

§ 7-37.1 Open Space Trust Committee. [Added 4-7-1997 by Ord. No. 3-97]

A. Establishment of Open Space Trust Committee. There is hereby established an Open Space Trust Committee.

B. Membership. The Open Space Trust Committee shall consist of a minimum of nine members as follows:

- (1) Mayor.
- (2) Township Administrative Officer.
- (3) One member of the Township Committee of the Township of Harding, in addition to the Mayor, appointed by the Township Committee.
- (4) One representative from each of the Planning Board, the Environmental Commission and the Shade Tree Commission, to be appointed by the Mayor.
- (5) A minimum of three citizens of the Township to be appointed by the Mayor. The citizens appointed by the Mayor shall hold no other municipal office, position, or employment in the municipal government.

C. Terms of office.

- (1) The Mayor shall serve for so long as he or she holds such position.
- (2) The Administrative Officer shall serve as a member of the Open Space Trust Committee as long as he or she is employed by the Township in the capacity of Township Administrative Officer.
- (3) The member of the Township Committee appointed to the Open Space Trust Committee shall have a term of one year.
- (4) The representatives of the Planning Board, Environmental Commission and Shade Tree Commission shall serve for a term of one year.
- (5) One of the citizens of the Township appointed by the Mayor and so designated by the Mayor at the time of appointment shall have a term of three years.
- (6) One of the citizens of the Township appointed by the Mayor and so designated by the Mayor at the time of appointment shall have a term of two years.
- (7) One of the citizens of the Township appointed by the Mayor and so designated by the Mayor at the time of appointment shall have a term of one year.

D. Powers and operating procedures.

- (1) Officers. The Open Space Trust Committee shall select from among its members a Chairman and a Vice Chairman to serve as the presiding officer in the absence of the Chairman. The Committee shall also select a Secretary whose function shall be to maintain minutes of the Committee's meetings and records of its proceedings.
- (2) Initial organization meeting. The Open Space Trust Committee shall hold its initial organization meeting within 60 days after the final adoption of this section.
- (3) Meetings. The Open Space Trust Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act. Editor's Note: See N.J.S.A. 10:4-6 et seq.
- (4) Procedures. The Open Space Trust Committee shall determine the criteria which are to be used in analyzing properties for possible acquisition by the

Township whether in fee, by easement or by means of development rights. From time to time, the Committee is to advise the Township Committee of properties which it has determined meet the criteria and might be suitable for acquisition. The Township Committee shall determine which properties, easements or development rights should be acquired. After selection of the lands, easements or development rights as hereinabove provided, the Township 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 lands, easements or development rights within the financial constraints established by the Township Committee.

E. Funding [Amended 6-4-2003 by Ord. No. 11-03; 12-17-2003 by Ord. No. 24-03]

(1) There is hereby established a reserve in the Township's general capital fund which shall be known and designated as the "Open Space Trust Fund." A separate bank account shall be opened and maintained for this purpose. The Open Space Trust Fund shall be funded through the dedication to the fund of an amount not to exceed \$0.05 per \$100 of assessed valuation of each annual tax levy. The fund shall also be permitted to accept donations and testamentary bequests. The monies accumulated within the fund may be used for the following purposes, or any combination thereof:

- (a) Acquisition of lands for conservation and recreation purposes.
- (b) Maintenance of lands acquired for conservation and recreation purposes.
- (c) Acquisition of farmland for farmland preservation purposes.
- (d) Payment of debt service on indebtedness issued or incurred by the Township of Harding for the acquisition of lands for conservation and recreation purposes.
- (e) Historic preservation and the acquisition of historic properties, structures, facilities, sites or areas, to the extent of up to 10% of annual open space tax levies. Such amounts may be accumulated for this purpose or redirected to the other purposes authorized by Subsection E(1)(a) through (d) above.

(2) The Township Committee shall determine the appropriate amount to be allocated to each purpose after conducting at least one public hearing thereon. Any and all interest or other income earned on monies in the fund shall be credited to the fund to be used for the above-described purposes.

F. Disposition of property or other interest in land. No property or interest in land acquired with funds from the Open Space Trust Fund shall be sold or otherwise disposed of by the Township until the disposition has been authorized by the Township Committee after and in accordance with a public referendum.

G. Review. In the event that no property is acquired for a period of three consecutive years, then the Township Committee shall review the activities of the Open Space Trust Committee and issue a report with recommendations and conclusions relating to the Open Space Trust Fund.