

TOWNSHIP OF WYCKOFF

ORDINANCE #1937

AN ORDINANCE PROVIDING FOR A PUBLIC QUESTION, WHICH IF APPROVED BY THE VOTERS WOULD CONTINUE THE EXISTING ANNUAL TAX LEVY TO FUND THE EXISTING MUNICIPAL OPEN SPACE TRUST FUND PURSUANT TO N.J.S.A. 40:12-15.7

WHEREAS, the Township Committee of the Township of Wyckoff is committed to maintaining Wyckoff as one of the most desirable communities in the State of New Jersey; and

WHEREAS, the Township Committee believes that the preservation and protection of Open Space is an important component in preserving the character and desirability of Wyckoff; and

WHEREAS, the Township Committee recognizes the Township's past successful efforts in securing and maintaining approximately 131 acres of open space within the Township; and

WHEREAS, the Township Committee believes it is desirable for the Township and its residents to continue to preserve, maintain, improve, and acquire, when available, open space for passive and recreational use by the residents of the Township of Wyckoff; and

WHEREAS, the Township Committee is also aware of the current financial burden placed on municipalities and their residents as a result of the reduction in State aid and the recent State budget crisis; and

WHEREAS, on November 7, 2006, at the general election, the voters of the Township of Wyckoff previously authorized the establishment of the Municipal Open Space Tax, which has been used to fund the Municipal Open Space Fund; and

WHEREAS, on November 8, 2011, at the general election, the voters of the Township of Wyckoff voted to extend and continue the Municipal Open Space Tax for an additional five (5) years, through December 31, 2016; and

WHEREAS, on November 8, 2016, at the general election, the voters of the Township of Wyckoff voted to extend and continue the Municipal Open Space Tax for an additional five (5) years, through December 31, 2021; and

WHEREAS, the annual tax levy which funds the Municipal Open Space Fund expires on December 31, 2021; and

WHEREAS, the Township Committee believes that it is in the best interest of the residents of the Township of Wyckoff to have the opportunity to maintain and carry the existing municipal Open Space Trust Fund and to continue to fund the Municipal Open Space Trust Fund; and

WHEREAS, in recognizing the Township's effort to acquire, maintain, improve, and preserve open space, the Township Committee finds that it is appropriate for the Township to again place a public question on the general election ballot for November 2, 2021, so as to allow the public to vote to maintain and carry the existing Open Space trust fund and to continue the existing annual tax levy which funds the Municipal Open Space Trust Fund, for an additional five (5) years.

BE IT ORDAINED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that a public question shall be placed on the general election ballot for the November 2, 2021 general election, which if approved would maintain and carry the existing Municipal Open Space Trust Fund, and continue its funding in a form and manner stated below:

SECTION 1 - The Township of Wyckoff's Municipal Open Space Trust Fund shall be maintained and continued for an additional five (5) years, commencing January 1, 2022.

SECTION 2 - The Municipal Open Space Trust Fund shall be funded by the continuance of the annual tax levy of .005 (1/2 cent) per one hundred (\$100.00) dollars of assessed valuation.

SECTION 3 - All existing and future monies contained in the Municipal Open Space Trust Fund and all income and interest that accrues thereon, shall be used and allocated for any one or all of the following purposes, or any combination thereof, as determined by the governing body after conducting at least one public hearing:

- 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;
- e. Historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition and maintenance of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes;
- f. Payment of debt service on indebtedness issued or incurred by the municipality for any of the purposes set forth in subparagraph a, b, c, d, e or g of this paragraph; or

- g. Blue Acres projects;
- e. Trust fund monies may be returned to the taxpayers of the Township of Wyckoff as tax relief.

SECTION 4 - The annual tax levy utilized to fund the Municipal Open Space Trust Fund shall be in effect for a period of five (5) years commencing January 1, 2022.

SECTION 5 - This ordinance shall not take effect until it is approved by the voters in a public question at the next general election on November 2, 2021.

SECTION 6 - The following referendum question shall be submitted to the Bergen County Clerk with the question sheet printed on the ballot for consideration by the voters of the Township of Wyckoff at the November 2, 2021 general election:

Shall the Township of Wyckoff continue, carry, maintain, and fund the existing Municipal Open Space Trust Fund in the following manner and according to the following purposes:

- A. The Open Space Trust Fund shall continue to be funded through the collection of local property taxes in an amount of .005 (1/2 cent) per one hundred (\$100.00) dollars of assessed value, per annum, for a period of five (5) years, unless a proposition extending the time period is approved by the voters of the Township of Wyckoff.
- B. Monies within the Municipal Open Space Trust Fund shall be used for any one or all of the following purposes, or any combination thereof, as determined by the governing body:
 - (i) Acquisition of lands for recreation and Conservation purposes;
 - (ii) Development of lands acquired for recreation and conservation purposes;

- (iii) Maintenance of lands acquired for recreation and conservation purposes;
- (iv) Acquisition of farmland for farmland preservation purposes;
- (v) Historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition and maintenance of such properties, structures, facilities, sites, areas, or objects, for historic preservation purposes;
- (vi) Payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in paragraphs (i), (ii), (iii), (iv), (v) or (vii); or
- (vii) Blue Acres projects;
- (viii) Trust fund monies may be returned to the taxpayers of the Township of Wyckoff as tax relief.

Interpretive Statement:

This binding referendum will authorize the maintaining and continuing of the existing Municipal Open Space Trust Fund. The Municipal Open Space Trust Fund was previously approved by the voters of the Township of Wyckoff on November 7, 2006, and extended on November 8, 2011, and November 8, 2016, and therefore the approval of this referendum would not create a new tax burden on the residents of Wyckoff, but simply continue and extend the previously approved Municipal Open Space Tax. The trust fund would continue to be funded by the existing local property tax in the amount of .005 (1/2 cent) per one hundred (\$100.00) dollars of assessed value. This existing tax would be collected for five (5) years and then expire, unless extended by a public vote of the voters of the Township of Wyckoff. The owner of a home assessed at \$778,100.00 (the average assessed value in Wyckoff) would pay \$38.91 per year, for a period of five (5) years. The total amount the tax would yield each year depending on the total valuation of real property in Wyckoff, would be approximately \$231,045.00 each year. The proceeds of the fund could be used for the acquisition, development, maintenance, or preservation of lands for recreation or conservation purposes, as well as acquisition of farmland for farmland purposes and the preservation or acquisition of historic property or the payment of debt service incurred for any of the above purposes. The proceeds of the fund could also be returned to the taxpayers of the Township of Wyckoff as tax relief.