

Township of West Milford

Passaic County, New Jersey

~ Resolution 2019 – 111 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING A CHANGE IN THE SPENDING ALLOCATION OF THE OPEN SPACE TRUST FUND IN ACCORDANCE WITH §239-2 OF THE TOWNSHIP CODE

WHEREAS, on February 19, 2014 the Township Council did adopt Ordinance 2014-001 which ordinance provides for the collection of taxes dedicated for the purpose of funding an open space, recreation, farmland and historic preservation trust fund; and

WHEREAS, Ordinance 2014-001 was subsequently codified in the Township code in Chapter 239, "Open Space, Recreation, and Farmland and Historic Preservation Trust Fund"; and

WHEREAS, §239-2 established rules for the utilization of these open space funds; and

WHEREAS, §239-2 C allows the Governing Body of the Township of West Milford to change the spending allocation in said ordinance for a given calendar year on the condition that said reallocation of funds be approved by five affirmative votes of the Township Council; and

WHEREAS, at the Special Budget meeting of March 27, 2019 the Township Council did, by motion, second and roll call, give direction for the transfer and use of Open Space Trust Fund monies which directions are hereby ratified in accordance with §239 of the Township Code; and

WHEREAS, there remains a balance of \$1,193,367 in the open space trust fund account which is dedicated solely to property acquisitions because said funds were raised by taxation for that purpose prior to the adoption of Ordinance 2014-001 and those funds are not subject to the reallocation provision in §239-2 of the Township code; and

WHEREAS, there are balances in the open space trust fund account which are subject to reallocation having been raised through taxation as follows as of March 24, 2019:

\$ 122,121 for the purposes of land acquisition
\$ 59,936 for the purpose of improving recreational facilities
\$ 59,853 for the purpose of historic preservation and conservation; and

WHEREAS, whenever possible for a multitude of years, successive Township Councils have approved grant applications for the rehabilitation and improvement of various and multiple recreational facilities in the Township; and many of those grant applications have been successful whereby the Township has received grant funds from various sources to rehabilitate or improve recreational facilities in incremental phases throughout the Township; and

WHEREAS, the provisions of §239-2 C affords the Township Council the ability to change the spending allocation in one calendar year and the Township Council affirms that such reallocation is in the best interest of the municipality; and

WHEREAS, the Township has received grant funding for lighting at Nosenzo Pond which grants require a Township match of \$42,000; and

WHEREAS, the Township Council authorizes the CFO and CS&R Director to utilize funds in the recreation development line of the Open Space Trust Fund for this purpose; and

WHEREAS, the Township has received grant funding for a new playground at Nosenzo Pond with a required match of \$29,000; and

WHEREAS, the Township Council hereby directs the CFO and CS&R Director to utilize funds from the recreation development line in the Open Space Trust Fund for this purpose which leaves a shortfall of \$11,064 for this project; and

WHEREAS, the Director of Community Services & Recreation has advised that the roof at the Rec Center must be replaced because of a number of leaks that are causing damage to the gym floors; and

WHEREAS, the Township Council recognizes the importance of maintaining the municipal infrastructure and wishes to accomplish this goal without raising taxes or increasing municipal debt for that purpose; and

WHEREAS, the Township Council hereby authorizes the CFO to transfer the remaining funds from the land acquisition line in the Open Space Trust Account to the recreation development line for the purposes of funding the roof replacement and the remaining balance of the new playground at Nosenzo Pond.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that the funding allocation in the Township's Open Space Trust Account be and is hereby changed in accordance with §239-2 of the Township Code as follows:

Funding in the land acquisition line of the open space trust account shall be transferred into the recreation account to fund the projects outlined above; and

BE IT FURTHER RESOLVED, that funding allocations as outlined herein below shall be applied:

Existing funding in the Recreation Development line of \$42,000 shall be used for the Nosenzo Pond Lighting Project to bring this project to conclusion and complement the grant funds received for this purpose.

Existing funding in the Recreation Development line of \$17,936 shall be used for the Nosenzo Playground Project to bring this project to conclusion and complement the grant funds received for this purpose.

\$122,121 in the Land Acquisition Line shall be transferred to the Recreation Development Line of the Open Space Trust Account for the purposes of funding the remaining balance of \$12,000 for the Nosenzo Playground Project and \$110,121 for replacement of the Recreation Center roof.

BE IT FURTHER RESOLVED that the Township Council hereby directs the CFO to restore funds transferred from land acquisition to recreation development for the Nosenzo Playground Project to the land acquisition line when that line has been replenished through tax collection.

BE IT FURTHER RESOLVED, that in accordance with the Township code this funding allocation does not affect the allocation of funds collected through taxation in future years in accordance with the allocations for same outlined in Chapter §239 of the Township code.

Adopted: April 3, 2019

Adopted this 3rd day of April, 2019
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk