

**BERNARDSVILLE BOROUGH
RESOLUTION #2019-148**

**AUTHORIZING A PUBLIC QUESTION TO BE SUBMITTED TO THE VOTERS
GIVING THE GOVERNING BODY GREATER DISCRETION AS TO HOW TO
ALLOCATE MONEY FROM THE BOROUGH OPEN SPACE TRUST FUND FOR
EITHER THE ACQUISITION OF LAND FOR RECREATION AND CONSERVATION,
FARMLAND AND HISTORIC PRESERVATION PURPOSES OR FOR THE
DEVELOPMENT OF THOSE LANDS**

WHEREAS, *N.J.S.A.* 40:12-15.7 provides that:

“a. (1) The governing body of any municipality may submit to the voters of the municipality in a general or special election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes, or any combination thereof, as determined by the governing body:

- (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) acquisition of farmland for farmland preservation purposes; and
- (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 indebtedness issues or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), (d) or (e) of this paragraph.

The amount or rate of the annual levy may be subdivided in the proposition to reflect the relative portions thereof to be allocated to any of the respective purposes specified in paragraph (1) of this subsection or may be depicted as a total amount or rate, to be subdivided in a manner determined previously, or to be determined at a later date, by the governing body of the municipality after conducting at least one (1) public hearing thereon . . . ”

WHEREAS, the voters of the Borough of Bernardsville approved a public question at the November 3, 1998 general election authorizing the imposition of an annual levy of \$.02 per \$100 of assessed value to be deposited in a “Municipal Open Space, Recreation and Farmland and

Historic Trust Fund” and to be used exclusively for the purposes of acquiring lands for recreation and conservation purposes; acquiring farmland for farmland preservation purposes and the acquisition of properties for historic preservation purposes.”; and

WHEREAS, the voters of the Borough of Bernardsville approved a public question at the November 5, 2008 general election allowing up to twenty (20%) percent of the Borough’s Open Space Trust Fund money collected after January 1, 2009, to be used for the development of lands acquired for recreation and conservation purposes, as well as the acquisition of those lands; and

WHEREAS, many of the Borough’s existing open space and recreation facilities are in need of improvements to expand or enhance their utilization for outdoor recreation and conservation purposes; and

WHEREAS, the governing body, after seeking public input, has determined that the best way to accomplish this is to give future governing bodies discretion to use funds collected after January 1, 2020, for either acquisition of property or development of that property or the payment of debt service on indebtedness issued by the Borough for the purposes set forth above; and

WHEREAS, accordingly, the governing body has decided to submit this public question to the voters at the November 5, 2019 general election.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Bernardsville in the County of Somerset, New Jersey as follows:

1. The following public question shall be submitted to the voters of Bernardsville Borough at the November 5, 2019 general election:

PUBLIC QUESTION

Shall Bernardsville Borough amend the permissible uses of monies by the current annual Open Space levy of two (\$.02) cents per one hundred (\$100) dollars of assessed valuation to permit up to 100% of the monies, so collected on or after January 1, 2020, when appropriated by ordinance, to be used either for the acquisition of lands for recreation and conservation purposes; the acquisition of farmland for farmland preservation purposes or the acquisition of properties for historic preservation purposes, or for the development of any lands or properties included in the Borough's Recreation and Open Space Inventory and/or acquired with Borough open space trust fund money for recreation, conservation, farmland or historic preservation purposes, or for payment of debt service on indebtedness issued or incurred by the Borough for any of those purposes?

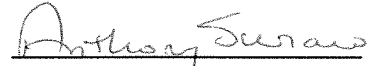
2. The following statement interpreting the public question shall also be placed on the ballot:

INTERPRETIVE STATEMENT

At the present time, Bernardsville Borough's annual Open Space levy of two (\$.02) cents per one hundred (\$100) dollars of assessed valuation is collected for the purposes of acquiring lands for recreation and conservation purposes; acquiring farmland for farmland preservation purposes or acquiring properties for historic preservation purposes with up to 20% of the monies collected to be used for the development of any lands or properties included in the Borough's Recreation and Open Space Inventory and/or acquired with Borough open space trust fund money, or payment of debt service on indebtedness issued or incurred by the Borough in connection with the acquisition of property for those purposes. If this question is approved by the voters, up to 100% of the open space trust fund monies, collected on or after January 1, 2020 may be used, at the sole discretion of the governing body, for either acquisition of property for the purposes set forth above or for the development (but not maintenance) of any lands or properties included in the Borough's Recreation and Open Space Inventory and/or acquired with Borough open space trust fund money for recreation and conservation, farmland preservation or historic preservation purposes, or payment of debt service on indebtedness issued or incurred by the Borough for any of these purposes. For the purposes of this question, "Development" means any improvement to a land or water area of eligible Borough property that is designed to expand or enhance its utilization for outdoor recreation, conservation, farmland preservation or historic preservation purposes and shall include the construction, renovation, or repair of any such improvement including but not limited to athletic fields, parks, playgrounds, and walking trails. This term may include any of the following types of ancillary improvements to eligible Borough properties: roadways, parking, landscaping, fencing, lighting, utilities, structures, and any other improvement that expands or enhances the use of property for outdoor recreation, conservation, farmland preservation or historic preservation purposes. Even if not required by law, all monies appropriated from the Open Space Trust Fund will be authorized by ordinance. If this question is approved, there will be no increase in the current two (\$. 02) cent tax.

3. The Borough Clerk is authorized and directed to submit a certified copy of this resolution to the Somerset County Clerk and request that the public question and interpretive statement be placed on the November 5, 2019 general election ballot.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body at a duly convened meeting held Monday, July 8, 2019.


Anthony Suriano, Clerk