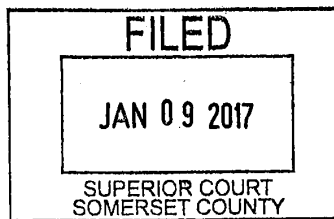


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A TRUE COPY

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FREEDOM FROM RELIGION FOUNDATION, *et al.*,

Plaintiffs,

– against –

MORRIS COUNTY BOARD OF CHOSEN
FREEHOLDERS, *et al.*,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION:
SOMERSET COUNTY

DOCKET NO.: SOM-C-12089-15

Civil Action

ORDER

THIS MATTER having come before the Court on August 19, 2016 upon Notice of Motion by Schenck, Price, Smith & King, LLP, attorneys for defendants, The Morris County Board of Chosen Freeholders, The Morris County Preservation Trust Fund Review Board, and Joseph A. Kovalick, Jr. (in his official capacity as Morris County Treasurer) (collectively, “Defendants”), for an Order for summary judgment with prejudice in the above-captioned action, and the Court having considered the papers filed herein; and for good cause shown;

IT IS, on this 9th day of January, 2017

ORDERED that Defendant’s motion for summary judgment is hereby granted and Plaintiff’s Complaint is hereby dismissed with prejudice; and

IT IS FURTHER ORDERED that a copy of this Order be served upon all counsel of record herein within seven (7) days from the date on which the executed Order is received by

counsel for Defendants.

MARGARET GOODZEIT, P.J.Ch. J.S.C.

Papers received from movant:

- Notice of Motion
- Affidavit in Support of Motion
- Certification in Support of Motion
- Proposed Order
- Letter brief in Support of Motion
- Proof of Service
- Brief in Support of Motion for Summary Judgment

*See Attached
Statement
of Reasons*

Papers received from respondent:

- Notice of Cross-Motion
- Affidavit in Support of Cross-Motion
- Certification in Support of Cross-Motion
- Affidavit in Opposition to Motion
- Certification in Opposition to Motion
- Proposed [counter-] Order
- Brief in Support of Cross-Motion
- Brief in Opposition to Motion
- Proof of Service
-

Responsive papers received:

- Reply Affidavit
- Reply Certification
- Reply Brief
- Affidavit in Opposition to Cross-Motion
- Certification in Opposition to Cross-Motion
- Brief in Opposition to Cross-Motion
- Proof of Service
- Other:

STATEMENT OF REASONS

The Freedom From Religion Foundation and David Steketee have filed suit to enjoin Morris County from distributing funds to participating churches through their Historic Preservation Trust Fund, claiming that Morris County has violated Article I, Paragraph 3 of the New Jersey Constitution. Defendant Morris County is joined by a coalition of churches that would be affected by the imposition of said injunction. The parties agreed to a statement of stipulated facts (“Stipulation”) on which the Court relies and which is incorporated herein by reference.¹

The crux of the FFRF’s argument is that the plain language of the New Jersey Constitution prohibits the government from funding the repair or construction of churches for any reason, and that higher courts have recognized the plain language interpretation. Morris County argues that the FFRF’s interpretation is too literal and confuses the letter of the law with the intended purpose of the law, as demonstrated by the holdings of several cases addressed below. Additionally, Morris County asserts that the Equal Protection Clause of the 14th Amendment and Religious Land Use and Institutionalized Persons Act require rejection of the FFRF’s position. However, given the facts and circumstances of the present case, this Court arrives at its conclusion independently of either.

The FFRF claims that “the heart of this case is the interpretation of” Art. I, Para. 3:

No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretense whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right or has deliberately and voluntarily engaged to perform.

Although the FFRF relies primarily on Art. I, Para. 3 of the New Jersey Constitution, there are other New Jersey Constitutional provisions the Court must consider. Art. I, Para. 4 guarantees that:

There shall be no establishment of one religious sect in preference to another; no religious or racial test shall be required as a qualification for any office or public trust.

Art. I, Para. 5 further guarantees that:

No person shall be denied enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right, nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin.

¹ For ease of reference, both plaintiffs shall be referred to as “FFRF” and all defendants as “Morris County.”

Finally, the state Constitution specifically authorizes use of public funds for historic preservation and appropriates revenues for this purpose. See N.J. Const. Art. VIII, Sec. II, Para. 6, 7.

By statute, historic preservation is “an essential governmental function of the State.” N.J.S.A. 13:1B-15.111. Since 1966, the Department of Environmental Protection has been charged with establishing comprehensive State-wide policies for historic preservation, N.J.S.A. 13:1B-15.105(a), and in 1967, the Legislature created the New Jersey Historic Trust to fund historic preservation projects. N.J.S.A. 13:1B-15.111. The New Jersey Register of Historic Places, created in 1970, provides criteria for identifying historic structures, and these criteria establish eligibility thresholds for other funding and preservation programs. See N.J.S.A. 13:1B-15.128 *et seq.*

By their express terms embracing “all historic sites within the State[.]” N.J.S.A. 13:1B-15.105(a), New Jersey’s historic preservation programs provide no basis for excluding a historic structure because it is also a house of worship. The State Register has, at least since 1972, included active houses of worship.² One of the earliest grants listed on the New Jersey Historic Trust website is a 1990 grant to the 1850 Solomon Wesley Church, an active house of worship originally built to serve as a community of freed slaves.³ Since then the New Jersey Historic Trust has made grants to various other active houses of worship.

On the local level, the Municipal Land Use Law (MLUL) provides for historic preservation as part of a municipal Master Plan, N.J.S.A. 40:55D-28, and authorizes municipalities to designate and protect historic sites in addition to those on the State or National Register of Historic Places. See N.J.S.A. 40:55D-107-112. Complementing State and local efforts, in 1997, the Legislature authorized counties to seek, by referendum, authority to impose a levy for “historic 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.” N.J.S.A. 40:12-15.2(a)(1)(e).

In 2002, Morris County, by referendum under N.J.S.A. 40:12-15.1, adopted a dedicated tax to fund historic preservation and instituted a competitive grant program administered by its Board of Chosen Freeholders through its Historic Preservation Trust. The program requires detailed submissions establishing the historic significance of the subject, including proof of the eligibility for inclusion on the National or State Registers. Historical properties that are “owned by religious institutions or used for religious purposes” are eligible for the New Jersey Register of Historic places if they meet the criteria

² See New Jersey and National Registers of Historic Places – Essex County, http://www.nj.gov/dep/hpo/identify/nr_sr_lists/Essex.pdf

³ http://www.njht.org/dca/njht/funded/sitedetails/solomon_wesley_church.html.

listed in N.J.A.C. 7:4-2.3(a)(2). In addition to satisfying these criteria, there are other strict conditions to be met by religious properties to be considered eligible for the Morris County program, some of which are discussed later in this decision.

The grant applications must also establish how the specific work for which the grant is sought would enhance the historical value of the structure at issue. Recipients are required to fund 20% of the cost of any approved construction project. The County and the New Jersey Historic Preservation Office have a memorandum of understanding under which the County employs a qualified consultant to ensure that the program applies the Standards for the Treatment of Historical Properties promulgated by the U.S. Dept. of the Interior,⁴ which have been adopted by the New Jersey Preservation Office for its oversight of preservation activity in the State.

The County Grants are of four basic types: (1) grants to document the historic nature of a structure; (2) grants to develop written preservation plans; (3) grants to prepare construction documents; and (4) grants to help fund actual preservation work. For religious properties, such as the churches in question, the construction grants are limited to preservation of exterior building elements and the building's structural, mechanical, electrical, and plumbing systems.⁵ The program draws upon the County's general authority to acquire easements for the benefit of the County residents, *see* N.J. Const. Art. IV, Sec. VI, pursuant to N.J.S.A. 13:8B-3, which allows local governments to acquire such easements for historic preservation purposes. Any recipient's grant agreement requires execution of an easement agreement stipulating public access to the property and prohibiting inappropriate alteration of the property for 30 years.⁶ Through this process, from 2012 to 2015, the County made one or more grants to 55 religious and nonreligious recipients.⁷

In response to these grants, the FFRF has filed suit. It contends that Art. I, Para. 3 of the New Jersey State Constitution prohibits use of government funds to advance a public purpose if those funds would be paid to any church, places of worship or ministry. Complaint ¶ 51. The FFRF further states in its complaint that because "this constitutional language is unambiguous" and because "courts have not interpreted this constitutional provision . . . [t]he Court should begin by considering the provision's plain language." Complaint at 3-4, FFRF and Steketee v. Morris County Board of Chosen Freeholders, et al., NJ Super. Ct. Ch. Div., Dec. 1, 2016.

⁴ See Stipulation, ¶ 82, Ex. N.

⁵ See Historic Preservation – Morris County Homepage, <http://morriscountynj.gov/planning/divisions/pretrust/historic>.

⁶ See Stipulation, ¶ 18, Ex. A (Program R. 5.16).

⁷ Funded Sites, Historic Preservation, Morris County, <http://morriscountynj.gov/planning/divisions/pretrust/historic/fundedsites>.

The FFRF relies on two New Jersey cases as binding precedent for their argument that their interpretation of the state Constitutional provision is correct. The first is Resnick v. East Brunswick Township Board of Education, 77 N.J. 88 (1978) and the second is ACLU v. Hendricks, 445 N.J. Super. 452 (App. Div. 2016). In its analysis of both cases, however, this Court finds that Hendricks is fact-specific and distinct from the present case, whereas Resnick is actually helpful to Morris County. In addition to these cases, the Court has examined Everson v. Bd. Of Educ. Of Ewing Tp., 133 N.J.L. 350 (E & A 1945), aff'd, 330 U.S. 1 (1947) and a markedly similar case in 6th Circuit, Am. Atheists, Inc. v. City of Detroit Downtown Dev. Auth., 567 F.3d 278 (6th Cir. 2009).

In Resnick, New Jersey Supreme Court held that religious groups who fully reimbursed school boards for related out-of-pocket expenses could use school facilities on a temporary basis for religious education. Resnick, 77 N.J. at 102. While the religious groups were required to reimburse the school boards, the Supreme Court approved the use of a public school for the purpose of religious education by a religious group. Resnick did not exclude religious groups from the use of public property, but provided for “rentals to religious groups which would fully cover extra utility, heating, administrative and janitorial costs which result from the leasing by these groups.” Id. at 103. In other words, the costs of use by the religious groups were to be fully satisfied by the users.

Additionally, contrary to the FFRF’s claim that Art. I, Para. 3 has not been previously interpreted, Resnick did interpret Article I, Paragraph 3. The New Jersey Supreme Court wrote that it was “a provision which, fairly read, specifically prohibits the use of tax revenues for the maintenance or support of a religious group.” Id. at 102. The New Jersey Supreme Court then tempered that statement, however, and noted that “[t]his constitutional position is not carried to an extreme.” Id. at 103. That, “[n]o one suggests that the State must withhold such general services as police or fire protection,” even though the tax-exempt nature of some of these religious organizations means that they are exempt from funding these services. Id.

Furthermore, the New Jersey Supreme Court explained that:

Contrary to the literal approach to the Establishment Clause advocated by plaintiff, in total disregard of historical reality, the Supreme Court has never required that government adopt a posture of total indifference towards religion. In fact, a more accurate assessment of the requirements of the First Amendment is that the preferred governmental stance is one of benevolent neutrality.

77 N.J. 88, 118-19 (1978).

Accordingly, this Court is bound by the language of Resnick to at least consider the facts of this case, and how they might differ or resemble past cases dealing with the same issue within New Jersey, instead of simply taking the language of Art. I, Para. 3, at face value as the FFRF suggests.

Morris County's historic preservation grant program limits grants to specified and clearly defined historic elements of the structures. More importantly, the funds are not released until architects certify the specific work has been performed. Thus, any diversion of grant funds to support sectarian activities is impossible. Accordingly, while FFRF suggests that the historic preservation grants serve to support religion, it is clear that there is no direct provision of funds which would support religious purposes. As to indirect support of religion, to the extent that the reimbursement of 80% of the funds previously expended for specific, limited, and approved construction expenses may ultimately lighten a religious institution's construction budget and thus leave it with greater funds to spend for other purposes, including religious purposes, such claims of indirect support of religion have been addressed and rejected by our Supreme Court.

Indeed, in Resnick, permitting religious groups to rent – at cost – space in public schools essentially enabled those religious groups to avoid paying market rent (or mortgage costs) for maintenance of their own buildings, thus freeing up funds for other purposes, including religious purposes. Yet this was not found to be problematic. The Resnick Court seems to suggest a spectrum of governmental financial involvement with religious institutions, marked by the impermissible state sponsored establishment of a church at one extreme, and, at the other extreme, the permitted provision of general services such as police and fire protection to churches. *See*, 77 N.J. 88 at 103; Clayton v. Kervick, 56 N.J. 523, 529 (1970), *as modified*, 59 N.J. 583 (1971). Within this range, the Resnick Court found that the rental activities earlier described are permissible. A tax exemption for churches also falls on the permitted end of the spectrum, *id.*, as does using public funds to transport children to sectarian schools. Everson, 133 N.J.L. 350, 356 (E. & A. 1945) (See discussion below). On the other hand, distributing bibles to public schools falls on the prohibited side. Tudor v. Board of Ed. Of Borough of Rutherford, 14 N.J. 31 (1953). Similarly, the funding of a yeshiva and a seminary with no purpose besides religious education falls is also prohibited. ACLU v. Hendricks, 445 N.J. Super. 452 (App. Div. 2016).

In Hendricks, the Appellate Division held that Art. I, Para. 3 barred grants under the GO Bond Act and the Higher Education Technology Infrastructure (“HETI”) Fund to Beth Medrash Govoha Yeshiva and Princeton Theological Seminary because both institutions would ultimately use the grants to support religious instruction. 445 N.J. Super. 452 (App. Div. 2016). To the Yeshiva, two grants totaling \$10,635,747 were awarded to fund the construction of libraries, faculty offices, classrooms, and other academic buildings. *Id.* at 459. The Seminary was awarded three grants totaling \$645,323 for the

purposes of upgrading IT infrastructure for the purposes of theological research, on-site and distance training for students and staff, and online education. Id.

Because “the constitutional analysis under Article I, Paragraph 3 is controlled by the New Jersey Supreme Court’s opinion in Resnick,” the Appellate Division relied on Resnick as precedent. Id. at 454-55. The Court in Hendricks noted that despite the fact that “the intended meaning of Article I, Paragraph 3 of the Constitution — a provision included in our State’s first Constitution in 1776 and readopted in the 1844 and 1947 Constitutions — is not entirely clear,” Resnick has not been overruled or called into question. Id. Therefore, though acknowledging the debatable historic lineage of Art. I, Para. 3, the Hendricks Court found that as it was a case dealing with funds being directed to religious education, it was bound by Resnick, which applied to religious institutions using public schools for religious education. See, supra.

The case at bar, however, concerns historic preservation of structures, not funding of religious education, as does Hendricks. The Hendricks Court did not need to harmonize Art. I, Para. 3 with Art. VIII, Sec. II, Para. 6 and 7, and the State’s long history of making historic preservation grants to active houses of worship. Hendricks also did not address a religious entity’s rights under Art. I, Para. 5. Above all, Hendricks did not deal with the circumstances of a County, under Art. IV, Sec. VI, acquiring discrete property rights for the benefit of the public in return for the grant.

Finally, Hendricks dealt with the direct funding of two private institutions devoted to religious education. The primary purpose of the HETI Fund was to improve technology infrastructure at higher education institutions, and because of that purpose, it inevitably advanced religious education at both the Yeshiva and the Seminary. In contrast, the primary purpose of Morris County’s historic preservation grants is to preserve historic structures for the sake of the citizens of Morris County. This purpose can be achieved without directly furthering the goals and ideology of churches.

This contrast results in a clear distinction between giving a religious school funding to build new classrooms and libraries or to enable them to better conduct distance learning and giving a church with historical value a reimbursement to ensure that its historical properties remain preserved. The general public does not benefit from the grants awarded to either the Yeshiva or Seminary, whereas the historic preservation grants allow the churches to continue to contribute to the character of their communities and to the heritage tourism industry.⁸

⁸ See: <http://www.njht.org/dca/njht/touring/NJHT%20-%20TE@20Oxford%20report%2007-12-2013.pdf>

Until the Hendricks decision was handed down, “[n]o reported New Jersey cases since Resnick had interpreted the ‘religious aid’ prohibition of Article I, Paragraph 3.” Hendricks, 445 N.J. Super. at 473. However, prior to the Resnick decision, Everson v. Bd. Of Educ. Of Ewing Twp., 133 N.J.L. 350 (E. & A. 1945) addressed the issues that arose when Ewing Township’s board of education, acting under a New Jersey statute, reimbursed the parents of children attending parochial schools for the money they expended for bus transportation. The Court of Errors and Appeals, at the time the highest court in New Jersey, found that, of Art. I, Para. 3 and other provisions of the state Constitution of 1844, “neither their language, meaning, intent, nor effect are violated by the statute, supra, or the resolution challenged in this proceeding.” 133 N.J.L. at 351. As set forth earlier, Art. I, Para. 3 of the 1844 New Jersey Constitution, relied upon by the Court of Errors and Appeals in Everson, was not altered upon the adoption of the 1947 Constitution.

The US Supreme Court’s affirmance of the Court of Errors and Appeals’ Everson decision relied upon a discussion of the First Amendment - the federal Constitution’s analogue to Art. I, Para. 3. 330 U.S. 1 (1947). New Jersey courts historically have compared Art. I, Para. 3 of the New Jersey Constitution with the Federal Establishment Clause. As the New Jersey Supreme Court has noted:

In our judgment, the letter and spirit of these New Jersey constitutional provisions, taken together, are substantially of the same purpose, intent and effect as the religious guaranties of the First Amendment and have probably always been regarded as such in this State.

Schaad v. Ocean Grove Camp Meeting Ass’n of United Methodist Church, 72 N.J. 237, 266-67 (1977), *overruled in part on other grounds*.

Accordingly, New Jersey courts may look to how these issues are resolved under the federal Constitution. See, E.g., Ran Dav’s Country Kosher, Inc. v. State, 129 N.J. 141, 151 (1992) (noting that the “interpretation of the state constitutional standard is informed by an understanding of federal constitutional doctrine concerning the establishment of religion”).

It was in the Everson affirmance that Justice Hugo Black used Thomas Jefferson’s metaphor of “a wall of separation between church and state” 330 U.S. at 16. Justice Black’s wall was one of words:

“Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. *No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.* Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.”

Everson, 330 U.S. at 15-16 (emphasis added).

Justice Black's language reveals the error the FFRF makes in focusing on a literal interpretation of the latter third of Art. I, Para. 3. Because despite the stringent language of Justice Black's directive, his decision in Everson held that the First Amendment did not invalidate a N.J. program to reimburse parents of parochial school students for school bus fares using tax-raised funds because such a program was made a public purpose. 330 U.S. at 8. Justice Black informs us that such a narrow reading of the constitutional provision ignores the fact that "other language of the [First] amendment commands that New Jersey cannot hamper its citizens in the free exercise of their own religion" and that it cannot exclude persons "from receiving the benefits of public welfare legislation" simply on account "of their faith, or lack of it." Id. at 16. In attempting to protect New Jersey from "state-established churches," the Court must be wary of "inadvertently prohibit[ing] New Jersey from extending its general state law benefits to all its citizens without regard to their religious belief." Id.

The FFRF suggests that the ultimate result of receiving these funds will further sectarian causes, such as religious activities conducted by the church. It is obvious "that in aiding a religious institution to perform a secular task, the State frees the institution's resources to be put to sectarian ends. If this were impermissible, however, a church could not be protected by the police and fire departments, or have its public sidewalk kept in repair. The Court never has held that religious activities must be discriminated against in this way." Roemer v. Bd. of Pub. Works, 426 U.S. 736, 747 96 S. Ct. 2337 (1976). Furthermore, Everson indicates that providing a general rebate to the parents of parochial school students does not constitute support. This is in spite of the fact that Justice Black acknowledges that "it is undoubtedly true that children are helped to get to church schools" and that if not for the State's aid, "some of those children might not be sent to church schools." Everson, 330 U.S. at 17. General services that are extended to all do not constitute favoritism or sponsorship because a recipient of such a service is a religious entity. Id. at 17-18 (noting that religious buildings are permitted to have sewer lines extended to them).

A case tried in the 6th Circuit is remarkably similar, both factually and legally, to the case at bar. Am. Atheists, Inc. v. City of Detroit Downtown Dev. Auth., 567 F.3d 278 (6th Cir. 2009), dealt with similar grants aimed at revitalizing the a "discrete section of downtown Detroit but reached out to all property in that area, including property owned by religious organizations." Id. at 281. Just as Morris County's program is not limited to historic structures belonging to a specific group of people, but all historic structures in Morris County, the Detroit program rather was available to all structures in a part of Detroit.

For reference, Michigan's Constitutional provisions read similarly to New Jersey's: "[n]o person shall be compelled . . . to contribute to the erection or support of any place of religious worship" and "[n]o money shall be appropriated or drawn from the treasury for the benefit of any religious sect." Id. at 301 (citing Mich. Const. Art. I, § 4). Similarly, as New Jersey courts have done, Michigan courts have "construed the state and federal guarantees in the same way." Id. Despite the seemingly strict language of the Michigan provision, the 6th Circuit Court held that the Detroit city agency allocating exterior repair grants on a neutral basis, without regard to the religious, non-religious or areligious nature of the entity, did not violate the Establishment Clause or the Michigan Constitution. After all, "a brick, gutter or bush (unless burning) cannot be coopted to convey a religious message." Id. at 293.

The 6th Circuit did not overrule the ability of a local government to provide funding for the historic preservation of religious buildings when a non-religious goal existed. Am. Atheists notes that "cosmetic repairs to walls, doors, awnings and parking lots, as well as limited landscaping" have secular uses that cannot be "diverted" to religious ones. Id. The "the mechanics of the [Detroit] program ensured that the aid would go just to the approved uses." Id. at 296. Some mechanics referenced are the "the neutrality of the program, the breadth of beneficiaries and the secular nature of the aid provided." Id. Additionally, as with the Morris County program, the City of Detroit was not footing 100% of the bill. Id.

In addition, Am. Atheists recognized what both our Court of Errors and Appeals and the United States Supreme Court saw in Everson: that the extension of a general service to religious groups did not constitute sponsorship. 567 F.3d at 291. While tax exemptions, by their very nature, are different from historic preservation reimbursements, the end effect of allowing the religious groups to free up funds to use for sectarian purposes is the same. See Walz v. Tax Com. of New York, 397 U.S. 664, 680 (1970) (holding that the grant of a tax exemption was not sponsorship of religious organizations). Accordingly, that "cash reimbursements" were used in lieu of the city sending uniformed workers (analogous to police officers and firemen), "does not invalidate the program." Am. Atheists, 567 F.3d at 296-97. Ultimately, "what matters is not the form of the reimbursement takes but the benefit it represents." Id. at 297; See Comm. for Pub. Educ. & Religious Liberty v. Regan, 444 U.S. 646, 657 (1980).

Am. Atheists points out that it is nonsensical that "a city may save the exterior of a church from a fire," but "it cannot help that same church with peeling paint or tuckpointing--at least when it provides the same benefit to all downtown buildings on the same terms." Id. at 292. The 6th Circuit explicitly states what both Resnick and Hendricks have suggested, but did not directly address due to the limited scope of either case – extending the idea of a "general service" to the very same types of grants Morris County has awarded. The 6th Circuit's rationale for doing so is based on the fact that the Detroit churches, like Morris County's, are registered on registries of historical buildings. Id. at 300. Furthermore, the

churches are subject to the same “public health regulations” applicable to their exteriors for public safety. Id. In a situation like this, “[i]t would be strange to read the Religion Clauses to say that churches may be subjected to neutral and generally applicable laws, but may not receive neutral and generally applicable benefits.” Id.

The FFRF implies that Morris County knows that the churches’ primary function is to promote their type of worship, based on their grant applications, and therefore, Morris County is effectively promoting religion and violating the Constitution. In doing so, the FFRF does not distinguish between the motivations of the churches in question and the motivations of Morris County. While it is certainly true that the applicant churches have filled their applications(see Stipulation) with language indicating religious motivations, those motivations cannot be attributed Morris County. It is only reasonable that a church’s congregation is interested in worshipping in their church. It clearly would be unreasonable and unconstitutional if Morris County dispensed said funds for this reason alone. According to Mitchell v. Helms, “presumptions of religious indoctrination are normally inappropriate when evaluating neutral school-aid programs under the Establishment Clause.” 530 U.S. 793, 858 (2000) (O’Connor, J. concurring in the judgment). While the present case does not involve school aid, the Court agrees with Justice O’Connor that a presumption of religious indoctrination is unfair. “To establish a First Amendment violation, plaintiffs must prove that the aid actually is, or has been, used for religious purposes.” Id. at 857. The FFRF has failed to do so.

In addressing the FFRF’s concerns, the Court also considers the implication that even though Morris County’s historical preservation grants have no ulterior motives or hidden agenda, it may still have the *primary effect* of advancing religion, and therefore, is in violation of Art. I, Para. 3. A four-factor test was used by the 6th Circuit Court in Am. Atheists to determine whether a program has a primary effect of advancing religion:⁹

- 1) [A] program may have the primary effect of advancing religion if it employs skewed selection criteria that stack the deck in favor of groups that engage in religious indoctrination, encouraging potential recipients to take part in religious activity by rewarding them for doing so.
- 2) [A] program may have the primary effect of advancing religion if it leads to "religious indoctrination" that "could reasonably be attributed to governmental action."
- 3) [A] program may have the primary effect of advancing religion if the benefit itself has an inherently religious content.

⁹ This four-factor test was developed from the “Lemon test” as utilized by the Supreme Court in Agostini v. Felton, 521 U.S. 203 (1997), further defined by Justice O’Connor’s concurrence in Mitchell v. Helms, 530 U.S. 793 (2000). See, Lemon v. Kurtzman, 403 U.S. 602 (1971).

4) [A] program may have the primary effect of advancing religion if the recipient "divert[s]" secular aid to further its religious mission.

Am. Atheists, 567 F.3d at 291-93, *internal citations omitted*.

In her analysis of Mitchell v. Helms, Justice O'Connor notes that the factors are not necessarily based on constitutional requirements, but "are surely sufficient to find that the program at issue here does not have the impermissible effect of advancing religion." 530 U.S. 793, 867 (2000) (O'Connor, J., concurring in the judgment).

An examination of the record before the Court reveals that Morris County has not violated any of the factors listed above. In addition, as referenced in Part 5 of The Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund, the Morris County program has safeguards, including but not limited to, strict application criteria and rigorous inspection and reimbursement conditions, in place to prevent the possibility of misuse.¹⁰ Specifically, Part 5 outlines required conditions for the receiving grants in §16, including an easement limiting changes and preventing demolition, the requirement of public access, review by the New Jersey Historic Preservation Office, adherence to a two year timetable, listing on both the National and New Jersey Register of Historical places, and accountability of funds dedicated to the preservation project. Furthermore, the use of any grant funds appropriated to religious institutions is limited to Historic Structure Reports, Preservation Plans, Assessment Reports, construction and construction documents for exterior building elements, and the building's structural and mechanical, electrical, and plumbing systems by §8, Para. 7. A review board made up of a diverse group of representatives from Morris County and professionals with expertise in various aspects of historic preservation review the applications based on criteria listed under §5, Para. 13.

Morris County desires to sustain historic landmarks, not just historic churches. Just because the religious groups have put Morris County on notice that they intend to use their churches for worship does not mean that Morris County is somehow inextricably entangled with religion. The issue in the present case is whether Morris County has a legitimate purpose for awarding historical preservation grants besides the furtherance or sponsorship of religion. The Court should not enjoin Morris County because its laws coincides with the desires of those benefitted by the law. As Justice Black wrote in Everson, "[t]he fact that a state law, passed to satisfy a public need, coincides with the personal desires of the individuals most directly affected is certainly an inadequate reason for us to say that a legislature has erroneously appraised the public need." 330 U.S. at 6.

¹⁰ See Stipulation, Exhibit A, Part 5, Historic Preservation.

The New Jersey Constitution should not be read “with the narrow literalism of a municipal code or a penal statute, but so that its high purposes should illumine every sentence and phrase of the document and be given effect as part of a harmonious framework.” State v. Muhammad, 145 N.J. 23, 44 (1996) (internal citation omitted). It is a “living charter – designed to serve the ages.” Vreeland v. Byrne, 72 N.J. 292, 328 (1977). The relief sought by the FFRF seeks to nullify the will of the people, expressed through their duly elected representatives. Further, the Court must be ever mindful of the strong presumption that a legislative enactment is valid and “will not be ruled void unless its repugnancy to the Constitution is clear beyond a reasonable doubt.” Muhammad, 145 N.J. at 41. Given that Morris County’s program has met the stringent requirements referenced above and that the legislative body of Morris County has chosen to spend their funds in such a manner, the Court believes it should defer to the lawmakers’ choice as to the means devised to serve the public purpose. Roe v. Kervick, 42 N.J. 191, 229 (1964).

The Court recognizes the FFRF’s mission and its endeavor to promote a healthy separation of church and state. Without organizations like the FFRF, one check that keeps the balance even disappears. However, in the case at bar, precedent clearly indicates that to adhere strictly to the literal interpretation of Article I, Paragraph 3 of the New Jersey Constitution, as advocated by FFRF, would be a mistake.

Resnick, Hendricks, and Everson indicate that the only thing that is clear about Art. I, Para. 3’s intended meaning is that it is not meant to be read literally. Therefore, to correctly interpret the intended meaning of Art. I, Para. 3 in this particular instance, given these particular facts, the Court must read it in conjunction with the State’s longstanding tradition of neutrality in church-state relations which has been manifested in judicial decisions such as Everson and the adoption of pro-neutrality provisions of the State Constitution, such as Art. I, Para. 4 and 5. It must also be harmonized with the grant to counties of the power to protect public health, safety and welfare by acquiring easements and other interests in real property for the benefit of county residents. N.J. Const. Art. IV, Section 6, Para. 3. Finally, it must be harmonized with the fact that Art. VIII, Sec. II, Para. 6 and Para. 7 of the New Jersey Constitution allow for the funding of historic preservation.

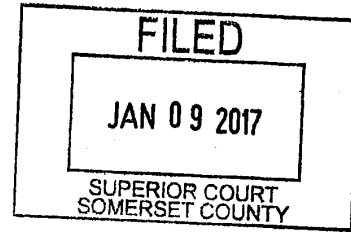
Given the facts and legal precedent before the Court, it finds that in this instance “the preferred governmental stance is one of benevolent neutrality.” Resnick, 77 N.J. at 118-19. When a “government endorses everything, it endorses nothing,” as Morris County has done here. Am. Atheists, 567 F.3d at 294. Excluding historical churches from receipt of reimbursements available to all historical buildings would be tantamount to impermissibly withholding of general benefits to certain citizens on the basis of their religion, Everson, 330 U.S. at 16, and would be inconsistent with the spirit of our state and federal Constitutions, as reflected in the decisions discussed above.

For the foregoing reasons, the FFRF's motion for summary judgment seeking a declaration that Morris County's grants of historic preservation funds to houses of worship violate Art. I, Para. 3 of the New Jersey Constitution is denied, and Morris County's motion for summary judgment dismissing the FFRF's complaint with prejudice is granted.

A TRUE COPY

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Attorneys for Defendant Preservation Grant Recipients



----- x
FREEDOM FROM RELIGION FOUNDATION and : SUPERIOR COURT OF NEW JERSEY
DAVID STEKETEE, :
: CHANCERY DIVISION:
Plaintiffs, : SOMERSET COUNTY
:
v. : Docket No. : SOM-C-12089-15
:
:
MORRIS COUNTY BOARD OF CHOSEN :
FREEHOLDERS; THE MORRIS COUNTY : CIVIL ACTION
PRESERVATION TRUST FUND REVIEW BOARD; :
and JOSEPH A. KOVALCIK JR. (in his :
official capacity as Morris County :
Treasurer) :
THE PRESBYTERIAN CHURCH IN :
MORRISTOWN; FIRST PRESBYTERIAN CHURCH :
OF NEW VERNON; ST. PETER'S EPISCOPAL :
CHURCH; FIRST REFORMED CHURCH OF :
POMPTON PLAINS; CHURCH OF THE :
REDEEMER; COMMUNITY OF ST. JOHN THE :
BAPTIST; STANHOPE UNITED METHODIST :
CHURCH; CHURCH OF THE ASSUMPTION OF :
THE BLESSED VIRGIN MARY; FIRST :
PRESBYTERIAN CHURCH OF BOONTON; ST. :
PETER'S EPISCOPAL CHURCH IN MOUNTAIN :
LAKES; LEDGEWOOD BAPTIST CHURCH; AND :
COMMUNITY CHURCH OF MOUNTAIN LAKES, :
Defendants. :
----- x

ORDER

This matter comes before the Court on a Motion for Summary Judgment by Defendant Preservation Grant Recipients. The Court,

having considered the Motion and any opposition or reply thereto, will GRANT the Motion.

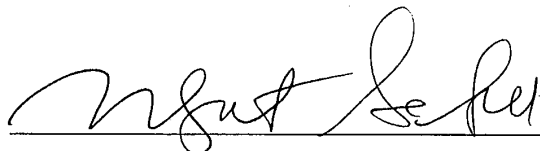
WHEREFORE, it is this 9th day of January, 2017 hereby:

ORDERED, that the Motion shall be, and hereby is, **GRANTED**; and it is further

ORDERED, that summary judgment is entered in favor of Defendant Preservation Grant Recipients as to each and every count of Plaintiffs' Complaint; and it is further

ORDERED, that each and every count of Plaintiffs' Complaint is **DISMISSED** with prejudice.

A copy of this Order shall be served on all interested parties within 7 days of receipt.
SO ORDERED.



Hon. Margaret Goodzeit, P.J. Ch.

See statement of Reasons attached to Order at even date on Schenck Price letter-head.

A TRUE COPY

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FREEDOM FROM RELIGION FOUNDATION, *et al.*,

Plaintiffs,

– against –

MORRIS COUNTY BOARD OF CHOSEN
FREEHOLDERS, *et al.*,

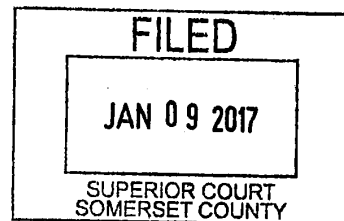
Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION:
SOMERSET COUNTY

DOCKET NO.: SOM-C-12089-15

Civil Action

ORDER



This matter having been presented to the Court by:

1. a Motion for Summary Judgment brought by John M. Bowens, of the law firm Schenck, Price, Smith & King, LLP, attorneys for Morris County Board of Chosen Freeholders; The Morris County Historic Preservation Trust Fund Review Board; and Joseph A. Kovalcik, in his official capacity as Morris County Treasurer (hereinafter "the Morris County Defendants");
2. a Motion for Summary Judgment brought by Kenneth J. Wilbur, of the law firm Drinker Biddle & Reath LLP, attorneys for The Presbyterian Church in Morristown; First Presbyterian Church of New Vernon; St. Peter's Episcopal Church; First Reformed Church of Pompton Plains; Church of the Redeemer; Community of St. John Baptist; Stanhope United Methodist Church; Church of the Assumption of the Blessed Virgin Mary; First Presbyterian Church of Boonton; St. Peter's Episcopal Church in Mountain Lakes; Ledgewood Baptist Church; and Community Church of Mountain Lakes (hereinafter "the Grant Recipient Defendants"); and
3. a Cross-Motion for Summary Judgment brought by Paul S. Grosswald, a solo practitioner; Andrew L. Seidel, in-house counsel to Freedom From Religion Foundation, admitted to this Court *pro hac vice*; and Ryan D. Jayne, in-house counsel to Freedom From Religion Foundation, admitted to this Court *pro hac*

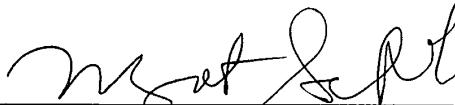
vice; attorneys for Freedom From Religion Foundation and David Steketee (hereinafter "the Plaintiffs"); and

the Court having considered all of the papers and arguments submitted in support of and in opposition to each of the Motions and Cross-Motions described above, including an oral argument held on October 13, 2016, and for good cause shown;

It is on this 9th day of January, 2016, ORDERED as follows:

1. The Morris County Defendants' Motion for Summary Judgment is ~~DENIED~~ GRANTED
2. The Grant Recipient Defendants' Motion for Summary Judgment is ~~DENIED~~ GRANTED
3. Plaintiffs' Cross-Motion for Summary Judgment is ~~GRANTED~~ DENIED
4. This Court hereby DECLARES that the Morris County Historic Preservation Trust Fund program, as applied to the building or repairing of any church or churches, place or places of worship, or for the maintenance of any minister or ministry, violates Article I, ¶ 3 of the New Jersey Constitution.
5. This Court hereby DECLARES that the grants issued to the Grant Recipient Defendants from 2012 through 2015 pursuant to the Morris County Historic Preservation Trust Fund program violated Article I, ¶ 3 of the New Jersey Constitution.
6. This Court hereby DECLARES that the unconstitutional activity described herein has caused a deprivation of rights to Plaintiff David Steketee, a Morris County taxpayer who objects to his tax money being used to build or repair any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right and has deliberately and voluntarily engaged to perform.
7. This Court hereby DECLARES that the unconstitutional activity described herein has caused a deprivation of rights to Plaintiff Freedom From Religion Foundation, as an organizational representative of Morris County taxpayers who object to having their tax money being used to build or repair any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what they believe to be right and have deliberately and voluntarily engaged to perform.
8. This Court hereby DECLARES that the deprivations of rights described herein violate the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c).
9. In order to prevent further violations of Article I, ¶ 3 of the New Jersey Constitution and the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c), the Morris County Defendants are hereby PERMANENTLY ENJOINED from issuing any further grants pursuant to the Morris County Historic Preservation Trust Fund program to any church or churches, place or places of worship, or minister or ministry.

10. The Morris County Defendants are hereby ORDERED to pay Plaintiff David Steketee an award of actual damages in the amount of \$40.
11. The Morris County Defendants are hereby ORDERED to pay Plaintiff David Steketee an award of nominal damages, as defined by N.J.S.A. 2A:15-5.10, in the amount of \$499.99.
12. The Morris County Defendants are hereby ORDERED to pay the Plaintiffs' reasonable attorney's fees and costs, pursuant to N.J.S.A. 10:6-2(f). The Plaintiffs shall submit an application for attorney's fees and costs, with supporting documentation, within _____ days of the date of this Order. The Morris County Defendants shall file any objections to same within _____ days of the date on which the Plaintiffs file their application. The Plaintiffs shall file any reply to any such objections within _____ days of the date on which the Morris County Defendants file their objections. Oral argument with respect to the Plaintiffs' application for attorney's fees and costs will be heard on _____.
13. The Grant Recipient Defendants are hereby ORDERED to refund to Morris County all grant money they received from 2012 through 2015 pursuant to the Morris County Historic Preservation Trust Fund program, within _____ days.
14. A copy of this Order shall be served by Plaintiffs' counsel upon all counsel of record, within 7 days of its entry receipt.


 Hon. Margaret Goodzeit, P.J. Ch.

The Morris County Defendants' Motion for Summary judgment was opposed by the Plaintiffs.

The Grant Recipient Defendants' Motion for Summary judgment was opposed by the Plaintiffs.

The Plaintiffs' Cross-Motion for Summary judgment was opposed by the Morris County Defendants and the Grant Recipient Defendants.

See Statement
 of Reasons attached to
 Order of even date on
 Schenk Price letterhead

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 Freeholders, The Morris County
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 and Joseph A. Kovalcik, Jr.**

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Preservation Grant Recipients

FREEDOM FROM RELIGION FOUNDATION, *et al.*,

 Plaintiffs,

 – against –

 MORRIS COUNTY BOARD OF CHOSEN
 FREEHOLDERS, *et al.*,

 Defendants.

SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION:
 SOMERSET COUNTY

 DOCKET NO.: SOM-C-12089-15

Civil Action

JOINT STATEMENT OF STIPULATED FACTS

Plaintiffs and Defendants stipulate to the facts below. Neither side, however, concedes that all facts below are material.

Parties

1. Plaintiff Freedom From Religion Foundation (“FFRF”) is a nationwide not-for-profit 501(c)(3) membership organization with its primary place of business in

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Madison, Wisconsin. FFRF has more than 24,000 members in the United States, including 483 members in New Jersey and 85 in Morris County.

2. FFRF strongly object to the use of taxpayer money to repair or maintain churches, places of worship, or ministries.
3. Plaintiff David Steketee is a resident taxpayer of Morris County, New Jersey, and has been since August, 2009.
4. Steketee has paid property taxes in Morris County, including the tax that finances the Morris County Historic Preservation Trust Fund (“Trust Fund”), every year since 2009.
5. Since 2012, approximately \$40 of Steketee’s tax payments has been allocated to the Trust Fund.
6. Steketee plans to continue to reside in Morris County and pay property taxes in the future.
7. Steketee is a member of FFRF.
8. Steketee is nonreligious and strongly believes that his taxes should not be used for repairing or maintaining any church, place of worship, or ministry.
9. Defendant Morris County Board of Chosen Freeholders (“Freeholder Board”) is the seven-member governing body of Morris County, New Jersey, performing both legislative and administrative functions.
10. Defendant Morris County Historic Preservation Trust Fund Review Board (“Review Board”) is an eleven-member body that recommends Trust Fund grants to the Freeholder Board.
11. Defendant Joseph A. Kovalcik, Jr. is the treasurer of Morris County and disburses

Trust Fund money to grantees. He is a party to this suit in his official capacity as treasurer.

12. The Freeholder Board has awarded grants to defendants Presbyterian Church in Morristown, First Presbyterian Church of New Vernon, St. Peter's Episcopal Church, First Reformed Church of Pompton Plains, Church of the Redeemer, Community of St. John Baptist, Stanhope United Methodist Church, Church of the Assumption of the Blessed Virgin Mary, First Presbyterian Church of Boonton, St. Peter's Episcopal Church in Mountain Lakes, Ledgewood Baptist Church, and Community Church of Mountain Lakes.

The Morris County Historic Preservation Trust Fund

13. On November 5, 2002, Morris County voters approved a referendum authorizing the Freeholder Board to permit historic preservation funding under the Open Space Trust Fund, as allowed by N.J.S.A § 40:12–15.2.
14. The purposes of historic preservation trust funds created pursuant to N.J.S.A. § 40:12–15.2 include “historic 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.”
15. The Freeholder Board then created the Trust Fund.
16. “Religious institutions” are among the eligible applicants for Trust Fund grants.
17. Eligible activities for religious institutions that receive Trust Fund grants include Historic Structure Reports, Preservation Plans, and Assessment Reports; the preparation of construction documents and completion of construction activities for the exterior building elements; and the building’s structural and MEP systems

(mechanical, electrical and plumbing).

18. A true copy of the Trust Fund Rules is annexed hereto as Exhibit A.

The Challenged Grants

19. A true copy of the County's Approved Project Description for grants to the Presbyterian Church in Morristown is annexed hereto as Exhibit B1.
20. A true copy of grant and application materials from the Presbyterian Church in Morristown is annexed hereto as Exhibit B2.
21. A true copy of the County's Approved Project Description for grants to the First Presbyterian Church of New Vernon is annexed hereto as Exhibit C1.
22. A true copy of grant and application materials from the First Presbyterian Church of New Vernon is annexed hereto as Exhibit C2.
23. A true copy of the County's Approved Project Description for grants to St. Peter's Episcopal Church is annexed hereto as Exhibit D1.
24. A true copy of grant and application materials from St. Peter's Episcopal Church is annexed hereto as Exhibit D2.
25. A true copy of the County's Approved Project Description for grants to the First Reformed Church of Pompton Plains is annexed hereto as Exhibit E1.
26. A true copy of grant and application materials from the First Reformed Church of Pompton Plains is annexed hereto as Exhibit E2.
27. A true copy of the County's Approved Project Description for grants to the Church of the Redeemer is annexed hereto as Exhibit F1.
28. A true copy of grant and application materials from the Church of the Redeemer is annexed hereto as Exhibit F2.
29. A true copy of the County's Approved Project Description for grants to the

- Community of St. John Baptist is annexed hereto as Exhibit G1.
30. A true copy of grant and application materials from the Community of St. John Baptist is annexed hereto as Exhibit G2.
 31. A true copy of the County's Approved Project Description for grants to Stanhope United Methodist Church is annexed hereto as Exhibit H1.
 32. A true copy of grant and application materials from Stanhope United Methodist Church is annexed hereto as Exhibit H2.
 33. A true copy of the County's Approved Project Description for grants to the Church of the Assumption of the Blessed Virgin Mary is annexed hereto as Exhibit I1.
 34. A true copy of grant and application materials from the Church of the Assumption of the Blessed Virgin Mary is annexed hereto as Exhibit I2.
 35. A true copy of the County's Approved Project Description for grants to the First Presbyterian Church in Boonton is annexed hereto as Exhibit J1.
 36. A true copy of grant and application materials from the First Presbyterian Church of Boonton is annexed hereto as Exhibit J2.
 37. A true copy of the County's Approved Project Description for grants to St. Peter's Episcopal Church in Mountain Lakes is annexed hereto as Exhibit K1.
 38. A true copy of grant and application materials from St. Peter's Episcopal Church in Mountain Lakes is annexed hereto as Exhibit K2.
 39. A true copy of the County's Approved Project Description for grants to Ledgewood Baptist Church is annexed hereto as Exhibit L1.
 40. A true copy of grant and application materials from Ledgewood Baptist Church is

annexed hereto as Exhibit L2.

41. A true copy of the County's Approved Project Description for grants to Community Church of Mountain Lakes is annexed hereto as Exhibit M1.
42. A true copy of grant and application materials from Community Church of Mountain Lakes is annexed hereto as Exhibit M2.

The Challenged Grants

43. The Freeholder Board distributes taxpayer funds from the Trust Fund to churches and other houses of worship to reimburse a portion of the cost of approved historic preservation projects.
44. Since 2012, the 12 defendant churches, places of worship, ministries, or other religious institutions (collectively "Churches") have received grants from the Trust Fund.
45. From 2012 to 2015, the Freeholder Board has awarded \$11,112,370 from the Trust Fund.
46. From 2012 to 2015, the Freeholder Board awarded \$4,634,394 of its Trust Fund to the Churches.
47. From 2012 to 2015, 41.70% of total Trust Fund assets have been awarded to the Churches.
48. All of the Churches have conducted regular worship services in one or more of the structures that they have used, or will use, Trust Fund grants for preservation activity.
49. All of the Churches have active congregations that regularly worship, or participate in other religious activities, in one or more of the structures that the

grant recipients have used, or will use, Trust Fund grants for preservation activity.

50. Worship and worship services are religious activities.
51. According to § 5.8 of the Trust Fund Rules, (Ex. A), the grant money may be used for the following activities: Historic Structure Reports, Preservation Plans, and Assessment Reports; and the preparation of construction documents and completion of construction activities for the exterior building elements, and the building's structural and MEP systems (mechanical, electrical and plumbing) for structures listed or eligible for listing on the New Jersey or National Register of Historic Places.

2012-2014 Grants

52. The Freeholder Board awarded the Presbyterian Church in Morristown a total of \$768,848 from the Trust Fund between 2012 and 2014.
53. The Freeholder Board awarded the Presbyterian Church in New Vernon a total of \$446,540 from the Trust Fund between 2012 and 2014.
54. The Freeholder Board has awarded St. Peter's Episcopal Church a total of \$543,919 from the Trust Fund between 2012 and 2014.
55. The Freeholder Board awarded the First Reformed Church of Pompton Plains \$450,680 from the Trust Fund between 2012 and 2014.
56. The Freeholder Board awarded the Church of the Redeemer \$698,896 from the Trust Fund between 2012 and 2014.
57. The Freeholder Board awarded the Community of St. John Baptist \$366,000 from the Trust Fund between 2012 and 2014.
58. The Freeholder Board awarded Stanhope United Methodist Church \$117,903

from the Trust Fund between 2012 and 2014.

59. The Freeholder Board awarded the Church of the Assumption of the Blessed Virgin Mary \$69,040 from the Trust Fund between 2012 and 2014.
60. The Freeholder Board awarded the First Presbyterian Church of Boonton \$109,840 from the Trust Fund between 2012 and 2014.
61. The Freeholder Board awarded Ledgewood Baptist Church \$35,200 from the Trust Fund between 2012 and 2014.
62. Funds from 2014 grants have not yet been fully disbursed.

2015 Grants

63. The Freeholder Board awarded the First Presbyterian Church in Morristown \$219,168 from the Trust Fund in 2015.
64. The Freeholder Board awarded the First Presbyterian Church of New Vernon \$300,000 from the Trust Fund in 2015.
65. The Freeholder Board awarded the First Reformed Church of Pompton Plains \$84,656 from the Trust Fund in 2015.
66. The Freeholder Board awarded the Church of the Assumption of the Blessed Virgin Mary \$87,904 from the Trust Fund in 2015.
67. The Freeholder Board awarded the Church of the Redeemer \$272,480 from the Trust Fund in 2015.
68. The Freeholder Board awarded Stanhope United Methodist Church \$21,320 from the Trust Fund in 2015.
69. The Freeholder Board awarded St. Peter's Episcopal Church in Mountain Lakes \$12,800 from the Trust Fund in 2015.

70. The Freeholder Board awarded Ledgewood Baptist Church \$12,400 from the Trust Fund in 2015.
71. The Freeholder Board awarded the Community Church of Mountain Lakes \$16,800 from the Trust Fund in 2015.
72. Funds from 2015 grants have not yet been fully disbursed.

Previous Resolution Attempts

73. FFRF sent a letter in February 2015 to the Freeholder Board expressing FFRF's concern about the unconstitutionality of distributing taxpayer funds to religious buildings.
74. The Freeholder Board did not respond to FFRF's letter of complaint.
75. David Steketee testified to the Freeholder Board on June 24, 2015, and again on July 8, 2015, urging the Freeholder Board to follow the federal and New Jersey constitutions by not awarding grants to churches, places of worship, or ministries.
76. Freeholder Hank Lyon also objected to grant money being given to churches, places of worship, or ministries, and proposed a draft resolution on January 14, 2015 that would have prohibited grants that violate the plain language of Article I, Paragraph 3 of the New Jersey Constitution.
77. Freeholder Lyon withdrew this draft resolution without the Freeholder Board voting on it.
78. On May 8 2002, the Blue Ribbon Historic Preservation Trust Fund Committee had a meeting attended by Harriette C. Hawkins, the Executive Director of the New Jersey Historic Trust. Ms. Hawkins provided a variety of information from her experience with the Historic Trust, including that 20% to 25% of its grant


applications were for religious properties.

79. At the May 8, 2002 Blue Ribbon Historic Preservation Trust Fund Committee meeting, Hawkins stated that the New Jersey Attorney General upheld grants to churches because the New Jersey Historic Trust only funded the exterior of religious building, as funding a church's interior "might lead to questions about the appropriateness of using public funds for a religious organization's ritualistic activities."
80. Pursuant to N.J.A.C. 7:4, the N.J. Historic Preservation Office has the responsibility on behalf of the N.J. Dept. of Environmental Protection to review proposed renovations to historic buildings.
81. Beginning in 2003, and renewed every three (3) years since, the County and the Historic Preservation Office have had a memorandum of understanding whereby the County has promised to employ a consultant qualified to ensure that the County's program applies the Standards for the Treatment of Historic Properties promulgated by the U. S. Dept. of the Interior.
82. A true copy of the most recent version of that memorandum of understanding is annexed hereto as Exhibit N.
83. A true copy of the minutes from the May 8, 2002 Blue Ribbon Historic Preservation Trust Fund Committee meeting is annexed hereto as Exhibit O.
84. A true copy of relevant New Jersey Attorney General opinions is annexed hereto as Exhibit P.

It is so stipulated on behalf of Plaintiffs.

Dated: August 19, 2016

Paul S. Grosswald
Attorney for Plaintiffs,
FFRF & David Steketee



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Attorneys for Plaintiffs,
FFRF & David Steketee

It is so stipulated on behalf of Defendants.

Dated: August 19, 2016

Schenck, Rice, Smith & King, LLP
Attorneys for Defendants,
**Morris County Board of Chosen
Freeholders, The Morris County
Preservation Trust Fund Review
Board, and Joseph A. Kovalcik, Jr.**

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Dated: August 18, 2016

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EXHIBIT

A

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

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

1. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

1.1 Allocation of Funds

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

Ancillary

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

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

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

1.3 Allocation of Added and Omitted Assessments

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

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2. Definitions

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

Acquisition - the securing of a fee simple or a lesser interest in land, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation.

Aquifer Recharge Protection Area - lands through which water of significant volume and high quality moves down to an underlying groundwater reservoir.

Conservation Restriction - an interest in land less than fee simple, stating 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, open, or wooded condition; appropriate for conservation of soil or wildlife; appropriate for outdoor recreation or park use; or appropriate as suitable habitat for flora or fauna.

Department - the Morris County Department of Planning & Public Works, Division of Planning & Preservation

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.).

Flood Mitigation – acquisition of flood-prone homes and land, which are then reverted to their natural state to act as flood capture and storage areas, providing a barrier which protects the remaining homes and businesses.

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.

Historic property, structure, facility, site, area, or object - 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.).

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.

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. §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, areas, or objects, or the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.

Recreation and Conservation Purposes - use of lands for parks, open space, natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter

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sports, or similar uses for either public outdoor recreation or conservation of natural resources, or both.
Trail – a thoroughfare or track across land or snow, used for recreational purposes excluding roads generally accessible by low clearance passenger vehicles but includes high clearance primitive roads, such as:

1. Non-motorized activities; and/or
2. Motorized vehicular activities
 - a. Gas powered such as all-terrain vehicles, motorcycling, and snowmobiling
 - b. Non-gas powered such as electric segways and bikes

Trails do not include sidewalks or running tracks as defined by an oval shaped track that is used for races involving athletes at tracks meets.

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3.0 Open Space Preservation

3.1 Morris County Park Commission

Eligible applicants, properties and review procedures of open space projects to be acquired by the Morris County Park Commission shall be determined by this agency.

3.2 Morris County Municipal Utilities Authority

Eligible applicants, properties and review procedures of open space projects to be acquired by the Morris County Municipal Utilities Authority shall be determined by this agency.

3.3 Municipal and/or Qualified Charitable Conservancy Projects

3.3.1 Acquisition Strategies

The following acquisition strategies shall be considered in the allocation of funds from the Municipal and/or Qualified Charitable Conservancy (hereinafter "Non-Profit") program of the Morris County Preservation Trust Fund:

1. Projects which qualify for State Green Acres funding.
2. Multi-use projects (projects including several elements such as water protection, recreation, historic and scenic preservation, etc.)
3. Projects involving land under immediate threat of commercial, industrial or residential development where development of the property would be inconsistent with overall character of the community.
4. Projects submitted by municipalities with little or no existing lands preserved as open space or recreation.
5. Projects with matching funds.
6. Joint public/private sector projects.
7. Projects consistent with County and Municipal Open Space Plans.

3.3.2 Eligible Applicants

The following entities are eligible to apply for funds:

1. Any of the thirty-nine municipalities in the County of Morris
2. Charitable conservancies

3.3.3 Eligible Acquisitions

Projects eligible for consideration for funding from the Morris County Municipal and/or Non-Profit program of the Morris County Preservation Trust Fund include the following:

1. Land or water areas for recreation and conservation purposes, including but not limited to:
 - a. Parkland, natural areas, greenways
 - b. The protection of ecologically sensitive areas including freshwater wetlands, steep slopes and stream corridors
 - c. The preservation of lands containing exceptional flora or fauna
 - d. The preservation of areas of scenic, historic and cultural value
 - e. Passive and active outdoor recreational opportunities

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- f. The protection of critical water supplies such as areas surrounding municipal/county wells, aquifer recharge protection areas or watershed areas, and floodplains
- 2. The acquisition of historic sites eligible under the Historic Preservation Trust Fund Program (See Section 5.6).

3.3.4 Ineligible Acquisitions

Projects ineligible for consideration for funding from the Morris County Municipal and/or Non-Profit program of the Morris County Preservation Trust Fund include but are not limited to the following:

- 1. Sites which will remain predominantly covered by buildings or structures, except sites which meet historic preservation criteria under the Historic Preservation Trust Fund Program.
- 2. Former landfill sites.
- 3. Sites which at the time of application are designated (i.e., zoning, plan and/or court settlement) for affordable housing.
- 4. Development costs such as construction of ballfields, tennis courts, roads etc.
- 5. Any administrative, maintenance, care, custodial or policing expenditures associated with the acquisition of open space.
- 6. Sites already owned by municipalities/qualified charitable conservancies or acquired during the application process.
- 7. Flood mitigation acquisition projects, except projects which have been reviewed and rejected by the Flood Mitigation Committee (FMC) or the Board of Chosen Freeholders (See Sec. 6.8 Acquisition Procedures).

3.3.5 Open Space Trust Fund Committee

3.3.5.1 Purpose and Appointments

The Open Space Trust Fund Committee (“Committee”) shall review, prioritize, and make recommendations to the Morris County Board of Chosen Freeholders on the funding of projects. The Committee shall not have the authority to amend or modify acquisitions undertaken by the Park Commission, M.U.A., Agriculture Development Board, Flood Mitigation Committee or Historic Preservation Trust Fund Review Board.

All nominees to the fifteen member Committee shall be reviewed according to standard County procedures in order to avoid any potential conflict of interest. The Morris County Board of Chosen Freeholders shall appoint the Committee based upon the recommendation(s) from the various municipalities and/or entities as follows:

Number of Appointees	Appointee Representation
8	Municipal representatives, with one representative from each of the Open Space Regions as stipulated below and on Figure 1.
2	At-Large members
1	Morris County Planning Board from its membership
1	Morris County Park Commission from its membership
1	Morris County Agriculture Development Board from its membership
1	Morris County Municipal Utilities Authority from its membership
1	Morris County Historic Preservation Trust Fund Review Board from

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	its membership
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Region	Municipalities (listed in order of rotation sequence)
I	Mt. Olive, Washington, Chester Twp., Chester Boro.
II	Mendham Boro., Mine Hill, Randolph, Mendham Twp., Victory Gardens, Dover
III	Roxbury, Mt. Arlington, Jefferson, Netcong
IV	Rockaway Twp., Denville, Rockaway Boro., Wharton
V	Parsippany, Mt. Lakes, Boonton Twp., Boonton Town
VI	Pequannock, Butler, Lincoln Park, Kinnelon, Montville, Riverdale
VII	Morristown, Morris Plains, East Hanover, Hanover, Morris Twp.
VIII	Madison, Chatham Boro., Chatham Twp., Florham Park, Harding, Long Hill

Municipal representatives shall be a resident of the municipality, and an elected official or appointed to a municipal board or commission recommended to the Board of Chosen Freeholders from the respective town. Municipal administrators shall not be required to meet the residency requirement of the municipality. The Morris County League of Municipalities shall decide upon the rotation sequence for each municipality within the regions.

The Morris County Board of Chosen Freeholders may also appoint a liaison to the Committee; this member shall not have voting privileges.

All members shall abide by Morris County's Policy and Procedures for Attendance of Volunteer Members of Advisory Bodies at Scheduled Meetings and Conflict of Interest.

All Committee members shall be residents of Morris County (with the exception noted above for municipal administrators).

3.3.5.2. Terms of Office

Terms for members representing the Morris County M.U.A., the Morris County Planning Board, the Morris County Park Commission, the Morris County Agriculture Development Board, the Morris County Historic Preservation Trust Fund Review Board and the two At-Large appointees shall be for a two year period. All terms for municipal members representing the regions shall be for a three year period.

Municipal members representing the regions shall serve for only one term. All other Committee members shall serve no more than two consecutive terms. All members shall serve on a voluntary basis without compensation.

Members representing the Morris County M.U.A., the Morris County Planning Board, the Morris County Park Commission, the Morris County Agriculture Development Board, the Morris County Historic Preservation Trust Fund Review Board and the two At-Large appointees who have served two consecutive terms cannot be re-appointed to the Committee for a time period of two years from the expiration date of their last term.

If the municipal member's elected or appointed term of office expires prior to the end of his/her term on the Open Space Trust Fund Committee, the municipal member may complete his/her entire term, at the discretion of the appointing municipal governing body. If a municipal member is unable to complete

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his/her entire term, a new representative from that municipality shall be appointed for the remainder of the term.

If the term of office of a member representing the Morris County M.U.A., the Morris County Planning Board, the Morris County Park Commission, the Morris County Agriculture Development Board and/or the Morris County Historic Preservation Trust Fund Review Board expires prior to the end of his/her term on the Open Space Trust Fund Committee, the member's term shall be completed by a different individual representing that member's jurisdiction.

3.3.5.3 Selection of a Chairperson, Vice-Chairperson and Secretary

The Committee shall elect a Chairperson, Vice-Chairperson and Secretary from its membership at its annual re-organization meeting in April. The term of the office shall extend until the reorganization of the subsequent year's Committee.

The Chairperson shall preside at all meetings of the Open Space Trust Fund Committee and be an ex-officio member of any and all 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.

The Secretary shall sign all official documents as may be required.

3.3.6 Acquisition Review

The Morris County Department of Planning & Public Works, Division of Planning & Preservation shall develop a grant application package and schedule for review. Each applicant shall complete the grant application form (found at <http://morriscountynj.gov/planning/divisions/prestrust/openspace/application/>) and comply with all application requirements and deadlines found in the form. Division of Planning & Preservation staff shall review submitted applications for eligibility and completeness. All eligible and complete applications will be forwarded to the Open Space Trust Fund Committee that will annually review, prioritize and recommend funding. Recommendations shall be made to the Morris County Board of Chosen Freeholders.

3.3.6.1 Site Visits and Final Presentations

A. Purpose

To establish requirements for site visits and final presentations by municipalities and non-profit organizations seeking funding through the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund. This policy will help ensure the Morris County Open Space Trust Fund Committee (hereinafter "Committee") conducts its site visits and final presentation meetings in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The site visits and final presentations are held in closed session because they are an essential part of the contract negotiation process between the applicants and the property owners for the purchase of property with County funding.

B. Applicability

All applicants seeking funding shall comply with this policy during site visits and final presentations before the Committee.

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C. Definitions

“Representative” shall mean an applicant’s municipal official (whether an employee or volunteer), staff member, board member or paid professional or consultant designated by the municipality to represent it with respect to the application for funding for the subject property. For non-profit applicants, a “representative” shall mean a member of the non-profit board, staff member or paid professional or consultant. Any person who meets the above definition with respect to a funding partner for the subject property is also considered to be a “representative.”

“General public” shall mean anyone other than the Committee who is not a “representative” of the applicant or funding partners. This shall include but not be limited to: the subject property’s owner, other property owners, and members of the press.

D. Requirements

Site Visits

Site visits are conducted in “closed session” of a public meeting. During the Committee’s site visit to an applicant’s subject property, only representatives of the applicant are permitted to be present. Members of the general public are not permitted to be present. The applicant is responsible for ensuring that only its representatives are present. Applicants are encouraged to have only a limited number of representatives and to provide the Committee time to ask questions during the site visit.

Final Presentation

One or more final presentation meetings will be scheduled for dates after the conclusion of all site visits and will be noticed as public meetings. Members of the public will be given an opportunity to make comment at the beginning of each final presentation meeting during the public comment portion of the meeting, limited to no more than three (3) minutes in duration. Members of the public may also submit written comments in advance of the final presentation meeting. The applicant’s final presentation to the Committee will be held in closed session and only representatives of the applicant and any funding partners are permitted to be present during the closed portion of the meeting. Members of the general public will be excluded from closed session in accordance with the Open Public Meetings Act.

Handouts

The applicant shall not distribute any handouts other than maps to the Committee during site visits or the presentation.

3.3.6.2 Appraisal Requirements

A. Purpose

To establish requirements for appraisals and reports submitted by municipalities and non-profit organizations seeking funding through the Municipal and/or Non-Profit program of the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund.

B. Applicability

All applicants seeking funding shall have one appraisal that is documented by a written report which is prepared in compliance with these requirements. All appraisals and reports must be prepared by a New Jersey Certified General Real Property Appraiser who is on the current List of Approved Appraisers of the New Jersey Green Acres program. Two hard copies of the appraisal report and an electronic copy in pdf format shall be submitted to the Division of Planning & Preservation.

C. Definitions

“Pre-appraisal estimated value” shall mean the anticipated appraised value for the subject property and is

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only for use in determining which type of appraisal to prepare. The applicant may consult tax records and/or the municipal tax assessor for assistance and guidance in this determination.

Informational Note:

For applicants who will also seek funding through the New Jersey Green Acres program, N.J.A.C. 7:36-8.3 requires an on-site meeting with Green Acres staff and the appraiser prior to commencement of the appraisal. Compliance with this Green Acres provision is not required by the County; however, applicants should be aware of this Green Acres requirement.

Each funding year, the appraisal submission date shall coincide with the application deadline. All appraisals shall comply with all appraisal requirements at the time of submission. Applicants are required to submit one appraisal report (i.e., two hard copies of a written appraisal report and an electronic copy in pdf format). Any applicant that does not meet the appraisal submission deadline shall have its application deemed incomplete and not be eligible for consideration in that funding year. The Division of Planning & Preservation shall have the right to disqualify any appraisal that does not meet the criteria outlined in this policy.

All appraisals must specifically include the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund as an Intended User of the appraisal and report.

For properties that have a pre-appraisal estimated value approaching the \$250,000 limit, the applicants are encouraged to have the Summary Appraisal Report or the self-contained appraisal report prepared. If the applicant chooses to prepare the Restricted Use Appraisal Report, documentation must be provided with the funding application that substantiates the estimated value of the property at less than \$250,000. Based on the pre-appraisal estimated value, the following Appraisal Requirements shall apply:

D. Appraisal Requirements for property with an "estimated value" of \$250,000 or more

1. Fee Simple
 - a. The applicant's appraiser shall prepare an appraisal of the subject property and submit a written report, commonly known as a "**Summary Appraisal Report**," of its opinion of the market value of the subject property in accordance with the definition of "Market Value" as set forth in the most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisal and report must contain at a minimum the scope of work contained in the New Jersey Green Acres program's "Scope of Work for Appraisal Services" (as updated through 10/26/11 or later). Alternatively, the applicant may submit a "Self-Contained Appraisal Report" prepared in conformance with the Green Acres scope of work.
 - b. The "As of Date" of the appraisal shall be the application deadline of the application year or the date of the property inspection with the property owner, whichever date is more current to the date of the appraisal. If an appraisal and report have already been prepared, the "As of Date" must be more recent than August 1 of the year prior to making the application.
 - i. The applicant's appraiser shall separate the land value from the value of all structures or improvements for all properties that are the subject of the application, and shall provide a discrete land value separated from the value of all structures and improvements for properties under different ownerships.
 - c. The applicant's appraiser shall be provided with a report from the municipal engineer or licensed professional planner of the municipality in which the subject property is located,

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demonstrating the development potential of the subject property. This report shall include an evaluation of the development potential of the Subject Property including but not limited to: municipal land use ordinances and regulations, environmental restrictions; such as, wetlands, Category 1 streams, sub-soil conditions and steep slopes. A copy of this report, which is signed and sealed by the municipal engineer or licensed professional planner, shall be included and attached in the appraisal report. *The Planning & Preservation Division staff, at their sole discretion in consultation with the County's Review Appraiser, shall have the right to disqualify any development potential report that does not contain sufficient detail.*

- d. The applicant's appraiser shall not prepare an appraisal or issue a report based on any unsubstantiated "extraordinary assumptions and/or hypothetical conditions" relative to the development potential or any environmental conditions of the subject property. The appraiser must rely upon the appraiser's expertise as well as the information provided by the municipal engineer or professional planner in formulating their opinion of the Market Value of the Subject Property.
 - e. If the municipal engineer or professional planner does not provide such analysis, the municipality or the non-profit must hire an independent professional engineer, professional planner or licensed landscape architect to prepare a report on the land's development potential for consideration by the appraiser.
 - f. If the landowner's professional engineer or planner provides an analysis of the development potential of the property, said analysis must be reviewed by an independent professional engineer, professional planner or licensed landscape architect hired by the applicant and a report prepared of the findings for consideration by the appraiser.
 - g. The applicant's appraiser shall provide a separate value in the appraisal and report segregating the value for any and all structures and improvements on the property.
2. For less than fee simple purchases (e.g. a conservation easement), a "before" and "after" appraisal must be prepared utilizing the same standards outlined above. In addition, the easement's deed restrictions must be provided to the appraiser prior to preparation of the appraisal and report, with a copy of the easement language or document included in the appraiser's report.

E. Appraisal Requirements for property with an "estimated value" of less than \$250,000

1. Fee Simple
 - a. The applicant's appraiser shall prepare an appraisal of the Subject Property and submit a written report, commonly known as a "**Restricted Use Appraisal Report**" of its opinion of the market value of the subject property in accordance with the definition of "Market Value" as set forth in the most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisal and report must contain at minimum the scope of work contained in the New Jersey Green Acres program's "Scope of Work for Appraisal Services" (as updated through 10/26/2011 or later). Alternatively, the applicant may submit a "Summary Appraisal Report" or "Self-Contained Appraisal Report" prepared in conformance with the Green Acres scope of work.
 - b. The "As of Date" of the appraisal shall be the application deadline of the application year or the date of the property inspection with the property owner, whichever date is more current to the date of the appraisal. If an appraisal and report have already been prepared, the "As of Date" must be more recent than August 1 of the year prior to making application.

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- c. The applicant's appraiser shall separate the land value from the value of all structures or improvements for all properties that are the subject of the application, and shall provide a discrete land value separated from the value of all structures and improvements for properties under different ownerships.
 - d. The applicant's appraiser shall be provided with a report from the municipal engineer or licensed professional planner of the municipality in which the subject property is located, demonstrating the development potential of the subject property. This report shall include an evaluation of the development potential of the Subject Property including but not limited to: municipal land use ordinances and regulations, environmental restrictions; such as, wetlands, Category 1 streams, sub-soil conditions and steep slopes. A copy of this report, which is signed and sealed by the municipal engineer or licensed professional planner, shall be included and attached in the appraisal report. The Preservation Trust staff shall have the right, at their sole discretion, to disqualify any development potential report that does not contain sufficient detail.
 - e. The applicant's appraiser shall not prepare an appraisal or issue a report based on any unsubstantiated "extraordinary assumptions and/or hypothetical conditions" relative to the development potential or any environmental conditions of the subject property. The appraiser must rely upon the appraiser's expertise as well as the information provided by the municipal engineer or professional planner in formulating their opinion of the Market Value of the Subject Property.
 - f. If the municipal engineer or professional planner does not provide such analysis, the municipality or the non-profit must hire an independent professional engineer, professional planner or licensed landscape architect to prepare a report on the land's development potential for consideration by the appraiser.
 - g. If the landowner's professional engineer or planner provides an analysis of the development potential of the property, said analysis must be reviewed by an independent professional engineer, professional planner or licensed landscape architect hired by the applicant and a report prepared of the findings for consideration by the appraiser.
 - h. The applicant's appraiser shall provide a separate value in the appraisal and report segregating the value for any and all structures and improvements on the property.
2. For less than fee simple purchases (e.g. a conservation easement), a "before" and "after" appraisal must be prepared utilizing the same standards outlined above. In addition, the easement's deed restrictions must be provided to the appraiser prior to preparation of the appraisal and report, with a copy of the easement language or document included in the appraiser's report.

F. County Appraisal Review

1. All appraisals submitted for funding through the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund shall be reviewed by an appraiser hired by Morris County ("Review Appraiser") who is currently at a minimum a New Jersey State Certified General Real Estate Appraiser (SCGREA) and is on the current List of Approved Appraisers of the New Jersey Green Acres program.
2. The Review Appraiser shall review the appraisal in accordance with USPAP Standard 3

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requirements. If applicable, the Review Appraiser shall develop questions regarding development of the opinion of value and transmit these to the applicant's appraiser with copy to the applicant.

3. The Review Appraiser shall contact the applicant's appraiser (via e-mail, phone, or letter) to address any questions regarding the development of the opinion of value that are not addressed in the appraisal report or resolved via written correspondence from the applicant's appraiser.
4. It is the applicant's sole responsibility to directly contact their appraiser to respond to the Reviewer's questions regarding development of the value conclusion and the final value conclusion which may occur as a result of the appraisal review.
5. The Review Appraiser shall develop an opinion as to the completeness, accuracy, relevance, adherence to appraisal guidelines and reasonableness of the analysis in the work under review given law, regulations and intended user requirements applicable to the work under review (USPAP Sec. 3-3).
6. If the Review Appraiser concludes the applicant's appraiser provides reasonable documentation to support the assumptions and analysis in the report and adequately addresses all questions raised, the value conclusion shall be deemed Morris County's **Accepted Market Value (AMV)** upon which Morris County may cost share for the project.
 - a. The AMV is not a certified value and is not a substitute or replacement for Green Acres' Certified Market Value (CMV) or Average of Appraised Values
 - b. Various program areas receive funding allocations from the Morris County Preservation Trust Fund. These are the Park Commission, Municipal Utilities Authority, Agriculture Development Board, Municipal Non-Profit Open Space Program, Historic Preservation Program, and Flood Mitigation Program. *Morris County's maximum cost share participation on a project shall include sources of funds from all of these programs, not to exceed the AMV.* Funding participation by other partners and the applicant is encouraged.
 - c. Morris County may cost share on a project up to the lower of either the contract value or AMV.
7. If the Review Appraiser concludes the applicant's appraiser does not provide reasonable documentation to support the assumptions, analysis and value conclusion in the report, and fails to adequately address all questions raised leaving significant issues unresolved, then the Review Appraiser shall, at the direction of the Committee, develop an independent opinion of value which shall be deemed the AMV for Morris County cost share participation.

**3.3.7 Acquisition Procedures
(Amended by Resolution #45, 12/22/2014)**

Applicants approved for funding shall fund all costs incurred in connection with the acquisition of any land or interest therein including but not limited to the cost incurred for: appraisals, wetland delineations, surveys, preliminary assessment reports, title searches, legal expenditures and any other costs associated with the acquisition of such land or interest therein.

3.3.7.1 Grant Agreement

All applicants approved for funding shall execute a grant agreement in order to effectuate the grant award.

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The grant agreement shall be provided by Morris County. No modifications to the grant agreement are permitted. Applicants approved for funding shall have 90 days from January 1 to return the executed grant agreement to the County. Failure to return the executed grant agreement to the County within this time frame shall result in the forfeiture of the grant award.

The grant award approved by the Morris County Board of Chosen Freeholders is based on the cost of acquisition (i.e., appraised value, contract amount, verbal offer) provided in the grant application. Upon review and acceptance of an applicant's appraisal report, the appraised value shall become the Morris County Accepted Market Value (AMV). The final grant award shall be the dollar amount approved by the Freeholder Board or the dollar amount calculated by multiplying the actual acquisition cost by the original grant award percentage of the application acquisition cost, whichever is less. The maximum County cost share shall not exceed the Morris County Accepted Market Value (AMV). The final grant award shall be based on the Morris County AMV when the actual acquisition cost exceeds the AMV.

Examples:

Grant Request	Cost (in Application)	Morris County AMV	Freeholder Grant Award	Maximum County Grant Award	Actual Acquisition Cost	Final Morris County Grant Award
\$300,000	\$500,000 (appraised value)	\$500,000	\$300,000	$300/500 = 60\%$	\$450,000	60% of \$450,000 = \$270,000
\$600,000	\$1,000,000 (verbal offer)	\$750,000	\$500,000	$500/750 = 67\%$	\$900,000	\$500,000
\$400,000	\$800,000 (contract amount)	\$650,000	\$400,000	$400/650 = 62\%$	\$800,000	\$400,000

Applicants approved for funding shall have fifteen (15) months to acquire the property. The timeframe will commence on January 1st following the grant award by the Board of Chosen Freeholders. Additionally, all approved applicants can obtain up to two grant extensions if it is shown that there are challenging circumstances which inhibit a project's acquisition within the initial 15-month deadline. The first grant extension shall extend for six (6) months from the expiration of the initial 15-month deadline. Applicants shall have a fully executed contract by the expiration date of the first grant extension to be eligible for a second grant extension. The Open Space Trust Fund Committee shall have the ability to grant a second grant extension without a fully executed contract, upon showing of good cause (e.g., delays in obtaining NJDEP permits). An updated appraisal may be required as a condition of a second grant extension. The change in requirements for granting a second grant extension shall apply to all grants awarded in 2012 and all subsequent funding rounds. The second grant extension for eligible applicants shall extend from the expiration of the first grant extension to the date of the application deadline for the next year's funding round. The change in the expiration date of the second grant extension shall apply to all grants awarded in 2008, 2009 and all subsequent funding rounds. Example for a grant awarded in 2009:

Grant Period	Expiration Date
Initial grant of 15 months	April 1, 2011
First grant extension	October 1, 2011
Second grant extension	Open Space application deadline in June 2012

If the applicant fails to complete the project within the aforementioned timeframes, the applicant shall

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forfeit the grant and may re-apply in a subsequent funding round. Under no circumstances shall this guarantee the project would again be awarded a grant. All resubmissions shall comply with current application requirements, including an updated appraisal in compliance with Section 3.3.5.2.

3.3.7.2 Land Use Restrictions

Land and water areas, and any improvements thereon, acquired by applicants with the aid of funding from the Municipal and/or Non-Profit program of the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund shall be used exclusively for purposes authorized pursuant to P.L. 1997, c.24, N.J.S.A. 40:12-15.1, et seq., and any amendments thereto.

Preserved lands shall not be conveyed, transferred, disposed of or diverted to use for other than recreation, conservation, farmland or historic preservation purposes without the prior approval of Morris County.

Applicants shall include in all deeds of lands which are purchased with the aid of funding through the program open space deed restrictions provided by the County. Said deed restrictions will vary depending upon all funding sources used to acquire the property. Public access is a requirement of County funding.

3.3.7.3 Subdivision Review and Approval

All Approved Projects which involve subdivision of property are subject to review and, where applicable, approval by the Morris County Planning Board. The applicant shall submit a Land Development Review application to the County Planning Board for any Approved Project subject to a subdivision.

The applicant should submit the Morris County Land Development Review application to the County Planning Board at least 45 days prior to the scheduled closing date. Applicants are encouraged to consult with the Morris County Land Development Review Section prior to submitting the application.

In accordance with Section 313D of the County Land Development Review Standards, subdivisions submitted by municipal governments and non-profits are not subject to review fees.

No funds shall be released until a copy of the County Planning Board approval or exemption letter is received and all dedications to the County of Morris are finalized.

3.3.7.4 Requirements for Surveys

A. Purpose

To establish requirements for surveys by all applicants with an Approved Project.

B. Applicability

All applicants with an Approved Project shall have a survey prepared and submitted that is in compliance with these requirements.

C. Definitions

“Approved Project” shall mean the properties subject to the county open space application as referenced in Schedules B and C of the executed grant agreement between municipal and non-profit applicants and the County of Morris.

“Approved Funding Plan” shall mean the cost of acquisition of the approved project referenced in Schedule D (Final Project Finance Sheet) of the executed grant agreement between municipal and non-profit applicants and the County of Morris.

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D. Survey Requirements

Applicants are required to submit a survey prepared by a New Jersey licensed land surveyor in conformance with this policy not later than 30 days prior to closing for its review and approval. The Division of Planning & Preservation shall have the right to disqualify any survey that does not meet the deadlines and/or requirements. In the event the survey of the property determines that the actual area is less than the area given in Schedule B, the County reserves the right to reduce its grant award on a per acre basis, unless the variation in the acreage is determined by the Division of Planning & Preservation to be de minimis.

The survey shall show all easements and right-of-way dedications for County roads, bridges and drainage structures, (e.g., sight triangle easements, bridge maintenance easements, and roadway dedications) in accordance with the County Official Map, the County Engineer, and requirements of County Planning Board approval, where applicable.

Scope of Work/Specifications/ Deliverables

One electronic and one paper copy of the survey plat, along with a metes and bounds description, shall be prepared according to the Digital Mapping Submission Standards (Appendix G) of the Morris County Land Development Standards.

1. For Approved Projects with an Approved Funding Plan indicating definite or possible New Jersey Green Acres Program participation, the survey must contain the scope of work contained in the New Jersey Green Acres program's current "Standard Scope of Survey Work."
2. For Approved Projects with an Approved Funding Plan indicating no New Jersey Green Acres Program participation, an open space survey must be prepared to the minimum standards for land surveys as defined in N.J.A.C. 13:5.1 et. seq. by the State Board of Professional Engineers and Land Surveyors.

3.3.8 Diversions of Preserved Lands

The County of Morris strongly discourages the diversion of open space lands preserved with funding assistance of the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund for other uses. Diversions of open space and parkland for other uses impacts the use and enjoyment of the remaining open space in potentially many ways including fragmentation of parkland, trails and wildlife habitat as well as impacts to unique environmental features, water quality and buffers. Any diversion of preserved land must fulfill a compelling public need or significant public benefit or service.

A. Purpose

To establish procedures for all grant recipients seeking to divert preserved open space properties funded entirely or in part through the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund.

B. Applicability

All grant recipients shall abide by these requirements.

C. Determination of Jurisdiction

1. Prior to making an application to the County Open Space Committee the applicant must verify with NJDEP Green Acres Program ("Green Acres") that Green Acres does not have jurisdiction over the proposed diversion regardless if it is funded or unfunded parkland. The determination of Green Acres must be in writing.

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2. If Green Acres claims jurisdiction over the diversion, Green Acres will take the lead in the process. In such case:
 - a. Applicant shall copy the County on all submissions to Green Acres.
 - b. The County shall review the applicant's submissions and any public hearing transcripts.
 - c. Applicant shall make a presentation to the Open Space Committee regarding its diversion request for the Committee's recommendation to the Board of Chosen Freeholders prior to the applicant's hearing before the Statehouse Commission.
3. If Green Acres declines jurisdiction over the proposed diversion or disposal application, the applicant shall be required to comply with the Morris County Open Space Diversion Rules and Regulations.

D. Morris County Diversion Requirements

1. The applicant must demonstrate that any land acquired by the applicant with County Open Space funds would be better served by, or is required for, another public use.
2. The County shall determine if the diversion is a major or minor diversion. The County shall use the Green Acres rules to define major and minor diversion (see N.J.A.C. 7:36-26.2(b) 1-5).

Minor Diversion

- a. The applicant must provide an ordinance or resolution authorizing the application for the diversion and the proposed use of the property.
- b. The applicant must have one public hearing on the proposed diversion and use of the property. The public hearing must be advertised in accordance with Green Acres requirements. The applicant must submit a summary of the public comments received at the public hearing and the applicant's response to the public comments. In addition the applicant shall post on its website its request for the diversion and its supporting documentation. The applicant shall issue at least one press release at least ten (10) days prior to the public hearing describing the proposed diversion.
- c. The applicant shall submit to the County a survey and description of the property showing the diversion and a survey and description of any replacement property.
- d. The land shall be replaced by land of at least equal fair market value and of equivalent usefulness size, quality and location to the land conveyed and monies derived from the conveyance shall be used to reimburse the Morris County Preservation Trust Fund for its share of the purchase cost of the land. If the applicant conveyed the property as part of an exchange, the land and improvements shall be of at least equal fair market value and reasonably equivalent usefulness, size, quality and location.

Major Diversion

- a. The applicant must provide an ordinance or resolution authorizing the application for the diversion stating the proposed public use of the property and the reason setting forth need and benefit of the diversion.
- b. The applicant shall provide an alternative analysis as set forth in N.J.A.C. 7:36-26.9.
- c. The applicant must have at least one public hearing on the proposed diversion and accept public comment. The applicant shall accept public comment for a minimum of two (2) weeks after the

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hearing. The hearing shall detail the proposed use of the property and the need for the diversion. The public hearing must be advertised in accordance with Green Acres requirements (N.J.A.C. 7:36-26.8). This includes but is not limited to the applicant (government or non-profit) providing the following:

1. At least thirty (30) days prior to the hearing:
 - i. Publish legal notice of the hearing in the official newspaper of the municipality where the parkland is located; and
 - ii. Post notices on the official website; and
 - iii. Provide written notice to the County, the Governing Body, local Planning Board, Environmental Commission, and Open Space Advisory Committee of the Municipality where the parkland is located;
 - iv. Provide written notices to all easement holders;
 - v. Provide written notice to all property owners within 200 feet of the parkland; and
 - vi. Post and maintain a sign to advise the public of the proposed diversion, the public hearing, and the opportunity for all public comment. The sign shall be placed at the entrance to the parkland and shall remain posted and maintained until the conclusion of the public comment period.
 2. The information included in this notice shall conform to N.J.A.C. 7:36-26.8(c) 3.
- d. The applicant must submit a summary of the public comments received at the public hearing and the applicant's response to each of the public comments. In addition, the applicant shall post on its official website its request for the diversion and its supporting documentation. The applicant shall issue at least one press release at least ten (10) days prior to the public hearing describing the proposed diversion.
 - e. The applicant shall submit any additional information the County deems necessary to fully consider the applicant's request.
 - f. The applicant shall provide compensation for a major diversion or disposal. The primary objective is to prevent a net loss of parkland, including, but not limited to quantity, quality and accessibility of parkland and to discourage the use of parkland for other than recreation and conservation purposes, especially when a feasible alternative is available. Compensation shall meet the Green Acres guidelines as set forth N.J.A.C. 7:36-26.9.

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4. Farmland Preservation

The Morris County Agriculture Development Board (CADB) oversees the preservation of farmland in accordance with the Agriculture Retention and Development Act (N.J.S.A. 4:1C). The Morris County Comprehensive Farmland Preservation Plan (“Plan”) was adopted as an element of the Morris County Master Plan in July 2008 and is used to guide the efforts of the CADB in preserving its remaining agricultural lands. The entire Plan can be viewed at the following website:
<http://morriscountynj.gov/planning/divisions/prestrust/farmland/program/>

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5. Historic Preservation

5.1 Introduction

The Morris County Historic Preservation trust fund was created by the Morris County Board of Chosen Freeholders to help support the preservation of the county's exceptional abundance of historic resources. The trust fund is being established under N.J.S.A. 40:12-15, et seq., which states that the selection of projects must be in agreement with a historic preservation plan prepared and adopted by the county. The county's Historic Preservation Element of the county Master Plan, together with the Morris County Historic Sites Survey, are the principal documents that have guided county and municipal preservation planning efforts for the last two decades. Reflecting its diverse history as the military capital of the American Revolution and as an important iron-producing region and agricultural center, Morris County has hundreds of sites and scores of districts listed on the New Jersey Register of Historic Places. The State Historic Preservation Office's most recently published list of county sites on the New Jersey and National Register of Historic Places can be viewed at the following website:
http://www.nj.gov/dep/hpo/1identify/nrsr_lists/Morris.pdf

5.2 Historic Preservation Planning in Morris County

To assess the financial and technical assistance needs related to historic preservation, the County's former Department of Planning & Development conducted a survey of municipalities and historic sites and organizations in the spring of 2002. The survey results, and other counties' and state preservation grant programs were reviewed and carefully considered by a Freeholder-appointed Blue Ribbon Advisory Committee on Historic Preservation which developed rules and regulations for a historic preservation funding program. Morris County voters approved a referendum on November 5, 2002 authorizing the Board of Chosen Freeholders to permit historic preservation funding under the Open Space Trust Fund, as allowed by state law. The Board of Chosen Freeholders adopted the Historic Preservation Trust Fund Program Guidelines on December 11, 2002.

5.3 Program Overview

The Morris County Historic Preservation Trust Fund will consider grants for the acquisition, stabilization, rehabilitation, restoration or preservation of historic resources by the County, municipalities and qualified charitable conservancies whose purpose includes historic preservation. Grant applications for plans and reports associated with the implementation of a historic preservation project are also eligible. All historic resources must be eligible, or certified as eligible, for the New Jersey and National Registers of Historic Places.

There are three types of applications available. Projects that are principally construction-related should be detailed in the Construction application. Grant requests for acquisition and preservation planning documents should be completed on the Preservation Planning application. Grant requests for the preparation of Construction Documents should be completed on the Construction Documents application. All applications should be submitted to the Morris County Department of Planning & Public Works, Division of Planning & Preservation whose staff will conduct a preliminary review to determine eligibility and application completeness. The application will then be reviewed by the Historic Preservation Trust Fund Review Board, who will also visit the site and rate each application according to established criteria. The Review Board's recommendations will be forwarded to the Board of Chosen Freeholders who will determine grant awards.

Applicants will be notified of their award and will receive a grant agreement setting out their State statutory and County requirements. The agreement must be executed by the applicant and the Board of Chosen Freeholders prior to any disbursement of funds from the County.

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5.4 Goals of Program

1. Foster comprehensive preservation planning to ensure the continued preservation of historic resources.
2. Stimulate preservation activity by providing funding for technical assistance and restoration projects.
3. Encourage long-term facilities planning and capital budget planning of historic resources.
4. Further the stewardship of the built and natural environment by helping preserve historic structures on open space tracts.
5. Heighten the public's awareness of Morris County's irreplaceable historic character.
6. Increase opportunities for heritage tourism in the County.
7. Help insure that preservation planning is an integral part of community development.

5.5 Eligible Applicants

1. Municipal governments within Morris County
2. Morris County Government
3. Charitable conservancies whose purpose includes historic preservation of historic properties, structures, facilities, sites, areas or objects, or the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes. Charitable conservancies submitting applications must include documentation of their tax-exempt status. This includes charitable conservancies whose purpose is to preserve state and federal owned historic sites.
4. Religious institutions

5.6 Eligible Properties

1. The property must be located in Morris County.
2. The property must be listed on the National Register of Historic Places or the New Jersey Register of Historic Places, individually or as part of a historic district listed on the New Jersey Register and National Register.
3. If not listed on either Register, the property must be certified as eligible for listing by the State Historic Preservation Office, either as an individually listed site or as part of a historic district. A Certificate of Eligibility letter or a State Historic Preservation Officer Opinion (SHPO Opinion) issued by the New Jersey State Historic Preservation Officer or proof of State and National Register status must be included with the application.

5.7 Ownership of Project Properties

1. Owner consent is required to submit any application, except for an acquisition.
2. For Construction Grants: If the applicant is not the owner, then the applicant must be able to prove possession and significant control over the property through a valid lease. The unexpired term of the lease must be 20 years from the date of application.
3. For Preservation Planning and Construction Documents Grants: If the applicant is not the owner or lessee with a 20 year unexpired lease term, then the applicant must be able to prove significant involvement with the property's preservation. Additionally, applicants for the preparation of a New Jersey Register of Historic Places nomination require an owner's consent to place the property in the Register.
4. All properties that are to be purchased must be purchased in fee simple and the purchasing entity

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must have full control of the land.

5.8 Eligible Activities

All of the eligible activities listed below must be in conformance with the Standards for the Treatment of Historic Properties 1995 (also known as the Secretary of the Interior's Standards for Rehabilitation). These regulations must be followed as currently in effect or as they may be subsequently modified, changed or amended.

Charitable Conservancies that plan to submit construction grant requests exceeding \$50,000 must have prepared a Preservation Plan and obtained professional construction cost estimates based on construction documents before they are eligible to apply for funding toward the actual construction. Applicants may apply for a Non-Construction Grant that includes the preparation of a Preservation Plan, construction documents, construction cost estimates by a State of New Jersey-certified professional cost estimator, and/or relevant reports or analysis. The construction cost estimate must be escalated two (2) years to the anticipated construction period.

After obtaining a professional construction cost estimate, the applicant may apply for a Construction Grant that includes bidding, construction, and construction administration.

Construction grant applications must include a Maintenance Plan which conforms to the guidelines in the most current version of *Historic Structure Reports & Preservation Plans – A Preparation Guide* from the New Jersey Historic Preservation Office.

1. Acquisition - the purchase in fee simple of an eligible property, structure, facility, site, area or object by the County, a municipality or charitable conservancy. The applicant must meet the following requirements:
 - a. The property must be purchased by an eligible applicant.
 - b. Applicant must submit at least one independent market appraisal in accordance with the historic preservation appraisal requirements, Section 5.15.
 - c. No grant money may be used toward appraisals, attorney fees or other closing costs.
 - d. The applicant must provide at least 50 percent of the acquisition cost.
 - e. The Historic Preservation Program's match shall not exceed 50% of the Accepted Market Value (AMV) as defined in Section 5.15.5.
 - f. The applicant must provide written assurance that the grant would go toward reducing the mortgage with any balance dedicated to future rehabilitation and restoration of the property.

Generally, an applicant would not have closed on the property prior to the grant award. However, if they have closed on the property prior to award, the above submission criteria would still apply. However, in no event may the title to the property be acquired earlier than one year prior to the application submission deadline.

The acquisition of most historic sites eligible under the Historic Preservation Trust Fund Program are also eligible acquisitions under the Municipal and/or Qualified Charitable Conservancy Open Space Program of the Morris County Preservation Trust Fund Program (See Section 3 3.2.2).

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There are different application and appraisal requirements for each program. Applicants who intend to seek acquisition funding from either the Morris County Historic Preservation Trust Fund or Open Space Programs are strongly encouraged (required?) to have a pre-application meeting with Division of Planning & Preservation staff to discuss all funding options and the most appropriate program depending upon applicant goals and intended use of the historic site.

2. Stabilization - the essential protection of a deteriorated structure, facility or object as it exists at present, establishing structural stability and a weather-resistant enclosure.
3. Rehabilitation - the act or process of making possible the compatible use of a property through repair and alteration while preserving those portions or features which convey its historical, cultural or architectural value.
4. Restoration - the act or process of accurately depicting the form, features and character of a property as it appears at a particular period of time by means of the removal of features from other periods and reconstruction of missing features from the restoration period.
5. Preservation - the act or process of applying measures necessary to sustain the existing form, integrity and material of a historic property.
6. Plans and Reports - permitted when related to the development, and implementation of historic preservation projects, including the preparation of:
 - a. Architectural plans, designs, specifications, cost estimates and other contract documents
 - b. Feasibility studies
 - c. Historic structures reports
 - d. Historic landscape reports
 - e. Archeological reports
 - f. Engineering reports
 - g. Historic research reports
 - h. Preservation Plans
 - i. National Register of Historic Places nomination forms
7. Religious institutions - eligible activities include Historic Structure Reports, Preservation Plans, and Assessment Reports; and the preparation of construction documents and completion of construction activities for the exterior building elements, and the building's structural and MEP systems (mechanical, electrical and plumbing).
8. Cemeteries that are individually listed on or eligible for the New Jersey or National Register of Historic Places: Eligible activities include the preparation of reports, assessments and studies that document the conditions of tombstones or other elements of the cemetery; and the preparation of construction documents and completion of construction activities for all historic cemetery elements.

5.9 Requirements for Matching Funds

To be eligible for a grant that requires match funding, the applicant shall, as part of the application, show evidence of matching funds in hand or demonstrate clearly the ability to match the grant requested.

Match Funding Requirements by Grant Type and Amount

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Grant Type	Trust Fund will pay:	Applicant will pay:
Construction	80%	20%
Acquisition	50%	50%
Preservation Planning & Construction Documents		
If less than or equal to \$5,000	100%	0%
If more than \$5,000	80%	20%

An applicant's matching share shall consist only of cash raised or on hand. Once a grant agreement has been signed and proof of match submitted to the Trust Fund, a "Notice to Proceed" authorizing the approved project application will be sent to the applicant.

5.10 Ineligible Activities

1. Reconstruction
2. Administrative or operational costs of the agency
3. Ceremonial expenses
4. Publicity expenses
5. Bonus payments of any kind
6. Charges in excess of the lowest qualified bid when competitive bidding is required
7. Charges for deficits or overdrafts
8. Interest expense (or other financing costs)
9. Damage judgments arising from construction or equipping a facility, whether determined by judicial process, arbitration, negotiation, or otherwise
10. Contract cost overruns, not approved, which exceed the allowable amount under the contract specifications
11. Fundraising or lobbying
12. Work including construction, research, and preparation of plans and reports performed outside the approved project period
13. Work not intended in the scope of work set forth in the agreement, including construction, research and preparation of plans and reports
14. Work that does not comply with the Secretary of the Interior's Standards. Work performed on behalf of a municipal government that has not been awarded in compliance with the State Contracts Law (N.J.S.A.52:32-1 et seq.)
15. Work performed on behalf of a nonprofit corporation which has not been awarded in compliance with public bidding requirements if the costs of any contract for the historic preservation project funded with a historic preservation grant exceeds \$50,000.
16. Routine or ongoing maintenance work such as grounds maintenance, painting or cleaning that is not part of a comprehensive project.
17. Relocation of structures, buildings or objects unless all of the following standards are met:
 - a. Relocation is necessary to preserve the historic resource; and
 - b. The relocation re-establishes the property's historic orientation, the immediate setting, and the

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general environment; and

- c. The State Historic Preservation Officer determines that the property, as relocated, will continue to meet New Jersey Register criteria.

18. Interpretive activities such as displays, signs, etc.

5.11 Historic Preservation Trust Fund Review Board

The Historic Preservation Trust Fund Review Board (“Review Board”) shall review, prioritize and make recommendations to the Morris County Board of Chosen Freeholders on the funding of historic preservation projects under the Historic Preservation Trust Fund.

All nominees to the eleven member Review Board shall be reviewed according to standard County procedures in order to avoid any potential conflict of interest. The Morris County Board of Chosen Freeholders shall appoint the Review Board based upon the recommendations from the various municipalities and/or entities as follows:

Number of Appointees	Appointee Representation
4	Municipal representatives, with one representative from each of the Historic Preservation Regions as stipulated below and on Figure 2
2	At-Large members
1	Morris County Heritage Commission from its membership
1	Professional with expertise in Historic Preservation from the discipline of Preservation Architecture
1	Professional with expertise in Historic Preservation from the discipline of Architectural History
1	Professional with expertise in Historic Preservation from the discipline of Building Restoration
1	Professional with expertise in Historic Preservation, with a background as an archeologist, historic landscape specialist, historic site manager, historic site curator or engineer with historic preservation expertise

Region	Municipalities
I	Chester Boro., Chester Twp., Dover, Mendham Boro., Mendham Twp., Mine Hill, Mt. Olive, Randolph, Victory Gardens, Washington
II	Denville, Jefferson, Mt. Arlington, Netcong, Rockaway Boro., Rockaway Twp., Roxbury, Wharton
III	Boonton Town, Boonton Twp., Butler, Kinnelon, Lincoln Park, Montville, Mt. Lakes, Parsippany, Pequannock, Riverdale
IV	Chatham Boro., Chatham Twp., East Hanover, Florham Park, Hanover, Harding, Long Hill, Madison, Morris Plains, Morristown, Morris Twp.

All municipal and at-large representatives shall have served on a historic preservation commission, committee or board for five years or have demonstrated related historic preservation experience.

All members shall abide by the County’s Policy and Procedures for Attendance of Volunteer Members of

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Advisory Bodies at Scheduled Meetings and Conflict of Interest.

All Committee members shall be residents of Morris County and shall be required to properly file a financial disclosure statement as required by N.J.S.A. 40A:9-22.1.

5.12 Term of Office

The municipal members shall serve for no more than two terms of three years each. The Heritage Commission appointee shall serve no more than two terms of three years each. The At-Large representatives shall be appointed for no more than two terms of four years each.

In order to create staggered terms for the appointees with professional expertise in historic preservation, the following terms of office shall be applied for members with professional expertise in historic preservation. No explicit term limits apply to the members with professional expertise.

The appointment for the appointee with background as an archeologist, historic landscape specialist, historic site manager, historic site curator or engineer with historic preservation expertise, shall commence for 1 year for calendar year 2011. Subsequent appointments shall be for terms of 4 years each.

The appointment for the appointee with professional expertise in historic preservation from the discipline of preservation architecture shall commence for 2 years for calendar years 2011 and 2012. Subsequent appointments shall be for terms of 4 years each.

The appointment for the appointee with professional expertise in historic preservation from the discipline of architectural history shall commence for 3 years for calendar years 2011 through 2013. Subsequent appointments shall be for terms of 4 years each.

The appointment for the appointee with professional expertise in historic preservation from the discipline of building restoration commencing in calendar year 2011 and subsequent appointments shall be for terms of 4 years each.

5.13 Application Review

The Morris County Department of Planning & Public Works, Division of Planning & Preservation will review submitted applications for eligibility and completeness. Applicants are encouraged to consult with the Department staff about any aspect of the application that requires clarification. All eligible and complete applications will be forwarded to the Historic Preservation Trust Fund Review Board who will evaluate them and may visit the sites under consideration during the application review period.

5.13.1 Evaluation Criteria

a. Construction Projects

1. Significance of the resource
2. Physical condition of the property
3. Proposed use of the site and/or quality of the interpretive program
4. Quality of the preliminary planning or contract documents, including credentials of the project team, and feasibility of the budget and work schedule
5. Ability of the applicant to match the funds requested
6. Ability of the applicant to complete the proposed work, maintain the property, administer the grant funds, and develop programs to sustain and interpret the property
7. Relationship of the project to community revitalization, preservation of the built or natural

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environment, and heritage education and tourism

8. Degree to which the project promotes preservation activity and represents innovative design and extent to which the project reaches new audiences

b. Preservation Planning & Construction Documents Projects

1. Significance of the resource
2. Physical condition of the property
3. Ability of the applicant to match the funds requested
4. Ability of the applicant to complete the proposed work
5. Potential of the project to foster preservation of the historic property; to promote other preservation activity or related cultural or economic activity; and to foster appropriate site management practices that sustain the long-term use of a property
6. Overall quality of the work proposed for funding
7. Degree to which the project promotes preservation activity and represents innovative design and/or reaches new audiences
8. Impact of the project, including:
 - a. Heritage tourism opportunities and public access
 - b. Proposed use and interpretive program for the site
 - c. Plans for the continued preservation of the structure after the expenditure of historic preservation grant money.

5.14 Application Procedures

5.14.1 Schedule

January	Applications available
Last Friday in March	Applications must be received by the Morris County Department of Planning & Public Works, Division of Planning & Preservation by this date
June	The Historic Preservation Trust Fund Review Board will make its grant recommendations to the Board of Chosen Freeholders

5.14.2 Professional Services Checklist

All applicants seeking funding for a) Professional Services and/or b) Construction activities requiring Professional Services shall complete and submit the Professional Services Checklist, which is incorporated by reference herein. "Professional Services" shall mean services provided by professionals that are involved with the planning, designing and construction of historic preservation projects, including Architect, Structural Engineer, MEP (Mechanical, Electrical, Plumbing) Engineer, Landscape Architect, Cost Estimator, Conservator, Contractor/Craftsman, and personnel responsible for Paint Analysis and Mortar Analysis, and others.

This checklist is intended to clearly identify all consultants involved in a proposed project; and to clarify the associated requirements pertaining to the submission of documentation and affiliated services by Preservation Professionals if funding is awarded. This checklist and its associated Professional Proposals must be submitted as part of the applicable grant application or the application would not be considered for

funding. If funded by the Trust Fund, this completed checklist and associated Professional Proposals will

The Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund become the basis for the review of Professional Services.

5.14.3 Historic Structure Report & Preservation Plan Checklist

All applicants seeking funding for the preparation of Historic Structure Reports or Preservation Plans shall complete and submit the Historic Structure Report & Preservation Plan Checklist, which is incorporated by reference herein. This checklist and the Project Personnel sections should reflect the information that will be provided and the participating team members if the project is funded by the Trust Fund. If funded, the completed checklist will become the basis for the document review.

5.15 Requirements for Historic Property Appraisals

5.15.1 Purpose

To establish requirements for appraisals and appraisal reports submitted by County, municipalities and Charitable Conservancies seeking funding for acquisition of property through the Morris County Historic Preservation Trust Fund.

5.15.2 Applicability

All applicants seeking funding for acquisition of real or personal property shall have one real or personal property appraisal that is documented by a written report that is prepared in compliance with Section 5.15. All appraisals and reports of real and personal property must be prepared by an appraiser who is either a New Jersey State Certified General Real Estate Appraiser for real property appraisals or an Accredited Member or Accredited Senior Appraiser of the American Society of Appraisers, or an equivalent professional organization specializing in the valuation of personal property, and who is registered to do business in the State of New Jersey.

The Planning & Preservation Division staff shall have the right to disqualify any appraisal that does not meet the criteria outlined in Section 5.15.

5.15.3 Submission Requirements

The deadline for appraisal submission shall be the same as the application deadline. Applicants are required to submit two hard copies of the appraisal report and an electronic copy in PDF format to the Planning and Preservation Division staff. Any applicant that does not meet the appraisal submission deadline shall have its application deemed incomplete and not be eligible for consideration in that funding year.

5.15.4 Appraisal Requirements

All appraisals must specifically include the Morris County Open Space, Farmland and Historic Preservation Trust Fund as an Intended User of the appraisal and appraisal report.

For purposes of Section 5.15, "pre-appraisal estimated value" shall mean the anticipated appraised value for the subject property and is only for use in determining which type of appraisal to prepare. The applicant may consult tax records and/or the municipal tax assessor for assistance and guidance in this determination.

For properties that have a pre-appraisal estimated value approaching the \$250,000 limit, the applicants are encouraged to have an appraisal report prepared in compliance with 2014-2015 USPAP Standard 2.2 (a) for valuations of real property and Standards 8.2 (a) for personal property.

If the applicant chooses to prepare the Restricted Use Appraisal Report as defined by 2014-2015 USPAP Standard 2.2(b) or Standard 8.2(b), documentation must be provided with the funding application that substantiates the estimated value of the property at less than \$250,000. Based on the pre-appraisal estimated

value, the following Appraisal Requirements shall apply:

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a. For Acquisition of Real Property (Fee Simple)

The applicant's appraiser shall prepare an appraisal of the subject property and submit a written report, commonly known as a "**Summary Appraisal Report**," of its opinion of the market value of the subject property in accordance with the definition of "Market Value" as set forth in the most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

The appraisal and report must contain at a minimum the Scope of Work necessary to develop credible assignment results. The Appraisers specific Scope of Work for the assignment must be expressly disclosed in the appraisal report.

The appraiser must fully comply with the most recent requirements of USPAP's COMPETENCY RULE that states an appraiser must be competent to perform the assignment; or must acquire the necessary competency to perform the assignment; or must decline or withdraw from the assignment. An affirmation of the appraiser's competency must be included in any appraisal report submitted for consideration.

The "As of Date" of the appraisal shall be the application deadline of the application year or the date of the property inspection with the property owner, whichever date is more current to the date of the appraisal. If an appraisal and report have already been prepared, the "As of Date" must be no earlier than April 1 of the year prior to making the application.

The applicant's appraiser shall separate the land value from the value of all structures or improvements for all properties that are the subject of the application, and shall provide a discrete land value separated from the value of all structures and improvements.

The applicant's appraiser shall be provided with a structural engineer's report from a licensed professional detailing the structural integrity and weaknesses of the improvements on the subject land. A copy of this report, which is signed and sealed by the licensed professional, shall be included and attached in the appraisal report. The Planning and Preservation Division staff, at their sole discretion, shall have the right to disqualify any structural engineering report that does not contain sufficient detail.

Where there is an assertion of development potential for the land, the applicant's appraiser shall be provided with a report from the municipal engineer or licensed professional planner of the municipality in which the subject property is located, demonstrating the development potential of the subject property.

This report shall include an evaluation of the development potential of the Subject Property including but not limited to: municipal land use ordinances and regulations, environmental restrictions; such as, wetlands, Category 1 streams, sub-soil conditions and steep slopes. A copy of this report, which is signed and sealed by the municipal engineer or licensed professional planner, shall be included and attached in the appraisal report. The Planning and Preservation Division staff, at their sole discretion, shall have the right to disqualify any development potential report that does not contain sufficient detail.

The applicant's appraiser shall not prepare an appraisal or issue a report based on any unsubstantiated "extraordinary assumptions and/or hypothetical conditions" relative to the structural integrity of the improvements, or the development potential or any environmental conditions of the subject property. The appraiser must rely upon the appraiser's expertise as well as the information provided by the structural engineer, and/or the municipal engineer or professional planner in formulating their opinion of the Market Value of the Subject Property.

If the municipal engineer or professional planner does not provide such analysis, the municipality or the non-profit must hire independent consultants to prepare reports on the structural integrity of the improvements, and/or the land's development potential for consideration by the appraiser.

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b. For Acquisition and Funding of Personal Property

All applicants seeking funding for acquisition of personal property shall have one personal property appraisal that is documented by a written report, which is prepared in compliance with Section 5.15.

An appraiser who is currently an Accredited Members or Accredited Senior Appraiser of the American Society of Appraisers, or an equivalent professional organization specializing in the valuation of personal property and who is registered to do business in the State of New Jersey must prepare all appraisals and reports of personal property submitted for funding consideration.

Two hard copies of the appraisal report and an electronic copy in PDF format shall be submitted to the Planning and Preservation Division staff.

The applicant's appraiser shall prepare an appraisal of the subject property and submit a written report, commonly known as a "**Summary Appraisal Report**," of their opinion of the market value of the subject property in accordance with the definition of "Market Value" as set forth in the most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

The appraisal and report must contain at a minimum the Scope of Work necessary to develop credible assignment results. The Appraisers specific Scope of Work for the assignment must be expressly disclosed in the appraisal report.

The appraiser must fully comply with the most recent requirements of USPAP's COMPETENCY RULE that states an appraiser must be competent to perform the assignment; or must acquire the necessary competency to perform the assignment; or must decline or withdraw from the assignment. An affirmation of the appraiser's competency must be included in any appraisal report submitted for consideration.

The "As of Date" of the appraisal shall be the application deadline of the application year or the date of the property inspection with the property owner, whichever date is more current to the date of the appraisal. If an appraisal and report have already been prepared, the "As of Date" must be no earlier than April 1 of the year prior to making the application.

All appraisals must be prepared in accordance with 2014-2015 USPAP Standard 7, Personal Property Appraisal Development, and reported in compliance with Standard 8, Personal Property Appraisal Reporting. All appraisal reports must be prepared using at minimum the requirements of 2014-2015 USPAP Standard 8.2 (a).

5.15.5 County Appraisal Review

All appraisals submitted for funding through the Morris County Historic Preservation Trust Fund shall be reviewed by an appraiser hired by Morris County ("Review Appraiser") who is currently at a minimum a New Jersey State Certified Real Estate Appraiser (SCGRE) and is on the current List of Approved Appraisers of the New Jersey Green Acres program.

The Review Appraiser shall review the appraisal and issue a written review report in accordance with the most current edition of USPAP's Standard 3, Appraisal Review, Development and Reporting, requirements. If applicable, the Review Appraiser shall develop questions regarding development of the opinion of value and transmit these to the applicant's appraiser with copy to the applicant.

The Review Appraiser shall contact the applicant's appraiser (via e-mail, phone, or letter) to address any questions regarding the development of the opinion of value that are not addressed in the appraisal report or resolved via written correspondence from the applicant's appraiser.

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It is the applicant's sole responsibility to directly contact their appraiser to respond to the Reviewer's questions regarding development of the value conclusion and the final value conclusion that may occur because of the appraisal review.

The Review Appraiser shall develop an opinion as to the credibility, completeness, accuracy, relevance, adherence to appraisal guidelines and reasonableness of the analysis in the work under review given law, regulations and intended user requirements applicable to the work under review.

If the Review Appraiser concludes the applicant's appraiser provides reasonable and credible documentation to support the assumptions and analysis in the report and adequately addresses all questions raised, the value conclusion shall be deemed Morris County's **Accepted Market Value** (AMV) upon which Morris County may provide 50% funding for the project. The AMV is not a certified value for any other purpose whatsoever and is not an average of appraised values.

Various program areas receive funding allocations from the Morris County Preservation Trust Fund. These are the Park Commission, Municipal Utilities Authority, Agriculture Development Board, Municipal/Non-Profit Open Space Program, Historic Preservation Program, and Flood Mitigation Program. Morris County's maximum 50% funding of the cost of acquisition on a project shall include sources of funds from all of these programs, not to exceed the AMV. Funding participation by other partners and the applicant is encouraged.

The Historic Preservation program may provide no more than 50% funding of the cost of acquisition on a project up to the lower of either the contract value or AMV.

If the Review Appraiser concludes the applicant's appraiser does not provide reasonable and credible documentation to support the assumptions, analysis and value conclusion in the report, and if the applicant's appraiser fails to adequately address all questions raised leaving significant issues unresolved, then the Review Appraiser shall, at the direction of the Historic Preservation Trust Fund Review Board, develop an independent opinion of value which shall be deemed the AMV for Morris County acquisition funding.

5.16 Conditions for Receiving Grant Funds

All applicants selected for funding must complete and sign a grant agreement within 60 days of receipt of the grant agreement which details the scope of work and project schedule, as well as schedules for project reports and reimbursement requests. All grantees agree to abide by the Secretary of the Interior's Standards in performing funded work. Grant recipients must also agree to meet other conditions of the grant program before money is disbursed. These include, but are not limited to:

1. Easements – The County will draft, and the applicant (and all others with an ownership interest in the property) must execute an easement agreement with a 30-year term with the County of Morris. An easement is a deed restriction that is used to assure long-term preservation of a historic property through proper maintenance and by limiting changes in use or appearance and preventing demolition of the property. An easement is required for a) all acquisition projects at time of funding and b) construction grants over \$50,000, applied cumulatively over any number of funding cycles. The easement must be executed prior to the County's final payment on the particular construction grant. Once an easement has been executed, the scope of subsequent construction projects will be added as amendments to the existing easement with new 30-year terms. Easements are not required for non-construction projects resulting in plan development. In no way does this easement supersede any requirements pursuant to Section 106 of the National Historic Preservation Act of 1966 or New Jersey Register of Historic Places Act.
2. Public Access - Public access to all properties funded through this grant program is required. The County and the grantee will negotiate the days and hours that the property will be open to the

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public, based on the type of work funded by the grant. Public access requirements are stipulated in the easement agreement. No additional public access is necessary for properties open to the public on a regular basis, such as museums.

3. Required Historic Preservation Office Review - The County of Morris and the New Jersey Historic Preservation Office (HPO) have executed a Memorandum of Understanding which permits the County to retain qualified professional staff to review funded projects for compliance with the Secretary of the Interior's Standards. If the project, for which funding is requested, has already been authorized by the HPO, the authorization letter must be submitted with the grant application. For more information, contact the New Jersey Historic Preservation Office, Technical Review Section at (609) 292-2023. No construction can begin on any project until an administrative approval letter is received from the County of Morris.
4. Project Timetable - All work on projects funded through this program must be completed within two years of appropriation of grant funds. If an applicant is unable to complete the work within the two years of appropriation of grant funds, the applicant must come before the Historic Preservation Trust Fund Review Board before the expiration of the two years to officially request an extension. The Review Board could recommend to the Board of Chosen Freeholders up to a one-year extension of the grant agreement which would also specify the work to be completed within the extended time period.
5. National and New Jersey Register of Historic Places - All applicants receiving funding must list their property on the National and New Jersey Registers of Historic Places. The Grant Agreement between the applicant and the County will outline a timetable for the submission of a nomination to the State Historic Preservation Office. An applicant that has received funding for an individual property not yet listed on the National and New Jersey Registers of Historic Places must have a Register nomination accepted by the State Historic Preservation Office for transmission to the New Jersey State Review Board for Historic Sites before additional funding from the Trust Fund can be considered.
6. Accountability - All money dedicated for the preservation project must be kept separate from other agency or organization funds; funds may not be diverted from eligible to ineligible activities once a grant agreement has been approved. Any misuse of funds, misrepresentation, or non-compliance will result in termination of the grant agreement and penalties as specified in the agreement. Receipts and invoices submitted for activities deemed ineligible for funding under this program will not be reimbursed. Grantees must retain all financial records and other documents pertinent to their projects for three years after completion of the project.

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6. Flood Mitigation Program

6.1 Introduction

Increased, repetitive flooding in New Jersey, especially recovery from the excessive flooding caused by Hurricane Irene in 2011, has led Morris County to expand their floodplain mitigation efforts by creating a specific program with designated funding for the buyout of flood-prone residential properties.

In Morris County, flood problems are caused, in part, by development in the flood plain, which is particularly evident in the Passaic River Basin where development has encroached upon the floodway and in the flood hazard areas. Working closely with the affected municipalities, as well as funding partners at the state and federal level, Morris County will mitigate this situation by assisting municipalities with the acquisition of flood damaged properties, requiring the demolition of structures on-site and permanently preserving the land therein.

Priority will be given to municipalities that have sought funding from other sources prior to applying to Morris County. Application to other funding sources is *not* a requirement to be eligible for this program. Applications not funded through this program may apply, subsequently, to the traditional Morris County Open Space program.

The 1988 Morris County Open Space Master Plan states that developed areas, which are subject to recurrent flooding, pose a serious threat to the public's health, safety and general welfare and that land along streams and rivers should be preserved. A key management strategy for flood control involves the purchase and removal of frequently flooded housing within the flood plain. The objectives are to provide natural open space areas for floodwater storage, decrease the loss of life and property risk, lower costs for the governments involved, and provide a new beginning for flood-prone home owners. Morris County will endeavor to move people and homes out of harm's way and create new open space that will help absorb and contain future flooding.

6.2 Background

The NJ Office of Emergency Management (OEM) administers Federal Emergency Management Agency (FEMA) programs that buyout flood prone properties, converting them to permanent open space. Flood inundated communities can utilize this federal acquisition funding as a hazard mitigation option. The federal program requires a matching grant for the cost of acquisition, either from the corresponding state or municipality. Once a property is bought, from willing sellers only, the local government must demolish all structures and maintain the site as public open space in perpetuity.

This FEMA Program, as well as the NJ Department of Environmental Protection (NJDEP) Blue Acres Program, is consistent with the goals and regulations of the Trust Fund. Therefore, Morris County will begin to work with FEMA, OEM and Blue Acres to assist local governments by providing the match requirement for land acquisition projects. Morris County will prioritize applications that obtain FEMA funding. However, Morris County will additionally consider properties outside the federal and state programs, with the requirement that the municipality provide the matching acquisition funds. These matching funds may not be derived from the Municipal and/or Qualified Charitable Conservancy Projects Program (a.k.a. the traditional Morris County Open Space Program).

6.3 Program Overview

The Morris County Flood Mitigation Program will consider grant applications from municipalities for the acquisition of residences that have experienced severe, repetitive flooding, or sustained substantial damage (greater than 50%), that receive a minimum Benefit/Cost Ratio (BCR) of 1:1. Only acquisition projects will be considered for this program.

Through the MATCH program, Morris County will provide matching funds to municipalities in

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partnership with FEMA, Blue Acres, or the municipality, up to a maximum of 25% of total project cost. In the CORE Program, Morris County will take the lead funding role, providing up to a maximum of 75% of total project cost. CORE Applications must be accompanied by a basic, long-term acquisition plan for mitigating the flood-prone areas of a municipality, which includes an assessment of flooding risk and a delineation of desirable areas for acquisition. Morris County will directly assist municipalities, on an as-needed basis, with the preparation of this plan; this assistance will include all required mapping.

Grant applications may be filed throughout the year on a rolling basis. All applications are to be submitted to the Morris County Department of Planning & Public Works, Division of Planning & Preservation. The Flood Mitigation Program staff will review the application to determine eligibility and completeness. If proceeding, then staff will conduct a preliminary site assessment.

Viable applications will be presented to the Flood Mitigation Committee (FMC) which will assess each application according to established criteria. The FMC's recommendations will be forwarded to the Board of Chosen Freeholders who will determine grant awards based upon appraised values.

The municipal applicants will be notified of their awards and will receive a grant agreement detailing State and County requirements and conditions. The agreement must be executed by the municipality and the Board of Chosen Freeholders (BCF) prior to any disbursement of funds from the County.

6.4 Goals of Program

- A. Provide natural open space areas for floodwater storage
- B. Decrease the risk of potential loss of life to both citizens and emergency response personnel
- C. Lower OEM and other relief and recovery costs for local governments.
- D. Create a buffer area that will protect inland homeowners and their property
- E. Lower property losses after storm events
- F. Lower homeowner's flood insurance costs
- G. Provide a new beginning for flood-prone homeowners

6.5 Eligible Applicants

Any of the thirty-nine municipalities in the County of Morris.

6.6 Eligible Properties

- A. The property must be located in Morris County.
- B. The property must be residential. Office, industrial or government properties are not eligible.
- C. Properties with a history of repetitive loss or a property that have sustained substantial damage (greater than 50%) in a single flood event
- D. The Project Area and/or property must receive a minimum "Benefit Cost Ratio" (BCR) of 1:1 to qualify for grant consideration. The BCR will be determined using FEMA's Benefit Cost Analysis Model.
- E. Property owner must be a willing seller.
- F. Properties in the process of foreclosure or currently held by a bank post-foreclosure that meet the criteria in items A - E.

6.7 Eligible Activities

- A. Acquisition of flood-prone and flood-damaged homes and the lands associated with these homes.

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- B. Flood events that are eligible include:
 - 1. Overland water flow
 - 2. Excessive land saturation due to cumulative rainfall or snowmelt
 - 3. Slope failure, slope erosion or mudflow – public access to these properties may be limited due to public safety issues

6.8 Acquisition Procedures

- A. Any application to Morris County for flood mitigation funding must first be made to the Flood Mitigation Program.
- B. Only if said application has been reviewed and rejected by the FMC or the BCF, may application be made to other grant programs funded by the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund.
- C. If a municipality seeks funding, up to 25% of the acquisition cost, to match a project underway with another funding agency, e.g. FEMA or NJDEP Blue Acres, then application shall be made to the MATCH program by meeting with Morris County staff and providing the full application given to the other funding agency, including any mapping, project analysis or determination of Benefit-Cost Ratio.
- D. If the project is a nationally declared disaster, which has received obligated funds from another agency, application shall be considered “Fast Track”; see section 6.15 for details.
- E. If a municipality seeks the majority of the acquisition cost, up to 75%, from Morris County, then application shall be made to the CORE program, wherein a Flood Acquisition Plan (FLAP) and Morris County CORE application is required and shall be developed with help from Morris County staff.
- F. The requirement for a FLAP is waived in the case of nationally-declared disasters which have received obligated funds from another agency.
- G. **Flood Acquisition Plans (FLAP)** shall consist of three elements and are the proprietary property of the municipality. The County will keep the FLAP confidential and any decision regarding the distribution of the FLAP shall be determined by the municipality. Morris County staff shall work free of charge with the municipality to develop the FLAP.
 - 1. Narrative - a brief recounting of the history of flooding in the municipality and goals for its flood mitigation effort
 - 2. Map - shows the location of flood and stream features, including, but not limited to: riparian sources, floodplains, floodways, homes with active National Flood Insurance Policies, information from Flood Insurance Rate Maps, Flood Insurance Studies, and the identification of previously preserved properties
 - 3. Project Areas – derived from the narrative and map, areas to be the focus of flood mitigation efforts shall be identified, including a list of specific parcels therein.
- H. Approval Process shall be in two steps:
 - 1. Preliminary Approval by FMC and BCF; this determines a lump sum amount to be

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encumbered for use in a defined Project Area

2. Approval by FMC and BCF to release a specified dollar amount to a municipality for the acquisition and preservation of a specific, individual property

I. **Application Process:**

1. Application – A municipality files an application with Morris County’s Flood Mitigation Program, which includes all documentation delineated on application checklist, including a FLAP if application is to the CORE Program and has not been approved by another funding agency. Both “Priority” and “Alternate properties” shall be included on the application’s acquisition list, and all resultant Municipal and County resolutions, in the event that a “Priority” property withdraws from the program.
2. Review – Morris County staff determines that the application has met eligibility requirements and presents the application to the Flood Mitigation Committee.
3. Appraisal – Municipality has an appraisal done of applicant property to determine reasonable, pre-flood event market value based on comparable sales
4. Contract – Municipality enters into a sales contract with willing landowner
5. Grant Agreement – Municipality enters in to a grant agreement Morris County
6. Acquisition – Morris County wires approved funds to the municipality who in turn purchases, fee simple, the eligible structures and lands from a willing landowner
7. Demolition – the entire removal of a residence(s) and any appurtenances within 90 days of the property’s acquisition; costs for demolition shall not be funded by the Morris County Preservation Trust Fund
8. Preservation – a permanent deed restriction will be placed on the land at the time of closing and it will be held as preserved open space in perpetuity by the municipality. Properties may be used for active or passive recreation. There shall be no impediment to the retention and absorption of flood waters – see Section 6.8-J for details.

J. **Post-Preservation Land Use Restrictions** – Restrictive covenants shall be included and conveyed in the deed to any property acquired through this program. The County shall provide model deed restrictions for grantee’s use. Said restrictions are similar to those approved by FEMA in 44 CFR Chapter 1, Section 206.434, item (e).

1. The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreation or wetlands management
2. No new structures are permitted to be built, except as indicated below:
 - i. a public facility that is open on all sides and functionally related to a designated open space or recreational use
 - ii. a rest room
 - iii. in general, allowable open space, recreational, and wetland management uses include parks for outdoor recreational activities, nature reserves, cultivation, grazing, unimproved parking lots, and buffer zones.

6.9 Requirements for Matching Funds

- A. Morris County will provide up to a maximum of 75% of total project cost.

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- B. The municipality must arrange for the remaining match funding. It can be from a variety of sources, including, but not limited to: FEMA, NJDEP Blue Acres, NJDEP Green Acres, municipal open space trust fund, municipal general funds and homeowner donation of value (acceptance of a reduced price, which can then be considered as a donation of land for tax purposes).
- C. These matching funds shall not be derived from any program funded by the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust.

6.10 Activities Ineligible for FMP Funding

- A. Demolition – this cost must be borne by federal, state or local funds
- B. Elevations, and other non-acquisition mitigation techniques
- C. Any project involving eminent domain
- D. Acquisition of non-residential properties, including commercial, office, retail, industrial, vacant land, and public lands.
- E. Improvements to the property including, but not limited to, restoration, grading, seeding, landscaping, and construction of facilities. (See Section 6.8-K for Post-Preservation Land Use – no structure or activity is permitted that shall impede the flow or absorption of flood waters once the land has been acquired and permanently deed restricted.)

6.11 Flood Mitigation Committee (FMC)

- A. The FMC is an advisory committee comprised of seven members that, shall review, prioritize and make funding recommendations to the Morris County Board of Chosen Freeholders.
- B. Meetings shall be held monthly, on an as-needed basis.
- C. A quorum shall consist of four FMC members.
- D. All nominees to the FMC shall be residents of Morris County.
- E. The Morris County Board of Chosen Freeholders shall appoint the FMC annually.
- F. The term of the FMC member shall be three years in length.
- G. Members may serve up to two (2) consecutive terms and then must be off the FMC for one year before serving again.
- H. Terms shall be staggered amongst the seven members.
- I. The Morris County Board of Chosen Freeholders may also appoint a Freeholder liaison to the FMC who shall not have voting privileges.
- J. In the event of a vacancy in the membership of the FMC occurring during the unexpired term of appointment, a person shall be appointed as a member of the FMC to serve for said unexpired term.
- K. Each year at its first annual meeting, the FMC shall elect a Chairperson and Vice-Chairperson from its regular members, for a term of one year.

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- L. The Chairperson shall preside at all meetings of the FMC and shall appoint all standing and ad hoc committees as may be required.
- M. The Vice-Chairperson shall perform the duties of the Chairperson in his/her absence.
- N. Should the office of Chairperson become vacant, the Vice-Chairperson shall succeed to the office of the Chairperson for the balance of the term.
- O. The Vice-Chairperson shall perform such duties as may be assigned by the Chairperson.

6.12 Application Review

- A. The Morris County Department of Planning & Public Works, Division of Planning & Preservation (Department) will review submitted applications for eligibility and completeness.
- B. Applicants are encouraged to consult with the Department staff about any aspect of the application that requires clarification.
- C. All eligible and complete applications will be forwarded to the Flood Mitigation Committee who will evaluate them and make recommendations to the Board of Chosen Freeholders.
- D. Applications will be accepted on a rolling basis throughout the year.

6.13 Appraisal Requirements

- A. Prior to conducting an appraisal, the municipality must obtain a “**Statement of Voluntary Participation**” executed by all parties with an equitable interest in the subject property, which documents the property owner’s understanding and acceptance of the voluntary nature of said acquisition.
- B. An executed copy of the “**Statement of Voluntary Participation**” shall be an exhibit in the appraisal report. The property owner is defined herein as any party with an equitable interest in the Subject Property. This form may be found at: <http://morriscountynj.gov/planning/flood/rules/> under “Forms”.
- C. All applicants seeking funding shall submit two (2) copies of the appraisal report in two formats: one (1) copy shall be an original hardcopy and one (1) copy shall be a digital version, prepared in accordance with the requirements of the NJDEP Blue Acres Program Appraisal Scope of Work, Section E, which can be found at: www.nj.gov/dep/greenacres/blue_flood_ac.html under “Appraisals”, with the exception of the following:
 - 1. The effective date shall be determined by the FMP,
 - 2. The Homeowner Outreach Form is not required by the FMP, but should be obtained for projects utilizing NJDEP funding.
- D. Morris County will provide cost share funding for up to one year after the municipality’s initial offer is made to the property owner. Said offer shall be automatically withdrawn after that time period expires.
- E. In the **MATCH program**, in which Morris County provides up to 25% of the acquisition costs as a subordinate funder, Morris County will utilize the Certified Market Value (CMV) accepted and/or certified by the majority funding agency; e.g., FEMA or NJDEP.
- F. In the **CORE program**, in which Morris County is the majority funder, providing up to 75% of the acquisition cost, all appraisals will be subject to a review by an appraiser hired by Morris County.

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G. **County Appraisal Review:**

1. CORE application appraisals submitted for funding through the Morris County FMP shall be reviewed by an appraiser hired by Morris County (“Review Appraiser”) who is currently a New Jersey State Certified General Real Estate Appraiser (SCGREA) and is on the current List of Approved Appraisers of the New Jersey Green Acres Program.
2. The Review Appraiser shall review the appraisals in accordance with all appropriate current USPAP requirements as well as the requirements of the FMP Appraisal Policy. If applicable, the Review Appraiser shall develop questions regarding the development of the opinion of value, and transmit these to the applicant’s appraiser with copy to the applicant.
3. The Review Appraiser shall contact the applicant’s appraiser (via e-mail, phone, or letter) to address any questions regarding the development of the opinion of value that are not addressed in the appraisal report or resolved via written correspondence from the applicant’s appraiser.
4. It is the applicant’s sole responsibility to directly contact their appraiser and instruct them to respond to the Reviewer’s questions regarding the development of the value conclusion and the final value conclusion which may occur as the result of the appraisal review.
5. The Review Appraiser shall develop an opinion as to the completeness, accuracy, relevance and adherence to USPAP and FMP appraisal guidelines, and reasonableness of the analysis, given the law, regulations and intended user requirements applicable to the work under review.

H. **Accepted Market Value:**

1. If the Review Appraiser concludes the applicant’s appraiser provides reasonable documentation, assumptions and analysis to support the credible assignment results and adequately addresses all the questions raised, the value conclusion shall be deemed Morris County’s “Accepted Market Value” (AMV) upon which Morris County may cost share for the project.
2. If the Review Appraiser concludes that the applicant’s appraiser does *not* provide reasonable documentation, assumptions, analysis to support credible assignment results and the value conclusions in the appraisal report and fails to adequately address all questions raised, leaving significant issues unresolved, then the Review Appraiser shall, at the direction of the Flood Mitigation Committee, develop an independent opinion of value utilizing the most current USPAP Standards and the FMP Appraisal Policy, which shall be deemed the AMV for Morris County’s cost share participation percentage.
3. The AMV is the basis upon which Morris County may cost share for the project. The review appraiser’s opinion will be final and binding on all parties that executed the “Statement of Voluntary Participation”.
4. The AMV is for Morris County valuation purposes only and is not to be substituted, characterized or confused with the Certified Market Value (CMV) issued by NJDEP.

I. **Appraisal Value Disagreement:**

1. Should the property owner disagree with the municipality’s appraised value and want to commission a second appraisal report; the municipality shall at its sole discretion determine if it will accept the owner’s appraisal.

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2. If a second appraisal is to be considered, the property owner shall commission this valuation at his/her sole cost and expense. The property owner's appraisal must be prepared in compliance with the FMP Appraisal Policy.
 3. If the estimated property value in the second appraisal is greater than 10% higher than the municipality's appraisal, then a third appraisal must be commissioned by the municipality for Morris County's review and determination of AMV.
 4. Morris County will accept for review all three appraisals, but will only reimburse the appraisal fees for assignments directly hired by the municipality. The reimbursement shall be based on the cost-share participation percentage.
- J. **At Risk Authorization:**
1. For the acquisition to remain eligible for Morris County FMP funding, the municipality shall *not* enter into a purchase contract for any parcel submitted for inclusion in this program unless it has first received either an AMV, or an "At Risk" authorization from Morris County.
 2. Within 14 days of a municipality's request for an At Risk Authorization, Morris County FMP shall authorize, in writing, the municipality to proceed with the acquisition of a proposed flood mitigation project site at its own risk, indicating that the AMV has yet to be established.
 3. If the contract price is higher than the AMV as subsequently established by Morris County's Review Appraiser, then the municipality is responsible for making up this difference in project cost. Morris County will only fund the cost-share participation percentage to the amount of the AMV.
 4. The Morris County Flood Mitigation Program is not obligated to award funding for the acquisition of any project site for which Morris County FMP issues an At-Risk Authorization
 5. A municipality is not obligated to acquire any project site for which it has received At-Risk Authorization
- K. The cost of all appraisals contracted by the municipality is eligible for reimbursement at the cost-share participation percentage unless the appraisal fees and expenses are reimbursed by another governmental agency.
- L. The cost of an appraisal contracted by the property owner is *not* eligible, even if cost share participation is ultimately based on that appraisal.
- M. Morris County's maximum cost share participation on a project shall not exceed 75% of the AMV
- N. Morris County may cost share on a project up to the lower of either the contract value or the AMV
- O. Foreclosure - If a property is under foreclosure, the offer to the bank will be post-flood, current fair market value or the remaining principal balance on the mortgage, whichever is *less*.

6.14 Evaluation Criteria

The following criteria will be considered when evaluating applications:

- A. Encourage preservation of multiple parcels/homes in a flood prone area to achieve the most effective flood storage and protection capabilities
- B. Discourage 'checkerboard' preservation within neighborhoods

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- C. Concentrate on properties that have experienced severe, repetitive loss due to flooding or extreme damage from a specific storm event, i.e. Hurricane Irene
- D. Prioritize municipalities with local hazard mitigation plans, which have also signed on to the Morris County Hazard Mitigation Plan
- E. Give consideration to specific projects as they relate to the municipality's overall, long term flood mitigation acquisition plan
- F. Projects should be consistent with the objectives of Morris County and Municipal Open Space Plans
- G. Priority shall be given based on the level of damage to a residence; unsafe, uninhabitable structures shall receive the highest priority
- H. The FMC discourages construction of new homes or the expansion of existing homes in flood prone areas. Recent development of this type will be a factor considered by the Committee in its review of applications.

6.15 Funding Requirements

- A. Funding levels/cost share percentages will be determined based on what other funding has been obtained, e.g. FEMA, Blue Acres, etc.
- B. All funds go directly to the municipality for distribution, not the individual homeowner
- C. The County's flood mitigation grant to a municipality shall not exceed 75% of the acquisition cost; the specific cost share amount will be determined on a case-by-case basis and will be detailed in the Grant Agreement.
- D. Soft Cost Reimbursement is available, at the same percentage as the acquisition cost, on closed projects only.
- E. Once a Project Area receives Preliminary Approval, funds for the specific parcels in that Project Area will be encumbered for municipal use for a period of three years from the date of said approval.
- F. Once that time span has expired, the municipality may apply for up to two, 6-month-long, extensions by demonstrating challenging circumstances that have inhibited project progression and the Municipality's efforts to address these difficulties.
- G. Funds not expended within this 3- to 4-year time period will be forfeited and returned to the FMP as unencumbered funds.
- H. Once this forfeiture has occurred, there shall be a one-year wait period until an application for the same parcels in this Project Area can be made to the FMP; the only exemption to this rule is forfeiture of grant funds due to a bank-related or third-party issue.

6.15 FAST TRACK Applications

In the event of a nationally declared disaster, individual property applications already approved by FEMA will be expedited for Flood Mitigation Committee and Board of Chosen Freeholders approval. FEMA and/or NJDEP Blue Acres will provide all required application mapping, appraisals and property analysis to Morris County staff and the Flood Mitigation Committee for its review. Morris County will endeavor to provide up to 25% match funding to coincide with the federal and state agencies closing date on said properties.

6.16 Survey Requirements

- A. All applicants seeking funding shall submit a survey prepared by a New Jersey licensed land

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surveyor in conformance with this policy not later than 30 days prior to closing for its review and approval. The Division of Planning and Preservation shall have the right to disqualify any survey that doesn't meet the deadlines and/or requirements outlined in this policy.

B. The survey shall show all easements and right-of-way dedications for County roads, bridges and drainage structures, (e.g. sight triangle easements, bridge maintenance easement and roadway dedications) in accordance with the County Official Map, the County Engineer, and requirements of County Planning Board approval, where applicable.

C. **Scope of Work/Specifications/Deliverables**

1. One electronic and one paper copy of the survey plat, along with a metes and bounds description, shall be prepared according to the Digital Mapping Submissions Standards (Appendix G) of the Morris County Land Development Standards.
2. For projects with potential/committed funding from the New Jersey Green Acres, or Blue Acres Programs, the survey must be prepared in accordance with the requirements of the NJ-DEP Green Acres Standard Scope of Survey Work, which can be found at: <http://www.nj.gov/dep/greenacres/survey/blueacres.html#acquistion>

Originally Adopted March 14, 2014

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Historic Preservation Trust Fund**

7. Trail Construction Grant Program

7.1 Background

In 2013, the Morris County Board of Chosen Freeholders commissioned a study designed to take a thorough and objective look at the projects completed since the establishment of the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund (“Trust Fund”) in 1992. The resultant Preservation Trust Fund Analysis and Strategy Report (“Report”) assessed municipal goals and needs related to open space and environmentally sensitive areas, parks (including maintenance and improvements) and linkages, historic and farmland preservation, flood mitigation and the possible role of the Trust Fund in meeting these local goals and needs.

The Report included personal interviews with each of the 39 municipalities in Morris County plus nine land trust non-profits through a detailed questionnaire to these entities as well as 27 historic preservation non-profits. A recurring theme throughout the evaluation was the acquisition of land or easements for trails, and the construction of trails, as a high priority for nearly all municipalities and land trust non-profits. Trail installation and improvements were identified by 62% of municipalities¹ as post-preservation plans for their open space properties. Funding for trail construction was “strongly supported” by 78% of municipalities.

The results of the Report were used to delineate the parameters of a new voter referendum that would ultimately alter the allowable uses of the Trust Fund. On August 13, 2014, the Board of Chosen Freeholders authorized the ballot question that would permit trail construction as an allowable use under the Trust Fund, as allowed by State law. On November 4, 2014, the voting electorate of Morris County approved the ballot question by a margin of nearly 3 to 1. The Board of Chosen Freeholders adopted the Trail Construction Grant Program on April 27, 2016.

7.2 Intent and Purpose

Morris County established a Trail Construction Grant Program to support and enhance the county’s quality of life and cultural and heritage tourism efforts. The purpose of the grant program is to provide recreational trail use opportunities (as defined by the program) which benefit the communities and enhance the quality of life for the residents of Morris County. The program will rely upon local communities and their government representatives to provide inspiration, planning and commitment, as well as meeting the matching funds requirement, to make these trail projects a reality.

7.3 Program Overview

The Morris County Trail Construction Grant Program will distribute grants for the construction of trails from municipalities. All trail construction must occur on public park lands held by the municipality, or easements (dedicated to a municipality for public recreational trail use). Only trail construction grants will be considered through this program. The program will operate on a reimbursement basis only. Applicants are limited to one application per funding cycle.

The Morris County Trail Construction Grant Program will operate as a collective and collaborative effort of the Morris County Park Commission and Morris County Division of Planning and Preservation. Grant requests shall be completed using the application package developed by program staff. All applications shall be submitted to program staff and will be reviewed to determine eligibility and application completeness. Applications will then be reviewed by the Morris County Trail Program Advisory Committee and evaluated according to established criteria. The Advisory Committee’s recommendations will be forwarded to the Board of Chosen Freeholders who will determine and take action on the grant awards.

¹ Out of 26 responding

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Applicants will be notified of their awards and will receive grant agreements specifying County requirements. The grant agreement must be executed by the municipality and the Board of Chosen Freeholders within 60 days of award notification by the County.

7.4 Goals of Program

- A. Provide grant funding to municipalities to accelerate the construction of recreational trails throughout Morris County.
- B. Promote the construction of trails which may also be complementary to the Morris County Park Commission's trail system.
- C. Enhance Morris County's quality of life.
- D. Provide alternate means of transportation that support a healthy lifestyle.
- E. Heighten the public's awareness of Morris County's irreplaceable historic character.
- F. Increase opportunities for cultural and heritage tourism in the County.
- G. Improve Morris County as a destination market for leisure travel.

7.5 Definitions

- A. Trail – a thoroughfare or track across land or snow, used for recreational purposes excluding roads generally accessible by low clearance passenger vehicles but includes high clearance primitive roads, such as:
 - 1. Non-motorized activities; and/or
 - 2. Motorized vehicular activities
 - a. Gas powered such as all-terrain vehicles, motorcycling, and snowmobiling
 - b. Non-gas powered such as electric segways and bikes

Trails do not include sidewalks or running tracks as defined by an oval shaped track that is used for races involving athletes at track meets.

- B. Department of Planning & Public Works Boards or Committees
 - 1. Agriculture Development Board
 - 2. Flood Mitigation Committee
 - 3. Freight Rail Advisory Committee
 - 4. Historic Preservation Trust Fund Review Board
 - 5. Open Space Trust Fund Committee
 - 6. Planning Board
 - 7. Board of Transportation

7.6 Eligible Applicants

Any of the thirty-nine municipalities in the County of Morris, New Jersey.

7.7 Eligible Properties

- A. The land must be located in Morris County.
- B. The land on which the trail is to be funded must be permanently preserved public parkland owned by the municipality.
- C. The land on which the trail is to be funded may be on land with a permanent easement dedicated for public trail/recreational use which has been provided to the municipality.

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7.8 Source of Project Funding and Applicant Match

- A. Funding is provided through the Morris County Preservation Trust Fund and annual allocations are based on funding availability.
- B. Municipalities must provide match funding and demonstrate, as part of the application, evidence of matching funds in hand or clearly demonstrate the ability to match the grant requested.
- C. Trail construction grants will be awarded as an 80%-20% match, with the applicant providing the 20% match which can be provided with a financial contribution or in-kind services.
 - 1. For example, for a total project cost of \$31,250 and a requested grant award of \$25,000, the 20% match would equal \$6,250. The match can be in the form of cash or the fair market value of labor or materials (in-kind services).
 - 2. The value of the land or easement within an existing park (land trust, preserve, etc.) may not be used as credit for the match.
 - 3. A public agency may not use the value of land transferred from the administration of one agency to another agency to meet the minimum match.
- D. Trail construction grants will be made as a reimbursement only and issued upon completion of trail construction and submission of proper documentation, including inspection reports.

7.9 Permissible/Eligible Uses and Projects

- A. Construction of new trails of various tread surfaces, including
 - 1. Non-motorized trails
 - a. Multi-use Trails (e.g., pedestrian, bicycle, equestrian, hiking, cross-country skiing, skating and skateboarding)
 - b. Single use trails
 - 2. Motorized trails (gas and non-gas operated)
 - a. ATV
 - b. Off-road Motorcycle
 - c. Snowmobile
 - d. Segway
 - e. Electric bikes and scooters
 - 3. Gas powered vehicles may only be used on trails dedicated specifically and solely for motorized trail activities.
- B. Rehabilitation and Restoration of existing trails damaged by Federal or State designated disasters.
- C. Construction and installation of trailside and trailhead facilities (only as part of new trail construction)
 - a. Wayfinding Signs
 - b. Blazing
 - c. Fencing & trailhead gates

7.9.1. Tread Surfaces

Tread surfaces for trail projects can include, but are not limited to:

- 1. Natural Tread
 - a. Native rock or soil
 - b. Gravel
 - c. Wood chips
 - d. Mulch
- 2. Non-Paved Porous Materials
 - a. Stone Dust
 - b. Flexi-Pave
 - c. Turf

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- 3. Paved Trails
 - a. Asphalt
 - b. Concrete
- 4. Boardwalks

7.9.2. Standards for Construction

The American Association of State Highway and Transportation Officials' (AASHTO) Guide for the Development of Bicycle Facilities are recommended standards for construction. Additional standards may apply when designing for single types of use and shall be applied accordingly. Maximum path width in wetlands or wetland buffers must comply with rules of the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation program, which may require narrower maximum width.

7.10 Uses and Projects Not Eligible for Funding

Items not eligible for funding as part of this grant program include but are not limited to:

- A. Land condemnation
- B. Trail feasibility studies
- C. Law enforcement personnel
- D. Law enforcement activities
- E. Sidewalks
- F. Running tracks as defined by an oval shaped track that is used for races involving athletes at track meets
- G. Lighting
- H. Promotional materials (e.g., shirts, caps, pins)
- I. Improvements or construction to roads
- J. Improvement or construction of road shoulders
- K. Purchase of equipment

7.11 Grant Amounts

- A. Minimum grant amount is \$5,000.00
- B. Maximum grant amount - No one award shall receive more than 60% of the funds available during each year's funding cycle. This exception can be waived if the pool of applicants is limited and/or the awarded application is deemed to be a regionally significant project.
 - 1. Projects with cost estimates that exceed the maximum grant award shall make funding requests outlining phases of implementation.

7.12 Trail Program Advisory Committee

- A. The Trail Program Advisory Committee ("Advisory Committee") shall review, prioritize and make recommendations to the Morris County Board of Chosen Freeholders on the funding of trail construction grant projects under the Morris County Preservation Trust Fund.
- B. All nominees to the nine member Advisory Committee shall be reviewed according to standard County procedures in order to avoid any potential conflict of interest.
- C. The Morris County Board of Chosen Freeholders shall appoint the Advisory Committee as follows:

Number of Appointees	Appointee Representation
4	Morris County Park Commission Recreational Trail Committee
2	Morris County Department of Planning & Public Works Boards and/or Committees
3	At-Large from the Trail Community

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- D. All members shall abide by the County's Policy and Procedures for Attendance of Volunteer Members of Advisory Bodies at Scheduled Meetings and Conflict of Interest.
- E. All Advisory Committee members shall be residents of Morris County.
- F. Advisory Committee members from the Morris County Park Commission Recreational Trail Committee shall serve terms running concurrent with their present appointment on said Committee.
- G. Advisory Committee members from Boards and/or Committees of the Morris County Department of Planning & Public Works shall serve terms running concurrent with their present appointment on said Board and/or Committee.
- H. At-Large Advisory Committee members shall initially serve staggered terms of 1 to 3 years. Upon expiration of their initial terms, all subsequent At-Large members shall serve 3 year terms.

7.13 Application Procedures

The application package and schedule shall be developed by program staff. Each applicant shall complete the grant application form (found at <http://morriscountynj.gov/planning/divisions/prestrust/trail/application/>) and comply with all application requirements and deadlines found in the form. The grant program is competitive and requires an evaluation and selection process to determine award recommendations. Program staff shall review submitted applications for eligibility and completeness. All eligible and complete applications will be forwarded to the Trail Program Advisory Committee who will annually review, prioritize, and recommend awards. Recommendations shall be made to the Morris County Board of Chosen Freeholders.

Before submitting an application, applicants must determine what other governmental approvals are required, including if the project is on, in or next to a site on the National or State Registers of Historic Places. Information on listed sites is available from county cultural and heritage commissions, county historical societies and the New Jersey Historic Preservation Office (HPO). Any project recommended for funding that is on, in or next to a registered site shall be subject to review by the New Jersey Historic Preservation Office. Applicant must provide authorization from the HPO and a copy of the authorization letter to program staff.

7.13.1 Schedule

May	Applications Available
September	Applications Due
November	The Trail Program Advisory Committee will make its grant recommendations to the Board of Chosen Freeholders
December	Approval of Trail Program Advisory Committee recommendations by the Board of Chosen Freeholders

7.13.2 Evaluation Criteria

Applications shall be evaluated by the Trail Program Advisory Committee using the following criteria. The results of the evaluation are not the sole source of award recommendations. Considerations may also include expected amount and type of use, and quality of natural, cultural and recreational resources.

- 1. Access and Design
 - a. Project complies with Department of Justice Title II, ADA standards, and PROWAG

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- accessibility standards.
 - b. Project provides access to major destinations such as schools, recreation facilities, and/or civic/community centers.
 - c. Project provides access to significant natural, cultural or historic features.
2. Diversity
 - a. Project is designed to accommodate multiple trail user types.
 - b. Project serves a diverse demographic.
 3. Connectivity
 - a. Project connects to an existing trail network (e.g., Federal, State, County, Regional, Municipal).
 - b. Project provides connections to adjacent land uses via logical terminus.
 4. Demand
 - a. Project is likely to have a high level of usage.
 - b. Project would alleviate crowding and/or over usage of existing trails.
 - c. Project fulfills a documented need.
 5. Concurrency
 - a. Project is consistent with short and long term planning goals and initiatives of the local municipality, County or State.
 - b. Project is of regional significance.
 6. Funding
 - a. Applicant has a successful history of implementing grants for similar types of projects.
 - b. Applicant is providing additional funding above the required 20% match.
 7. Constructability
 - a. Applicant has completed final design for the project.
 - b. Complete plans, specifications and cost estimates are provided.
 - c. Applicant is able to complete project within designated schedule of completion in application and within 3 years.
 - d. Project is in preliminary design with permits pending.
 8. Maintenance
 - a. Applicant has a proven history of maintaining and operating trail facilities.
 9. Partnership
 - a. Applicant has a proven history with project partner(s) in completing similar types of projects.
 10. Programs and Promotion
 - a. Applicant has a proven history of providing programs that educate and promote similar facilities.
 - b. Project will create new and/or enhanced programs to educate and promote the facility and its features.

The Morris County Trail Program Advisory Committee may enhance, amend, or modify the grant criteria guidelines as necessary. Program modifications are at the discretion of the Advisory Committee and/or the Board of Chosen Freeholders.

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7.14 Program Requirements

7.14.1. Grant Agreement

1. All applicants approved for funding shall execute a grant agreement in order to effectuate the grant award. The grant agreement shall be provided by Morris County; no modifications to the agreement are permitted. Applicants approved for grant funding shall have 60 days from Freeholder action on the Trail Advisory Committee's recommendations to return the executed grant agreement to the County. Failure to return the executed grant agreement to the County within this time frame may result in the forfeiture of the grant award.
2. The project timeline for grant purposes shall commence on March 31 of the year immediately following Freeholder action on the grant award.

7.14.2. Timeline for Completion

1. Projects must be completed within three years of the project timeline effective date as identified in the grant agreement.
2. Grantees are required to submit project schedules as part of the application and provide revised schedules as necessary throughout the construction phase.
3. If a project is not completed within the timeframe outlined within the grant agreement, notification and request for extension shall be provided to the Trail Program Advisory Committee at least 30 days in advance of expiration.
4. Grantees shall be eligible for up to two six-month grant extensions if it is shown that there are challenging circumstances which inhibit a project's completion within the initial three year work period identified in the grant agreement.

7.14.3. Project Reporting and Monitoring Requirements

1. Program staff shall monitor progress of grant project by requiring grantees to submit written quarterly progress reports detailing specific works events completed and forthcoming.
2. A progress form will be provided by program staff.
3. No grant reimbursement payments shall be made until all final inspections, authorizations and progress reporting requirements have been satisfied.
4. At a minimum, program staff shall conduct at least one monitoring site visit per calendar year on all awarded projects for the defined project timeline in the grant agreement.

7.14.4. Project Amendments

1. Significant amendments to an approved project shall be considered, but are not limited to, items which require considerable revisions to the original alignment, routing, permitting, budget and overall impact of the facility. Amendments must be documented by the grantee justifying the requested change and reported to the Trail Program Advisory Committee for approval prior to proceeding.
2. The Trail Program Advisory Committee shall review and recommend approval of significant amendments to an approved project. These amendments are subject to Board of Chosen Freeholder review and approval.
3. Grantees are permitted to make minor amendments to the approved project, upon consultation with program staff, to meet unanticipated permit requirements and/or onsite field conditions.

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7.14.5. Project Termination

If for any reason the grantee must terminate the project, the recipient shall notify program staff immediately in writing, explaining the reason for termination.

7.14.6. Fees

Grantees are prohibited from charging trail or any additional fees for the use of any projects funded through this program.

7.14.7. Maintenance

Grantees shall be responsible for the maintenance of all trails, trailside and trailhead facilities funded through this program.

7.15 Public Access

Public access to all trails funded through this program is required.

7.16 Financial Information

- A. Grant funding shall be provided as a reimbursement at the time of project completion.
- B. All grantees must maintain records that adequately identify the source and application of funds provided for projects. Accounting records must be supported by such source documentation including cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.
- C. County grant funding cannot be used to reimburse expenses for projects started before Freeholder approval of the grant agreement.
- D. Any misuse of funds, misrepresentation, or non-compliance will result in termination of the grant agreement and penalties as specified in the agreement.

7.16.1. Direct Costs

- 1. For in-kind services of labor or materials, the grantee will be required to provide documentation on the value of those services, such as copies of bills, receipts or invoices, for the project funded, and an explanation of how that value was derived.
- 2. Reimbursement
 - a. Direct costs are eligible costs related to trail construction only and may be reimbursed under the grant program if they have been outlined and approved in the grant application.
 - b. Eligible direct reimbursement costs are clearly identifiable costs related to a specific project. General categories of direct costs include, but are not limited to, salaries and wages, fringe benefits, construction equipment rental, construction contractor costs, signs, etc. All direct costs must be included and itemized in the grant application cost estimate.
- 3. Matching
 - a. Volunteer services may be used for the grantee's matching costs and valued at wage rates consistent with those ordinarily paid for similar work in the grantees' organizations, or for similar work in the same labor market as determined by the applicant, subject to approval by program staff.
 - b. Donated supplies will be valued at the market value of the supplies at the time of donation.

7.16.2. Indirect Costs

- 1. Indirect costs are not eligible for funding under the program and will not be reimbursed.

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2. Indirect costs include but are not limited to professional services, site design, engineering, supervision, legal fees, advertising, permit fees, preliminary planning or engineering, historic research, professional advice, estimates, reports, services or studies and other incidental costs related to the project construction.

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 Historic Preservation Trust Fund**

8. Amendments

The Morris County Board of Chosen Freeholders may amend the Rules and Regulations of Morris County Preservation Trust Fund by resolution at any time.

Adopted May 26, 2010

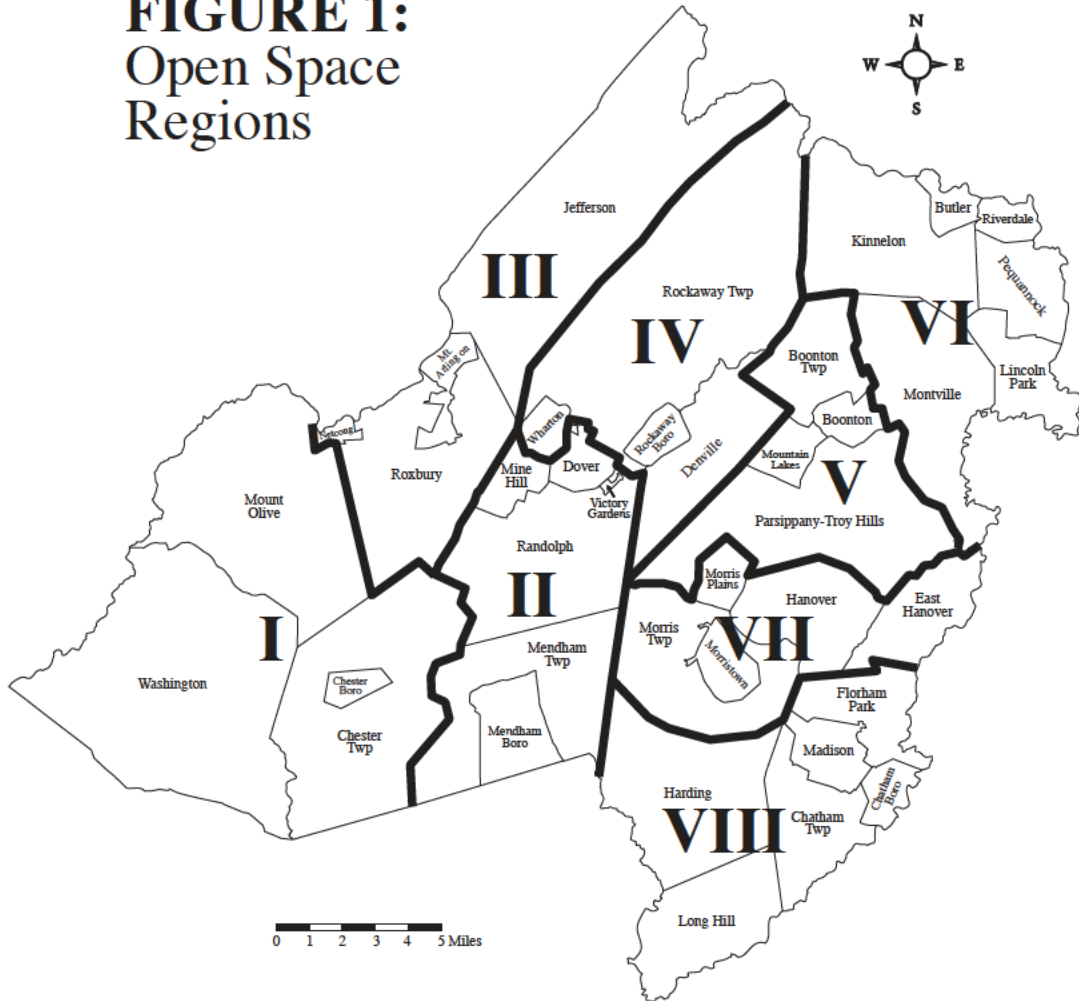
Original Approval and Amendment History

Date	Freeholder Resolution	Description
December 14, 1994	35	Original adoption of Open Space and Farmland Preservation Trust Fund Rules and Regulations
September 25, 1996	35	Interest allocation; allocation of funds
September 10, 1997	31	Time frame for execution of grant agreement
February 10, 1999	9	Application review; discretionary dollars
January 26, 2000	27	Alternate projects
October 10, 2001	27	Allocation of unexpended funds
December 11, 2002	46	Adopt Historic Preservation Trust Fund Program and Rules
January 22, 2003	45	Authorization for Historic Preservation funding
February 11, 2003	54	Defined Historic Preservation and established funding allocation
October 8, 2003	10	Established time frame for acquisition
March 10, 2004	30	Allocation of Funds for 2004
April 27, 2005	44	Allocation of Funds for all future years
June 22, 2005	64	Amend Definitions, Allocation of Funds and Acquisition Procedures
July 13, 2005	55	Amend Ineligible Activities and Membership for Historic Preservation Program
December 14, 2005	54	Amend grant agreement extension and Eligible Activities for Historic Preservation Program
April 26, 2006	2	Amend Open Space Acquisition Procedures
August 22, 2007	15	Amend Term of Office for Open Space Trust Fund Committee members
November 12, 2008	49	Amend Eligible Properties and Grant Fund Conditions for Historic Preservation Program
March 9, 2011	25	Amend Membership for Open Space Trust Fund Committee
October 26, 2011	10	Amend Conditions for Receiving Grant Funds for Historic Preservation Program
November 9, 2011	38	Amend Membership for Open Space Trust Fund Committee
March 14, 2012	44	Adopt Flood Mitigation Program, Rules and allocate funding

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April 11, 2012	5	Amend Open Space Acquisition Procedures
June 27, 2012	31	Amend Flood Mitigation Program Rules and Regulations
July 25, 2012	39	Amend Flood Mitigation Program (FMP) Rules and Regulations
September 24, 2012	10	Amend Section 3.3.3. Ineligible Acquisitions
November 28, 2012	36	Amend Sections 5.3, 5.7, 5.8, 5.9, 5.16.2 on 3 types of HP applications
Feb. 13, 2013	37	Amend Section 5.15 on HP easement
May 6, 2013	31	Amend Section 6.13 – Appraisal Policy for FMP
October 9, 2013	35	Amend Section 6.11– Flood Mitigation Committee, and Section 6.13–Appraisal Requirements for FMP
December 23, 2013	18	Amend Section 1.2 – Allocation of Funds-Interest on Investments
January 4, 2014	15	Amend Section 6.11 – expand Flood Mitigation Committee to 7 members
February 10, 2014	23	Amend Section 6.6 – adds BCR and foreclosure eligibility requirements
July 9, 2014	11	Amend Section 6.13 – updates Appraisal Policy to most current USPAP standards
October 22, 2014	45	Amend Section 6.13 & 6.14 – updates Appraisal Policy and creates an expiration date for encumbered funds.
December 22, 2014	45	Amend Section 3.3.6 – clarifies adjustments to open space awards
January 14, 2015	27	Amend Section 5.8 (acquisition); Add Section 5.15 (Appraisal requirements); Amend Section 5.16(1) - Easements
April 27, 2016	11	Adopt Trail Construction Grant Program; Amendments to Chapters 1, 2 & 8

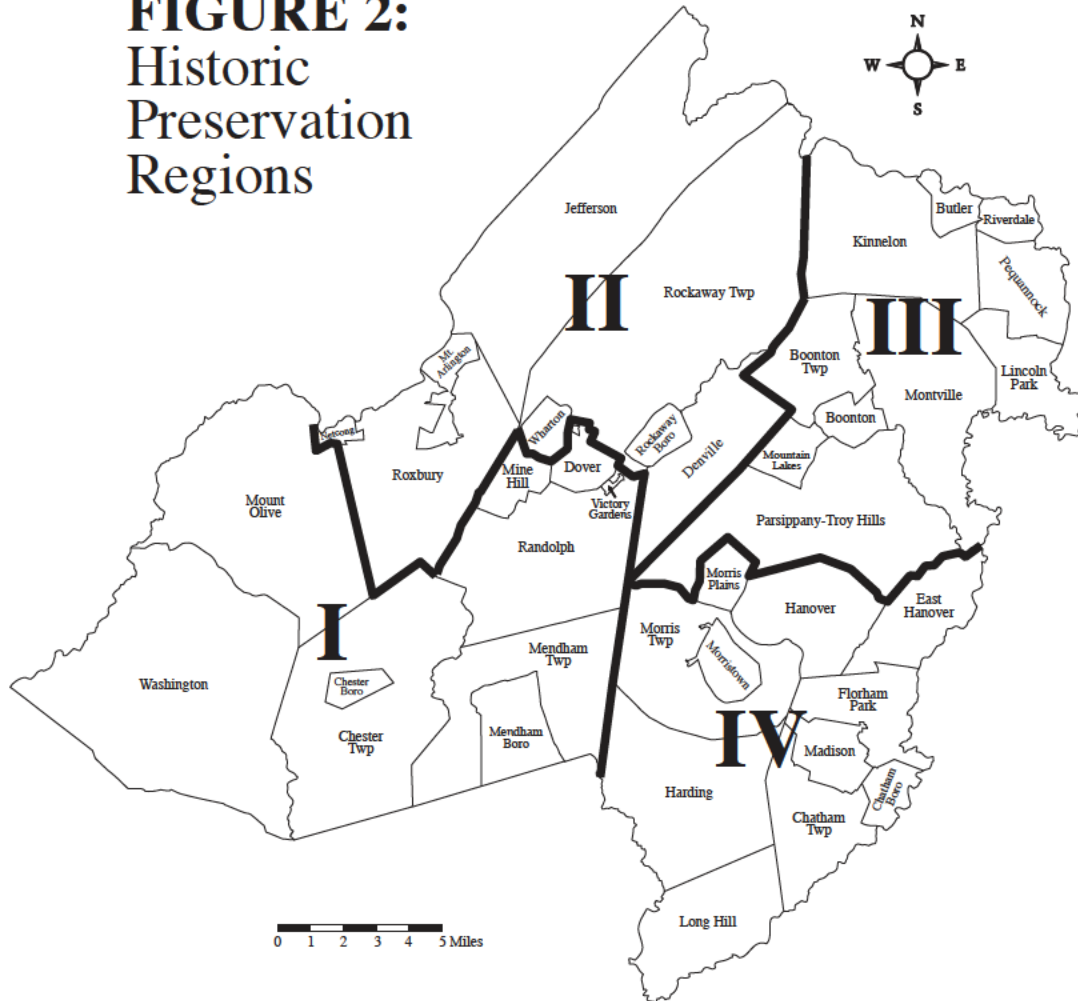
FIGURE 1:
 Open Space
 Regions



<u>Region I</u>	<u>Region II</u>	<u>Region III</u>	<u>Region IV</u>	<u>Region V</u>	<u>Region VI</u>	<u>Region VII</u>	<u>Region VIII</u>
Mt. Olive	Mendham Boro.	Roxbury	Rockaway Twp.	Parsippany	Pequanock	Morristown	Madison
Washington	Mine Hill	Mt. Arlington	Denville	Mt. Lakes	Butler	Morris Plains	Chatham Boro.
Chester Twp.	Randolph	Jefferson	Rockaway Boro.	Boonton Twp.	Lincoln Park	East Hanover	Chatham Twp.
Chester Boro.	Mendham Twp.	Netcong	Wharton	Boonton Town	Kinnelon	Hanover	Florham Park
	Victory Gardens				Montville	Morris Twp.	Harding
	Dover				Riverdale		Long Hill

Municipalities are listed in order of rotation on the Open Space Trust Fund Committee.

FIGURE 2:
 Historic
 Preservation
 Regions



- | | | | |
|--|---|---|--|
| <p>Region I
 Chester Boro.
 Chester Twp.
 Dover
 Mendham Boro.
 Mendham Twp.
 Mine Hill
 Mt. Olive
 Randolph
 Victory Gardens
 Washington</p> | <p>Region II
 Denville
 Jefferson
 Mt. Arlington
 Netcong
 Rockaway Boro.
 Rockaway Twp.
 Roxbury
 Wharton</p> | <p>Region III
 Boonton Town
 Boonton Twp.
 Butler
 Kinnelon
 Lincoln Park
 Montville
 Mt. Lakes
 Parsippany
 Pequannock
 Riverdale</p> | <p>Region IV
 Chatham Boro.
 Chatham Twp.
 East Hanover
 Florham Park
 Hanover
 Harding
 Long Hill
 Madison
 Morris Plains
 Morristown
 Morris Twp.</p> |
|--|---|---|--|

EXHIBIT

B2

HISTORIC SITE MASTER PLAN
THE PRESBYTERIAN CHURCH IN MORRISTOWN
MORRISTOWN, MORRIS COUNTY, NEW JERSEY

PROJECT DIRECTORY

PROJECT

HISTORIC SITE MASTER PLAN
THE PRESBYTERIAN CHURCH IN MORRISTOWN
Church on the Green, Chapel, Howard House and the Parish House
Morristown, Morris County, New Jersey

CLIENT

THE PRESBYTERIAN CHURCH IN MORRISTOWN
65 South Street
Morristown, New Jersey 07960

INVESTIGATING TEAM

CONNOLLY & HICKEY HISTORICAL ARCHITECTS, LLC
P.O. Box 1726
2 N. Union Avenue
Cranford, New Jersey 07016
973 746 4911

- Thomas B. Connolly, AIA
Principal Architect
- Margaret M. Hickey, R.A.
Historic Preservation Specialist
- Kate Cowing
Architectural Conservator
- Christine Yewaisis
Architectural Conservator

CONSULTANTS

- Engineering:
- James B. Huffman, P.E.
Professional Consulting Engineer
762 Village Road West
Princeton Junction, New Jersey 08550

PROJECT FUNDING

The preparation of this Historic Site Master Plan has been made possible, in part, through the Morris County Historic Preservation Trust Fund administered by the Morris County Preservation Trust.

CONDITIONAL STATEMENT

The statements and opinions expressed herein are solely for the use and information of The Presbyterian Church in Morristown. The opinions reflect the professional judgment of a Registered Architect and Professional Engineers performing services that are usual and customary. These services are performed with care and skill ordinarily used by other Registered Architects and Professional Engineers when dealing with similar historic structures at the same time and in the same or similar localities. Conclusions drawn in this report are based on those conditions and surfaces that were accessible to the unaided visual observations of the Architect and Engineers. No warranties or guarantees can be inferred from, or implied by, the statements or opinions contained in this report.

HISTORIC SITE MASTER PLAN
THE PRESBYTERIAN CHURCH IN MORRISTOWN
MORRISTOWN, MORRIS COUNTY, NEW JERSEY

EXECUTIVE SUMMARY

The Historic Site Master Plan for The Presbyterian Church in Morristown addresses the historical evolution and existing conditions of the Church on the Green (church building), Chapel, Howard House and Parish House (former South Street Presbyterian Church building). It is a preservation planning document that will serve the congregation in planning future restoration and repair work at these four distinctive buildings based on their historical significance and evolution, and their existing conditions.

The Presbyterian Church in Morristown consists of two distinct complexes. The first complex, located on the east side of the Morristown Green, consists of three buildings that stand in a row beginning from the north with the Chapel and proceeding to the south to the Church on the Green followed by the Howard House. All the buildings face the Morristown Green. An expansive burying ground sits to the east of these three buildings. The burying ground is distinctive in that it contains many eighteenth century burials and many notable persons who had a hand in the early development of Morristown. The Chapel is the oldest of the three buildings on site and is a one and one half story masonry building with a steeply pitched gable roof and one story additions at its east end that incorporates many elements of the early Gothic Revival style in its exterior architecture. The Church on the Green, which was constructed in 1894, is an architect designed Romanesque Revival building of light colored limestone that is composed of a large central sanctuary space with a curved narthex wall facing the Green and a curved apse wall facing the burying ground. A four story bell tower and vestibule arcade clip the northwest corner of the curve and a one story corresponding vestibule arcade clips the southwest corner. The church building roof is clad with slates and is detailed with an exaggerated wood cornice with dentils. The main gable roof is punctuated by a series of dormers that bring light into the main sanctuary at the clerestory level. There is also a series of stained glass windows at the narthex and sanctuary. The Church on the Green is adjoined with the Chapel on their east sides via a one story connector building, referred hereafter as the hyphen. The Howard House is a free standing two and one half story limestone masonry building of the Queen Anne style. The building, a former manse, is distinctive for its varied window types, deep recessed front porch, and compact roof consisting of a series of intersecting gables punctuated by dormers with hipped and gabled roofs. The vehicle entrance to the property is to the south of the Chapel and connects with a narrow parking lot set between the buildings and the burying ground. The exit drive is located to the south of the Howard House. The site drops precipitously to the south adjacent to the drive.

The second complex consists of the South Street Presbyterian Church, referred to as the Parish House, as well as a Sexton's cottage and a large parking lot. The South Street Presbyterian Church is the focus of this report and is a one and one half story brownstone ecclesiastic building detailed using Gothic Revival nomenclature to express its asymmetrical façade with dominant three story tower located in its northeast corner. The main building has a steeply pitched gable roof clad with slate roofing. Two large dormers punctuate the east and west sides of the roof to add light into the almost square plan of the original sanctuary. The church has had a number of additions to its rear (west) that were constructed within the period of significance and have a similar architectural styling, massing and use of materials as the original building. The interior of the building has been modified and no longer serves as a church. Today it serves as the Parish House with offices, classrooms, meeting rooms, a gymnasium and other support facilities. As such, much of the original plan and detailing of the sanctuary has been covered by modern finishes.

The congregation has a long and complicated history that is outlined in the historical overview. In summary, The Presbyterian Church in Morristown was established c. 1740 and the congregation grew throughout the early development of Morristown often being involved in the decision making of its development as they owned the Green. As the congregation grew and as with other church congregations in the mid nineteenth century, the congregation split and a Second Presbyterian Church, located on South Street, was established in 1840. Both churches grew and expanded throughout the late

HISTORIC SITE MASTER PLAN
THE PRESBYTERIAN CHURCH IN MORRISTOWN
MORRISTOWN, MORRIS COUNTY, NEW JERSEY

EXECUTIVE SUMMARY

nineteenth and early twentieth centuries and eventually rejoined in 1925. At that time, the Church on the Green remained the location for religious services while many of the support activities were located at the South Street Presbyterian Church site, making it the Parish House.

The Historic Site Master Plan summarizes the history and development of the church buildings and congregation, analyzes the overall conditions of the buildings on the exterior, and makes recommendations for repair and upgrade. The plan addresses any conditions that might threaten the structural integrity of the buildings, but also provides a broad picture of conditions and recommendations that will ensure its long term preservation for continued and viable use as a place of worship and support facilities for the functioning of the church. The Historic Site Master Plan attempts to look at the buildings, although located on two different sites, holistically and addresses some of the use requirements of the Parish House including barrier free access and life safety.

The **Introduction** identifies the need for the preparation of a Historic Site Master Plan for The Presbyterian Church in Morristown and outlines the scope of the study and the methodology for undertaking the report. It places the church and its congregation in the context of its surroundings within Morristown, a major commercial center and vibrant residential community since its origins in the early eighteenth century.

The **Developmental History** provides a brief history of Morristown and of the church since its establishment in 1740. The report includes a summary of known changes or modifications to the buildings since their construction. All of the buildings in the study area are contributing resources within the Morristown Historic District, which is listed on the New Jersey and National Registers of Historic Places.

The **Conditions Assessment** summarizes the findings of in field investigations of the exteriors of each building including their structural conditions and mechanical, electrical and plumbing systems where readily accessible, and finds the buildings are in overall good condition with noted areas of deterioration, particularly where the materials have reached, or are reaching, the end of their useful life. The significant architectural features are unique to each building and are identified. Both the Church on the Green and the South Street Presbyterian Church were designed by renowned architect J. Cleveland Cady and both buildings are exemplary examples of their particular style of architecture: for the Church on the Green, the Romanesque Revival style; and for the South Street building, the Gothic Revival style. The Chapel and Howard House are also fine examples of their building types and architectural styles but are more vernacular in nature and in essence complement the more dominant Church on the Green.

A **Preservation Philosophy** has been established based on the findings of the historical overview, chronology of construction and condition assessment for each building. The preservation philosophy finds that the treatments for both church buildings, Chapel and Howard House generally fall under preservation and restoration. The restoration work should be planned, undertaken and supervised in compliance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*.

The **Conclusions and Recommendations** draw from the evaluation of the existing conditions and the identified needs. These conclusions and recommendations are based on the information available at the time of this report, and help to form the detailed treatment plan, which is the basis for the estimates of probable cost. The conclusions generally consist of the following:

- The building complexes are utilized year round, and appear, overall, to be well maintained.
- The building complexes exhibit areas of wear and deterioration.
- On the exterior, the exterior stone masonry is in overall good condition and has been impacted where failures in the roofing are evident, where moisture is present, and where the paving abuts the

HISTORIC SITE MASTER PLAN
THE PRESBYTERIAN CHURCH IN MORRISTOWN
MORRISTOWN, MORRIS COUNTY, NEW JERSEY

EXECUTIVE SUMMARY

masonry. As such, the stone masonry has isolated areas of visible deterioration including mortar loss, biological growth and limited eroded stones and displacement.

- The slate roofing shingles at the several of the buildings are nearing the end of their useful life.
- The roof flashings have reached or are nearing the end of their useful life.
- There is a mix of incompatible metals on each of the buildings.
- The gutters and leaders are in poor condition.
- The paint on all of the buildings has reached the end of its useful life.

The recommendations generally consist of the following. These are not stated in their order of priority and are not inclusive of all recommendations.

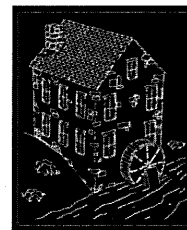
- Restore the exterior finishes and features to their period of significance, including the repair of deteriorated building fabric.
- Restore the slate roof and make necessary upgrades to the flashings and roof drainage systems.
- Undertake any necessary structural upgrades.
- Undertake any upgrades to the existing mechanical, electrical and plumbing systems.
- Undertake any upgrades for the buildings to comply with current codes, particularly for life safety.

The **Recommendations** include phasing of the work programs in at least thirteen phases including one small phase that includes urgent work. The phases are typically broken out first by building and then arranged to address the most pressing conditions, typically beginning from the roof and working down the building. Only the initial phase proposes to address conditions at three of the four buildings within the study area and focuses on severely deteriorated chimneys. Many of the proposed larger phases can be broken down further as funding permits.

The **Recommendations** section presents a conceptual budget of approximately \$4,000,000 for construction work at both complexes, including a contingency of fifteen percent, to be undertaken in phases over a period of ten to fifteen years.

Morris County Historic Preservation Trust Fund

2013 CONSTRUCTION GRANT APPLICATION



DEADLINE: FRIDAY, MARCH 29, 2013, 5:00 P.M. E.S.T.
SUBMIT TO: MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND
DEPT. OF PLANNING & DEVELOPMENT
PO BOX 900, MORRISTOWN, NJ 07963-0900
973-829-8120

Please do not attach any materials which are not expressly requested in this application as these materials will not be accepted.

Please submit two paper copies and one electronic copy for the following:

- 1. Application Forms
- 2. Proposals from Professionals, Consultants, Contractors

Please submit all electronic files on one CD / DVD, including:

- 1. All photos as JPEG images, minimum 200 dpi at 4"x6" (500 KB)
- 2. Preservation Plans and other large documentation in PDF format (with prior County approval)
- 3. All other supporting documentation (preferably in PDF format)

No submissions will be accepted via e-mail. Please collate all submissions. Double-sided printing is encouraged. Paper submittals shall be bound by staple, paper clip or binder clip only. The use of binders, plastic separators, non-recyclable materials, etc. are strongly discouraged. Submittals will not be evaluated on the basis of the aesthetic of the package.

If submitting more than one application, please prioritize each project.

PLEASE BE ADVISED THAT HANDWRITTEN SUBMISSIONS OF APPLICATION WILL NOT BE ACCEPTED.

Name of Project: Phase I: Exterior Restoration of the Chapel **Priority:** _____
(If more than one application)

Applicant

1. Name: The Presbyterian Church in Morristown
(Attachments A and C required for Charitable Conservancy)
Street Address: 65 South Street
Town/State/Zip: Morristown, New Jersey 07960
Chief Executive Officer: Walter Fleischer
2. Contact Person: David B. Krimmel
Phone: Work 908-581-9406 Ext _____ Home/Mobile 973-598-8686
Fax Number: 973-538-7879
E-Mail: dbk@dbkbuilders.com

CONSTRUCTION DOCUMENTS GRANT

3. Relationship of applicant to historic resource: (Attachment B required for all applicants)

- Applicant owns property
- Applicant leases property. Owner's Name: _____
If applicant is different than owner, submit copy of valid lease indicating possession and significant control over property.
- Other (describe): _____

Property

4. Name (Historic, from NR/SR nomination): First Presbyterian Church
Name (Present): The Presbyterian Church in Morristown
Street Address: 57 Park Place
Municipality: Morristown State NJ Zip 07960
Block/Lot: Block 4901 Lot 13

5. Date Built: 1893
Major addition(s) and date(s): _____
Original use: Church & public functions
Architectural style(s): Romanesque Revival
Architect(s), if known: James Cleveland Cady
Builder(s), if known: _____

6. Register of Historic Places Status (Insert date for all that apply; Attachment D required). Note: Preference will be given to Register-listed properties

- National Register of Historic Places _____ individual district
- NJ Register of Historic Places _____ individual district
- Certified NJ Eligible _____ individual _____ district
- Locally designated _____ individual district

The property is currently: Occupied Unoccupied

Gross square footage of the property Chapel: 6145 heated space; 4320 basement sq. ft.

7. Describe concisely the architectural, cultural and historical significance of the property.

The Presbyterian Church in Morristown, as the town's 1st church, is one of its oldest and most influential establishments, integral in the public life of the town. The 1st edifice was built in 1740 and for a time in 1777 served as a small pox hospital for the Revolution. The current sanctuary, designed by renowned architect J.C.Cady, was built in 1893 to replace the original structure at the same location "on-the-green"; property then owned by the church and later deeded to the town. The Gothic Revival Chapel, built in 1869 along side the sanctuary also replaced an earlier constructed smaller meeting house. The last structure built at the Park Place site was a Queen Anne style manse now known as the Howard House.

CONSTRUCTION DOCUMENTS GRANT

8. Current physical condition of the property:
- Excellent (No visible repair work needed)
 - Good (Need for general maintenance)
 - Fair (In need of more than routine maintenance)
 - Poor (In need of major repairs)

Describe any conditions, inappropriate use or preservation need threatening the property. If it is endangered, explain the nature of the threats.

The slate roofs at the Chapel are in poor condition and in need of replacement including upgrading of the associated masonry, gutters & leaders. The brick piers in the Chapel basement are disintegrating and there is little bearing of the wood joists at the first floor framing.

Existing Use of Site: Worship services, related functions, public concerts

Proposed Use of Site: Worship services, related functions, public concerts

Describe any impact of proposed project on existing use of site:

This Phase of construction is dedicated to eliminating moisture infiltration and halting the resulting structural deterioration. The result will historically preserve the building allowing its continued use by our congregation for worship services as well as by the community and many other outside organizations that use it on a regular basis.

- Site location based on Street Map (8 1/2 x 11)
- Photographs (Attachment E)

Existing Deed Restrictions None

Encumbrances and Utility None

Easements (if any) None

9. Stewardship: Who is responsible for budgeting, supervising and performing maintenance work? The Buildings and Grounds Committee of the Session of The Presbyterian Church in Morristown, the Business Administrator, the sextons and volunteers are responsible, in that order, for the budgeting, supervising and performance of all maintenance.

How will the property be maintained once the funded work is complete? (Complete Attachment F if project is \$50,000 or over.)

The Session of the church establishes a budget annually for the maintenance of the buildings and grounds.

Provide the total operating budget for the property for the last three years. Include maintenance, operations, programs and special events, and staff salaries.

	2010		2011		2012
Total Revenues	\$1,392,929	Total Revenues	\$1,304,074	Total Revenues	\$1,328,289
Total Expenses	\$1,383,832	Total Expenses	\$1,299,325	Total Expenses	\$1,320,082

CONSTRUCTION DOCUMENTS GRANT

Budget Summary

Figures must match totals from Budget Table #18.

10. Total Project Cost: \$330,770
Match: \$66,154
Grant Request: \$264,616

Anticipated construction cost: _____

Project Concept

11. Project Profile

The Morris County Historic Preservation Trust Fund Review Board gives strong preference to those projects for which an approved preservation planning document has been prepared prior to requesting funding for the preparation of Construction Documents or request for construction funding. Please contact the Trust Fund Coordinator to discuss the specific needs of your site.

Based on a:

- Preservation Plan
Prepared by Connolly & Hickey Historical Architects Date April 2011
- Historic Structure Report
Prepared by _____ Date _____
- Other study (identify) _____
Prepared by _____ Date _____

The predominant treatment(s) in this project (Refer to "Eligible Activities" listed in the Grant Rules and Regulations; Check the one that best characterizes the project):

Exterior Preservation Restoration Rehabilitation Stabilization No exterior work
Interior Preservation Restoration Rehabilitation Stabilization No interior work

The current project design status is (check all that apply):

- Scope of work
Prepared by Connolly & Hickey Historical Architects Date REV March 2013
- Schematic design/design development
Prepared by _____ Date _____
- Final construction documents
Prepared by Connolly & Hickey Historical Architects Date REV March 2013

CONSTRUCTION DOCUMENTS GRANT

12. Describe the research, investigation and planning you have completed that substantiates the preservation objectives of the project. (Attachment G)

A Historic Site Master Plan was prepared for the complex of historic buildings at the Presbyterian Church in Morristown in 2011. This plan assessed conditions and made prioritized recommendations for restoration and upgrade for the Church on the Green and its associated buildings, and the Parish House. The current project reflects components of the recommended Phase I at the Church on the Green for which we were only able to receive partial Grant funding for in 2012.

13. Describe the goals of the project. What are the problems and needs of the resource that you will address in your project?

Chapel: The first line of defense for any historic building is often in moisture protection. Specifically, in this case the roof. The slate roofing has reached the end of its useful life and the roof drainage system requires upgrades. In addition, there are structural deficiencies at the basement level including deteriorated brick piers and poor bearing at the floor joists again due to moisture infiltration. Our goal is to insure a dry structure and repair the structural damage caused by the presence of excessive moisture.

Scope of Work

14. Describe concisely the scope of work proposed in this grant request. For non-construction aspects of the work, list task and include a copy of a fee proposal on consultant's and each sub-consultant's letterhead that clearly identifies each task to be completed by each firm. (Professional fees under \$5,000 can be described in the principal consultant's proposal). Also include Attachment H and completed Professional Services Checklist (Policy H-1).

Please Note: Applicants are encouraged to break-down scope of work to identify prioritized and phased implementation to accommodate reduced available construction funding.

Chapel: Restoration of slate roof including decorative slate, installation of new gutters and leaders to improve overall roof drainage, restoration of the flat roofs, repair of the masonry at the parapet walls, repair of the brick piers at the basement, and installation of new supports at the perimeter walls in the support to support existing joist ends.

We have already prioritized our request in the form of Phases. Our 2011 Historic Master Plan details significantly more building deficiencies that will likely take over 15 years to address.

15. Provide projected dates (month and year) for each task. e.g. 09/13.

Note: No grant-funded activities may commence prior to the execution of a grant agreement. Any work completed prior to the agreement, including professional services, will be ineligible for reimbursement from the Morris County HP Trust Fund.

done	Complete planning/pre-design	2/14	Bid opening
done	Complete design	3/14	Start construction
11/13	Identify qualified contractors	8/14	Complete construction

CONSTRUCTION DOCUMENTS GRANT

Project Team

16. Name(s) of proposed consultant(s) or contractor(s). Attach statement of credentials for each proposed firm and key personnel. Include Attachment H and completed Professional Services Checklist (Policy H-1).

Note: Applicants are encouraged to meet The Secretary of the Interior's Historic Preservation Professional Qualification Standards (available under Application link on the Morris County Historic Preservation Trust Fund web site) for their related discipline. If the principal team leader does not meet the requirements as outlined above, include an explanation as to why the selected principal consultant is well suited for the project.

Connolly & Hickey Historical Architects, LLC
Thomas B. Connolly, AIA, Principal Architect
Margaret M. Hickey, R.A., Historic Preservation Specialist

James B. Huffman, P.E., Consulting Engineer

17. Name and date of firm or individual providing cost estimates.

Note: Non-profit organizations with construction grant requests exceeding \$50,000 must have obtained professional costs estimates from an independent; New Jersey certified cost estimator based upon Construction Documents before they are eligible to apply for funding towards the actual construction.

- | | | |
|-------------------------------------|------------------------------|--|
| <input checked="" type="checkbox"/> | Architect: | Connolly & Hickey Historical Architects, LLC |
| <input type="checkbox"/> | Engineer: | _____ |
| <input type="checkbox"/> | Contractor(s): | _____ |
| <input type="checkbox"/> | Independent Cost Estimator: | _____ |
| <input type="checkbox"/> | Other (identify profession): | _____ |

Cost estimates for proposed construction work are based on (check one that best applies):

- Contractor's proposal
- Preliminary/ballpark estimates based on design professional's opinion of cost (Not recommended)
- Quantity takeoffs from measured drawings by New Jersey certified cost estimator (required for projects over \$50,000)
- Competitive bids based on construction documents (a minimum of 3 competitive bids are required for all funded applications whose anticipated budget exceeds \$50,000)

Is the preparer of the cost estimate a NJ certified professional estimator? Yes No

Does the estimator include escalation that anticipates the date of construction? Yes No

CONSTRUCTION DOCUMENTS GRANT

Budget

18. Grant Project Budget *(Please round up numbers.)*

This grant project includes work on: A single structure Multiple structures

If more than one structure, prepare the separate Project Budget page for other structure(s).

Name of structure / Priority of work: Chapel

Note: All costs must be escalated to assume Grant Agreement execution by October 1st with construction activities for most projects beginning the following spring. Budgets for all work must correlate with submitted cost estimates. For grant requests of more than \$150,000, provide breakdown / priority for each area including professional services, exterior work, etc. Use multiple Project Budget pages to describe priorities as necessary for clarity.

I. PROFESSIONAL SERVICES

Activity	Total	Local Match	Grant
Bidding / Negotiations	\$2,500	\$500	\$2,000
Construction Administration	\$9,200.	\$1,840	\$7,360
Archaeology			
Subtotal, Professional Services	\$11,700	\$2,340	\$9,360

II. GENERAL CONDITIONS / MOBILIZATION / PROJECT CLOSE-OUT

Activity	Total	Local Match	Grant
General Requirements/Temp Facilities	\$44,220	\$8,840	\$35,360
Building Access/Selective Demolition	\$33,700	\$6,740	\$26,960
Drainage	\$8,500	\$1,700	\$6,800
Subtotal, General Conditions	\$86,420	\$17,284	\$69,136

III. CONSTRUCTION: EXTERIOR

Activity	Total	Local Match	Grant
Masonry	\$22,300	\$4,460	\$17,840
Metals	\$1,000	\$200	\$800
Carpentry	\$3,750	\$750	\$3,000
Moisture Protection	\$129,800	\$25,960	\$103,840
Finishes	\$26,400	\$5,280	\$21,120
Subtotal, Construction: Exterior	\$183,250	\$36,650	\$146,600

IV. CONSTRUCTION: INTERIOR

Activity	Total	Local Match	Grant
Concrete	\$2,300	\$460	\$1,840
Masonry	\$40,700	\$8,140	\$32,560
Carpentry	\$6,400	\$1,280	\$5,120
Subtotal, Construction: Interior	\$49,400	\$9,880	\$39,520
Grand Total Eligible Costs (I + II + III + IV)	\$330,770	\$66,154	\$264,616

CONSTRUCTION DOCUMENTS GRANT

19. Cash-in-hand matching funds: Itemize and describe the source and status of funds that will be used to match the County grant requested. Indicate under "status" the date the funds were received or are expected. (Attachment J must contain letters of commitment for any funds not yet on deposit in your account.)

Source of Funds	Status	Amount
PCM asset account	currently on hand	\$66,154
	Total	

20. If adequate matching funds are not currently available, explain your plans and schedule for raising the matching funds.

CONSTRUCTION DOCUMENTS GRANT

Public Benefit

21. Public access to the property:

	Current	At end of Project
Open to the public	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Open to the public on a regular basis - # Days/yr		
Open to the public on a regular basis - # Hrs/day		
Open by appointment only	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of visitors per years	20,000 +	20,000 +
How was this number calculated?	<input type="checkbox"/> Actual <input checked="" type="checkbox"/> Estimated	Source of count: church records

22. Please provide any additional information helpful for review, including interpretive program, innovative design; how project achieves local community revitalization, preservation of the built or natural environment, heritage education, tourism; how project promotes preservation activity and reach new audiences.

23. Accessibility

Is the property compliant with the American Disabilities Act? Yes No

If not, has your organization prepared an "ADA Self-Assessment Survey and Planning Tool"?

Yes No

If not, when will your organization conduct an "ADA Self-Assessment Survey and Planning Tool"?

Month / Year _____

How does the facility currently accommodate individuals with disabilities? Will accommodations be improved following the proposed project?

CONSTRUCTION DOCUMENTS GRANT

The applicant certifies the following:

- a. The filing of this application has been approved by the governing body of the applicant;
- b. The facts, figures, and information contained in this application, including all attachments, are true and correct;
- c. Matching funds in the amount of \$ \$66,154 are currently available, or will be available by _____ (date) for this project;
- d. Any funds received will be expended in accordance with the grant agreement to be executed with the Morris County Historic Preservation Trust Fund;
- e. The individual signing this agreements has been authorized by the organization to do so in its behalf, and by his/her signature binds the organization to the statements and representations contained in the application;

Acting as a duly authorized representative for the applicant organization, I am submitting this request for assistance from the Morris County Historic Preservation Trust Fund.

Name: David Kimmel

Title: Contact agent for PCM

Signature of Individual _____ Date March 30th, 2013

CONSTRUCTION DOCUMENTS GRANT

CHARITABLE CONSERVANCY – Attachment A

Organization Information

Please submit a copy of each of the following:

- The organization's by-laws
- Proof of qualification as an eligible charitable conservancy*
- Most recent financial audit

1. Date of incorporation 1733
2. Estimated membership 950
3. Number of staff: 12 full-time paid 1 part-time paid
4. Volunteers: full-time paid 100+ part-time paid
5. State the mission of your organization.
 - Proclaim faithfully the Good News of the Gospel in fresh and compelling ways.
 - Gather people into a welcoming caring grace-filled community.
 - Nurture relevant thoughtful, committed disciples.

Project Specific Information

6. Briefly describe why it is important to preserve this resource and how the resource fits into your organization's mission. (Attachment J)

Our buildings are significant examples of period architecture yet continue today to meet the physical and spiritual needs of our congregation & community organizations. The sanctuary and chapel aren't just buildings we occupy but rather structures built to satisfy a need when Morristown was in its infancy. They represent longevity in still meeting those needs today many generations later. They are a physical reminder to the public of the several century rich history of the town.
7. Explain what would happen to the resource if the charitable conservancy ceased to exist?

The Presbytery of Newton would assume control of the property. It is difficult, at best, to conceive what such a fate would convey to the Sanctuary and Chapel. The church has been approached by developers over the years to sell property that naturally would mean raising the structures replacing them with newer, larger office buildings.

* An eligible charitable conservancy is a corporation or trust whose purpose includes historic preservation of historic properties, structures, facilities, sites, areas or objects, or the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes. Conservancy is 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)).

CONSTRUCTION DOCUMENTS GRANT

OWNER ASSURANCES – Attachment B

This attachment must be completed and executed by the owner of record.

Name of Owner:	<u>Walter J. Fleischer</u>	Name of Co-Owner:	_____
Mailing Address:	<u>19 Lidgerwood Place</u>	Mailing Address:	_____
City:	<u>Convent Station</u>	City	_____
State	<u>NJ</u> Zip <u>07960</u>	State	_____ Zip _____
Phone number:	<u>(973) 538-5450</u>	Phone number:	_____

I/we understand the purpose of the application to be submitted to the County of Morris and I/we hereby agree to its submission. I/we agree that the listing of the property in the New Jersey or National Registers of Historic Places will be a condition of a grant. (If applicant leases the property) I/we also confirm that a valid lease is in effect*.

_____ Signature of Owner	_____ Signature of Co-owner
<u>Walter J. Fleischer</u> Print Name	_____ Print Name
_____ President of the Corporation Title	_____ Title
_____ Date	_____ Date

* Attach a copy of the lease to this Assurance.

CONSTRUCTION DOCUMENTS GRANT

ADDITIONAL ATTACHMENTS

- C. **Applicant's Personnel.** Include a list of Board members and the names, positions, terms of office and occupations of all members of the applicant organization who will be responsible for managing the grant-assisted project (*required for non profits*).
- D. **State of New Jersey Register of Historic Places status** (*required for all applicants*).
- If the property is an individually listed or part of an individual or thematic property listing, include a copy of the complete nomination form.
 - If the property is included in a historic district listing, and indicated on the nomination as a contributing resource to the historic district, include all relevant pages of the nomination form.
 - If the property is not listed in the National or New Jersey Register of Historic Places, include a letter from the Deputy State Historic Preservation Officer (DSHPO) certifying eligibility for listing of a site in the New Jersey Register. A certification letter must be received from the DSHPO at the time of application deadline.
- E. **Photographs.** Submit photographs in the form of digital files (on labeled disc) depicting the overall setting of the property and general views of the site and buildings, and conditions that demonstrate the need for the grant. Also, please include historic photographs (digital) if available. All photographic materials should be clearly labeled and dated (*required for all applicants*). (If the digital requirement presents a problem, call the office of Planning and Development, 973-829-8120.)
- F. **Long-Range Maintenance Plan and Budget.** If project is equal to or greater than \$50,000, provide a 5-year maintenance plan and budget.
- G. **Documentation of Research and Planning.** Include design development/final construction documents, which support the project request.
- H. **Documentation of Proposed Construction Work.** Include a clear description of the proposed construction work in as many of the following documents that apply to your project (*required for all applicants*):
- A request for proposal (RFP) for consultant services prepared by the applicant;
 - A proposal addressed to the applicant on the letterhead of the consultant selected for the project;
 - A copy of a signed agreement between the applicant and consultant;
 - Current plans and specification;
 - If the project is ready for bidding, a brief description of how you are soliciting bids.
- I. **Consultant's/Contractor's Personnel.** Include a list of the names of the firms and their personnel who will participate directly in the grant-assisted project (*required for all applicants*). **Note:** Submit resumes of all project personnel and subconsultants. Applications without named consultants should include, at a minimum, a statement of professional qualifications needed in the project.

CONSTRUCTION DOCUMENTS GRANT

- J. **Documentation of available match.** Provide letters of commitment specifying amount of matching funds for this project and/or a financial statement showing the amount of available funds. County or municipal governments must provide a resolution of the governing body committing to the specified match (*required for all applicants*).
- K. **Applicant's Long-Range Plan.** Include a current strategic or other long-range plan, specific to this site, for your community or organization (*required*). Plan can be as short as one page and should state your organization's goals and plans for implementation.

CONSTRUCTION DOCUMENTS GRANT

APPLICANT CHECKLIST

This checklist is enclosed to ensure that you submit a complete application. Before submitting your application, run through the following checklist. Do not return this form with the application.

- Completed application
- Organization's By-Laws
- Proof of qualification as a charitable conservancy
- Site Plan (**8 1/2 x 11**) Include a site plan if the project is part of a complex of historic properties
- Photographs – digital, with each photo clearly labeled and dated
- Attachments A through K
- If applicable, a completed and signed "Professional Services Checklist" (Policy H-1)

**THIS PAGE IS FOR THE APPLICANT'S USE.
DO NOT RETURN WITH APPLICATION.**



*The Presbyterian Church in Morristown
 Parish House Phase I:*

The first phase of work at the Parish House includes the most pressing areas of restoration including replacing the cracked roofing shingles, gutters, and leaders and restoring all associated drainage elements. This phase will also address deteriorated masonry elements that are affecting the surrounding building materials and surface preparation and painting of the fascia.

- Replace the slate roofing shingles where damaged adjacent to the east and west cross gables.
- Replace all of the gutters and leaders.
- Repair damaged the leader sleeves.
- Install splash blocks where underground drainage is not available.
- Repair or replace wood fascias.
- Surface prepare and paint all wood fascias.
- Remove and store very deteriorated leaded glass dormer sash.
- Replace broken glass in south dormer windows.
- Reconstruct the west cross-gable's masonry parapet.
- Remove the vegetation and repoint the Bell Tower's south buttress.
- Repoint the mortar joints within the two buttresses in the center-section.
- Repoint the mortar joints within main north stained glass window surround, mullions and sill.
- Repoint all mortar joints within the watertable around the entire building.
- Repoint each parapet and install lead joint covers at each coping.
- Rebuild the steps at the Bell Tower.

PROJECTED PROBABLE COSTS PHASE I:

DIVISION 1 – General Requirements		
General Conditions		\$ 32,720
Temporary Facilities		\$ 26,180
Vertical Access		\$ 35,290
	<i>Division 1 Subtotal</i>	<i>\$ 94,190</i>
DIVISION 2 – Site Work		
Selective Demolition		\$ 6,040
Clean Out Underground Drainage		\$ 4,600
	<i>Division 2 Subtotal</i>	<i>\$10,640</i>
DIVISION 3 – No Requirements		
DIVISION 4 – Masonry		
Partial Repoint Masonry		\$ 10,640
Rebuild Cross Gable Parapet		\$ 38,300
Reconstruct Masonry Steps		\$ 10,350
	<i>Division 4 Subtotal</i>	<i>\$ 59,290</i>
DIVISION 5 – Metals		
Miscellaneous Metals		\$ 1,150
	<i>Division 5 Subtotal</i>	<i>\$ 1,150</i>
DIVISION 6 – Carpentry		
Exterior Carpentry at Fascia and Soffit		\$ 6,900
Structural Upgrade Allowance		\$ 17,830
	<i>Division 6 Subtotal</i>	<i>\$ 24,730</i>

2 N. Union Avenue
 P.O.Box 1726
 Cranford, NJ 07016
 973.746.4911 tel.
 973.746.2080 fax
 chhistoricalarchitects.com

ARCHITECTURAL DESIGN
 HISTORIC PRESERVATION
 REHABILITATION
 CULTURAL RESOURCE
 MANAGEMENT

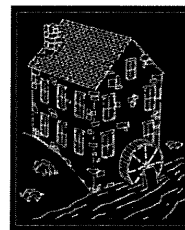
MC-002529

The Presbyterian Church in Morristown
Parish House Phase I:

DIVISION 7 – Moisture Protection	
Repair Broken Slate Shingles	\$ 4,260
Install Lead Joint Covers at Parapets	\$ 20,930
New Gutter, Leaders and Splash Blocks	\$ 113,280
<i>Division 7 Subtotal</i>	<i>\$ 138,470</i>
DIVISION 8 – Doors and Windows	
Remove Severely Damaged Dormer Sash	\$ 1,900
<i>Division 8 Subtotal</i>	<i>\$ 1,900</i>
DIVISION 9 – Finishes	
Surface Preparation and Painting of Fascia & Soffit	\$ 27,420
<i>Division 9 Subtotal</i>	<i>\$ 27,420</i>
DIVISIONS 10 thru 16 – No Requirements	
TOTAL CONSTRUCTION PHASE I	\$ 357,790
NON-CONSTRUCTION	
▪ Documentation	Complete
▪ Design Development	Complete
▪ Meeting	Complete
▪ Contract Document Preparation	Complete
▪ Structural Engineering	Complete
▪ Pre-Qualification and Bidding	\$ 2,500
▪ Contract Administration	\$ 9,600
▪ Structural Engineering during Contract Administration	\$ 2,000
Subtotal Non-Construction	\$ 14,100
TOTAL PROJECTED COSTS	\$ 371,890

Morris County Historic Preservation Trust Fund

2015 CONSTRUCTION GRANT APPLICATION



DEADLINE: FRIDAY, MARCH 27, 2015, 1:00 P.M. E.S.T.
SUBMIT TO: MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND
DEPT. OF PLANNING & PUBLIC WORKS
PO BOX 900, MORRISTOWN, NJ 07963-0900
973-829-8120

Please do not attach any materials which are not expressly requested in this application as these materials will not be accepted.

Please submit two paper copies and one electronic copy for the following:

- 1. Application Forms
- 2. Proposals from Professionals, Consultants, Contractors

Please submit all electronic files on one CD / DVD, including:

- 1. All photos as JPEG images, minimum 200 dpi at 4"x6" (500 KB)
- 2. Preservation Plans and other large documentation in PDF format (with prior County approval)
- 3. All other supporting documentation (preferably in PDF format)

No submissions will be accepted via e-mail. Please collate all submissions. Double-sided printing is encouraged. Paper submittals shall be bound by staple, paper clip or binder clip only. The use of binders, plastic separators, non-recyclable materials, etc. are strongly discouraged. Submittals will not be evaluated on the basis of the aesthetic of the package.

If submitting more than one application, please prioritize each project.

PLEASE BE ADVISED THAT HANDWRITTEN SUBMISSIONS OF APPLICATION WILL NOT BE ACCEPTED.

Name of Project: Phase IIA: Exterior Restoration of the Parish House **Priority:** _____
(If more than one application)

Applicant The Presbyterian Church in Morristown

1. Name: _____
(Attachments A and C required for Charitable Conservancy)

Street Address: 65 South Street

Town/State/Zip: Morristown, New Jersey 07960

Chief Executive Officer: Bruce Smith

2. Contact Person: David B Krimmel

Phone: Work 908-581-9406 Ext _____ Home/Mobile 973-598-8686

Fax Number: 973-538-7879

E-Mail: dbk@dbkbuilders.com

CONSTRUCTION GRANT

3. Relationship of applicant to historic resource: (Attachment B required for all applicants)

- Applicant owns property
- Applicant leases property. Owner's Name: _____
If applicant is different than owner, submit copy of valid lease indicating possession and significant control over property.
- Other (describe): _____

Property

4. Name (Historic, from NR/SR nomination): South Street Presbyterian Church
Name (Present): Parish House of The Presbyterian Church in Morristown
Street Address: 65 South Street
Municipality: Morristown State NJ Zip 07960
Block/Lot: Block 6102 Lot 2
5. Date Built: 1878
Major addition(s) and date(s): Southern sections 1896 and 1909
Original use: Church & public functions
Architectural style(s): Gothic Revival and Romanesque
Architect(s), if known: J. Cleveland Cady
Builder(s), if known: _____
6. Register of Historic Places Status (Insert date for all that apply; Attachment D required). Note: Preference will be given to Register-listed properties
- National Register of Historic Places _____ individual _____ district
 - NJ Register of Historic Places _____ individual _____ district
 - Certified NJ Eligible _____ individual _____ district
 - Locally designated _____ individual _____ district
- The property is currently: Occupied Unoccupied
Gross square footage of the property 21,250 sq. ft.
7. Describe concisely the architectural, cultural and historical significance of the property.
The Parish House was originally constructed in 1878 as the South Street Presbyterian Church, and was designed by renowned-architect J. Cleveland Cady in the transitional Gothic Revival and Romanesque styles. The building is a one-and-one-half-story brownstone ecclesiastic building detailed using Gothic Revival nomenclature to express its asymmetrical façade with dominant three-story tower located in its northeast corner. The church has had a number of additions to its rear (south) that were constructed within the period of significance and have a similar architectural styling, massing and use of materials as the original building.

CONSTRUCTION GRANT

8. Current physical condition of the property:
- Excellent (No visible repair work needed)
 - Good (Need for general maintenance)
 - Fair (In need of more than routine maintenance)
 - Poor (In need of major repairs)

Describe any conditions, inappropriate use or preservation need threatening the property. If it is endangered, explain the nature of the threats.

The slate roofs at the Parish House are in poor condition and in need of replacement including repointing of the associated masonry. The many dormers are in need of exterior finish repairs and glazing replacements.

Existing Use of Site: Main offices; meeting space for both members and non-profit public

Proposed Use of Site: Main offices; meeting space for both members and non-profit public

Describe any impact of proposed project on existing use of site:

- Site location based on Street Map (8 1/2 x 11)
- Photographs (Attachment E)

Existing Deed Restrictions None

Encumbrances and Utility None

Easements (if any) MCHPT for 2012 chimney repair & 2014 Phase I repairs

9. Stewardship: Who is responsible for budgeting, supervising and performing maintenance work? The Buildings and Grounds Committee of the Session of The Presbyterian Church in Morristown, the Business Administrator, the sextons and volunteers are responsible, in that order, for the budgeting, supervising and performance of all maintenance.

How will the property be maintained once the funded work is complete? (Complete Attachment F)

The Session of the church establishes a budget annually for the maintenance of the buildings and grounds.

Provide the total operating budget for the property for the last three years. Include maintenance, operations, programs and special events, and staff salaries.

	2012		2013		2014
Total Revenues	\$1,328,289	Total Revenues	\$1,864,999	Total Revenues	\$1,880,765
Total Expenses	\$1,320,082	Total Expenses	\$1,859,838	Total Expenses	\$1,880,765

CONSTRUCTION GRANT

Budget Summary

Figures must match totals from Budget Table #18.

10. Total Project Cost: \$380,260
Match: \$76,052
Grant Request: \$304,208

Anticipated construction cost: \$2,104,620 ALL PHASES of PH

Project Concept

11. Project Profile

The Morris County Historic Preservation Trust Fund Review Board gives strong preference to those projects for which an approved preservation planning document has been prepared prior to requesting funding for the preparation of Construction Documents or request for construction funding. Please contact the Trust Fund Coordinator to discuss the specific needs of your site.

Based on a:

- Preservation Plan
Prepared by Connolly & Hickey Historical Architects Date April 2011
- Historic Structure Report
Prepared by _____ Date _____
- Other study (identify) _____
Prepared by _____ Date _____

The predominant treatment(s) in this project (Refer to "Eligible Activities" listed in the Grant Rules and Regulations; Check the one that best characterizes the project):

Exterior Preservation Restoration Rehabilitation Stabilization No exterior work
Interior Preservation Restoration Rehabilitation Stabilization No interior work

The current project design status is (check all that apply):

- Scope of work
Prepared by Connolly & Hickey Historical Architects Date March 25, 2015
- Schematic design/design development
Prepared by _____ Date _____
- Final construction documents
Prepared by Connolly & Hickey Historical Architects Date March 25, 2015

CONSTRUCTION GRANT

12. Describe the research, investigation and planning you have completed that substantiates the preservation objectives of the project. (Attachment G)

In 2011 a Historic Site Master Plan was prepared for the complex of historic buildings at the Presbyterian Church in Morristown. This plan assessed conditions and made prioritized recommendations for restoration of the buildings. We are now in the process of completing Phase I and would like to continue with restoration outlined in Phase II.
The Master Plan also planned for a fire suppression system for the basement required by code.

13. Describe the goals of the project. What are the problems and needs of the resource that you will address in your project?

The Master Plan addressed the lack of a fire suppression system in the basement of the building. Along with this being a non-compliant building code issue we feel the greatest catastrophic risk to any historic timber structure is going to be fire. As we reinvest in the building I believe we must not ignore any longer the greatest threat.

As outlined in the Master Plan the slate roof has reached the end of its useful life. We now are in the completion stage of the 2014 Parish House Phase I Grant restoration. Our goal is to begin partial Phase II, the slate replacement of the entire roof.

Scope of Work

14. Describe concisely the scope of work proposed in this grant request. For non-construction aspects of the work, list task and include a copy of a fee proposal on consultant's and each sub-consultant's letterhead that clearly identifies each task to be completed by each firm. (Professional fees under \$5,000 can be described in the principal consultant's proposal). Also include Attachment H and completed Professional Services Checklist (Policy H-1).

Please Note: Applicants are encouraged to break-down scope of work to identify prioritized and phased implementation to accommodate reduced available construction funding.

Protecting the entire structure against fire loss must be a priority. Beyond that our Master Plan prioritizes many Phases. The Plan details significantly more building deficiencies that will likely take 10 more years to address. Recognizing the huge scope of Phase II we have divided it into IIA and a future IIB. This application (Phase IIA) addresses a part of the roof slate not addressed in Phase I. We hope to accomplish this portion in advance of and preparation for Phases IIB, III & IV (anticipated to follow to address all of the items detailed in the Master Plan).

15. Provide projected dates (month and year) for each task. e.g. 09/15.

Note: No grant-funded activities may commence prior to the execution of a grant agreement. Any work completed prior to the agreement, including professional services, will be ineligible for reimbursement from the Morris County HP Trust Fund.

<u>done</u>	Complete planning/pre-design	<u>11/2015</u>	Bid opening
<u>done</u>	Complete design	<u>1/2016</u>	Start construction
<u>10/2015</u>	Identify qualified contractors	<u>4/2016</u>	Complete construction

CONSTRUCTION GRANT

Project Team

16. Name(s) of proposed consultant(s) or contractor(s). Attach statement of credentials for each proposed firm and key personnel. Include Attachment H and completed Professional Services Checklist (Policy H-1).

Note: Applicants are encouraged to meet The Secretary of the Interior's Historic Preservation Professional Qualification Standards (available under Application link on the Morris County Historic Preservation Trust Fund web site) for their related discipline. If the principal team leader does not meet the requirements as outlined above, include an explanation as to why the selected principal consultant is well suited for the project.

Connolly & Hickey Historical Architects, LLC
Thomas B. Connolly, AIA, Principal Architect
Margaret M. Hickey, R.A., Historic Preservation Specialist

17. Name and date of firm or individual providing cost estimates.

Note: Non-profit organizations with construction grant requests exceeding \$50,000 must have obtained professional costs estimates from an independent; New Jersey certified cost estimator based upon Construction Documents before they are eligible to apply for funding towards the actual construction.

<input checked="" type="checkbox"/>	Architect:	Connolly & Hickey Historical Architects, LLC
<input type="checkbox"/>	Engineer:	_____
<input type="checkbox"/>	Contractor(s):	_____
<input type="checkbox"/>	Independent Cost Estimator:	_____
<input type="checkbox"/>	Other (identify profession):	_____

Cost estimates for proposed construction work are based on (check one that best applies):

Contractor's proposal
 Preliminary/ballpark estimates based on design professional's opinion of cost (Not recommended)
 Quantity takeoffs from measured drawings by New Jersey certified cost estimator (required for projects over \$50,000)
 Competitive bids based on construction documents (a minimum of 3 competitive bids are required for all funded applications whose anticipated budget exceeds \$50,000)

Is the preparer of the cost estimate a NJ certified professional estimator? Yes No

Does the estimator include escalation that anticipates the date of construction? Yes No

CONSTRUCTION GRANT

Budget

18. Grant Project Budget *(Please round up numbers.)*

This grant project includes work on: A single structure Multiple structures

If more than one structure, prepare the separate Project Budget page for other structure(s).

Name of structure / Priority of work: Parish House

Note: All costs must be escalated to assume Grant Agreement execution by October 1st with construction activities for most projects beginning the following spring. Budgets for all work must correlate with submitted cost estimates. For grant requests of more than \$150,000, provide breakdown / priority for each area including professional services, exterior work, etc. Use multiple Project Budget pages to describe priorities as necessary for clarity.

I. PROFESSIONAL SERVICES

Activity	Total	Local Match	Grant
Bidding / Negotiations	\$2,500	\$500	\$2,000
Construction Administration	\$9,200	\$1,840	\$7,360
Archaeology			
Subtotal, Professional Services	\$11,700	\$2,340	\$9,360

II. GENERAL CONDITIONS / MOBILIZATION / PROJECT CLOSE-OUT

Activity	Total	Local Match	Grant
General req./Temp. facilities	\$34,700	\$6,940	\$27,760
Vertical Access	\$5,200	\$1,040	\$4,160
Subtotal, General Conditions	\$39,900	\$7,980	\$31,920

III. CONSTRUCTION: EXTERIOR

Activity	Total	Local Match	Grant
Selective demo	\$5,600	\$1,120	\$4,480
Metals and Masonry	\$4,000	\$800	\$3,200
Roofing	\$209,060	\$41,812	\$167,248
Subtotal, Construction: Exterior	\$218,660	\$43,732	\$174,928

IV. CONSTRUCTION: INTERIOR

Activity	Total	Local Match	Grant
Fire Suppression	\$110,000	\$22,000	\$88,000
Subtotal, Construction: Interior	\$110,000	\$22,000	\$88,000
Grand Total Eligible Costs (I + II + III + IV)	\$380,260	\$76,052	\$304,208

CONSTRUCTION GRANT

19. Cash-in-hand matching funds: Itemize and describe the source and status of funds that will be used to match the County grant requested. Indicate under "status" the date the funds were received or are expected. (Attachment J must contain letters of commitment for any funds not yet on deposit in your account.)

Source of Funds	Status	Amount
PCM Bank Account	currently on hand	\$76,052
	Total	\$76,052

20. If adequate matching funds are not currently available, explain your plans and schedule for raising the matching funds.

CONSTRUCTION GRANT

Public Benefit

21. Public access to the property:

	Current	At end of Project
Open to the public	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Open to the public on a regular basis - # Days/yr	355 days/yr	355 days/yr
Open to the public on a regular basis - # Hrs/day	8 hrs/day	8 hrs/day
Open by appointment only	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of visitors per years	5,000	5,000
How was this number calculated?	<input type="checkbox"/> Actual <input checked="" type="checkbox"/> Estimated	Source of count: church records

22. Please provide any additional information helpful for review, including interpretive program, innovative design; how project achieves local community revitalization, preservation of the built or natural environment, heritage education, tourism; how project promotes preservation activity and reach new audiences.

23. Accessibility

Is the property compliant with the American Disabilities Act? Yes No

If not, has your organization prepared an "ADA Self-Assessment Survey and Planning Tool"?

Yes No

If not, when will your organization conduct an "ADA Self-Assessment Survey and Planning Tool"?

Month / Year _____

How does the facility currently accommodate individuals with disabilities? Will accommodations be improved following the proposed project?

The addition of an elevator is being planned by the church. At this moment only the 1st floor of the building is barrier free. With the planned construction of the elevator in 2015-16 there will be access to all 3 levels of the building.

CONSTRUCTION GRANT

The applicant certifies the following:

- a. The filing of this application has been approved by the governing body of the applicant;
- b. The facts, figures, and information contained in this application, including all attachments, are true and correct;
- c. Matching funds in the amount of \$ 76,052 are currently available, or will be available by N/A (date) for this project;
- d. Any funds received will be expended in accordance with the grant agreement to be executed with the Morris County Historic Preservation Trust Fund;
- e. The individual signing this agreements has been authorized by the organization to do so in its behalf, and by his/her signature binds the organization to the statements and representations contained in the application;

Acting as a duly authorized representative for the applicant organization, I am submitting this request for assistance from the Morris County Historic Preservation Trust Fund.

Name: David Krimmel

Title: Contact person for the PCM

Signature of Individual _____ Date _____

CONSTRUCTION GRANT

CHARITABLE CONSERVANCY – Attachment A

Organization Information

Please submit a copy of each of the following:

- The organization's by-laws
- Proof of qualification as an eligible charitable conservancy*
- Most recent financial audit

1. Date of incorporation 1733
2. Estimated membership 896
3. Number of staff: 10 full-time paid 4 part-time paid
4. Volunteers: full-time paid 100+ part-time paid
5. State the mission of your organization.
 - Create Pathways to Discover New Connections in Christ
 - Proclaim faithfully the Good News of the Gospel in fresh and compelling ways.
 - Gather people into a welcoming caring grace-filled community.

Project Specific Information

6. Briefly describe why it is important to preserve this resource and how the resource fits into your organization's mission. (Attachment J)

Our buildings are significant examples of period architecture yet continue today to meet the physical and spiritual needs of our congregation & many community organizations. The Parish House structure was built to satisfy a need when Morristown was still in it's infancy. It represents longevity in still meeting those needs today many generations later. It is a physical reminder to the public of the several century rich history of Morristown itself.
7. Explain what would happen to the resource if the charitable conservancy ceased to exist?

The Presbytery of Newton would assume control of the property. It is difficult, at best, to conceive what such a fate would convey to the Parish House. The church has been approached by developers over the years to sell the property. That, in all likelihood, would mean raising the structures and replacing them with newer, larger office buildings.

* An eligible charitable conservancy is a corporation or trust whose purpose includes historic preservation of historic properties, structures, facilities, sites, areas or objects, or the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes. Conservancy is 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)).

CONSTRUCTION GRANT

OWNER ASSURANCES – Attachment B

This attachment must be completed and executed by the owner of record.

Name of Owner:	D. Bruce Smith	Name of Co-Owner:	_____
Mailing Address:	27 Branko Road	Mailing Address:	_____
City:	Berkley Heights	City:	_____
State:	NJ	State:	_____
Zip:	07922	Zip:	_____
Phone number:	908-322-1910	Phone number:	_____

I/we understand the purpose of the application to be submitted to the County of Morris and I/we hereby agree to its submission. I/we agree that the listing of the property in the New Jersey or National Registers of Historic Places will be a condition of a grant. (If applicant leases the property) I/we also confirm that a valid lease is in effect*.

Signature of Owner

D. Bruce Smith
Print Name

President of the Corporation

Title

Date

Signature of Co-owner

Print Name

Title

Date

* Attach a copy of the lease to this Assurance.

CONSTRUCTION GRANT

ADDITIONAL ATTACHMENTS

- C. **Applicant's Personnel.** Include a list of Board members and the names, positions, terms of office and occupations of all members of the applicant organization who will be responsible for managing the grant-assisted project (*required for non profits*).
- D. **State of New Jersey Register of Historic Places status** (*required for all applicants*).
- If the property is an individually listed or part of an individual or thematic property listing, include a copy of the complete nomination form.
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- E. **Photographs.** Submit photographs in the form of digital files (on labeled disc) depicting the overall setting of the property and general views of the site and buildings, and conditions that demonstrate the need for the grant. Also, please include historic photographs (digital) if available. All photographic materials should be clearly labeled and dated (*required for all applicants*). (If the digital requirement presents a problem, call the office of Planning & Public Works, 973-829-8120.)
- F. **Long-Range Maintenance Plan and Budget.** Provide a 5-year maintenance plan and budget.
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- H. **Documentation of Proposed Construction Work.** Include a clear description of the proposed construction work in as many of the following documents that apply to your project (*required for all applicants*):
- A request for proposal (RFP) for consultant services prepared by the applicant;
 - A proposal addressed to the applicant on the letterhead of the consultant selected for the project;
 - A copy of a signed agreement between the applicant and consultant;
 - Current plans and specification;
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CONSTRUCTION GRANT

- J. **Documentation of available match.** Provide letters of commitment specifying amount of matching funds for this project and/or a financial statement showing the amount of available funds. County or municipal governments must provide a resolution of the governing body committing to the specified match (*required for all applicants*).
- K. **Applicant's Long-Range Plan.** Include a current strategic or other long-range plan, specific to this site, for your community or organization (*required*). Plan can be as short as one page and should state your organization's goals and plans for implementation.

CONSTRUCTION GRANT

APPLICANT CHECKLIST

This checklist is enclosed to ensure that you submit a complete application. Before submitting your application, run through the following checklist. Do not return this form with the application.

- Completed application
- Organization's By-Laws
- Proof of qualification as a charitable conservancy
- Site Plan (**8 1/2 x 11**) Include a site plan if the project is part of a complex of historic properties
- Photographs – digital, with each photo clearly labeled and dated
- Attachments A through K
- If applicable, a completed and signed "Professional Services Checklist" (Policy H-1)

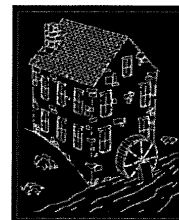
**THIS PAGE IS FOR THE APPLICANT'S USE.
DO NOT RETURN WITH APPLICATION.**

EXHIBIT

D2

Morris County Historic Preservation Trust Fund

2014 CONSTRUCTION GRANT APPLICATION



DEADLINE: **FRIDAY, MARCH 28, 2014, 1:00 P.M. E.S.T.**
SUBMIT TO: MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND
DEPT. OF PLANNING & PUBLIC WORKS
PO BOX 900, MORRISTOWN, NJ 07963-0900
973-829-8120

Please do not attach any materials which are not expressly requested in this application as these materials will not be accepted.

Please submit two paper copies and one electronic copy for the following:

1. Application Forms
2. Proposals from Professionals, Consultants, Contractors

Please submit all electronic files on one CD / DVD, including:

1. All photos as JPEG images, minimum 200 dpi at 4"x6" (500 KB)
2. Preservation Plans and other large documentation in PDF format (with prior County approval)
3. All other supporting documentation (preferably in PDF format)

No submissions will be accepted via e-mail. Please collate all submissions. Double-sided printing is encouraged. Paper submittals shall be bound by staple, paper clip or binder clip only. The use of binders, plastic separators, non-recyclable materials, etc. are strongly discouraged. Submittals will not be evaluated on the basis of the aesthetic of the package.

If submitting more than one application, please prioritize each project.

PLEASE BE ADVISED THAT HANDWRITTEN SUBMISSIONS OF APPLICATION WILL NOT BE ACCEPTED.

Name of Project: St. Peter's Preservation phase 2: Tower interior Priority: N/A
(If more than one application)

Applicant

1. Name: St. Peter's Episcopal Church
(Attachments A and C required for Charitable Conservancy)
Street Address: 70 Maple Ave.,
Town/State/Zip: Morristown NJ 07960
Chief Executive Officer: Rev. Janet Broderick
2. Contact Person: Dee Klikier
Phone: Work 973 538 0555 Ext 11 Home/Mobile 908 507 7284 (cell)
Fax Number: 973 538 7790
E-Mail: dklikier@stpetersmorristown.org

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CONSTRUCTION GRANT

3. Relationship of applicant to historic resource: (Attachment B required for all applicants)
- Applicant owns property
 - Applicant leases property. Owner's Name: _____
If applicant is different than owner, submit copy of valid lease indicating possession and significant control over property.
 - Other (describe): _____

Property

4. Name (Historic, from NR/SR nomination): St. Peter's Church
 Name (Present): St. Peter's Church
 Street Address: 70 Maple Ave.,
 Municipality: Morristown State NJ Zip 07960
 Block/Lot: Block 6204 Lot 12

5. Date Built: 1887-1909
 Major addition(s) and date(s): Sacriety 1947
 Original use: Church
 Architectural style(s): Gothic revival
 Architect(s), if known: McKim, Mead and White
 Builder(s), if known: Sturgis Bros., Morristown (Tower)

6. Register of Historic Places Status (Insert date for all that apply; Attachment D required). Note: Preference will be given to Register-listed properties
- National Register of Historic Places _____ individual x district
 - NJ Register of Historic Places _____ individual x district
 - Certified NJ Eligible _____ individual _____ district
 - Locally designated _____ individual _____ district

The property is currently: Occupied Unoccupied
 Gross square footage of the property Church 21,000/ tower (say) 2,500 sq. ft.

7. Describe concisely the architectural, cultural and historical significance of the property.
 The Church is an important example of Gothic Revival architecture. It was designed by McKim, Mead and White at the peak of their prominence. The firm also supervised its construction over the period of 1887-1908. The campus of the church, Rectory and Parish hall are all built of ashlar granite. Together they make a complex of notably integrated design and visual impact and are a key element of the Morristown Historic District.
 The church contains some rare early Tiffany glass, and a working manual carillon. installed in 1924. The fence round the property is believed to contain some iron bars from the Speedwell Iron Foundry installed around the property in 1844.

CONSTRUCTION GRANT

8. Current physical condition of the property:

- Excellent (No visible repair work needed)
- Good (Need for general maintenance)
- Fair (In need of more than routine maintenance)
- Poor (In need of major repairs)

Describe any conditions, inappropriate use or preservation need threatening the property. If it is endangered, explain the nature of the threats.

The preservation work done in 2013-4 addressed water intrusion problems at the top of the tower that threatened its structural integrity. This phase will complete the work by removing interior impermeable parging (concrete skim coat) which holds the water inside the tower walls.

Existing Use of Site: Church worship/ community resource
 Proposed Use of Site: Church worship/ community resource

Describe any impact of proposed project on existing use of site:

Preservation will ensure continued safe public access to the church for worship, periods of solitude and meditation during the week, and several concerts throughout the year, as well as the treasures the church and tower contain. The carillonners climb to play the bells, mostly at weekends, which can be heard in downtown Morristown.

- Site location based on Street Map (8 1/2 x 11)
- Photographs (Attachment E)

Existing Deed Restrictions None Known
 Encumbrances and Utility None Known
 Easements (if any) None known

9. Stewardship: Who is responsible for budgeting, supervising and performing maintenance work?

The wardens and Vestry of St. Peter's Church

How will the property be maintained once the funded work is complete? (Complete Attachment F if project is \$50,000 or over.)

Provide the total operating budget for the property for the last three years. Include maintenance, operations, programs and special events, and staff salaries.

	2011	2012	2013
Total Revenues	937,967	929,642	976,801
Total Expenses	1,006,464	1,005,874	977,503

CONSTRUCTION GRANT

Budget Summary

Figures must match totals from Budget Table #18.

10. Total Project Cost: \$144,731
Match: \$28,946
Grant Request: \$115,785

Anticipated construction cost: \$132,942

Project Concept

11. Project Profile

The Morris County Historic Preservation Trust Fund Review Board gives strong preference to those projects for which an approved preservation planning document has been prepared prior to requesting funding for the preparation of Construction Documents or request for construction funding. Please contact the Trust Fund Coordinator to discuss the specific needs of your site.

Based on a:

- Preservation Plan
Prepared by Spillman Farmer Architects Date March 2011
- Historic Structure Report
Prepared by _____ Date _____
- Other study (identify) Architectural drawings and specifications
Prepared by Artefact, Inc. Date March 2012

The predominant treatment(s) in this project (Refer to "Eligible Activities" listed in the Grant Rules and Regulations; Check the one that best characterizes the project):

Exterior Preservation Restoration Rehabilitation Stabilization No exterior work
Interior Preservation Restoration Rehabilitation Stabilization No interior work

The current project design status is (check all that apply):

- Scope of work
Prepared by Spillman Farmer Architects Date March 2011
- Schematic design/design development
Prepared by Artefact Inc. Date March 2012
- Final construction documents
Prepared by Artefact Inc. Date March 2012

CONSTRUCTION GRANT

12. Describe the research, investigation and planning you have completed that substantiates the preservation objectives of the project. (Attachment G)

Preservation Plan 2011 completed with MCHPT assistance, Architectural drawings and specifications report completed in 2012 again with MCHPT assistance. This 2014 grant application scope of work is the same as in the 2012 detailed architectural drawings and specifications submitted to the MCHPT (Alternate A in the subsequent grant request). The 2014 bid specifications are the same as those submitted in 2012, except that they make clear that the project is stand alone (i.e., no exterior scaffolding already in place) and a few items have been added/changed to reflect answers to contractors questions raised in the 2012 bidding process.

13. Describe the goals of the project. What are the problems and needs of the resource that you will address in your project?

The church tower has long suffered from water intrusion that reflects the nature of its construction. The tower was constructed laying up large granite blocks on the exterior and then building wooden forms in the shape of large stones alongside the outside granite and pouring concrete into those wooden forms. The concrete pours produced cold joints between the concrete blocks, which facilitates the passage of any water that intrudes at the top of the tower throughout the tower walls. The presence of a water impermeable Portland cement skim coat on the inside of the walls prevents the walls drying out and needs to be removed and ventilation installed.

Scope of Work

14. Describe concisely the scope of work proposed in this grant request. For non-construction aspects of the work, list task and include a copy of a fee proposal on consultant's and each sub-consultant's letterhead that clearly identifies each task to be completed by each firm. (Professional fees under \$5,000 can be described in the principal consultant's proposal). Also include Attachment H and completed Professional Services Checklist (Policy H-1).

Please Note: Applicants are encouraged to break-down scope of work to identify prioritized and phased implementation to accommodate reduced available construction funding.

The 2012 grant went towards the reduction of water penetration at the top of the tower. This grant request completes the preservation work associated with long term water penetration issues by ensuring that any water that does penetrate at the top of the tower can get out by:
(a) removing 50% of the impermeable Portland cement parging on the tower wall interior, and
(b) installing a simple humidity controlled ventilation system on the inside of the tower.

15. Provide projected dates (month and year) for each task. e.g. 09/14.

Note: No grant-funded activities may commence prior to the execution of a grant agreement. Any work completed prior to the agreement, including professional services, will be ineligible for reimbursement from the Morris County HP Trust Fund.

<u>3/2012</u>	Complete planning/pre-design	<u>3/2014</u>	Bid opening
<u>3/1012</u>	Complete design	<u>10/2014</u>	Start construction
<u>2/2014</u>	Identify qualified contractors	<u>12/2014</u>	Complete construction

CONSTRUCTION GRANT

Project Team

16. Name(s) of proposed consultant(s) or contractor(s). Attach statement of credentials for each proposed firm and key personnel. Include Attachment H and completed Professional Services Checklist (Policy H-1).

Note: Applicants are encouraged to meet The Secretary of the Interior's Historic Preservation Professional Qualification Standards (available under Application link on the Morris County Historic Preservation Trust Fund web site) for their related discipline. If the principal team leader does not meet the requirements as outlined above, include an explanation as to why the selected principal consultant is well suited for the project.

Christine Ussler AIA (Artefact Inc.)
John Harry (John E. Harry Restoration Services.)

17. Name and date of firm or individual providing cost estimates.

Note: Non-profit organizations with construction grant requests exceeding \$50,000 must have obtained professional costs estimates from an independent; New Jersey certified cost estimator based upon Construction Documents before they are eligible to apply for funding towards the actual construction.

<input checked="" type="checkbox"/>	Architect:	Artefact Inc. (fee for contract administration)
<input type="checkbox"/>	Engineer:	_____
<input checked="" type="checkbox"/>	Contractor(s):	C&D Waterproofing Inc (lowest of 2 bids receiv'd to date)
<input type="checkbox"/>	Independent Cost Estimator:	_____
<input type="checkbox"/>	Other (identify profession):	_____

Cost estimates for proposed construction work are based on (check one that best applies):

- Contractor's proposal
- Preliminary/ballpark estimates based on design professional's opinion of cost (Not recommended)
- Quantity takeoffs from measured drawings by New Jersey certified cost estimator (required for projects over \$50,000)
- Competitive bids based on construction documents (a minimum of 3 competitive bids are required for all funded applications whose anticipated budget exceeds \$50,000)

Is the preparer of the cost estimate a NJ certified professional estimator? Yes No

Does the estimator include escalation that anticipates the date of construction? Yes No

CONSTRUCTION GRANT

Budget

18. Grant Project Budget *(Please round up numbers.)*

This grant project includes work on: A single structure Multiple structures

If more than one structure, prepare the separate Project Budget page for other structure(s).

Name of structure / Priority of work: St Peter's church tower

Note: All costs must be escalated to assume Grant Agreement execution by October 1st with construction activities for most projects beginning the following spring. Budgets for all work must correlate with submitted cost estimates. For grant requests of more than \$150,000, provide breakdown / priority for each area including professional services, exterior work, etc. Use multiple Project Budget pages to describe priorities as necessary for clarity.

I. PROFESSIONAL SERVICES

Activity	Total	Local Match	Grant
Bidding / Negotiations	\$	\$	\$
Construction Administration	11,789	2358	9431
Archaeology			
Subtotal, Professional Services	\$	\$	\$

II. GENERAL CONDITIONS / MOBILIZATION / PROJECT CLOSE-OUT

Activity	Total	Local Match	Grant
	\$	\$	\$
Subtotal, General Conditions	\$	\$	\$

III. CONSTRUCTION: EXTERIOR

Activity	Total	Local Match	Grant
	\$	\$	\$
Subtotal, Construction: Exterior	\$	\$	\$

IV. CONSTRUCTION: INTERIOR

Activity	Total	Local Match	Grant
Parging removal & ventiation	\$130942	\$26188	\$104754
Permits	2000	400	1600
Subtotal, Construction: Interior	\$132942	\$26588	\$106334
Grand Total Eligible Costs (I + II + III + IV)	\$144731	\$28946	\$115785

CONSTRUCTION GRANT

19. Cash-in-hand matching funds: Itemize and describe the source and status of funds that will be used to match the County grant requested. Indicate under "status" the date the funds were received or are expected. (Attachment J must contain letters of commitment for any funds not yet on deposit in your account.)

Source of Funds	Status	Amount
St. Peters reserve funds already available	Vestry has voted to use funds	29,000
	Total	29,000

20. If adequate matching funds are not currently available, explain your plans and schedule for raising the matching funds.

Matching funds are already available.

CONSTRUCTION GRANT

Public Benefit

21. Public access to the property:

	Current	At end of Project
Open to the public	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Open to the public on a regular basis - # Days/yr	365	365
Open to the public on a regular basis - # Hrs/day	8	8
Open by appointment only	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of visitors per years	18.6k serv./6.9k commty	18.6k serv/6.9k com
How was this number calculated?	<input checked="" type="checkbox"/> Actual <input checked="" type="checkbox"/> Estimated	Source of count: Various

22. Please provide any additional information helpful for review, including interpretive program, innovative design; how project achieves local community revitalization, preservation of the built or natural environment, heritage education, tourism; how project promotes preservation activity and reach new audiences.

This project will complete the priority work identified in the preservation plan to address water penetration into the tower walls. The problem has been of long standing concern which it has been feared could impact the structural integrity of the tower because of the then new technology of using a concrete pours on the inside of the wall in the shape of the stone blocks used on the exterior. This was an early transitional technology used in building construction in the early 1900's, and the identification of the issues and their resolution is of considerable interest to preservation professionals.

23. Accessibility

Is the property compliant with the American Disabilities Act? Yes No

If not, has your organization prepared an "ADA Self-Assessment Survey and Planning Tool"?

Yes No

If not, when will your organization conduct an "ADA Self-Assessment Survey and Planning Tool"?

Month / Year _____

How does the facility currently accommodate individuals with disabilities? Will accommodations be improved following the proposed project?

The facility currently accommodates individuals with disabilities. The proposed project will not have a direct impact of accessibility.

CONSTRUCTION GRANT

The applicant certifies the following:

- a. The filing of this application has been approved by the governing body of the applicant;
- b. The facts, figures, and information contained in this application, including all attachments, are true and correct;
- c. Matching funds in the amount of \$ 29,000 are currently available, or will be available by _____ (date) for this project;
- d. Any funds received will be expended in accordance with the grant agreement to be executed with the Morris County Historic Preservation Trust Fund;
- e. The individual signing this agreements has been authorized by the organization to do so in its behalf, and by his/her signature binds the organization to the statements and representations contained in the application;

Acting as a duly authorized representative for the applicant organization, I am submitting this request for assistance from the Morris County Historic Preservation Trust Fund.

Name: _____

Title: _____

Signature of Individual _____ Date _____

CONSTRUCTION GRANT

CHARITABLE CONSERVANCY – Attachment A

Organization Information

Please submit a copy of each of the following:

- The organization's by-laws
- Proof of qualification as an eligible charitable conservancy*
- Most recent financial audit

1. Date of incorporation 1827
2. Estimated membership 870
3. Number of staff: 9 full-time paid 1 part-time paid
4. Volunteers: 1 full-time paid 0 part-time paid

5. State the mission of your organization.

St. Peters has a mission that was developed in 2007. The four elements of that mission are (1) engaging worship, (2) excellent music for all ages, (3) enriching education for children, youth and adults, and (4) service in Christ's name to our parish family, Morristown and the world. That has evolved more recently to support to the local community and to preserve our historic buildings.

Project Specific Information

6. Briefly describe why it is important to preserve this resource and how the resource fits into your organization's mission. (Attachment J)

The church tower is an integral part of the church campus and is a prominent element in the Morristown downtown historic district. The church space not only enhances the our worship but also provides facilities that community groups use during the week and on weekends. Indeed, we now host a Latino community church on sunday afternoons for worship, have a daily school program, and are working on an after school program and summer camp.

7. Explain what would happen to the resource if the charitable conservancy ceased to exist?

St. Peter's church is part of the Diocese of Newark of the Episcopal Church of the USA. If the parish of St. Peter's ceased to exist, its physical and financial resources would revert to the Diocese of Newark. However, St Peters was incorporated in 1827, remains a vibrant community and expects to be around for another 187 years at least!

* An eligible charitable conservancy is a corporation or trust whose purpose includes historic preservation of historic properties, structures, facilities, sites, areas or objects, or the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes. Conservancy is 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)).

CONSTRUCTION GRANT

OWNER ASSURANCES – Attachment B

This attachment must be completed and executed by the owner of record.

Name of Owner:	<u>St Peter's Episcopal Church</u>	Name of Co-Owner:	<u>None</u>
Mailing Address:	<u>70 Maple Ave.</u>	Mailing Address:	<u>N/A</u>
City:	<u>Morristown</u>	City	<u></u>
State	<u>NJ</u> Zip <u>07960</u>	State	<u></u> Zip <u></u>
Phone number:	<u>973 538 0555</u>	Phone number:	<u></u>

I/we understand the purpose of the application to be submitted to the County of Morris and I/we hereby agree to its submission. I/we agree that the listing of the property in the New Jersey or National Registers of Historic Places will be a condition of a grant. (If applicant leases the property) I/we also confirm that a valid lease is in effect*.

Signature of Owner

Signature of Co-owner

Print Name

N/A

Print Name

Title

N/A

Title

Date

N/A

Date

* Attach a copy of the lease to this Assurance.

CONSTRUCTION GRANT

ADDITIONAL ATTACHMENTS

- C. **Applicant's Personnel.** Include a list of Board members and the names, positions, terms of office and occupations of all members of the applicant organization who will be responsible for managing the grant-assisted project (*required for non profits*).
- D. **State of New Jersey Register of Historic Places status** (*required for all applicants*).
- If the property is an individually listed or part of an individual or thematic property listing, include a copy of the complete nomination form.
 - If the property is included in a historic district listing, and indicated on the nomination as a contributing resource to the historic district, include all relevant pages of the nomination form.
 - If the property is not listed in the National or New Jersey Register of Historic Places, include a letter from the Deputy State Historic Preservation Officer (DSHPO) certifying eligibility for listing of a site in the New Jersey Register. A certification letter must be received from the DSHPO at the time of application deadline.
- E. **Photographs.** Submit photographs in the form of digital files (on labeled disc) depicting the overall setting of the property and general views of the site and buildings, and conditions that demonstrate the need for the grant. Also, please include historic photographs (digital) if available. All photographic materials should be clearly labeled and dated (*required for all applicants*). (If the digital requirement presents a problem, call the office of Planning & Public Works, 973-829-8120.)
- F. **Long-Range Maintenance Plan and Budget.** If project is equal to or greater than \$50,000, provide a 5-year maintenance plan and budget.
- G. **Documentation of Research and Planning.** Include design development/final construction documents, which support the project request.
- H. **Documentation of Proposed Construction Work.** Include a clear description of the proposed construction work in as many of the following documents that apply to your project (*required for all applicants*):
- A request for proposal (RFP) for consultant services prepared by the applicant;
 - A proposal addressed to the applicant on the letterhead of the consultant selected for the project;
 - A copy of a signed agreement between the applicant and consultant;
 - Current plans and specification;
 - If the project is ready for bidding, a brief description of how you are soliciting bids.
- I. **Consultant's/Contractor's Personnel.** Include a list of the names of the firms and their personnel who will participate directly in the grant-assisted project (*required for all applicants*). **Note:** Submit resumes of all project personnel and subconsultants. Applications without named consultants should include, at a minimum, a statement of professional qualifications needed in the project.

CONSTRUCTION GRANT

- J. **Documentation of available match.** Provide letters of commitment specifying amount of matching funds for this project and/or a financial statement showing the amount of available funds. County or municipal governments must provide a resolution of the governing body committing to the specified match (*required for all applicants*).
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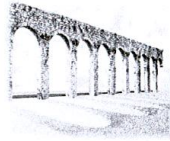
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DO NOT RETURN WITH APPLICATION.**



John E Harry
RESTORATION SERVICES

PRESERVATION CONSULTANT
MASONRY RESTORATION TRAINING

2850 West Liberty Street • Allentown, Pennsylvania 18104

610-434-5465 (p)
610-434-5392 (f)

preserve@pid.net

March 23, 2014

Christine Ussler
Artefact, Inc.
26-28 E. 3rd Street
Bethlehem, Pennsylvania 18015

Dear Christine,

This letter constitutes a proposal for my services as a consultant on the St. Peter's Episcopal Church Project, Phase 2. I will provide expertise and assistance in contract administration on the restoration project for which an application for funding is being prepared for the Morris County Historic Preservation Trust.

The scope of the work to be performed is to provide St Peter's Church with assistance during the construction phase and will follow the architectural specifications and drawings prepared by us. The project work will include the following recommended preservation actions (included on each line is the Item Number from Section 6.6, of the Preservation Plan, on Prioritization and Cost Estimates):

Tower Remove 50% of parging on interior of tower (M9)
 Provide ventilation of tower (M10)

I will assist your staff with the following tasks:

- pre-construction meetings
- regular job meetings during construction
- inspection and monitoring of the work during construction
- preparation of intermediary punch lists describing work that needs to be completed or modified at the end of each month.

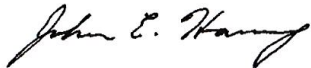
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- review of submissions prepared by the contractor.
- response to contractors' questions and Requests For Information (RFI's).
- review of contractor's monthly description of work completed to date
- preparation of the final punch list
- procurement of control box which will operate ventilation only when conditions will not result in condensation inside the tower
- testing of the ventilation system and control system.

I propose to perform the basic services outlined above for a fee of \$7,789.00.

Thank you for the opportunity to provide a proposal for these services. I am looking forward to working with you again on this project.



John Harry
Principal