any or all: (N.J.S.A. 13:8B-26)

1. construction or placing of buildings, roads, signs, billboards or other advertising, or other structures 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 to 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;
7. other acts or uses detrimental to the retention of land or water areas according to the purposes of this act.

County Trust Fund – a “County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” created pursuant to subsection c. of section 2 of N.J.S.A. 40:12-15.1 [See appendix]

Development – any improvement to land acquired for recreation and conservation purposes designed to expand and enhance its utilization for those purposes. (N.J.S.A. 40:12-15.1)

Debt Service – annual payments of principal and interest on indebtedness issued or incurred by the County for the acquisition of land for recreation and conservation, farmland preservation and historic preservation.

Development Easement – an interest in land, less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by the provisions of this act and any relevant rules or regulations promulgated pursuant hereto; (N.J.S.A. 4:1C-13f)

Farmland – land actively devoted to agricultural or horticultural use that is valued, assessed and taxed pursuant to the “Farmland Assessment Act of 1964”, P.L. 1964, c.48 (c. 54:4-23.1 et seq) (N.J.S.A. 40:12-15.1)

Farmland Preservation Project – the acquisition of farmland in accordance with Agricultural Retention and Development Act or in accordance with a farmland preservation plan prepared and adopted by the county, or any other law enacted for the preservation of farmland.

Historic Preservation – the performance of any work relating to the stabilization, repair, rehabilitation, renovation, restoration, improvement, protection, or preservation of a historic property, structure, facility, site, area, or object. (N.J.S.A. 40:12-15.1)

Historic Preservation Restriction – 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 preserving a structure or site which is historically significant for its architecture, archeology or associations, to forbid or limit any or all: (N.J.S.A. 13:8B-2d)

- 1, alteration in exterior or interior features of such structure;
2. changes in appearance or condition of such site;
3. uses of structure or site which are not historically appropriate;
4. other acts or uses detrimental to the appropriate preservation of such structure or site.

Historic property, structure, facility, site, area, or object – means any property, structure, facility, site, area, or object approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L. 1970, c.268 (N.J.S.A. 40:12-15.1).

Land or Lands – real property, including improvements thereof or thereon, rights-of-way water, lakes, riparian and other rights, easements, privileges and all other rights or interests of any kind or description in, relating to or connected with real property. (N.J.S.A. 40:12-15.1)

Land Preservation Department – a department established within the organizational structure of Warren County by resolution of June 12, 2002, by the Board of Chosen Freeholders for the purpose of efficiently and effectively administering Warren County efforts in the areas of Open Space and Farmland Preservation.

Municipal Trust Fund – a “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund: created pursuant to subsection c. of section 7 of (N.J.S.A. 40:12-15.1).

Public indoor recreation – public recreation in enclosed structures or facilities, and includes but is not limited to swimming pools, basketball courts, and ice skating rinks open for public use. (N.J.S.A. 40:12-15.1)

Recreation and conservation purposes – the use of lands 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 outdoor recreation or conservation of natural resources, or both, or the use of lands for public indoor recreation. (N.J.S.A. 40:12-15.1).

Stabilization – the essential maintenance of a deteriorated structure or object as it exists at present, establishing structural stability and a weather resistant enclosure.

Warren County Agriculture Development Board – a public body established pursuant to N.J.S.A. 4:1C-14 whose primary purpose is the long-term encouragement of the agricultural business climate and the preservation of agricultural lands in the county.

Warren County Board of Recreation Commissioners – the Board established by the Warren County Board of Chosen Freeholders in accordance with N.J.S.A. 40:12-1 and charged with the responsibility of acquiring lands for recreation and conservation purposes.

Warren County Municipal and Charitable Conservancy Trust Fund Committee – the Committee established in accordance with the rules provided in section 1.9 herein with the purpose of recommending projects for funding submitted by municipalities and charitable conservancies to the Board of Chosen Freeholders.

1.3 Eligible Applicants

The following entities are eligible to petition the Warren County Board of Chosen Freeholders for funds:

- a. Any of the twenty-two municipalities in the County of Warren.
- b. The Warren County Board of Recreation Commissioners.
- c. The Warren County Agriculture Development Board
- d. Charitable Conservancies.

1.4 Eligible Purposes

Projects eligible for consideration for funding from the Warren County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund include:

- acquisition of lands for recreation and conservation purposes
- acquisition of farmland for farmland preservation purposes
- the preservation of historic properties, structures, facilities, sites, areas or objects and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.
- payment of debt service on indebtedness issued or incurred by the County for the acquisition of lands for recreation, conservation, farmland preservation,

and the historic preservation and acquisition of historic properties, structures, facilities, sites, areas, or objects.

- maintenance of county land acquired for recreation and conservation purposes.

1.5 Provisions for the Distribution of Funds to Municipalities and Charitable Conservancies.

General

The governing body of any county in which the voters of the county have approved a proposition in accordance with section 1 of P.L. 1989, c.30 (C.40:12-15) may adopt a resolution authorizing the distribution of monies deposited in the county "trust fund", in such portions as deemed appropriate, to municipalities within the county or to charitable conservancies, to be used by those municipalities or charitable conservancies for the acquisition of open space, farmland or historic preservation located in the county in accordance with the provisions, conditions, and requirements of (C. 40:12-15 et seq.) provided that any municipality or charitable conservancy receiving such monies has presented a plan to the county documenting the proposed use of the monies.

Municipalities

Lands acquired by a municipality pursuant to this section shall be held in trust and shall be used exclusively for purposes authorized pursuant to (N.J.S.A. 40:12-15.6c).

The governing body of the municipality, using funds received pursuant to this section, shall have full control of the open space and may adopt an ordinance providing for (1) suitable rules, regulations, and by-laws for use of the open space, (2) the enforcement of those rules, regulations and by-laws, and (3) when appropriate, the charging and collection of reasonable fees for use of the open space or for activities conducted thereon. (N.J.S.A. 40:12-15.6c).

Charitable Conservancies

In order to qualify to receive funds from a county trust fund pursuant to this section, the board of directors, board of trustees, or other governing body, as appropriate, of an applying charitable conservancy shall (N.J.S.A. 40:12-15.6d):

1. demonstrate to the governing body of the county that it qualifies as a charitable conservancy for the purposes of P.L. 1979, c.378 (C.13:8B-1 et seq.) and among its purposes the acquisition and preservation of farmland, open space or historic sites;
2. agree to use the monies only in connection with lands located in the county for purposes specified in these rules and procedures;

3. agree to make and keep the lands accessible to the public, unless the governing body of the county determines that public accessibility would be detrimental to the lands or to any natural or historic resources associated therewith;
4. agree not to sell, lease, exchange, transfer, or donate the lands for which the monies were received pursuant to this section except upon approval of the governing body of the county under such conditions as the governing body may establish; and
5. agree to execute and donate to the county at no charge (a) 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.) or a development easement as defined in (c.4:1c-13), on lands for which the monies received were allocated for use.

1.6 Ineligible Projects

Projects ineligible for funds from the Warren County Open Space, Recreation and Farmland and Historic Preservation Trust Fund include, but are not limited to the following:

1. The acquisition of former Landfill sites.
2. The acquisition of sites which at the time of application are municipally designated for compliance with Mt. Laurel or Council on Affordable Housing substantive certification.
3. Development projects such as construction of ballfields, tennis courts, roads, etc.

1.7 Allocation of Funds

The appropriation of funds shall be at the sole discretion of the Board of Chosen Freeholders (BCF) based, in part, upon the recommendations of the County Agriculture Development Board (CADB), the Board of Recreation Commissioners (BRC) and the Municipal and Charitable Conservancy Trust Fund Committee (MCCTF). For budgeting planning purposes, the total revenue collected in the current year, including interest shall be the basis for preliminary budgeting of the Trust Fund for the following year. The Land Preservation Department shall develop cost estimates for funding projects including appraisals, surveys, preliminary site assessments, land costs, title costs, etc.

Recommendations for expenditures may be developed and submitted for the following categories and line items:

Preliminary Expenses – includes Legal Fees, Appraisals, Surveys, Preliminary Site Assessments

Project Costs – includes historic preservation costs, land and development easement acquisition costs, closing costs, title costs, legal fees, etc.

Salaries and Wages – includes administrative and program staff salary and overtime expenditures.

Operating Expenses – includes staff fringe benefit costs, legal fees, supplies, contracted service costs, property maintenance, etc.

Debt Service – includes debt service on Green Acre loans, bonds, notes, installment purchases, county matches to municipalities for planning incentive grants, etc.

The Open Space, Recreation, and Farmland and Historic Preservation Trust Fund (Open Space Trust Fund) budget shall be prepared in accordance with the form and content prescribed by the NJ Department of Community Affairs, Division of Local Government Services (NJDC/DLGS). For budget preparation and acquisition planning purposes, the CADB, BRC and MCCTFC shall submit recommendations and associated budget appropriation requests to the Land Preservation Department Director by November 30. The Director shall review each agency's funding recommendations and, if needed, meet with representatives of each agency to resolve any issues that may arise.

On or before January 16, the County Tax Administrator shall estimate the amount of Open Space Tax revenue available for the budget year based upon the Open Space Tax rate set by the BCF. The BCF will determine the portion of available Open Space Tax revenue to be allocated for each of the prescribed categories listed in the Open Space Trust Fund tax budget forms. The Director of the Department of Land Preservation in consultation with the Chief Financial Officer shall insert the funding requests into the appropriate categories listed in the Open Space Trust Fund budget forms. It is possible that the funding requested by an agency will be appropriated in more than one category on the form in accordance with the purpose of the expenditure as defined in section 1.4 Eligible Purposes of these rules.

Refunded money and grants will be placed in an appropriate account consistent with the purpose for which the refund or grant was received. Unexpended and unencumbered funds will remain in the respective appropriation category and continue into the subsequent budget year as reserve appropriations.

With the exception of debt service appropriations, the BCF may, by resolution, postpone, defer or cancel and re-appropriate a portion or all of the unexpended and/or unencumbered funds remaining in any category listed in the Open Space Trust Fund budget form at any time during the year. When practical, the CADB, BRC and MCCTFC

shall be notified prior to such action and informed of the financial implications on the funding available during the remainder of the current budget year.

The allocation formula shall be as follows:

Board of Recreation Commissioners

The Board of Recreation Commissioners may recommend appropriation in any amount up to 20% of the total projected trust fund revenues for the acquisition of land for recreation and conservation purposes, the maintenance of those lands, for historic preservation, and debt service. The current portion of debt service obligations due and payable during the year, property maintenance cost and staff salaries shall be deducted from the amount available for these purposes. The balance of the BRC's allocation may be used for recommending additional acquisitions and new projects.

The BRC shall be permitted to recommend expenditures for the maintenance of county lands acquired for recreation and conservation purposes. The Open Space Trust Fund appropriation for annual property maintenance cost may not exceed 10% of the total Open Space Tax Revenue collected.

County Agriculture Development Board

The County Agriculture Development Board may recommend appropriations in any amount up to 55% of the total projects trust fund revenues for the acquisition of land or development easements for farmland preservation purposes. The current portion of debt service obligations due and payable during the year and program administrative costs shall be deducted from the amount available for these purposes. The balance of the CADB's allocation may be used to recommend new projects.

Municipal and Charitable Conservancy Trust Fund Committee

The Municipal and Charitable Conservancy Trust Fund Committee (MCCTFC) may recommend appropriations in any amount up to 25% of the total projected trust fund revenues for the acquisition of land for recreation and conservation purposes, historic preservation and farmland preservation. The current portion of debt service obligations due and payable during the year and program administrative costs shall be deducted from the amount available for these purposes.

The funding of historic-preservation projects shall be for acquisition and/or stabilization or renovation of historic properties. Applicants for stabilization or renovation money must either own or have a long-term lease or other legal interest in the property to be eligible for funding.

Notwithstanding the provisions to the contrary contained in this section, it shall be the BCF's sole prerogative at any time, to add, modify, increase, decrease, cancel or change the amount of funding allocated to any of the categories authorized under N.J.S.A. 40:12-15.1 and delineated in the budget form prescribed by the NJDCA/DGGS.

1.8 Project Selection

The selection of open space for acquisition for recreation and conservation purposes shall be in accordance with an open space and recreation plan prepared and adopted by the county. (N.J.S.A. 40:12-15.2d (1) (a).

Pursuant to 40:12-15.2d (1) (b) the maintenance of lands acquired for recreation and conservation purposes shall be in accordance with a maintenance plan prepared and adopted by the county.

The selection of historic preservation projects must be in accordance with a historic preservation plan prepared and adopted by the county. (N.J.S.A. 40:12-15.2d (1) (d).

Projects recommended for the acquisition of farmland may be expended pursuant to a farmland preservation plan prepared and adopted by the county or pursuant to the provisions of the "Agriculture Retention and Development Act," P.L. 1983, c.32 (c.4:1C-11 et al) or any other law enacted for the purpose of preserving farmland. (N.J.S.A. 40:12-15.2d (1) (c).

Monies may be distributed to municipalities and charitable conservancies provided that a plan has been presented to the county documenting the proposed use of the monies.

Pursuant to N.J.S.C. 5:30 et. Seq. The Chief Financial Officer must certify the availability of funds prior to awarding any contract for any work that requires the expenditure of funds including but not limited to preliminary expenses, land acquisition costs, grant agreements, etc.

All contracts to acquire land or improvements in fee simple or lesser interest, any historic preservation project and any grant agreement must be executed by resolution of the BCF.

Contracts approved by resolution of the BCF that have funds encumbered in the Open Space Trust Fund Budget shall be completed within two (2) years. The Grantee shall submit progress reports, which can take the form of properly filled out vouchers for reimbursement of approved expenses, or conform to a schedule reporting that may be established by the MCCTFC at the time of project recommendation to the BCF.. Projects that have not been completed within this time frame shall be reconsidered by the BCF along with the reasons for the delay. The BCF may, by resolution, cancel and re-appropriate a portion or all of the unexpended funds remaining in the project at any time during the year. A Grantee may, however, request additional time to complete a project under the following conditions:

1. Progress reports have been submitted regularly to the LPD,
2. Significant progress has been made toward project completion,
3. A schedule of remaining work with a reasonable timetable is provided.

A letter, with proof that the above conditions have been fulfilled, requesting an extension for a specific length of time shall be submitted to the LPD. After a review of the submitted data, a site visit, and a conference with the Grantee, a recommendation for approval or denial shall be submitted to the BCF for consideration. An appropriate confirming resolution shall accompany the recommendation.

Projects submitted and not approved due to lack of available funding may be reconsidered in the current or subsequent year as funds become available. If an approved project must be modified in scope or cost, the modification request must be reviewed and approved by the BCF.

Notwithstanding the provisions to the contrary contained in this section, at any time throughout the year, it shall be the BCF's sole prerogative to add, modify, increase, decrease, cancel or change the priority of any project or purpose previously authorized, or to consider and approve projects for any eligible purpose under N.J.S.A. 40:12-15.1, submitted by any of the eligible applicants listed in section 1.3, and appropriate funding for said project or projects.

To be eligible for a historic restoration grant, a historic acquisition grant or an open space acquisition grant, the applicant shall, as part of the application, show evidence of matching funds in hand or demonstrate clearly the ability to match the county grant as follows:

Grant Type:	Trust Fund will pay:	Applicant will pay:
Historic Restoration	75%	25%
Historic Acquisition	50%	50%
Open Space Acquisition	50%	50%

An applicant's matching share for a historic restoration grant shall consist of at least 10% cash on hand and at least 15% in pledged donations or other grants.

An applicant's matching share for a historic acquisition grant or an open space acquisition grant may consist entirely of cash on hand, pledged donations or other grants.

1.9 The Warren County Municipal and Charitable Conservancy Trust Fund Committee

A twelve member Municipal and Charitable Conservancy Committee will review, prioritize and make recommendations to the Warren County Board of Chosen Freeholders on the funding of projects for recreation and conservation, farmland preservation, historic preservation (acquisition, stabilization and renovation).

The Warren County Municipal and Charitable Conservancy Trust Fund Committee will develop an application package to be distributed to municipalities and charitable conservancies. The Committee will develop the criteria by which applications will be evaluated and recommended for funding. Candidate projects will be considered as received. The MCCTFC will recommend approved projects to the BCF for funding. If approved by the BCF, such approval will be conditioned on available funds and may carry into subsequent fiscal years.

All nominees to the Committee will be reviewed according to standard County procedures. The Warren County Board of Chosen Freeholders will appoint twelve members to the committee consisting of:

Six municipal representatives consisting of one representative from each of the six regions as stipulated in the appendix. The regions are made up of contiguous municipalities based on the total amount of open space tax collected. The total tax collected in each region shall be as close to equal as possible. The 1995 Abstract of Ratables shall be used. Each municipal representative will be recommended by the governing board of the municipality that is current in the rotation order. Failure of a municipality to recommend an appointment by the last Freeholder meeting in March shall result in the Board of Chosen Freeholders appointing a member of its own choosing from any of the municipalities comprising that region. In absence of an agreed upon rotation order, the rotation order was set up alphabetically.

The rotation order in the six regions is as follows:

- Region I: Alpha
Phillipsburg
Pohatcong

- Region II: Lopatcong
Greenwich
Harmony

- Region III: Knowlton
Belvidere
Hope
Liberty
White

- Region IV: Washington Borough
Franklin
Washington Township
Oxford

- Region V: Mansfield

Hackettstown
Independence

Region VI: Allamuchy
Blairstown
Frelinghuysen
Hardwick

One at large member appointed by the Warren County Board of Chosen Freeholders.

One appointee from the voting members of the Warren County Planning Board from its membership.

One appointee from the voting members of the Warren County Board of Recreation Commissioners from his membership.

One appointee from the voting members of the Warren County Agriculture Development Board.

One appointee from the voting members of the Warren County Cultural and Heritage Commission.

One alternate member appointed by the Warren County Board of Chosen Freeholders.

The Warren County Board of Chosen Freeholders may appoint a liaison to the Committee. This member shall be ex-officio and not have voting privileges.

All Committee members shall be residents of Warren County.

Terms of Office:

For the first year, the following representatives shall serve a term of one year: municipal representatives from Regions I, IV, VI; one of the designated at large appointees by the Freeholder Board and the designee from the Warren County Planning Board. All other designees shall serve a two-year term. Thereafter, all terms shall be for a two-year period. All members shall serve on a voluntary basis without compensation.

Municipal members representing the regions shall serve for only one term. Municipal members representing the regions cannot be re-appointed until the rotation sequence is completed. Members of the WC Planning Board, WC Board of Recreation Commissioners, WC Agriculture Development Board and the WC Cultural and Heritage Commission, the regular at-large and the alternate at-large member may serve an unlimited number of consecutive 2-year terms.

The alternate member may participate in the discussion and may have the authority to vote only when a regular member is absent.

If a member has three (3) consecutive unexcused absences during the year from scheduled committee meetings, such members shall be replaced with an individual representing the member's jurisdiction.

Selection of a Chairperson/Vice Chairperson/2nd Vice Chairperson

The Committee will elect a chairperson, vice chairperson and 2nd vice chairperson from its membership. The term of such officers shall be for one year.

The Chairperson shall preside at all committee meetings and be an ex-officio member of any sub-committees that may be created. The Chairperson shall appoint all standing and ad hoc committees as may be required.

The Vice Chairperson shall perform the duties of the Chairperson in his/her absence. Should the office of Chairperson become vacant, the Vice Chairperson shall succeed to the office of the Chairperson for the balance of the term. The Vice Chairperson shall perform such duties as may be assigned by the Chairperson. In absence of the Chairperson and Vice Chairperson, the 2nd Vice Chairperson should assume the duties as described above.

2.0 Acquisition Strategies

The following acquisition strategies shall be considered in the allocation of funds from the Open Space, Recreation and Farmland and Historic Preservation Trust Fund:

- a. Encourage projects which qualify for the State Green Acres funding.
- b. Encourage multi-use projects (projects including several elements such as water protection, recreation, historic and scenic preservation, etc.)
- c. Give consideration to projects involving land under immediate threat of commercial, industrial or residential development where development of the property would be inconsistent with the overall character of the community.
- d. Give consideration to projects submitted by municipalities with little or no existing lands preserved as open space.
- e. Give consideration to applicants whereby matching funds are provided.
- f. Encourage joint public/private sector projects.
- g. Project should be consistent with the objectives of the Warren County Open Space and Farmland Preservation Trust Fund public question, the County Open Space Plan, the Farmland Preservation Plan, the provisions of the "Agriculture Retention and Development Act" or other similar laws enacted to preserve farmland.

2.1 Control of County Open Space Acquired Using the Open Space, Recreation and Farmland and Historic Preservation Trust Fund

The Board of Chosen Freeholders shall have full control of the open space and may adopt a resolution providing for suitable rules, regulations and by-laws for their use, provide for the enforcement thereof, and when appropriate, charge and collect reasonable fees for the use of the open space or activities conducted thereon.

2.2 Amendments

The Warren County Board of Chosen Freeholders may amend these procedures by resolution at any time.

Adopted June 26, 1996
Revision May 4, 2001
Revision August 21, 2004
Revision November 22, 2005
Revision February 15, 2006
Revision April 9, 2008
Revision January 14, 2009
Revision March 13, 2013