

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE NO. 2019-36

**AN ORDINANCE ESTABLISHING CHAPTER 98 (OPEN SPACE,
RECREATION, AND FARMLAND AND HISTORIC PRESERVATION
TRUST FUND) OF THE CODE OF THE TOWNSHIP OF VERONA**

WHEREAS, in accordance with *N.J.S.A. 40:12-15.7, et seq.*, the Township Council of the Township of Verona submitted to the voters of the Township a proposition authorizing the establishment of a "Open Space, Recreation, and Farmland and Historic Preservation Trust Fund" (hereinafter referred to as "Trust Fund"); and

WHEREAS, the voters of the Township of Verona adopted the proposition at the General Election held on November 5, 2019; and

WHEREAS, the Township Council of the Township of Verona now desires to establish the "Trust Fund".

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Verona, County of Essex, State of New Jersey, as follows:

SECTION 1. There is hereby established a new Chapter 98 (Open Space, Recreation and Farmland and Historic Preservation Trust Fund) of the Code of the Township of Verona to read as follows:

**ARTICLE I MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND AND
HISTORIC PRESERVATION TRUST FUND**

§ 98-1 - Establishment

There is hereby established a reserve in the General Capital Fund, which shall be known and designated as the "Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund". A special bank account shall be opened and maintained for this purpose. The Council is authorized, by majority vote, to make the acquisition of lands or acquisition of property or easements within the Township in accordance with this Ordinance. The governing body shall determine the amount of funds that it will make available for each acquisition after conducting at least one public hearing thereon in accordance with *N.J.S.A. 40:12-15.7(2)*. Funds from the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust may be utilized to acquire by gift, purchase, or by eminent domain proceedings, easements, vacant land, as well as land which has improvements thereon at the time of acquisition, where the principal purpose of the acquisition is for any and all of the following purposes or any combination thereof;

- 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;
- D. 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
- E. Payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth in subparagraphs A through D above.

The funds from the account may also be used to acquire land which has improvements on it at the time of acquisition, provided that the principal purpose of the acquisition is to preserve open space. In the event that the governing body shall find it appropriate to apportion the cost of acquisition between open space and improvement, it may do so and charge the Open Space Trust Fund for the approximate value that the governing body deems relative to open space and the Township's capital account for the value that it determines attributable to improvements.

§ 98-2 - Funding of the Trust Fund

Beginning in 2020, a special tax rate shall be added to the total Township tax rate in the amount of \$0.02 per \$100.00 of the assessed valuation of all real property within the Township. The Fund shall also be permitted to accept donations and testamentary bequests. The Open Space, Recreation and Farmland and Historic Preservation Trust Fund created by this Article shall be administered in accordance with applicable statutory provisions, including, without limitation, *N.J.S.A. 40:12-15.1, et seq.*

§ 98-3 - Sale of Property

No real property or interest therein acquired with funds from The Trust Fund shall be sold, conveyed, leased or otherwise alienated, unless it is needed for another public purpose or otherwise further the purposes of the Trust. If such a sale, lease or conveyance is made, the Township shall do so in accordance with *N.J.S.A. 40:12-15.9*.

ARTICLE I OPEN SPACE TRUST FUND ADVISORY COMMITTEE

§ 98-11 - Open Space Committee

There is hereby established an Open Space Trust Fund Advisory Committee which shall consist of nine members whose terms and powers are hereinafter set forth.

§ 98-12 - Membership

The Open Space Trust Fund Advisory Committee shall be comprised of the following persons:

1. Township Manager;
2. Two members of the Township Council appointed by the Council;
3. Six residents of the Township to be appointed by the Council;
4. The Director of the Community Services and the Chief Financial Officer shall serve as ex officio members of the committee and shall have no vote on the committee.

The residents appointed by the Council shall hold no other Municipal office, position or employment in the Township.

§ 98-13 - Terms of Office

The term of the Township Manager, the Director of Community Services and the Chief Financial Officer shall correspond to their respective tenure. The term of the Council members shall be for one year beginning on July 1 or terminate at the completion of their respective terms of office, whichever occurs first. Public members shall be appointed by the Council and shall serve for terms of three (3) years beginning on July 1, except that, the term of the members first appointed pursuant to this section shall be distributed evenly over the first three (3) years after their appointments so that the term of not more than two (2) public members shall expire in any one year.

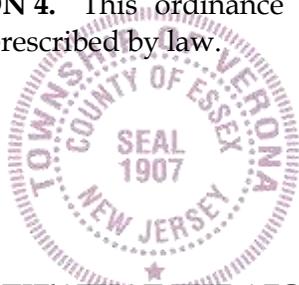
§ 98-14 - Powers and Duties

- A. The powers and duties of the Open Space Trust Committee shall be limited to those enumerated herein. The Open Space Trust Committee shall serve in an advisory capacity to the Township Council.
- B. The Open Space Trust Committee shall prepare a report recommending the parcels of land which may be acquired in fee and/or those parcels of land from which the Township should acquire development rights only. The Committee shall also develop and maintain an updated plan outlining the Committee's recommendations for the acquisition, development and maintenance of lands for recreation and conservation purposes and the historic preservation of historic properties, structures, facilities, sites, areas or objections. The Committee shall submit to the Township Council the properties which it recommends that the Township acquire. The Township Council shall review the properties submitted and make a determination as to which properties, if any, are to be acquired.
- C. After reviewing the properties referred to herein, the Township Council may proceed to acquire, by gift, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., the identified parcels or parcels recommended by the Council within the financial constraints established by the Township Council.
- D. The Open Space Trust Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act (N.J.S.A. 104-6 et seq.), and the Committee shall give appropriate notification of said meetings.
- E. The Mayor if appointed as a member of the Committee or the senior most Councilmember on the Committee shall serve as Chairperson of the Open Space Trust Fund Advisory Committee, and the Open Space Trust Fund Advisory Committee shall select from among the six citizen members a Vice Chairman to serve as a presiding officer in the absence of the Chairman. The Township Clerk shall serve as the Secretary to the Committee whose function shall be to maintain minutes of the Committee's meeting and record of the proceedings of the Committee.

SECTION 2. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately after final passage and publication as prescribed by law.



ATTEST:

Jennifer Kiernan
 JENNIFER KIERNAN
 MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF NOVEMBER 22, 2019 AND DECEMBER 20, 2019.

**JENNIFER KIERNAN
 MUNICIPAL CLERK**

INTRODUCTION: November 18, 2019
PUBLIC HEARING: December 16, 2019
EFFECTIVE DATE: January 5, 2020