

**TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE #16-11**

AN ORDINANCE ADOPTING AN OPEN SPACE TRUST FUND ORDINANCE TO INCLUDE IN SAID ORDINANCE THE ACQUISITION, DEVELOPMENT AND MAINTENANCE OF LANDS FOR RECREATION AND CONSERVATION PURPOSES, FOR THE ACQUISITION OF FARMLAND FOR FARMLAND PRESERVATION PURPOSES, 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, AND FOR PAYMENT OF DEBT SERVICE ON AN INDEBTEDNESS INCURRED BY THE MUNICIPALITY FOR ANY OF THE ABOVE PURPOSES IN ACCORDANCE WITH THE REFERENDUM ADOPTED BY THE TOWNSHIP ON NOVEMBER 8, 2016

WHEREAS, N.J.S.A. 40:12-15.7(a)(1) provides that a municipality may submit to its voters at a general or special election a proposition (an "Open Space Proposition") authorizing an annual tax levy at a rate deemed appropriate, for seven specific purposes; and

WHEREAS, at the general election in November 1998, the Township of East Amwell (the "Township") submitted to its voters a local ballot question (the "1998 Referendum") asking for authorization to impose an annual real property tax levy for either of the following two purposes or a combination of them: "(a) Acquisition of farmland for farmland preservation purposes, or (b) payment of debt service on indebtedness issued or incurred for the purposes described in subparagraph (a) just above"; and

WHEREAS, at that November 1998 general election, the voters of the Township approved the 1998 Referendum; and

WHEREAS, by ordinance in 1999, the Township (i) established a trust fund in the General Capital Fund known and designated as the "Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund" (the "Trust Fund"), and (ii) opened and maintained a special bank account solely for purposes of holding the funds of the Trust Fund; and

WHEREAS, N.J.S.A. 40:12-15.7.d provides, among other things, that the governing body of a municipality may submit to its voters in a general or special election a proposition amending a previously approved Open Space Proposition to add additional purposes authorized under N.J.S.A. 40:12-15.7.a(1); and

WHEREAS, the Township contains many areas of open space with historical and/or ecological significance that can and should be maintained for the benefit of the public at large; and

WHEREAS, at the general election held on November 8, 2016, the Township, pursuant to N.J.S.A. 40:12-15.7.d, submitted to its voters a referendum (the "2016 Referendum") to utilize the

Trust Fund for any of the following purposes or a combination of any of them, without increasing the current tax levy:

- A) Acquisition of lands for recreation and conservation purposes;
- B) Development of lands acquired for recreation and conservation purposes;
- C) Maintenance of lands acquired for recreation and conservation purposes; and
- D) Acquisition of farmland for farmland preservation purposes;
- E) 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; and
- F) Payment of debt service on an indebtedness incurred by the Township for any of the above purposes.

WHEREAS, at that November 8, 2016 general election, the voters of the Township voted in favor of the 2016 Referendum; and

WHEREAS, the approval of the 2016 Referendum will not alter or increase the tax rate approved in the 1998 Referendum in any way.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of East Amwell (the "Township Committee"), the County of Hunterdon, as follows:

SECTION 1. Chapter 27 of the Code of the Township of East Amwell is hereby deleted in its entirety and replaced with the following:

§27-1 Definitions

TRUST FUND

As used herein in this Chapter, shall refer to the General Capital Fund which shall be known and designated as the "Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund" established by the Township of East Amwell.

§27-2 Trust fund established; Use of funds.

There was previously established a reserve in the General Capital Fund which was known and designated as the "Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund"; and the Township shall continue to maintain such reserve pursuant to this Chapter. A special bank account was opened and maintained, and shall continue to be maintained, for this purpose. Funds from the Municipal Open Space, Recreation and Farmland Historic Preservation Trust Fund may, as directed by the Mayor and Township Committee, be utilized for any or all of the following purposes, or any combination thereof without increasing the tax levy over that permitted in §27-4 herein.

- A. Acquisition of lands for recreation and conservation purposes;

- B. Development of lands acquired for recreation and conservation purposes;
- C. Maintenance of lands acquired for recreation and conservation purpose;
- D. Acquisition of farmland for farmland preservation purposes;
- E. 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; or
- F. Payment of debt service on an indebtedness issued or-incurred by the Township of East Amwell, for any of the purposes set forth in Subsections A thru E above.

§27-3 Apportionment and allocation of trust fund.

The Mayor and Township Committee, at the time or times permitted under N.J.S.A. 40:12-15.7, and after the holding a public hearing thereon, shall apportion and allocate the amounts described in §27-4, among all or any one or more of the purposes set forth in Subsections A through F of §27-2.

§27-4 Funding.

The Trust Fund shall be funded through the dedication to the Trust Fund of an amount of 0.04 per \$100 of assessed valuation of each annual tax levy, commencing with the year tax and budget year 1999. The Trust Fund shall also be permitted to accept donations and testamentary bequests. The accumulated receipts and deposits within the Trust Fund, and any and all interest accruing thereon, may be utilized for the purposes set forth in §27-2. Any moneys set aside for open space as of the effective date of this chapter-were previously deposited into the Trust Fund.

§27-5 Sale of Property.

- A. No property acquired with funds from the Trust Fund shall be leased or sold, unless such action has been authorized by the Mayor and Township Committee in the manner prescribed by law.
- B. After conducting at least one public hearing thereon, and upon a finding that the purposes of this chapter might otherwise be better served or that any land acquired by the Township of East Amwell pursuant thereto is required for another public use, which finding shall be set forth in an ordinance adopted by the Township Committee, the Township Committee may convey, through sale, exchange, transfer, or other disposition, title to, or a lesser interest in, that land, provided that the Township Committee shall replace any land conveyed under this section by land of at least equal fair market value and of reasonably equivalent usefulness, size, quality, and location to the land conveyed, and any monies derived from the conveyance shall be deposited into the Trust Fund for use for the purposes set forth in §27-2.


C. Any conveyance made pursuant to §27-5 shall be made in strict accordance with the Local Lands and Buildings Law (N.J.S.A. 40A:12-1, *et seq.*). In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least equal in fair market value and of reasonably equivalent usefulness, size, quality and location to the land or improvements transferred from the trust.

SECTION 2. Chapter 27 of the Code of the Township of East Amwell as it currently exists is repealed and replaced by the language set forth herein.

SECTION 3. This Ordinance shall take effect after final passage and publication as prescribed by law.

By Order of the Township Committee,


David Wang-Iverson, Mayor

Attest: 
Teresa R. Stahl, RMC/CMC
Municipal Clerk

Introduced in Previous Form: December 8, 2016
Adopted in Revised Form: December 29, 2016