

**Open Space Partnership
of
Bergen County**

County Program Policy and Procedures Manual



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Section 1. General Provisions

1.1 Purpose and Objectives

The Policy and Procedures Manual for the Open Space Partnership Grants of the County Program of the Bergen County Trust Fund is created for the following purpose and objectives:

- (a) To assist the municipalities and charitable conservancies of Bergen 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 Bergen County will provide funding in the form of Partnership Grants to municipalities and charitable conservancies to acquire lands and structures that have recreation or conservation attributes; and
- (c) To establish procedures by which Bergen 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 Bergen County Board of County Commissioners and may be amended at any time as necessary, with input from the Trust Fund Public Advisory Committee.

1.4 Construction

These rules shall be construed liberally to effectuate the purposes and objectives of the Open Space Partnership of the County Program of the Bergen County Trust Fund.

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 Department of Planning & Economic Development.

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, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation.

"*Agriculture Development Area*" means an agricultural property encompassing productive agricultural lands which are currently in production or have a strong potential for future production in agriculture. Agriculture Development Areas shall consist of at least five (5) acres of contiguous land as per the criteria adopted by the Bergen County Agriculture Development Board.

"*Appraisal*" means a certified property appraisal prepared by a State-certified appraiser and conducted according to the Department of Planning & Economic Development's "Appraisal Procedure Document."

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

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

"*Bergen County Trust Fund Public Advisory Committee*" means the Advisory Committee established by Bergen County Board of County Commissioners Resolution No. 1853 adopted on November 24, 1998.

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

"*Charitable Conservancy*" means a corporation or trust exempt from federal income taxation under paragraphs (3) of subsection 501 of the federal Internal Revenue Code of 1986 (26 U.S.C. 501 (c)(3)), whose purposes 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, or objects for historic preservation purposes.

"*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 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; 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.

"*Day*" refers to calendar day.

"*Eligible Acquisition Costs*" means that portion of the actual cost of the interest in the land.

"*Grant Agreement*" means the written agreement between the County of Bergen and a municipality/charitable conservancy governing the municipality/charitable conservancy's performance of the grant and the County's provision of Partnership Grant funding.

"*Grant Period*" means the eighteen (18) month time period from the date of the Award Resolution passed by the Bergen County Board of County Commissioners in accordance with Subsection 10.1(d) of this Manual or a total two-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.

"*Historic Preservation 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 (C. 13:1B-15.128 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 Bergen 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 Open Space Partnership of Bergen County for the County Program of the Trust Fund.

"*Partnership Grant*" means the award of funds by the Bergen County Board of County Commissioners under the County/Municipal Open Space Partnership of Bergen County.

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

"*Preliminary Assessment Report*" means an environmental evaluation of a project site to determine whether previous 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 (N.J.A.C. 7:26E-3.1 et. seq.). 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 Activities*"

1. Active recreational activities are those that involve relatively vigorous or organized actions such as, but not necessarily limited to, ball playing, bicycle riding, playground areas, roller hockey, skateboarding, horseback riding, and the like.
2. Passive recreational activities include less vigorous organized uses such as, but not necessarily limited to, simple appreciation of natural areas, possibly involving hiking, or simply viewing open lands or waters.

"*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.

"*Structure*" means a construction for occupancy, use, or ornamentation that has been installed on, above, or below the surface of the ground. Structures may be acquired in conjunction with Section 5.4.

Section 3. Partnership Roles and Responsibilities

3.1 Roles and Responsibilities

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

Partnership:

(a) Bergen County Board of County Commissioners

1. Setting of the annual tax levy for Open Space, Recreation, Farmland and Historic Preservation Trust Fund.
2. Approval of Partnership Grant awards.
3. Approval of Policies for the Open Space, Recreation, Farmland and Historic Preservation Trust Fund and amendments thereto.

(b) Bergen County Department of Planning & Economic Development

1. The Department of Planning & Economic Development shall receive applications by the established application deadline.
2. The Department of Planning & Economic Development will screen the applications for completeness and seek any additional information from applicants.
3. The Department of Planning & Economic Development shall prepare the list of all applications received and to be considered. Copies of the applications will be sent to the Trust Fund Public Advisory Committee.
4. The Director of the Department of Planning & Economic Development shall forward the preliminary list, as well as list of all other submissions, to the County Executive, the Board of County Commissioners, and the Trust Fund

Public Advisory Committee. The list(s) shall provide appropriate information describing the grant applications including information such as, but not limited to: name of applicant, name of project, project description, funding requested.

5. Following the determination of the final project award recommendations by the Trust Fund Public Advisory Committee (See Section 3.1.c.), the Director of the Department of Planning & Economic Development shall forward to the County Executive and the Board of County Commissioners the recommended Grant Award list.

6. The Department of Planning & Economic Development shall schedule at least one public hearing at least 30 days after the transmittal in accordance with N.J.S.A. 40:12-15.1 et seq., to solicit public comment on the proposed grant award recommendations.

(c) Bergen County Trust Fund Public Advisory Committee

1. Receive applications, visit proposed project sites, hear applicant oral presentations, and determine the final annual award recommendations to be submitted to the County Administration and the Board of County Commissioners.

2. As necessary, emergency project requests will be reviewed by the Trust Fund Public Advisory Committee and its recommendations sent to the County Administration and the Board of County Commissioners to determine whether to include this project request as part of the final annual list of projects for funding.

3. Fulfills all other responsibilities identified in this manual and from time to time as identified by the Bergen County Board of County Commissioners.

Section 4. Applicant Eligibility

4.1 Eligible Applicants

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

Section 5. Project Eligibility, Project Costs, Conditions and Limitations

5.1 General Provisions

(a) An applicant shall be limited to submitting two (2) applications for open space acquisition per grant round. Joint applications submitted by two or more applicants shall constitute an application for each involved applicant.

(b) The applicant is responsible for meeting all requirements of this Manual, State statutes, Federal statutes, and local ordinances, as applicable.

5.2 Eligible Land Acquisitions

(a) Lands for recreation and conservation purposes, as defined at Subsection 2.1 and located within Bergen 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.

5.3 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 Trust Fund Public Advisory Committee, with Board of County Commissioner 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.

5.4 Acquisition of Structures

(a) An applicant may apply for funding for the acquisition of a structure, in conjunction with an eligible land acquisition, when the applicant agrees to maintain and operate the improved properties and structures for outdoor recreation and conservation purposes to support the use of a public recreation facility, and/or has historical significance.

(b) Structures that do not meet the criteria of Subsection 5.4(a) above, and are proposed for demolition, are not eligible for Partnership Grant funding. The cost

to demolish and/or removal said building/structure is not eligible for funding under the Trust Fund acquisition project.

(c) If an open space property acquisition involves the demolition or alteration of any existing building/structures(s); the applicant must first submit information to the Bergen County Division of Historic and Cultural Affairs for an evaluation of its historic significance.

5.5 Acquisition of Conservation Easements

(a) An applicant may acquire a perpetual conservation easement, provided the easement:

1. Provides for meaningful public access, which would include such things as public access on a scheduled basis; access to areas of interest on the site; or a public corridor that connects existing parkland. This public access should not be detrimental to the very nature of acquiring the easement nor impede the best management practices of the site, including, but not limited to: ecological damage and endangered species. The County vigorously encourages the success of these sites and what they provide to residents in terms of quality of life and economic benefit
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 an applicant acquires a conservation easement utilizing Partnership Grant funding, the owner shall be required to enter into an agreement with the applicant granting to the applicant 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 an applicant proposes to acquire a conservation easement upon agricultural lands of which more than 50 % is located within a County designated Agriculture Development Area, the applicant shall solicit commentary from the Bergen County Agriculture Development Board 45 days prior to submitting a Partnership Grant Application. The commentary shall be included in the application package.

5.6 Donations Toward the Cost of Acquisition

If an acquisition is to be funded in part by a donation, the applicant 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.

5.7 Allowable and Disallowable Project Costs

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

1. Costs which the applicant incurs to acquire title or permanent interest in eligible land and structures as permitted under this Section, except those listed in 5.7(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 applicant;
9. Cost of real property taxes; and
10. Costs associated with an application for Partnership Grant funding.

Section 6. Funding Award Categories

6.1 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 5.2 and 5.4; 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 5.5.

6.2 Reimbursement

(a) An applicant may apply for reimbursement of the acquisition cost for a project site that was acquired under an emergency situation by submitting a grant application in the grant round which immediately follows the date of closing on the acquisition. An emergency situation involves lands under imminent threat of development and/or the presence of an At-Risk letter from Green Acres.

(b) An applicant may apply for reimbursement of the acquisition cost for a project site that was acquired no more than fifteen (15) months after the date of closing on the acquisition.

Section 7. Application Process

7.1 Timing

The Board of County Commissioners may authorize up to one (1) grant round per calendar year, subject to the imposition of the annual tax levy collection. Applications will be made available to eligible applicants after the authorization of the tax levy by the Board of County Commissioners and are to be returned 90 days thereafter by the deadline date set by the Department of Planning & Economic Development, Trust Fund Public Advisory Committee, and/or Board of County Commissioners.

7.2 Pre-application Procedures

Prior to the submission of a Partnership Grant application:

(a) Eligible applicants are encouraged to request a pre-application conference with the Department of Planning & Economic Development as early as possible, prior to application submission, to discuss project eligibility, evaluation criteria, and application requirements.

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

7.3 Application Requirements

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

- (a) A completed Partnership Grant Application Form;
- (b) Current color photographs (printed and on a compact disc as *.jpg files) of the lands and structures subject to the application;
- (c) Tax map(s) of the property and surrounding area indicating preserved lands in the project vicinity;
- (d) Map showing the location of all easements on the property;
- (e) Location and explanation of all known environmental hazards;
- (f) Map identifying location of natural resources and environmental characteristics (e.g., wetlands, soils, steep slopes);
- (g) Map showing location of cultural, historic, and man-made characteristics;
- (h) Zoning map of property and surrounding area;
- (i) Road map of property and surrounding area;

- (j) Copy of deed restrictions, if any;
- (k) Copy of most recently adopted municipal open space, conservation, greenway and recreation plans. An adopted local open space plan is requested in order to submit an application to the Trust Fund. A Recreation and Open Space Inventory as defined in Subsection 2.1. is to be included as part of this plan. (Note that failure to submit an open space plan will in no way preclude the application from being further considered.);
- (l) A municipal resolution of support for the acquisition and long-term management along with the minutes of the public meeting at which the application was discussed and public comment was heard;
- (m) All applicants are **required**, to submit certified appraisal report(s). See Subsection 7.6, Valuation Procedures;
- (n) 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;
- (o) Documentation confirming date of closing for reimbursement funding as identified in Subsection 6.2, if applicable;
- (p) Written narrative describing the proposed acquisition project, its purpose, proposed uses, benefits, and importance to the community;
- (q) Written detriment analysis narrative explaining any opposition to the proposed project; and,
- (r) Written management plan describing how the property will be maintained.

7.4 Determination of Eligibility

Within 30 days of receipt of a complete application, the Department of Planning & Economic Development shall determine if the acquisition is eligible for funding in accordance with Section 5.

7.5 Willing Seller

Applicants are encouraged to obtain a willing seller commitment from the owner of the property.

7.6 Valuation Procedures

In accordance with Subsection 7.3, all applicants are required to submit certified appraisal report(s) in accordance with the Department of Planning & Economic Development's "Appraisal Procedure Document," and by a State-Certified General appraiser who is approved by the NJ Green Acres Program. Appraisers must conform to the standards established by the Uniform Standards of Professional Appraisal Practice. Applicants who are also submitting funding

requests to Green Acres may submit copies of their Green Acres-required appraisal reports.

The amount of Trust Fund money that may be recommended toward the proposed land acquisition cost would be weighed with respect to the applicant's request and the documentation submitted in support of said request.

The Department of Planning & Economic Development reserves the right to conduct its own appraisal(s) on an as-needed basis.

7.7 Application Distribution and Review Process

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

(a) After the Board of County Commissioners has set the annual levy, the Department of Planning & Economic Development distributes Partnership Grant application forms.

(b) Completed applications are submitted to the Department of Planning & Economic Development by the deadline date identified in the application transmittal.

(c) Applications will be reviewed by the Department of Planning & Economic Development within 30 days of receipt to determine any deficiencies in completeness. If deficiencies are present, then the applicant 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 applicant without prejudice.

(d) Letters of eligibility and ineligibility will be sent to applicants submitting applications within 45 days of receipt of application.

(e) Trust Fund Public Advisory Committee members and staff will conduct site visits of lands and structures identified in grant applications and evaluate information provided with the completed application.

(f) The Trust Fund Public Advisory Committee will review the information provided from the application evaluations.

(g) Applicants will be invited to make an oral presentation to the Trust Fund Public Advisory Committee and/or its Open Space Subcommittee.

(h) The Trust Fund Public Advisory Committee shall vote on the recommended funding allocations.

(i) The Director of the Department of Planning & Economic Development, on behalf of the Trust Fund Public Advisory Committee will present the grant award recommendations and amounts to the Board of County Commissioners.

On behalf of the Board of County Commissioners, and before final approval is granted by the Board of County Commissioners, the Trust Fund Public Advisory

Committee will hold at least one public hearing to be held in accordance with N.J.S.A. 40:12-15.1, et seq. to solicit public comment on the proposed grant award recommendations.

(j) All grant award recommendations shall be considered at a Public Meeting of the Board of County Commissioners. A resolution shall be prepared for a Public Meeting authorizing the awarding of grants as determined by the Board of County Commissioners.

7.8 Approval or Disapproval of Application

(a) If the application for Partnership Grant funding is approved, the County of Bergen shall notify the applicant in writing of the amount of the award and any action required by the applicant to proceed with the grant award.

(b) If the application for Partnership Grant funding is disapproved, the Department of Planning & Economic Development shall notify the applicant in writing and offer the applicant an opportunity to meet to discuss the basis for disapproval.

Section 8. Project Evaluation Criteria and Point Evaluation System

8.1 Project Evaluation Criteria

Project evaluation criteria are a broad list of factors, which will be considered when evaluating lands 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 habitat
 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 any agricultural property
5. Areas of cultural significance

(c) Planning Relationship and Coordination

1. Relationship to other Bergen County plans including but not limited to: open space and recreation, cultural resource preservation, agricultural preservation, and county master 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, and 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. 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. Applicant efficacy and project viability
6. Long-term responsibilities
7. Future development and maintenance
8. Restrictions on use of property

8.2 Point Evaluation System

The following point evaluation system will be utilized by designated staff and the Trust Fund Open Space Subcommittee to evaluate grant applications. The point system will be combined with other considerations and used as a guide by the Advisory Committee in making grant decisions.

There are three evaluation categories with points assigned for each factor therein. The maximum possible total point value is 100. The points shall be assigned to the following categories:

(a) Category 1: Funding Support

A maximum of 25 points may be assigned based upon the amount of money, other than County Trust Fund money, that the applicant already has in place or is currently being sought from other non-County sources for the project. For each one (1) percent of the anticipated acquisition cost that the applicant provides, the application shall receive one-half (0.5) of a point up to a maximum of 25 points. For example, if an applicant provides 25% of the anticipated land acquisition cost, then the applicant would receive 12.5 points in this category. The applicant may receive additional bonus points for each percentage of the anticipated acquisition cost above fifty (50) percent that is provided.

(b) Category 2: Project Features

A maximum of 50 points may be assigned based upon the evaluation of the environmental features checklist.

(c) Category 3: Project Narrative

A maximum of 25 points may be assigned based upon the evaluation of the project's narratives. Said narratives will address such items as potential for the subject land or lands to be developed for non-open space use including housing, commercial, office or industrial; quality and quantity of natural and cultural resources to be conserved or protected from development; projects of regional or county significance; consistency with other plans; proposed uses of the protected property; applicant's efficacy; project viability; etc.

Section 9. Trust Fund Award Limit

9.1 County Trust Fund Award Limit

The County does not grant Trust Fund awards totaling one hundred (100) percent of the anticipated acquisition cost. The County's award amount is limited to not exceed (i) an appraised value or values, (ii) the Green Acres' Certified Market Value, and/or the purchase price should it be the lower of (i) and/or (ii).

For acquisitions making use of Green Acres funding or any other non-County funding, the County Trust Fund award, when combined with other non-County funding sources, is not to exceed the total acquisition cost and/or an appraised value or values and/or the Green Acres' Certified Market Value.

9.2 Applicant Funding Contribution

An applicant is strongly encouraged to seek, assemble, and use multiple funding sources, including, but not limited to: Green Acres funding, municipal open space trust funds, general or dedicated municipal funds, other available grants, private fundraising, donations, and bargain sales, etc. An applicant is encouraged, but not required, to contribute its own source of funds toward the proposed land acquisition cost. The contribution of the applicant's own money provided toward the proposed land acquisition cost would be weighed with respect to the applicant's request for County Trust Fund money.

9.3 Supplemental Funding

(a) An applicant may apply for supplemental funding to acquire land, providing that the applicant is limited to receiving no more than two separate Trust Fund awards for the same project, subject to the limitation of Subsection 6.2 (b).

1. All application requirements, in accordance with Subsection 7.3, must be satisfied.

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

Section 10. Grant Administration

10.1 Grant Agreement

(a) Following review and approval by County Counsel, the Department of Planning & Economic Development shall transmit the grant agreement to the grant recipient. The grant recipient shall ensure that the grant agreement is approved and signed within ninety (90) days of receipt. Any grant agreement not signed and returned within the allotted time 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 Bergen County Board of County Commissioners

to carry out the goals and objectives of the County/Municipal Open Space Partnership.

(b) The grant recipient shall submit, in conjunction with an executed grant agreement, an ISRA letter of non-applicability from NJDEP. In the absence of such a letter, then a Preliminary Assessment Report of the project site is required. If the assessment reveals environmental contamination that is materially different from that indicated in the grant application, the Bergen County Board of County Commissioners reserves 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 Department of Planning & Economic Development will forward the agreement to the Bergen County Office of County Counsel for execution by formal resolution.

(d) The grant period shall be eighteen (18) months from the date of final County Commissioner approval unless extended in accordance with Subsection 10.3.

(e) The grant recipient agrees to erect and maintain a permanent Trust Fund project sign upon completion of the project.

10.2 Negotiations for Purchase of Project Site

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

10.3 Extensions of Time

(a) In the event that the municipality/charitable conservancy 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/charitable conservancy may request one (1) extension in which to complete the project. Said extension shall last for no more than six (6) months.

(b) The request for an extension of time shall be submitted in writing by the governing body of the municipality (or the administration of the charitable conservancy, if appropriate) outlining the reasons for the request, the history of the negotiations, and the difficulties encountered.

(c) The request shall be reviewed and granted at the discretion of the Department of Planning & Economic Development. Said extension shall not be unreasonably withheld.

(d) If a formal written extension is not requested by the expiration date of the time period of the grant, the grant award may be forfeited by the grant recipient. The grant recipient may appeal this decision to the Trust Fund Public Advisory Committee. The grant recipient shall be solely responsible for monitoring the expiration of the grant award and requesting any extensions.

10.4 Disbursement of Grant

(a) The municipality/charitable conservancy shall notify the Department of Planning & Economic Development at least thirty (30) days prior to the scheduled closing on the project site.

(b) Prior to the disbursement of the grant, the grant recipient shall provide to the, Department of Planning & Economic Development all title work, property survey, environmental assessment, and other such required closing documents as to satisfy the acquisition of the subject property.

(c) Upon the completion of the required County of Bergen payment documentation by the grant recipient and review of such closing documents by the County of Bergen as listed in Subsection 10.4(b), the Department of Planning & Economic Development shall direct the Treasurer of Bergen County to release the funds within the grant recipient'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 to another is expressly prohibited.

10.6 Parkland Diversion

A grant recipient that received a Bergen County Trust Fund award shall not convey, dispose of, or divert to a use for other than recreation and conservation purposes any land held by the grant recipient for such purpose at the time of receipt for Trust Fund funding. It is contrary to the mission of the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund for a grant recipient that was provided funding to acquire a parcel for recreation, historic and conservation purpose and then for said open space parcel to be diverted to a non-open space, conservation or recreation use.

Should a grant recipient seek to dispose or divert Trust Fund funded parkland, a written request must be made to the Director of the Department of Planning and Economic Development addressing the following:

- Detail the compelling public need for the diversion or disposal of public land and the significant public benefit that would result.
- Conduct an alternative sites analysis of the diversion/disposal request.
- Provide for the replacement land to parkland proposed for disposal or diversion at a minimum of equal value and quality or greater.
- The replacement land may not be funded with the use of dedicated open space tax funding (N.J. S.A. 40:12-15.1 through 15.9). Allowing this funding to be used to replace other parkland results in a net loss of protected lands and of funding available to increase parkland holdings.

- If Trust Fund recipients used NJ Green Acres funding to acquire the property in questions, then the Green Acres rules and regulations will be followed.

10.7 Stewardship: Present Condition Report

All recipients of a Bergen County Trust Fund award must prepare a “Present Condition Report,” in a form to be provided by the Department of Planning and Economic Development. The Present Condition Report must include a tax map, photographs (aerial and site), a written description of the property, and any other documentation deemed necessary that documents the condition of the property, just prior to the time of the real estate closing. This report will serve as baseline documentation needed to conduct effective stewardship inspections to ensure that the project site is being managed in conformance with the County Deed of Conservation Easement. The report will document the important conservation values to be protected by the easement and the relevant conditions of the property as necessary to monitor and enforce the easement. With each subsequent application to any program of the Bergen County Trust Fund, an updated “Present Condition Report” will be required from the applicant for all open space projects acquired via the Trust Fund.

10.8 Accounting and Record Keeping

The Department of Planning & Economic Development and the Bergen County Treasurer shall maintain the necessary and appropriate accounting and record keeping for the County/Municipal Open Space Partnership.

10.7 Trust Fund Award Project Sign

The grant recipient shall erect a permanent project sign acknowledging the contribution from the County Trust Fund as soon as possible after the project has been completed. The County shall provide the sign and/or its specifications to the grant recipient.

Section 11. Deed of Conservation Easement Restrictions

Deed of Conservation Easement, as per the following Sample Conservation Deed or similar or equivalent instrument as prepared by the Office of Bergen County Counsel, is required for each open space acquisition.