

The question that will appear on the November 5, 2019 ballot is as follows:

“Shall Bernardsville Borough amend the proposition approved on November 3, 1998 imposing an annual levy of two (\$.02) cents per one hundred (\$100) dollars of assessed valuation "to be used exclusively for the purposes of acquiring lands for recreation and conservation purposes; acquiring farmland for farmland preservation purposes or the acquisition of properties for historic preservation purposes" and amended by public question on November 4, 2008 to provide that up to 20% of the monies, so collected on or after January 1 2009, when appropriated by ordinance, may also 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 for recreation, conservation, farmland or historic preservation purposes, or payment of debt service on indebtedness issued or incurred by the Borough be further amended to provide that up to 80% of the monies, so collected on or after January 1, 2020, when appropriated by ordinance, may 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 for recreation, conservation, farmland or historic preservation purposes, or payment of debt service on indebtedness issued or incurred by the Borough for any of those purposes and the remaining 20% will be exclusively for the purposes of acquiring lands for recreation and conservation purposes?”

The explanatory statement that will appear with the question is as follows:

“If this question is approved by the voters, up to 80% of the open space trust fund monies, collected on or after January 1, 2020, may be used, in the sole discretion of the governing body, either for acquisition of properties or for the development (but not routine 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/or any of these purposes. The remaining 20% will be used solely for the purpose of acquiring lands for recreation and conservation purposes. For 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.”

Q&A

1. **Will all of the funds currently held in the Borough's Open Space Fund be eligible to be used toward improving recreational facilities?** *The short answer is "no"; only future open space funds collected would be eligible to be used for improving recreation facilities. However, it is important to recognize that all decisions about expending these funds rest with the Bernardsville Borough Council. The Borough Council represents all residents of Bernardsville and recognizes there is community interest in both open space acquisition and improvements to recreation facilities.*
2. **What is the Borough's current Open Space fund balance?** *According to the Bernardsville's 2017 audited financial statement the Open Space fund balance was \$6,627,299.*
3. **Are there any minimum amounts that must be set aside within the Borough's Open Space Fund specifically for the purpose of acquisition of Open Space? Yes, 20% will be reserved exclusively for acquisition.** *If this referendum is approved, 100% of the current fund balance and 100% of future funds will still be available to acquire additional open spaces. However, if this referendum is approved, 80% of future funds collected may also be used for the improvement of both passive and active recreation facilities.*
4. **What organization, entity or committee determines how the Open Space Funds may be spent on specific projects?** *The final decision about expenditures rests with the Bernardsville Borough Council. The Mayor has established a committee to review recreation and open space facilities to make recommendations about improvements. The recommendations will be made with input from the Open Space and Recreation Committees. Ultimately, the recommendations will be reviewed by the governing body, which will then decide whether or not to fund the improvements.*
5. **How much do residents currently contribute to the Municipal Open Space each year? What is the contribution from the average home owner?** *In 2017 the Open Space levy collected \$456,054 based on a rate of 2 cents per \$100 of assessed valuation.*
6. **Since its inception, how much open land has the Borough acquired using the Open Space Fund?** *Since 1998, 12.68 acres have been acquired, with an additional 5 acres under contract.*
7. **Are there any current plans to acquire Open Space?** *We are always willing to consider properties identified in the Open Space Plan. There are a number of properties that would be "of interest" to the Borough should they become available.*
8. **All Borough property taxpayers contributed to the Open Space Trust Fund. Will consideration be given to improvements benefiting all Borough citizens including senior citizens or will it only be focused on sports?** *The use of the funds for improvement to and maintenance of both passive and active recreation facilities are for all segments of our population and the interest of all segments will be considered. As previously discussed, decisions on expenditures of funds resides with the Borough Council.*
9. **Will the "development of any lands or properties" be limited to the purchase of land and the improvement and upgrading our open space and parks; or will it also include construction of new buildings, the installation of artificial turf, the expansion of parking lots, the installation of field lights or things other than what would be considered natural open space?** *The explanatory statement provides guidance on this question. The explanatory statement reads that "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.” This could be interpreted to include buildings, turf or parking lots.

10. **Will there be at an "at large" committee who will have jurisdiction regarding the spending of the Open Space Trust Fund tax money or will there be a specific department that exercises control of this money?** *The Bernardsville Borough Council decides on all spending of tax dollars.*
11. **Could Open Space Funds be used to leverage larger capital bond projects (used as a means to borrow more money)?** *Yes, the funds collected annually could be dedicated to service the debt from a larger bond issued used for improvements or acquisition.*
12. **Why was the current Open Space Tax adopted for acquisition only? What is the reason for expanding the usage of the Open Space Tax to include "improvements" in addition to "acquisition"?** *Yes, the public question approved in 1998 establishing the Open Space Tax and Open Space fund was for acquisition only. At this point in time, while Bernardsville has acquired several wonderful open spaces, we believe Bernardsville residents are increasingly concerned with both improvement of existing recreation facilities and open spaces as well as acquisition of new properties. Studies show that improved park and recreation spaces enhance value of homes surrounding the property for up to a quarter mile and we believe some improvements to our open and recreational spaces will make Bernardsville more competitive for home buyers vs. surrounding communities when they weigh our recreation and open space facilities vs. other towns’.*
13. **If the Open Space Referendum passes, what are you going to do with the monies? What are the priorities for its usage? What is the decision-making process for acquisitions and improvements?** *As noted in question # 5, the mayor has created a committee to study all recreational facilities in town and prioritize improvements to each facility and make recommendations to the Recreation Committee and Borough Council. The decision on the improvements and acquisition ultimately rests with the Borough Council.*
14. **Speaking of the advisory committee, how is their work progressing?** *The committee was established in 2019 and has met on several occasions and the work is progressing. The committee has been in discussion with various stakeholders to identify potential sites where improvements are needed. The committee was instrumental in identifying issues like the need for bathrooms, a snack shack and better lighting at Veterans Memorial field.*
15. **Will there be guidelines on how the monies are divided between acquisitions, improvements and maintenance? Will there be a minimum balance for opportunistic acquisitions?** *The ordinance does not specify the amounts dedicated to each area of use but, if the referendum is passed by voters, only future open space funds collected may be used for improvements.*
16. **Didn't the Borough try to expand the use of the Open Space fund by referendum to pay for installation of the turf at what is now known as Veterans Memorial Field? Why did it fail? Why should it pass now?** *We can only speculate as to the reasons that question failed, but at this point in time, while Bernardsville has several wonderful open spaces we believe Bernardsville residents are increasingly concerned with both improvement of existing recreation facilities and open spaces as well as acquisition of new properties. Studies show that improved park and recreation spaces enhance value of homes surrounding the property for up to a quarter mile and we believe some improvements to our open and recreational spaces will make Bernardsville more competitive for home buyers vs surrounding communities when they weight our recreation and open space facilities vs other towns.*

17. **What's the difference between using Open Space funds and using municipal bonds to pay for recreational improvements? Haven't you been funding recreational improvements via the municipal capital budget? Why change the process now?** *Yes, capital improvements have been funded through municipal bonds. Currently, the debt service for these bonds comes from general tax revenue, which contributes to your overall property tax bill. If this referendum is approved by voters, funding for bonds issued for these purposes could come from the revenue generated from the already collected open space tax. Therefore, no new taxes would be required to fund these improvements.*
18. **If the referendum is passed, is there a plan to revise/update the Open Space and Recreation Plan to reflect the new ordinance and current Borough priorities?** *To date, there have been no discussions at the council level concerning revising or updating the previously submitted plans. However, Green Acres requires that the municipal Open Space and Recreation Plan be updated every 10 years so that process will begin in a few years.*
19. **Why not wait to divert the funds until they can be attached to specific projects with specific costs?** *No funds will be spent without a vote of the Council and before community input. We believe that having the flexibility to reprioritize projects as needed and to act quickly if and when opportunities present themselves is a valuable feature of this plan.*
20. **How much open space is available for acquisition by the Borough and is it currently a tax ratable?** *Essentially all open space that would be acquired by the Borough would be a ratable. This is always a consideration when evaluating open space purchases.*
21. **Would it be possible to use half the money for land acquisition and half improvements?** *The Borough Council ultimately has the discretion and final say on how the funds will be spent. The council may consider this suggestion as a reasonable approach after a study and public comment on the matter and decide to act in this fashion.*
22. **What is the timing of a committee recommendation and council action on voting on such a recommendation?** *Council action could occur quickly. Again, the committee will solicit input from the Open Space and Recreation Committees before forwarding an idea to council. The idea may be presented at a council meeting, with action scheduled for the next council meeting. However, public comment is important and the action could also be delayed to properly engage the various stakeholders in the discussions and gather input from residents.*