

Preservation Partners, Tools, and Funding Sources

The following three sections provide a guide for resources available to Morris Township as they work to accomplish their open space program goals. These sections detail information on possible preservation partners, most commonly used techniques in preserving land, and potential sources of funding for open space or recreation.

Partners in Open Space Preservation in Morris Township

Protecting a system of open space and recreational lands results from creating a network of engaged residents, landowners, surrounding towns and local non-profit groups. Impacts of development and preservation rarely affect one town, but are regional in nature and surrounding communities hold similar interests in preserving land and natural resources. The first step in this process has taken place with the sharing of greenway plans between the Town of Morristown and the surrounding Township of Morris. With the close interconnection and interdependence of the two communities, shared planning enhances preservation efforts, conservation opportunities and offers economic benefits for both municipalities.

- **National Park Service.** The National Park Service maintains Morristown National Historic Park which consists of four non-contiguous units: Washington's Headquarters with the Ford Mansion and Headquarters Museum, the Fort Nonsense Unit, the Jockey Hollow Unit, and the New Jersey Brigade Area. The Jockey Hollow Unit includes the Wick house (headquarters of General Arthur St. Clair), five reconstructed soldier huts, and approximately 27 miles of walking trails.

30 Washington Place / Morristown, NJ 07960-4299 / <http://www.nps.gov/morr/>
Phone: 973.539.2016 / Email: MORR_Interpretation@nps.gov /

- **New Jersey Department of Environmental Protection, Green Acres Program.** Green Acres administers the Planning Incentive program, which provides grants to municipalities for open space acquisition and preservation and loans for recreation facility development. The funding requires a one to one dollar match.

P.O. Box 412 / Trenton, New Jersey 08625-0412 / www.state.nj.us/dep/greenacres/
Phone: 609.984.0500 / Fax: 609.984.0608 /

- **The New Jersey Historic Trust.** The New Jersey Historic Trust receives an allocation (historically \$6 million) per year for historic preservation projects. These funds are awarded in the form of grants for restoration projects. The grants cannot be used for land acquisition; however, combining open space and historic preservation strengthens a project's position in the application process.

New Jersey Historic Trust / P.O. Box 457, 506-508 East State Street / Trenton, NJ 08625 / <http://www.njht.org> / Phone: 609.356.8856 /

- **Morris County Park Commission.** With over 31 recreational, cultural, historic, and educational sites, the Morris County Park System owns 13,500 acres of land, recreational facilities, and historic and cultural sites. The County Parks Commission maintains Lewis Morris Park, Fosterfields, Patriots Path and Traction Line Trail that run through Morris Township.

53 East Hanover Avenue / P.O. Box 1295 / Morristown, NJ 07962-1295 / <http://parks.morris.nj.us> / Phone: 973.326.7600 / info@parks.morris.nj.us /

- **Morris County Department of Planning, Development and Technology.** The Department of Planning, Development and Technology for Morris County is composed of four programs. These are: Community Development Program, Farmland Preservation, Planning, and Transportation Management. They also administer the annual Morris County Open Space and Farmland Preservation Trust Fund Grants. This department is developing a bike and pedestrian path throughout the County. Shared roadways and multi-use paths have been designated in Morris Township.

30 Schuyler Place / Morristown, NJ / <http://www.co.morris.nj.us> / Community Development Program Phone: 973.285.6060 / Planning Phone: 973.829.8120 / Transportation Management Phone: 973.829.8101 /

- **Morris County Historical Society.** The Morris County Historical Society was founded in 1945. This non-profit, volunteer based organization is dedicated to encouraging and developing an appreciation for and an understanding of the history of Morris County and the State of New Jersey. The Society produces programs, exhibits and publications that encourage a better understanding of local history and its place in the larger context of the history of the nation.

Morris County Historical Society / 68 Morris Avenue / Morristown, NJ 07960 / <http://www.acornhall.org> / Phone: 973.267.3465 /

- **Southeast Morris County Municipal Utilities Authority.** The Southeast Morris County Municipal Utilities Authority draws its water from the Clyde Potts Reservoir in Mendham Township and thirteen public groundwater wells that are dependent upon the Buried Valley Aquifer. The Authority owns 40 acres in the Township near Jones Woods. The Authority is an independent agency servicing Morris Township, Morristown, Morris Plains, and Township of Hanover. A representative of each of these towns sits on the Board of the Authority.
- **Morris Land Conservancy.** Founded in 1981, Morris Land Conservancy is a non-profit, member-supported organization dedicated to preserving and permanently protecting open space lands in northern New Jersey. The Conservancy assisted Morris Township in the production of its Open Space and Recreation Plan and has helped the Township since 1997 preserving land and securing funds to acquire. The Conservancy is an active participant in neighboring communities preservation programs.

Morris Land Conservancy / 19 Boonton Avenue / Boonton, NJ 07005 /
<http://www.morrislandconservancy.org> / Phone: 973.541.1010 / Fax: 973.541.1131 /
Email: info@morrislandconservancy.org /

- **Great Swamp Watershed Association.** The Great Swamp Watershed Association was formed in 1981 to encourage good management policies and practices on behalf of the 12,000 acres of exceptional protected land within the Great Swamp watershed. Great Swamp Watershed Association protects the Great Swamp watershed basin and acts as a steward for this valuable and sensitive region in northern New Jersey. A small portion of Morris Township lies in the Great Swamp Watershed. A priority of the GSWA is to ensure waterbodies in Morris Township remain free of contaminants which would degrade the Great Swamp.

Great Swamp Watershed Association / P.O. Box 300 / New Vernon, NJ 07976 /
<http://www.greatswamp.org/index.htm> / Phone: 973.966.1900 / Fax: 973.966.1009 /
Email: everything@greatswamp.org /

- **Ten Towns Great Swamp Watershed Management Committee.** This Committee exists for the specific purpose of developing and implementing a watershed management plan for the Great Swamp watershed of northern New Jersey. The Committee was formed in 1995 through an Intermunicipal Agreement among the ten municipalities that have lands within the Great Swamp watershed. Morris Township is a member of the Committee and participates in its programming.

2 Ridgedale Ave / Cedar Knolls, NJ 07927 / <http://www.tentowns.org/10t> / Phone:
973.985.2000 / Fax: 973.984.2235 /

- **Whippany River Watershed Action Committee, Inc.** The Action Committee's mission is to protect and improve the waters of the Whippany River through community action. The Committee's work helps to keep the lakes clean as well as the sections of the Whippany River found in Morris Township. Morris Township is a member of the Committee and participates in its programming.

P.O. Box 223 / Morristown, NJ 07963-0223 / Phone: 973.267.1224 / Fax:
973.267.1225

- **Morris Tomorrow.** Morris Tomorrow is a private, non-profit organization composed of citizens representing government, business, and the community. Their mission is to identify regional issues and focus on building consensus to improve quality of life in Morris County.

Morris Tomorrow / Suite 200 / 2 Ridgedale Avenue / Cedar Knolls, NJ 07927 /
<http://www.morris2000.org/index.html> / Phone: 973.984.2000 / Fax: 973.984.2235

- **Jockey Hollow Historic Preservation Society.** The Jockey Hollow Historic Preservation Association is a grassroots organization comprised of associations and concerned citizens committed to protecting and expanding the Morristown National Historical Park

<http://www.jockeyhollow.org/>

- **Friends of Jones Woods.** An organization comprised mostly of residents who live near Jones Woods. The Friends focus on stewardship and other management issues for Jones Woods.

<http://pages.prodigy.net/dave.bartlet/joneswoods/index.html>

Preservation Tools

This section is a listing of the tools and funding sources available to preserve open space. It is not meant to be exhaustive or a complete listing. It is a list of the most commonly used and successful techniques.

Fee Simple Acquisition

Usually, the most expensive way to preserve property is direct acquisition through fee simple purchase. The title to the property changes hands from one owner to another. A disadvantage to this approach is the need to have the full purchase price available at the closing. Government agencies may not be able to raise the funds in time before an owner decides to sell the property to another buyer.

Municipal Preservation Tools

One preservation tool at the disposal of the municipality is tax foreclosure. If a parcel falls under Morris Township's ownership through tax foreclosure, the municipality may want to consider holding the property as part of its lands for recreation and conservation purposes if it falls within an identified preservation or recreation area. Periodic examination of properties with tax liens upon them may also yield opportunities for the Town to purchase the lien and preserve the land for environmental or recreational uses.

The Township may want to develop educational materials that target property owners to describe various financial approaches to preserving land. For example, some owners may want to work out an arrangement where they sell blocks of their land over time to the Town or some other preservation partner. Other landowners may sell their land to the Town at a bargain sale to receive deductions for a charitable contribution on federal income tax. Donations of property may also be considered charitable contributions.

Morris Township can establish a relationship with a nonprofit land trust, such as Morris Land Conservancy, to help reach out to inform property owners of preservation options.

Less Direct Acquisition: Easements

Another effective tool for preserving land is an easement. An easement grants an entity the right to use another's property for a specific purpose. There are many kinds of easements designed for many purposes. Easements most appropriate for land conservation in Morris Township include:

- trail easements: the right to traverse a specific path through a property

- scenic easements: the right to maintain a view and ensure that view is maintained
- conservation easements: purchases the right to a property to preserve the natural landscape of the site
- historic easements: purchases the right to restrict changes to the exterior or interior of a building and its surrounding landscape

The advantages of easements include the lower costs to the buyer to acquire a particular use on a piece of property. Conservation easements generally cost from 70% to 80% of the fair market value of the land. Trail easements may be used appropriately to create corridors along and around water bodies.

Another advantage of easements is that the land remains in private ownership. Morris Township will still collect property taxes from the owner. The amount and type of easement right that is sold will typically lessen the owner's tax liability.

Written into the deed, an easement will be associated with a tract of land despite an ownership change. Public access is not necessarily a condition for an easement.

Easements can provide a conservation solution for the municipality and the private landowner. They represent a flexible tool that can be written to satisfy public uses as well as private landowners' needs.

Bonding

The municipality can issue bonds to borrow money to pay for acquisitions. The funds from an Open Space Trust can be used for the 5% down payment to issue the bonds as well as the debt service over time. General obligation bonds require voter approval and can impair the tax credit of the municipality. The consistent, dedicated revenue from the Open Space Trust make revenue bonds an attractive alternative, but these bonds typically have a higher interest rate than the general obligation bonds.

Installment Purchases

The municipality may work out an arrangement with a landowner that allows an incremental purchase over time. The property owner receives the purchase price over time as well as interest on the unpaid, negotiated balance. Funds from the Open Space Trust can be committed for this payment. This arrangement may result in tax benefits for the seller, and the Town is not obligated to pay the full price of the land in one payment.

Lease-Back Agreement

If the land is not needed for immediate use, the Town can purchase a piece of property and lease it back to the owner or another entity for use. Owners who want to remain on their property can sell a life estate.

Partial reimbursement of the purchase price can be repaid through rental fees, and maintenance costs are reduced. This technique is most useful when the Town identifies an important tract and wants to ensure its availability in the future. The landowner may realize estate tax advantages through these methods.

Donation/Bargain Sale

Donating or selling land to a nonprofit organization or to a municipality may provide tax advantages to the owner. Landowners who own property that has escalated in value may reduce their capital gains liabilities through donating the property or selling it at a bargain sale or less than the appraised value. Estate taxes may also be reduced with proper planning. Conservation easements are effective tools for estate planning. The Town may want to discuss land priorities with a nonprofit land trust. The land trust will contact owners to discuss general tax advantages of donations and bargain sales. This is a cost effective method of obtaining open space.

Long-term Lease

Morris Township may be able to negotiate a long-term lease with a landowner unwilling to transfer complete ownership. This method may be a useful option for trail easements or athletic fields. The Town will have to weigh the cost advantages of long-term rental payments to outright acquisition costs.

Zoning

Open space benefits may be achieved through the use of municipal tools, such as cluster zoning. Morris Township has successfully used this technique to acquire municipal open space. This allows the same density on a tract of land but reduces individual lot sizes. It can be an attractive incentive to developers since they will spend less on construction and infrastructure costs. The remaining land becomes dedicated to open space at no cost to the municipality. The dedicated open space resulting from cluster zoning should be monitored to ensure the open space values are maintained. If these lands are not under conservation easement restrictions, the Township should consider that action. Any open space dedicated as part of a developer's agreement should be placed under a conservation easement. Morris Township may also want to require the establishment of an endowment or trust supplied with funds to be used to maintain the easement.

Protective zoning is a tool used to limit development in environmentally sensitive areas, such as wellhead protection areas, aquifer recharge zones, wetlands, steep slopes, stream corridors, natural and historic sites.

Eminent Domain

The Township has the right to condemn and acquire privately owned property for a public purpose. This technique should be considered only when negotiation options

have been exhausted. The cost of the property is likely to be considerably higher than a negotiated price because of increased legal fees and the uncertain court determination of the land value.

Funding Sources

Morris Township's efforts to accomplish its open space goals will require funding support from a variety of sources. Fortunately, there are opportunities at the county, state, and national levels for funding sources and partners. Morris County is dedicated to the preservation of open space and farmland and maintains an open space trust fund to assist projects, which work to preserve such space. The State of New Jersey also offers funding programs such as Green Acres and The Cross Roads of the American Revolution Project, overseen by the Historic Preservation Commission; both funding sources accept funding applications for projects throughout New Jersey. Open space, farmland, and historic preservation projects, however, are not limited to county and state government funding sources, more exist at the local, state and national level with non-profit and government organizations. Additional funding sources are found below.

Morris County Open Space and Farmland Preservation Trust

Morris County residents currently pay 4.5 cents for every \$100 of equalized assessed property value to a dedicated trust to acquire public land. A 2001 referendum was approved allowing the County to increase the open space tax rate up to 5 cents per \$100. The Trust generates close to \$32 million a year to be used to acquire county watershed and parkland, municipal and nonprofit parkland, and development rights for farmland. The Morris County Open Space and Farmland Preservation Trust Fund is a competitive grant program for municipalities in the County to apply for funding to preserve land. Morris Township is eligible to apply to this Fund for land acquisition grants. The Trust also provides money to preserve farmland through the County Agriculture Development Board as well as watershed land through the Morris County Municipal Utilities Authority.

Nonprofit land trusts can also apply for County grants. Partnership with a nonprofit organization on a particular tract may provide access to additional funding from the County.

Morris County Improvement Authority

The Morris County Improvement Authority was established by the freeholders to give towns and school boards an innovative method of funding public projects and saving tax dollars at the same time. Open space acquisition is an eligible use for this type of financing. State law gives improvement authorities more flexibility in financing and issuing bonds. By using the Morris County Improvement Authority to finance such projects, a town or school district could save tax dollars.

Historic Preservation

Funding is available from the State Green Acres program for historic preservation projects. Applicants who match historic preservation and open space goals improve their access to this funding.

The Historic Preservation Commission oversees The Crossroads of the American Revolution Project, which is another State initiative to identify, preserve and document Revolutionary War sites. Morris Township, which has a number of sites of Revolutionary War significance is a strong candidate for funding. The National Park Service is developing this project and can aid Morris Township in identifying other sites of Revolutionary War significance.

The New Jersey Historic Trust is a state nonprofit historic preservation organization created to provide financial support, protection, and assistance in historic preservation projects. They have several programs that can provide various financial resources for Morris Township and its preservation partners to preserve historic resources throughout town. These programs include: Garden State Historic Preservation Trust Fund, a Revolving Loan Fund, New Jersey Legacies, Historic Preservation Bond Program, Emergency Grant and Loan Program, and a Preservation Easement Program. Eligible applicants are entities of county or municipal government and nonprofit organizations that are certified tax-exempt and comply with New Jersey charity registration laws.

Nonprofit Land Conservation Organizations

Morris Land Conservancy and other nonprofit land conservation organizations are eligible for nonprofit grants from the State Green Acres program. Nonprofit grant contributions to a project can be no greater than \$500,000 and require a dollar for dollar match. The land trust associations are good partners for acquiring lands with sensitive natural resources in Morris Township. These organizations also have experienced staff knowledgeable about benefits to a landowner interested in preserving property as well as strategies for open space preservation. Nonprofit land trusts can also “sign on” to Morris Township’s Open Space and Recreation Plan registered with Green Acres. This process makes nonprofits eligible for Green Acres’ funding to acquire land identified in the Township’s Open Space and Recreation Plan.

Transportation Enhancement Act (TEA-21)

The U.S. Department of Transportation has established that funding for trail development and enhancement is an eligible expenditure from the Federal Transportation Trust. The amount of funding for these purposes is substantial, and funds for land acquisition are available. A special category of funding is dedicated to enhancement of National Recreation Trails. An eligible project must show that the trail is part of the community’s overall transportation system. Funds can be used for facilities such as

signage, bike racks, surfacing, as well as acquisition of land through easement or fee simple. TEA-21 funding can jumpstart a community's bikeway and walking trail system.

Recreational Trails Program

The Department of Environmental Protection's Division of Parks and Forestry administers the National Recreation Trails Program. This program provides funding for development and maintenance of trails and trail facilities. Trails can be for non-motorized, multi-use, and motorized purposes. Projects are funded on an 80% Federal share, 20% matching share basis. Available funding varies from year to year, but the maximum grant is \$25,000.

Environmental Infrastructure Trust

The New Jersey Environmental Infrastructure Financing Program administered by the New Jersey Department of Environmental Protection provides low cost loans to acquire open space that will preserve water quality. This program is a partnership between the New Jersey Environmental Infrastructure Trust and Green Acres. The mission of the Trust is to assist in achieving a cleaner and healthier environment by providing low-cost financing for projects that enhance and protect ground and surface water resources, and ensure the safety of drinking water supplies.

Livable Communities Grant

The Department of Environmental Protection has a Livable Communities Grant program whereby municipalities and counties can apply for money to be used for maintenance and upgrading (but not purchase) of open space, parks, and playgrounds. These grants are up to \$100,000 for each municipality and/or county.