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## **I. INTRODUCTION**

New Jersey P.L. 1997, c. 24, permits New Jersey county governments to establish a dedicated trust fund to acquire land for conservation, open space purposes, recreational facility enhancements, and farmland and historic preservation. Under State Law, New Jersey counties are required to obtain voter approval for the creation and funding of such a trust fund.

On June 26, 2003, the Hudson County Executive requested, and the Hudson County Board of Chosen Freeholders approved, a resolution authorizing the placement of a public question (referendum) on the general election ballot for the establishment of a County Open Space, Recreation, & Historic Preservation Trust Fund. This was sanctioned under the enabling legislation of the NJ Open Space Act (NJSA 40:12), which allows a municipal tax levy for the purposes of acquisition and development of open space, historic preservation, and park improvements. On November 4, 2003, the ballot question was approved by a two-to-one majority of County voter participants.

The Board of Chosen Freeholders, by resolution dated December 23, 2003, voted to establish a trust fund entitled "The Hudson County Open Space, Recreation & Historic Preservation Trust Fund" (hereinafter "Trust Fund").

The Trust Fund is funded through a property tax assessment to be approved annually by the Board of Chosen Freeholders, at a rate not to exceed one cent (\$0.01) per \$100.00 of the Total County equalized real property valuation.

## **II. GENERAL PROVISIONS**

### **A. Statement of Purpose**

This document is created for the following purposes:

- 1.** To establish the process, policy and procedures by which the County of Hudson will provide funding from the Trust Fund to eligible open space, recreation, cultural, tourism and historic preservation projects countywide.
- 2.** To establish procedures by which the County of Hudson will ensure that lands acquired in conjunction with funding from the Trust Fund will remain in use for conservation, recreation, or historic preservation purposes in perpetuity.

### **B. Scope**

This document constitutes the rules governing the review and award of grants. It establishes project eligibility requirements, applicant eligibility, application requirements, application review criteria, application review governance, roles and responsibilities, funding award categories and criteria, grant terms, and program administrative requirements.

### **C. Document Review**

This document may be amended from time to time by the County of Hudson, with recommendations from the Open Space Trust Fund Advisory Board and the public at large. Amendments to the document will become effective upon recommendation of the Hudson County Executive and the approval of the Board of Chosen Freeholders.

### **D. Severability**

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

### **E. Information**

Unless otherwise specified, any questions and all submissions required under this document should be directed to the Department of Parks and Community Services, Division of Planning, Meadowview Campus, Building One, Floor Two, 595 County Avenue, Secaucus, New Jersey 07094.

### **III. DEFINITIONS**

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

**Acquisition** – the securing of a fee simple absolute or a lesser interest in real property by gift, purchase, devise or condemnation.<sup>1</sup>

**American with Disabilities Act II** – State and Local Government Activities -Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities.

State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities. Public entities are not required to take actions that would result in undue financial and administrative burdens. They are required to make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination, unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.<sup>2</sup>

**Aquatic Ecosystem** – Waters of the United States, including wetlands that serve as habitat for interrelated and interacting communities and populations of plants and animals.<sup>3</sup>

**Aquifer Recharge Protection Area** – Lands through which water of significant volume and high quality moves down to an underlying groundwater reservoir.<sup>4</sup>

**Berm** – A mound of soil, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuation, dam, or storm water control.<sup>5</sup>

**Bicycle Lane** – A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.<sup>6</sup>

**Bicycle-Compatible Roadway** – A road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.<sup>7</sup>

**Bikeway** – Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.<sup>8</sup>

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<sup>1</sup> The Morris County Open Space and Farmland Preservation Trust Fund. 2010. Online. <http://www.morrispreservation.org/TrustFundRulesRegs.pdf>. Accessed 5 August 2013.

<sup>2</sup> U.S. Department of Justice, Civil Rights Division. A Guide to Disability Rights Laws. 2009. Online. <http://www.ada.gov/cguide.htm>. Accessed 5 August 2013.

<sup>3</sup> New Jersey Department of Environmental Protection. Freshwater Wetlands Protections Act Rules. 12 October 2012. Online. <http://www.nj.gov/dep/landuse/fww/def.html>. Accessed 5 August 2013.

<sup>4</sup> See note 1.

<sup>5</sup> New Jersey Department of Community Affairs. Residential Site Improvement Standards. 2013. Online. [http://www.state.nj.us/dca/divisions/codes/codreg/pdf\\_regs/njac\\_5\\_21.pdf](http://www.state.nj.us/dca/divisions/codes/codreg/pdf_regs/njac_5_21.pdf). Accessed 5 August 2013.

<sup>6</sup> U.S. Federal Highway Administration. Federal-Aid Policy Guide. 9 December 1991. Online. <http://www.fhwa.dot.gov/legregs/directives/fapag/cfr0652.htm>. Accessed 2 August 2013.

<sup>7</sup> City of Portland Zoning Ordinance

**Brownfields** – With certain legal exclusions and additions, the term "brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.<sup>9</sup>

**Capital Improvement** – shall include, in addition to buildings, any structures, fixtures, edifices, byways, parking lots, service facilities, and any other facility necessary and incidental to the lawful performance of any function of a county or municipality.<sup>10</sup>

**Capital Improvement Program (CIP)** – The municipal or county Capital Improvement Program is the minimum six year program of public works projects that the municipality/county expects to undertake, together with a general statement of funding sources and cash flows. The first year of the CIP is the Capital Budget, a more explicit statement of work with revenue and expense accounting.

**Channel** – Any natural or man-made waterway or course through which to convey the constant or intermittent flow of water.<sup>11</sup>

**Conservation Easement** – An easement, covenant, restriction or other interest in real property, which limits or restricts development, management or use of such real property for the express purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural, forest, or natural condition, character, significance or amenities of real property in a manner consistent with public policy and purpose, whether created under common law or pursuant to the provisions of State Law. A conservation easement may include affirmative rights of public access, management and use.<sup>12</sup>

**Consumer Product Safety Commission (CPSC)**- The U.S. Consumer Product Safety Commission (CPSC) has created guidelines for both public playground and home playground equipment. The Public Playground Safety Handbook can be seen here:  
<http://www.cpsc.gov/PageFiles/122149/325.pdf>

**Coastal Zone Management Act** – The Federal legislation mandates a comprehensive program of planning and development regulations for each State having a coastline.

**Community Gardens** – A plot of land gardened by a group of people, typically organized through an open and publicly functioning organization or a local government body.

**Connectivity** – the density of connections in path or road network and the directness of links. A well-connected road or path network has many short links, numerous intersections, and minimal dead-ends (cul-de-sacs). As connectivity increases, travel distances decrease and route options increase, allowing more direct travel between destinations, creating a more accessible and resilient system.<sup>13</sup>

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<sup>8</sup> See note 5.

<sup>9</sup> US Public Law 107-118 (H.R. 2869)

<sup>10</sup> NJSA 40A:12-2- Local Land and Buildings Law

<sup>11</sup> New Jersey Department of Community Affairs. Residential Site Improvement Standards. 2013. Online. <http://www.state.nj.us/dca/divisions/codes/offices/rsis.html/> Accessed 5 August 2013.

<sup>12</sup> New York State Department of Environmental Conservation. Online. [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/exhibit111.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/exhibit111.pdf). Accessed 5 August 2013.

<sup>13</sup> Victoria Transport Planning Institute TDM Encyclopedia. Online. <http://vtpi.org/tdm/>. Accessed 5 August 2013.

**Conservation Plan Element** – That portion of a master plan that describes the community’s existing and anticipated resources of energy, water supply, etc.

**County Master Plan** – A composite of the Master Plan for physical development of a New Jersey County with the accompanying maps, plats, charts, and descriptive and explanatory matter adopted by the County Planning Board, pursuant to N.J.S. 40:27-2, 40:27-4.<sup>14</sup>

**County Planning Board** – The governing authority responsible for the county planning and organized pursuant to N.J.S. 40:27-6.1.

**Crime prevention through environmental design (CPTED)** – CPTED attempts to reduce or eliminate criminal opportunities by using elements of the environment to (1) control access; (2) provide opportunities to see and be seen; and (3) define ownership and encourage the maintenance of territory.<sup>15</sup>

**Critical Habitat for Fauna or Flora** – (1) For Fauna, areas which serve an essential role in maintaining commercially and recreationally important wildlife, particularly for wintering, breeding, spawning and migrating activities; (2) For Flora, areas supporting rare or unique plant species or uncommon vegetation communities in New Jersey.<sup>16</sup>

**Cultural Resource Acquisition Project** – projects to acquire lands that provide or could provide access to outdoor performing or fine art facilities.<sup>17</sup>

**Culture** – Includes knowledge, belief, art, morals, law, custom, and any other capacities and habits acquired by man as a member of society.<sup>18</sup>

**Debt Service** – annual payments of principal and interest on loans used for the acquisition of open space, the preservation or improvement of open space, recreational space, or historic sites.

**Design Standards** – Standards that set forth specific improvement requirements.<sup>19</sup>

**Eligible Costs** – Costs incurred that can be funded through an award of the Trust fund, i.e., purchase of land, engineering, architect fees, construction site improvements, debt issuance and related bond counsel fees.

**Environmental Justice** – The fair treatment and meaningful involvement of all people regardless of race, color, sex, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies.<sup>20</sup>

**Floodway** – Land, and the space above that land, which lies within the inner portion of the flood hazard area, and which is mathematically determined to be required to carry and

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<sup>14</sup> NJ S2852

<sup>15</sup> US Department of Justice. Community Oriented Policing Services. Online. <http://www.cops.usdoj.gov/Publications/e0807391.pdf> pp. 5

<sup>16</sup> N.J.A.C. 77A

<sup>17</sup> Passaic County Open Space and Farmland Preservation Trust Fund Application Guide.

<sup>18</sup> Tylor, Sir Edward Burnett. Primitive Culture: Researches Into the Development of Mythology, Philosophy, Religion, Languages, Art and Customs. 1871.

<sup>19</sup> See note 5.

<sup>20</sup> United States Environmental Protection Agency. Report on the Environment Glossary. 2008. Online. <http://www.epa.gov/roe/glossary.htm>. Accessed 5 August 2013.

discharge floodwaters resulting from the 100-year flood under certain conditions. The floodway always includes the channel and often includes land adjacent to the channel. The floodway is normally characterized by faster and deeper flows than the flood fringe, which is the portion of the flood hazard area outside the floodway.<sup>21</sup>

**Flood Hazard Area** – Structures, fill and vegetation that are situated on land that lies below the flood hazard area design flood elevation are described as being "in" or "within" the flood hazard area. The inner portion of the flood hazard area is called the floodway and the outer portion of the flood hazard area is called the flood fringe. The "Special Flood Hazard Area," as defined by FEMA, is the land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps.<sup>22</sup>

**Flora/Fauna Protection Project** – a project to acquire and/or enhance lands essential for the conservation of significant flora and/or fauna species, which require special management consideration or protection. Habitat areas of threatened and endangered species are also included.

**Freshwater Wetland** – An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, however that the Department of Environmental Protection, in designating a wetland, shall use the 3-parameter approach (i.e., hydrology, soils, vegetation) enumerated in the April, 1987 interim-final draft Wetland Identification and Delineation Manual, and any subsequent amendments thereto. These include tidally influenced wetlands which have not been included on a promulgated map pursuant to the Wetlands Act of 1970.<sup>23</sup>

**Golf Course** – A daily public recreational facility, regulated by the rules of golf and related improvements associated with such a facility, which can be categorized into one of the following: par 3, executive, and regulation courses.

**Governing Body** – The body exercising general legislative powers in a county or municipality according to the terms and procedural requirements set forth in the form of government adopted by the county or municipality. For a non-governmental entity, its body exercising legislative voting powers, i.e., Board of Directors, Board of Trustees.<sup>24</sup>

**Green Infrastructure** – Green infrastructure uses vegetation, soils, and natural processes to manage water and create healthier urban environments. At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water. Such systems include downspout disconnection, rainwater harvesting, rain gardens, planter boxes, bioswales, permeable pavements, green alleys and streets, green parking, green roofs, urban tree canopy, and land conservation.<sup>25</sup>

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<sup>21</sup> See note 3.

<sup>22</sup> Ibid.

<sup>23</sup> NJ A2171

<sup>24</sup> NJ Local Redevelopment and Housing Law

<sup>25</sup> United States Environmental Protection Agency. What is Green Infrastructure?. 11 January 2013. Online.



**Green Roofs** – Roofs covered with growing media and vegetation that enable rainfall infiltration and evapotranspiration of stored water.<sup>26</sup>

**Green Spaces** – a plot of undeveloped land separating or surrounding areas of intensive residential or industrial use that is maintained for recreational enjoyment.<sup>27</sup>

**Parkland Projects** – A project to acquire and/or enhance recreational lands, waters, natural ecosystems, historic sites, wetlands, wildlife habitats, urban parks and scenic setting for the enjoyment of the public.

**\*Green Streets and Alleys** – Streets and alleys that integrate green infrastructure elements into their design to store, infiltrate, and evapotranspire stormwater. Permeable pavement, bioswales, planter boxes, and trees are among the many green infrastructure features that may be woven into street or alley design.<sup>28</sup>

**Greenways Project** – A project to acquire and/or enhance land which provides a linkage to recreational lands, water, natural ecosystem, historic sites, wetlands, wildlife habitats, urban parks and scenic settings, for the enjoyment of the public. Greenways may include, but are not limited to bikeways, trails, and stream and river corridors.

**Habitat** – The natural environment or area of an individual animal or plant, population, or community, comprising both physical and biotic factors.

**Hackensack Meadowlands** – All those meadowlands lying within the municipalities of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack, and Teterboro all in Bergen County; and Jersey City, Kearny, North Bergen and Secaucus, all in Hudson County.

**Head Waters** – The point on a non-tidal stream above which the average annual flow is less than five cubic feet per second. The Department of Environmental Protection may estimate this point from available data by using area annual precipitation, area drainage basin maps, and the average annual runoff coefficient or by similar means.

**Heat Island** – An urban area characterized by temperatures higher than those of the surrounding non-urban area. As urban areas develop, buildings, roads, and other infrastructure replace open land and vegetation. These surfaces absorb more solar energy, which can create higher temperatures in urban areas.

**Historic District** – One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.<sup>29</sup>

**Historic Preservation** – The performance of any work relating to the stabilization, repair, rehabilitation, renovation, restoration, improvements, protection, or preservation of a historic property, structure, facility, site, area, or object.<sup>30</sup>

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[http://water.epa.gov/infrastructure/greeninfrastructure/gi\\_what.cfm#greenroofs](http://water.epa.gov/infrastructure/greeninfrastructure/gi_what.cfm#greenroofs). Accessed 5 August 2013.

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> NJ A3193

<sup>30</sup> NJ S2572

**Historic Preservation Plan Element** – That portion of the Municipal Comprehensive Master Plan that (1) describes historic and cultural resources within the community and (2) provides policy guidance as to how those resources might be protected and incorporated as useful working elements of a comprehensive community and economic development program.

**Historic Preservation Restriction** – An interest in land less than fee simple absolute, stated in the form of a right, restriction, easement, covenant, or condition, in any deed, will or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to preserving a structure or site which is historically significant for its architecture, archeology or associations, to forbid or limit any or all:

1. Alteration in exterior or interior features of such structure;
2. Changes in appearance or condition of such site;
3. Uses of such structure or site which are not historically appropriate;
4. Other acts or uses detrimental to the appropriate preservation of such structure or site.<sup>31</sup>

**Historic Property, Structure, facility, Site, Area, or Object** - Any property, structure, facility, site, area, or object approved for inclusion on the New Jersey Register of Historic Places, or which meets the criteria for inclusion on said Register pursuant to P.L. 1970 c. 268 (C.13:1B -15.128 et seq.) or a Certified Local Government.<sup>32</sup>

**Historic Resource** – Any site, building, area, district, structure or object important in American history, architecture, archaeology, and culture at the national, state, county, regional or local level.

**Historic Site** – Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.<sup>33</sup>

**Hydric Soils** – A soil that in its natural condition is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation.<sup>34</sup>

**Improvement** – (a) Any constructed element which becomes part of, is placed upon, or is affixed to real estate; (b) the development and improvement of parks and recreational facilities.<sup>35</sup>

**Impervious Surface** – A hard surface area that either prevents or retards the entry of water into the soil mantle or causes water to run off the surface in greater quantities or at an increased rate of flow. Common impervious surfaces include rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, and gravel roads.<sup>36</sup>

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<sup>31</sup> New Jersey Codes Title 13 Section 13:8B

<sup>32</sup> NJ S3078

<sup>33</sup> N.J.S. 40:55D-4

<sup>34</sup> US Department of Agriculture (USDA) Soil Conservation Service (SCS) 1985, as amended by the National Technical Committee for Hydric Soils (NTCHS) in December 1986

<sup>35</sup> N.J.A.C. 5:21; NJ P.L.2001, c.232

<sup>36</sup> See note 17.

**Ineligible Costs** – Customary costs, or “soft costs,” incurred above the limit set forth (up to 2% of Trust Fund) that will not be funded through an award from the Trust Fund, i.e., appraisal costs, wetland delineation, property survey, title search, legal expenditures other than bond counsel fees.

**Lake, Pond or Reservoir** – Any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water.<sup>37</sup>

**Lands** – Lands, improvements, and structures thereon or rights, franchises and interest therein. This term shall also include and mean any and all interest in lands amounting to less than fee title, including permanent and temporary easement, including conservation easements and rights-of-way.<sup>38</sup>

**Land Access Projects** – A project to acquire and/or enhance lands for access to state, federal or other county or Municipal Park and open space areas.

**Land Conservation** – Protecting open spaces and sensitive natural areas within and adjacent to cities can mitigate the water quality and flooding impacts of urban stormwater while providing recreational opportunities for city residents. Natural areas that are particularly important in addressing water quality and flooding include riparian areas, wetlands, and steep hillsides.

**Local Certified Historic District** – A district that 1) meets the criteria for registration, and 2) is governed by a state or local statute or ordinance that protects the historic resources of the district.<sup>39</sup>

**Local Share or Match-** non-EDA funds and any In-Kind Contributions that are approved by EDA and provided by Recipients or third parties as a condition of an Investment. The Matching Share may include funds from other Federal Agencies only if authorized by statute that allows such use, which may be determined by EDA's reasonable interpretation of such authority.<sup>40</sup>

**Lot** – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.<sup>41</sup>

**Low Impact Development** – an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.<sup>42</sup>

**Municipal Master Plan** – A composite of one or more written or graphic proposals for development of the municipality as set forth and adopted pursuant to N.J.S. 40:55D-28.

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<sup>37</sup> N.J.A.C. 7:9B

<sup>38</sup> N.Y. Environmental Law § 51-0101

<sup>39</sup> New Jersey Historic Preservation Office. New Jersey and National Register of Historic Places. Online. [http://www.nj.gov/dep/hpo/1identify/nrsr\\_lists.htm](http://www.nj.gov/dep/hpo/1identify/nrsr_lists.htm). Accessed 5 August 2013.

<sup>40</sup> 13 CFR 300.3 [Title 13 -- Business Credit and Assistance; Chapter III -- Economic Development Administration, Department of Commerce; Part 300 -- General Information

<sup>41</sup> NJ S2852

<sup>42</sup> See note 20.

**Municipality** – Any city, borough, village, town or township of the State but not a county or a school district.<sup>43</sup>

**Navigable Waters** – Deep enough and wide enough to afford passage to watercraft, including canoes, at high tide. Navigability will also apply to areas upstream of obstructions (for example, culverts), provided that the water course is still tidally influenced in the upstream area.<sup>44</sup>

**New Jersey Meadowlands Commission** – The legislative and quasi-judicial body for the Hackensack Meadowlands area, which encompasses parts of Hudson and Bergen Counties.

**New Jersey State Planning Act** – N.J.S. 52:18A-196 et seq. – The general enabling legislation for statewide policy planning.

**Nonpoint Source** – A diffuse source of pollution, having no single point of origin. This term is commonly used to describe water pollution caused by rainfall or snowmelt moving over and through the ground and carrying natural and human-made contaminants into lakes, rivers, streams, wetlands, estuaries, other coastal waters, and ground water. Atmospheric deposition and hydrologic modification are also sources of nonpoint water pollution.<sup>45</sup>

**Official Map** – A map adopted by ordinance pursuant to “Municipal Land Use Law”, N.J.S. 40:55D-32 et seq.

**Official County Map** – The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders, pursuant to the “County Planning Act”, N.J.S. 40:27-5 et seq.

**Open Space** – Land or water areas to be retained in a largely natural or undeveloped state, for the purpose of, among other things, providing parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting or preserving areas of scenic, historic and cultural values while at the same time affording, whenever practical, public outdoor recreational opportunities for county residents. “Open Space” may include a recreational area such as a golf course if the acquisition serves the objective of the open space trust fund act by protecting a largely underdeveloped area from future development.

Open Space also means projects to acquire and/or enhance lands, which are open or natural, and necessary to preserve the ecological, scenic, recreational or historical values of such land. Open space projects include, but are not limited to, the following types of projects: streams, right projects; open or natural land projects including additions to existing owned outdoor recreation areas; Greenways/Parklands Projects; aquifer recharge area projects; watershed protection projects; and waterfront protection projects.<sup>46</sup>

**Parcel** – Any quantity of land, consisting of one or more lots, that is capable of being described with such definiteness that its location and boundaries may be established.

**Playground Safety Law**- New Jersey enacted a playground safety law on March 23, 1999 New Jersey Playground Subcode 5:23 - 11.1to require that the Department of Community Affairs and Department of Education promulgate rules and regulations for the design, installation,

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<sup>43</sup> NJ 40:37A-45

<sup>44</sup> NJAC 7:7E-1.5

<sup>45</sup> See note 20.

inspection, and maintenance of playgrounds. This law also mandates that those rules and regulations be those contained within the CPSC guidelines. Further, it requires that special provisions be included to address playgrounds appropriate for children in childcare settings. Government entities and private entities must upgrade their playgrounds to satisfy the rules and regulations for surfacing within five years and for all other elements within eight years. Non-profit entities must upgrade their playgrounds to satisfy the rules and regulations for surfacing within five years and for all other elements within fifteen years. All playgrounds built more than six months after the effective date of the rules and regulations must conform to those rules and regulation. New Jersey PIRG was instrumental in achieving this statewide mandate.

**Pollutant** – Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and non-hazardous pollutants.<sup>47</sup>

**Project ready** – An application or project that can commence immediately upon approval or release of awarded funds. A “project ready” application, at minimum includes the following:

1. For acquisition projects- property appraisal; and recent land survey (completed by a NJ licensed surveyor); and preliminary assessment or site investigation (PASI completed by a qualified environmental professional).
2. For park and recreation improvements- Site plans signed & sealed by a licensed professional (PE, AIA, CLA, etc.); and itemized construction cost estimates; and where applicable, all necessary approvals and permits (NJ DEP, ACOE, Soil Conservation, etc.).
3. For historic preservation- Plans prepared by a licensed architect, engineer, or historic preservation specialist.

**Property** – The area contained within the legal boundary as defined by municipal block and lot, or right-of-way description as set forth in the deed for that area.<sup>48</sup>

**Rain Garden** – Rain gardens (also known as bioretention or bioinfiltration cells) are shallow, vegetated basins that collect and absorb runoff from rooftops, sidewalks, and streets. Rain gardens mimic natural hydrology by infiltrating and evapotranspiring runoff. Rain gardens are versatile features that can be installed in almost any unpaved space.<sup>49</sup>

**Real Property** – Lands within or without the State, above or below water, and improvements thereof or thereon, or any riparian or other rights or interests therein.<sup>50</sup>

**Recharge** – Water added to an aquifer-- for instance, rainfall that seeps into the ground.<sup>51</sup>

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<sup>46</sup> See note 1.

<sup>47</sup> NJ Farm Bureau

<sup>48</sup> NJ Freshwater Wetlands Protection Act

**\*Recreation Activities** – Activities that involve relatively vigorous or organized action such as soccer, ball playing, jogging, pitching, playground areas, roller hockey, skateboarding, and the like. Passive recreational activities include less vigorous organized use such as simple appreciation of natural areas, possibly involving hiking, or simply viewing open land or waters.

**Recreational Facility, Intensive** – Any recreational facility which does not satisfy the definition of Low Intensity Recreational Facility including but not limited to golf courses, marinas, amusement parks, hotels and motels.<sup>52</sup>

**Recreational Facility, Low Intensive** – A facility or area which complies with the standards in N.J.A.C. 7:50-5, part III, utilizes and depends on the natural environment and requires no significant modifications of that environment other than to provide access, and which has an insignificant impact on surrounding uses or on the environmental integrity of the area. It permits such low intensity uses as fishing, canoeing, nature study, orienteering, horseback riding, and bicycling.<sup>53</sup>

**Recreational Land** – Land & water areas that provide opportunities for outdoor active or passive activities.

**Right-of-Way (ROW)** – A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or stormwater sewer main, shade tree, or for another special use.<sup>54</sup>

**Scenic Acquisition Projects** – A project to acquire and/or enhance lands to maintain the scenic nature of an area.

**Secretary of the Interior's Standards for the Treatment of Historic Properties** – The standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. The standards offer four distinct approaches to the treatment of historic properties:

1. Preservation – focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
2. Rehabilitation – acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
3. Restoration – depicts a property at a particular period of time in its history, while removing evidence of other periods.
4. Reconstruction – re-creates vanished or non-surviving portions of a property for interpretive purposes

**Shade Tree Program** – Acquisition and installation of shade trees to facilitate urban forestry, gateway landscaping, and vegetative buffers.

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<sup>49</sup> US EPA

<sup>50</sup> NJ County Improvement Authorities Law

<sup>51</sup> USGS

<sup>52</sup> Township of Evesham, NJ Municipal Code. 31 December 2012. Online. <http://ecode360.com/EV0481>. Accessed 5 August 2013.

<sup>53</sup> See note 40.

<sup>54</sup> See note 6.

**NJ State Development and Redevelopment Plan** – The Statewide Policy Plan that establishes policies for planning, programming, funding, installation, and maintenance of public capital infrastructure.

**Steep Slopes** – Slopes over fifteen (15%) percent gradient.<sup>55</sup>

**\*Steep Slopes Project** – A project to acquire and/or enhance steep slopes for the purpose of providing parkland and/or green spaces.<sup>56</sup>

**Stewardship** – The conducting, supervising, or managing of something; especially the careful and responsible management of something entrusted to one's care; stewardship of natural resources. [Merriam-Webster 2013]; Environmental stewardship – the responsibility for environmental quality shared by all those whose actions affect the environment.<sup>57</sup>

**Stormwater** – Runoff generated when precipitation from rain and melted snow flows over land or impervious surfaces and does not percolate into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated.<sup>58</sup>

**Stream Rights Project** – A project to acquire and/or enhance lands that provide public fishing rights on quality streams or rivers.

**Superfund** – A program, operated under the legislative authority of the Comprehensive Environmental Response, Compensation, and Liability Act and the Superfund Amendments and Reauthorization Act, that funds and carries out EPA solid waste emergency and long-term removal and remedial activities. These activities include establishing the National Priorities List, investigating sites for inclusion on the list, determining their priority, and conducting and/or supervising cleanup and other remedial actions.<sup>59</sup>

**\*Sustainability** – Creates and maintains the conditions under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic and other requirements of present and future generations.<sup>60</sup>

**Sweat Equity**- is an interest or increased value in a property earned from the owner's labor toward upkeep or restoration<sup>61</sup>

**Threatened or Endangered Species** – Species identified pursuant to the Endangered and Non-game Species Conservation Act, N.J.S.A. 23:2A-1, et seq., or those identified pursuant to the Endangered Species Act of 1973, 16 USC 1531 et al., and subsequent amendments thereto.

**Tidal Waters** – Fresh or saline waters under tidal influence, up to the head of the tide.<sup>62</sup>

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<sup>55</sup> See note 17.

<sup>56</sup> Ibid.

<sup>57</sup> See note 20.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> [www.investopedia.com](http://www.investopedia.com)

<sup>62</sup> NJAC 7:7A-1.4

**Urban Ecosystem** – Both the natural ecology and the human infrastructure of an urban environment, and the interaction between the two.

**Vacancy** – Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

**Walkway** – A continuous way designated for pedestrians and separated from the through lanes for motor vehicles by space or barrier.

**Watershed** – The smallest drainage area of a specific creek, stream, river, pond, lake, or other surface water body within which a particular site is located.<sup>63</sup>

**Watershed Protection Project** – A project to acquire lands within the watershed of a publicly owned water supply reservoir.<sup>64</sup>

**Water Supply Reservoir** – An impoundment of surface waters, the primary purpose of which is water supply.<sup>65</sup>

**Wetland** – An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, however, that the NJ Department of Environmental Protection, in designating a wetland, shall use the three-parameter approach (that is, hydrology, soils and vegetation) enumerated in the 1989 Federal Manual. These include tidally influenced wetlands which have not been included on a promulgated map pursuant to the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq. <sup>66</sup>

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<sup>63</sup> NJAC 7:7A-1.4

<sup>64</sup> See note 1.

<sup>65</sup> Ibid.

<sup>66</sup> N.J.A.C. 7:7A Freshwater Wetlands Protection Act Rules



## **IV. GOVERNANCE**

### **A. Membership**

The Office of the County Executive will be represented by a board liaison, a non-voting member of the Advisory Board, selected by the County Executive.

The Board of Chosen Freeholders will be represented by a board liaison, a non-voting member of the Advisory Board, selected by the Chairman of the Board of Chosen Freeholders.

In absence of a quorum (five of the nine voting members), the board liaison for the County Executive or Board of Chosen Freeholders may have voting privileges.

The County Executive, with the advice and consent of the Board of Chosen Freeholders, shall appoint voting members to the Open Space Trust Fund Advisory Board from the following categories:

#### **OPEN SPACE TRUST FUND ADVISORY BOARD VOTING MEMBERSHIP**

1. Hudson County Division of Parks, Board Member
2. Hudson County Division of Planning, Board Member
3. Hudson County Division of Housing and Community Development, Board Member
4. Hudson County Office of Cultural and Heritage Affairs, Board Member
5. Conservation Board Member
6. Environmental Board Member
7. Historic Preservation Board Member
8. Parks & Recreation Board Member
9. Business Community Board Member

Every member of the Open Space Advisory Board shall be a resident of Hudson County.

### **B. Responsibilities**

1. The primary responsibility of the Open Space Trust Fund Advisory Board, (hereinafter "Advisory Board") is for the systematic review and recommendation of applications for funding consideration from the Trust Fund, in accordance with the policies and procedures as established by this document set forth herein.
2. The Advisory Board will work closely with the County of Hudson to:
  - a. Assist in the periodic review of the County's adopted Open Space and Recreation Plan, and Historic Preservation Plan;
  - b. Review, prioritize and recommend projects for open space, recreation, and historic preservation purposes; and
  - c. Review and recommend, as necessary, amendments to the policies and procedures outlined in this document for the Trust Fund.
3. Conduct outreach to the general public, municipalities and community groups.

### **C. Term of Office**

**1.** The Term of Office of all voting members of the Advisory Board shall be for three years, except the initial term, which shall be as follows:

Hudson County Division of Parks, Board Member - 1 year

Hudson County Office of Cultural & Heritage Affairs, Board Member - 1 year

Historic Preservation, Board Member - 1 year

Hudson County Division of Planning, Board Member - 2 years

Conservation, Board Member - 2 years

Parks & Recreation, Board Member -2 years

Hudson County Division of Housing & Community Development, Board Member - 3 yrs

Environmental, Board Member - 3 years

Business Community, Board Member - 3 years

All future appointees to these positions shall, thereafter, revert to a three year term.

**2.** All members shall serve on as voluntary basis without compensation.

**3.** Every member shall be a resident of Hudson County.

**4.** No member of the Advisory Board shall be an elected official in any jurisdiction.

**5.** No member of the Advisory Board shall be an employee of any of Hudson County's municipalities or their other local governmental units.

### **D. Replacement of Members**

**1.** A member shall serve until the nomination and qualification of his/her successor shall be complete.

**2.** A member having three (3) consecutive absences from scheduled meetings of the Advisory Board (without providing advanced notification), shall be deemed as resigned from the position, and a successor appointed to fill his/her unexpired term, in accordance with appointment procedures as stated in this document. The Advisory Board shall send notice to the County Executive of any member warranting such resignation.

**3.** Any other vacancies on the Advisory Board shall be filled by a subsequent appointment to fill the unexpired term, in accordance with appointment procedures as stated in this document.

## **E. Officers and Duties**

- 1.** There shall be a Chairperson, Vice Chairperson and Secretary of the Advisory Board.
- 2.** The Officers shall be elected at the annual reorganization meeting by a majority vote of the total number of voting members of the Advisory Board. The initial organizational meeting shall take place no later than 30 days after the approval of this document and confirmed appointments to the Advisory Board. Thereafter, a reorganization meeting shall take place annually during the month of January.
- 3.** The term of office of all officers shall be for a one - (1) year term, or until a successor has been elected.
- 4.** The Duties of the Chairperson shall include, but not necessarily be limited to, the following:
  - a.** Establish a schedule of meeting dates;
  - b.** Preside at all regular and special meetings;
  - c.** Sign such documents as are necessary on behalf of the Advisory Board; and
  - d.** Perform all duties that may be necessary and appropriate to carry out the responsibilities of the office.
- 5.** In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. In the absence of the Vice-Chairperson, the most senior private-citizen board member shall perform the duties of the Chairperson.
- 6.** A simple majority (five (5) of the voting members (9)) of the Board shall constitute a quorum for voting sessions.
- 7.** A quorum is not required to hold work/review sessions.
- 8.** An affirmative vote of the majority of members present shall indicate passage of any item subject to a vote.
- 9.** Those members who are absent from the application presentations and/or site visits shall certify that they have fully reviewed the application and visited the site in order to be eligible to consider the merits of the application for funding.
- 10. Conflict of Interest-** any Advisory Board member who has an affiliation to any project where an application has been submitted for the Advisory Board to review and recommend funding, must recuse him or herself from the application process of that particular project. "Affiliation" shall be construed to mean a connection to the project by way of familial, employment, elected official and/or board relationship. "Application Process" shall be construed to mean participation in the presentation, discussion, and voting of the project in question. A member who has recused him or herself from hearing a particular application is not precluded from participation in other applications before the Advisory Committee.

## **V. FUNDING GUIDELINES**

### **A. Eligible Applicants**

The following entities are eligible to participate in the application process for funding consideration from the Trust Fund:

1. The County of Hudson;
2. All Hudson County government agencies and its affiliates;
3. Any of the twelve (12) municipalities in the County of Hudson; and
4. Local entities, non-profit corporations, and qualified charitable conservancies located within the County of Hudson that have received tax exemptions under section 501(c)3 of the 1954 Internal Revenue Code. Local entities are required to partner with the local municipality, where the project is located, or the County of Hudson.

### **B. Eligible Purposes**

Eligible purposes, as voted by referendum, and approved by the Board of Chosen Freeholders are:

1. Acquisition of land for conservation and recreation purposes.
2. Development and redevelopment of land existing or acquired for recreational, cultural, tourism and/or conservation purposes.
3. Preservation of historic properties, including the acquisition and historic preservation planning activities of such properties for historic preservation, this includes historical capital projects and historical rehabilitation plans or
4. Payment of debt service on indebtedness issued or incurred by the County of Hudson for any of the purposes stated in (1), (2), (3), or (4).

### **C. Eligible Costs**

The following costs are deemed to be consistent with the purposes and intent of the Trust Fund and shall be eligible for application:

1. The acquisition of land for conservation and recreation purposes. Note- applicants are required to place the County on the deed when purchasing the property.
2. Construction management and/or construction administration of an Open Space Trust funded recreation or historic capital project or rehabilitation plan.
3. Up to 50% of the costs of preparing a historic preservation plan for the preservation, rehabilitation, restoration or reconstruction of a historic property under the Secretary of the Interior's Standards for the Treatment of Historic Properties. Such projects must result in the completion of site/construction plans related to all proposed historic preservation activities.

## **D. Ineligible Purposes**

The following purposes are considered ineligible to receive funding:

- 1.** Any maintenance, care, custodial, or police operation expenditures associated with active and passive recreation, and historic sites.
- 2.** Lands that are and will remain predominantly covered by buildings or structures not appropriate for environmental education, recreational use, or historic preservation. Buildings and structures that are closed to the public or require membership for entry are ineligible to receive funding.
- 3.** Activities that will have a significant adverse impact on environmental resources or open space values.
- 4.** Items that were not listed in the original grant agreement between the County and the applicant.
- 5.** Sweat equity, an interest of increased value in a property earned from labor by the owner toward upkeep or restoration.
- 6.** Soft costs, such as architectural design, engineering, planning, surveying, permitting, fees, legal, administrative, or environmental costs.
- 7.** The preparation and completion of historic preservation studies with the aim of obtaining a Certification of Eligibility from the New Jersey Historic Preservation Office or for the purposes of determining the eligibility or the nomination of a property or structure for the State or National Register of Historic Places.

## **E. Allocation**

The Trust Fund will be funded through a property tax assessment to be determined annually by the Board of Chosen Freeholders, at a rate not to exceed one cent (\$0.01) per \$100.00 of total County equalized valuation.

- 1.** All of the money collected through the property tax assessment will be deposited into the Trust Fund and shall thereafter be disbursed for the following types of projects:
  - a.** Land Acquisition Projects,
  - b.** Development/Redevelopment Improvements for Recreation Conservation Projects,
  - c.** Historic Preservation Capital Projects and Rehabilitation Studies
- 2.** Applicants shall not request more than \$1,000,000 for an Open Space Acquisition.
- 3.** Applicants shall not request more than \$500,000 for a Recreation, Conservation, Historic Preservation Capital Project or Rehabilitation Plan.
- 4.** Any unexpended funds allocated to a specific project and determined by the County of Hudson as no longer needed for that project will return to the Trust Fund.
- 5.** Indebtedness by the County of Hudson for eligible purposes as stated above will be set aside in an amount equal to the annual debt payment requirement prior to the annual allocation determination for new applications/projects.

## **F. Advisory Board Review and Recommendation**

The Hudson County Division of Planning shall provide staff support and technical assistance to the Advisory Board.

The Advisory Board shall:

- 1.** Schedule a timeline for the Letter of Intent process. Initial letter of interest will be submitted by interested applicants prior to full proposal. A Letter of Intent Form will be created for their use. Applicants must demonstrate how their project meets the new goals and objectives outlined in the 2013 Reexamination Report. They must have all required documentation, list matching funding, and show how the project is shovel ready.
- 2.** Schedule one-on-one meetings with the applicant and Open Space support staff and at least one member of the Hudson County Open Space Trust Fund Advisory Board to review applicant's Letter of Intent. Once the Letter of Intent is deemed complete, applicant will be required to submit a full application to the Advisory Board.
- 2.** Determine application completeness and eligibility according to the program statement approved by the Hudson County Board of Chosen Freeholders.
- 3.** Review each application and rank each application according to the criteria established in said program statement and the 2013 Open Space Reexamination Report.
- 4.** Forward the Advisory Board's recommendations to the County Executive for his/her consideration and funding allocation.
- 5.** Upon final approval by the Board of Chosen Freeholders, the Advisory Board shall prepare an annual report.

## **G. County Executive's Submission of Proposed Projects**

- 1.** Upon receipt of the Advisory Board's recommendations by the County Executive, the County Executive shall formulate funding allocations for eligible projects for a 30-day review period.
- 2.** The County Executive shall submit the Advisory board's recommendations with his/her funding allocations to the Board of Chosen Freeholders for its consideration.

## **H. Freeholder Funding Approval**

- 1.** Upon the release of the County's Executive's funding allocations, the Division of Planning shall schedule at least one public hearing held at least thirty (30) days after the transmittal of funding recommendations in accordance with N.J.S.A. 40:12-15.1 et seq., to solicit public comment on the proposed grant award recommendations.
- 2.** In accordance with N.J.S.A. 40:12-15.3b the Board of Chosen Freeholders shall authorize final approval for the project funding no earlier than 45 days after the public hearing.

## **I. Grant Agreement**

1. Applicants that have been approved for funding will have two (2) months from the date of Award letter following Freeholder approval of the required Hudson County funding resolutions to execute a Grant Agreement with the County.
2. Upon execution by both parties of the grant agreement, projects are expected to progress at a reasonable pace, subject to the specifics of a particular project. After two (2) years from the Freeholder award date, any unexpended award funds remaining will be forfeited and returned to the Open Space Trust Fund.
3. The Grant Agreement shall include a phased punch list for eligible costs. Reimbursement of funds through the County of Hudson will only be processed after a site inspection for each phase.
4. Throughout the life of the grant, awarded applicants will be required to submit quarterly progress reports to the Hudson County Division of Planning
5. A deed of conservation easement or historic preservation restriction held by the County of Hudson shall be filed with the Office of the County Register upon completion of land acquisition, park and recreation improvement, or historic preservation capital project or rehabilitation plan.
6. Applicants must agree to place any funded parkland on the NJ Recreation and Open Space Inventory (ROSI) before final payment of grant monies. No change in use or diversion of funds shall be allowable for any funded park or recreation project without following the procedures set forth in the grant agreement.
7. Failure to uphold any other aspects of the executed grant agreement may result in the forfeiture of funds. Unused funds will revert back to the Trust Fund.
8. Applicants must seek Open Space Advisory Board approval for any deviations from the original grant agreement. Deviations that are above 10% of the total funded project cost will require Freeholder Board approval.
9. The grant recipient may request one (1) to two (2) year grant extensions and a maximum of three (3) grant extensions in total. The extensions shall be granted at the discretion of the County. Extension requests will be considered in cases of natural disasters or other unforeseen circumstances in which the applicant had no control over. If the applicant fails to complete the project within the time frame, the grant agreement and the unused funds shall be forfeited.
10. Reprogramming of funded projects are granted at the discretion of the County. Only municipalities are allowed to request a reprogramming to a shovel-ready project within the same municipality. Shovel ready projects are considered projects that have a selected contractor in place or are under construction. Reprogramming can only be awarded to Park Improvement projects and Historical Capital projects. No more than 50% of the total funded project award amount can be reprogrammed to a different project site.
11. Applicants that have been approved for a grant award from the County shall fund all costs incurred in connection with the acquisition of any land or interest therein, including, but not limited to the costs for appraisals, wetland delineations, environmental assessment, engineering, property survey, title search, legal expenditures, structure

demolition and removal, and other such costs associated with the acquisition of land or interest therein.

12. Banking or stockpiling of Trust Fund grants is not permitted. Failure to complete the project within the grant contract time period will result in forfeiture of the grant for failure to comply with the terms of the Trust Fund grant agreement.
13. Two months prior to the dedication/rededication/opening ceremony of the project, the applicant must contact the Division of Planning.
14. Temporary construction signage specs will be provided in the applicant's grant agreement.
15. Permanent signage specs will be provided in the applicant's grant agreement.

#### **J. Interest on Investments**

Any interest earned on the investment of funds of the Trust Fund shall be retained within the Trust Fund to be used for Trust Fund purposes as described herein.



## **VI. GENERAL GUIDELINES**

- A.** The following items reflect general guidelines that will be considered in recommending projects for the acquisition of property for conservation and/or recreation purposes, the development or redevelopment of conservation and recreation areas, or for historic preservation purposes:
- B.** Encourage multi-funded source projects, which qualify for, but are not limited to, the State Green Acres Program, Historic Preservation Trust Program, federal funds, municipal matching funds, recreation groups, donations, and all other appropriate funding sources. Applicants are encouraged to provide or obtain non-Open Space Trust funds of at least fifty percent (50%). The respective governing bodies must endorse all projects.
- C.** Encourage projects that benefit a broad population segment, especially those of regional, countywide, or statewide significance.
- D.** Encourages multi-use projects, (e.g. projects including several elements such as water protection, recreation, historic, cultural, tourism and scenic preservation, etc.)
- E.** Give consideration to projects involving land under immediate threat of development.
- F.** Encourage the use of conservation easements, restrictive covenants, or interests other than ownership by fee simple, to limit or restrict development.
- G.** Give consideration to lands within Tier-1 wellhead protection areas, recharge areas where water enters the ground, or aquifers to fill wells.
- H.** Encourage partnership projects between municipalities and local entities, non-profit corporations and qualified charitable conservancies that have received tax exempt status under section 501(c)3 of the 1954 Internal Revenue Code.
- I.** Projects should be consistent with the goals and objectives of the 2013 Hudson County Open Space, Recreation and Historic Preservation Plan, as duly adopted and established by the County of Hudson.
- J.** All historic preservation activities funded by the Hudson County Open Space Trust Fund must be in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- K.** All historic preservation rehabilitation/restoration plans (studies) must result in a document including proposed site plans and designs to be delivered to the Hudson County Division of Planning and the Open Space Trust Fund Advisory Board upon completion.

**L. VII. Application Review**

In order for applicants to be eligible to receive funding from the Hudson County Open Space Trust Fund and be recommended for County Executive review the following steps are required:

1. Complete Letter of Intent for Open Space, Park Improvement, Historic Preservation Study or Historic Preservation Capital Project.
2. Discuss proposal in a one-on-one meeting with County and at least 1 Advisory Board member
3. Complete full application and submit all required documents in the Application Checklist associated with the proposed project.
4. Prepare presentation or site visit for Open Space Advisory Board and County

The following elements will be considered when considering applications for funding.

1. Shovel Ready: The applicant must show the project can be completed within a 2 year time frame. All required documents in the Letter of Intent and full application must be submitted to be considered for funding.
  - a. Local Match: The amount the applicant will be contributing to the total project cost.
  - b. Public Support: Public support for a project is required and should be demonstrated through governing resolutions with transcript of meeting letters, and petitions that demonstrate broad inclusive support from the following:
    - i. Municipal government office;
    - ii. County government office;
    - iii. State government office;
    - iv. Planning Board, Park, or recreation commission;
    - v. Environmental, shade tree, or historic preservation commission;
    - vi. User groups, neighborhood associations, community organizations, ward leaders, and the general public.
  - c. Community Needs: This factor considers the needs of the population to be served. The service area for the project will be defined on the basis of population density, scope, and type of project. Applicant should:
    - i. Identify census tract, population and geographic service area;
    - ii. Assess needs of the population within service area;
    - iii. Needs assessment identifying current and potential user groups;
    - iv. Describe potential benefits to the area.
2. Relationship to the goals & objectives in the 2013 Open Space Reexamination Report will also be a major consideration for project funding. Refer to the 2013 Report for further explanation of the following goals and objectives:
  - a. Environmental Justice
  - b. Recreation
  - c. Connectivity
  - d. Urban Ecosystems
  - e. Green spaces & Acquisitions
  - f. Stewardship
  - g. Culture & History

3. Project-type specific priority criteria:
  - a. For Acquisitions:
    - i. A site listed in the 2005 Open Space Plan or the 2013 Reexamination Report
    - ii. An acquisition that meets the Green Acres standards for reimbursement through the Planning Incentive Grant.
    - iii. A letter from the current owner showing willingness to sell property
  - b. For Historic Preservation projects:
    - i. The level of historical significance, as evidenced by the site being included on or being eligible for inclusion on the New Jersey and/or National Registers of Historic Places or State Plan Critical Historic Sites.
    - ii. Certification of Eligibility from the NJ State Historic Preservation Office
  - c. For Park Improvement projects:
    - i. Projects that are shovel-ready and can be completed in the 2-year grant agreement.
    - ii. Projects that are supported by the local municipality and have existing matching funds.

The Recommendation Report will be prepared by the Advisory Board with the assistance of the Hudson County Division of Planning staff. Recommendations will be based on the funding guidelines, required application checklist, and if the applicant meets the goals and objectives of the 2013 Reexamination Report.