

**Township of West Milford**  
Passaic County, New Jersey

~ Resolution 2013 - 161 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A PROPOSITION TO THE VOTERS TO AMEND THE PURPOSES OF THE MUNICIPAL "OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND" PURSUANT TO N.J.S.A. 40:12-15.7**

**WHEREAS**, pursuant to N.J.S.A. 40:12-15.7, et seq., the voters of West Milford at the general election on November 7, 2000, adopted a referendum authorizing the establishment of an "Open Space, Recreation, Farmland and Historic Preservation Trust Fund" also known as the West Milford Township Open Space Trust Fund; and

**WHEREAS**, Ordinance 2001-1 established the said Trust Fund which provided for the following:

- A. Acquisition of lands for recreation and conservation purposes; and
- B. Payment of debt service on indebtedness issued or incurred by the Township for the acquisition of such lands for recreation and conservation purposes.

**WHEREAS**, the Township continues to have a demand for improved parks and recreational facilities for the residents including the children and senior citizens of the municipality; and

**WHEREAS**, the Township has acquired certain properties that have or may have historical significance which may require the investment of resources for restoration or improvement; and

**WHEREAS**, N.J.S.A. 40:12-15.7 permits a municipality to utilize its Open Space Trust Fund for purposes that include the development of lands acquired for recreation and conservation purposes, as well as capital improvements for recreation and conservation purposes and the West Milford Open Space Trust Fund does not presently provide for funds to be expended for such purposes; and

**WHEREAS**, N.J.S.A. 40:12-15.7, subsection (a)(1)(d) provides that the governing body of a municipality may submit to the voters of the municipality in a general or special election a proposition amending or supplementing a proposition previously submitted, by adding or removing purposes authorized pursuant to this section for which the levy may be expended; and

**WHEREAS**, the Township Council of the Township of West Milford requests that the additional proposed purposes of the West Milford Open Space Trust Fund should be submitted to the voters of the municipality for consideration; and

**WHEREAS**, the proposed additional purposes of the Open Space Trust Fund will not increase the tax levy for the Fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, as follows:

1. Pursuant to N.J.S.A. 40:12-15.7, subsection (d), the Township Council of the Township of West Milford hereby determines to submit the following proposition to the voters at the next general election on November 5, 2013:

**MUNICIPAL PUBLIC QUESTION**

Shall the Township Council of the Township of West Milford, County of Passaic, adopt an Ordinance to amend its existing municipal “Open Space, Recreation, Farmland and Historic Preservation Trust Fund” to incorporate the following additional purposes for the funds collected beginning January 1, 2014:

- A. The dedication of at least 33.33%% of open space trust funds for the acquisition of properties.
- B. The appropriation of up to 33.33% of open space trust fund monies for the development of or capital improvements to lands acquired for recreation purposes at the discretion of the Township Council; and
- C. The appropriation of up to 33.33% of open space trust fund monies for the improvement of lands acquired for conservation or historic preservation purposes at the discretion of the Township Council.
- D. The governing body of the Township of West Milford may change the spending allocation for a given calendar year however it must be approved by five (5) affirmative votes of the Township Council.

**EXPLANATORY STATEMENT**

These expanded purposes will not create any additional tax levy. The existing purposes and existing funds that provide for acquisition of lands for conservation, preservation and recreation will continue to be available. The proposed expanded purposes supplement the existing purposes of the current West Milford Open Space, Recreation, Farmland and Historic Preservation Trust Fund and are permitted pursuant to N.J.S.A. 40:12-15.7. These expanded purposes shall only apply to the monies collected by the Trust Fund after January 1, 2014, and all monies currently on hand shall be only used for the existing purposes of the “Open Space, Recreation, Farmland and Historic Preservation Trust Fund”.

- 2. The Passaic County Clerk is hereby requested to print the above proposition and explanatory statement on the official ballots for the general election to be held on November 12, 2013.
- 3. The Township Administrator, with the advice of the Township Attorney, is hereby authorized to make any minor and insubstantial changes in the form of the proposition or explanatory statement, provided that any such changes shall not modify any of the substantive provisions of the proposition or explanatory statement.
- 4. This Resolution shall take effect immediately.

Adopted: May 22, 2013

Adopted this 22<sup>nd</sup> day of May, 2013  
and certified as a true copy of an original.

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Antoinette Battaglia, Township Clerk