

ORDINANCE No. 2 - 2003

AN ORDINANCE TO AMEND CHAPTER 7, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LIVINGSTON, BY THE ADDITION OF A NEW SECTION, ARTICLE 5, OPEN SPACE TRUST COMMITTEE.

WHEREAS, the voters of the Township of Livingston, in the County of Essex, New Jersey, approved a referendum which recommended to the Township Council the establishment of an Open Space Trust Fund to finance the acquisition and preservation of lands, easements and development rights for resource open space, historical preservation and outdoor recreation within the Township; and

WHEREAS, the Open Space Trust Fund Committee will provide advice and counsel to the Township Council on the expenditure of the moneys from the Open Space Trust Fund,

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, New Jersey, as follows:

Section 1: Chapter 7 of the Revised General Ordinances of the Township of Livingston, is hereby supplemented by the addition of a new Section Article S, Open Space Trust Committee, which shall read as follows:

Article 5 Open Space Trust Committee.

7-19 Establishment. There is hereby established an Open Space Trust Committee consisting of seven (7) members.

7-20 Memberships Terms. All of the members of the Open Space Trust Committee shall be residents of the Township who shall serve without compensation. Membership shall be as follows:

- a. One (1) member shall be the Township Manager or his designee;
- b. One (1) member shall be a member of the Township Council whose term shall end on December 31 of the year in which such member is appointed;
- c. One (1) member shall be a member of the Township Planning Board, as selected by the Planning Board, which term shall be three (3) years or conclude when said member's Planning Board term expires (and not re-appointed) whichever is earlier;
- d. One (1) member shall be a member of the Livingston Environmental Commission, as selected by said Commission, whose term shall be three (3) years or conclude when said member's LEC term expires (and not re-appointed), whichever is earlier;
- e. Three (3) members shall be appointed by the Township Council. The term of each of these three (3) members shall be three (3) years, provided that of the members initially appointed pursuant to Section 7-20 one shall be appointed to hold office until December 31, 2003, one shall be appointed to hold office until December 31, 2004, and one shall be appointed to hold office until December 31, 2005. A vacancy shall be filled by appointment for the unexpired term only.

## 7-21 Powers and Duties.

a. The Open Space Trust Committee shall initially prepare a report recommending the acquisition of specified lands in fee, the acquisition of specified easements and/or the acquisition of development rights -to specified lands. The report shall prioritize the acquisitions recommended.

b: The Township Council, after reviewing the report, shall determine which properties; easements or development rights should be pursued.

c. 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 the identified lands, easements of development rights within the financial constraints established by the Township Council.

7-22 Public Meetings. The Open Space Trust Committee shall hold public meetings in accordance with the Open Public Meetings Act, giving required notification of its meetings.

7-23 Initial Organization Meeting. The Open Space Trust Committee shall hold its initial organization meeting within forty-five (45) days after the final adoption of this Section.

7-24 Officers. The Open Space Trust Committee shall select and designate at its organization meeting, 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.

## 7-25 Funding.

a. 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.

b. Funds from the account may be used, as directed by the Township Council, to acquire vacant land, easements, development rights and historical sites. Funds from the account may also be used to acquire land, which has improvements upon it at the time of acquisition provided that the principal purpose of the acquisition is to preserve open space. In the event that the Township Council shall find it appropriate to apportion the cost of acquisition between open space and improvements, it may do so and charge the Open Space Trust Fund for the approximate value that it determines attributable to improvements.

c. The Open Space Trust fund shall be funded through the dedication to the Fund of an amount not to exceed three cents (0.03) per one hundred dollars (\$100) of assessed valuation of each annual tax levy. This amount may be altered by the passage of new referendum. The Fund shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Fund may be utilized for the acquisition of land, easements, development rights and/or

historical sites, or as a down payment for *the* issuance of bonds for the same purpose at the discretion of the Township Council. Any and all interest accruing shall remain in the Fund and may be utilized for the above-described purposes.

26 Disposition of Property or Other Interests in Land. No property or interest in land acquired with funds from the Open Space Trust Fund shall be leased, sold or otherwise disposed of by the Township until the disposition has been authorized by the Township Council after and in accordance with a binding public referendum.

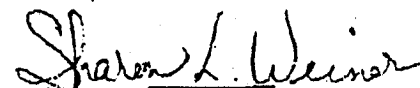
27 Evaluation of Open Space Trust Fund. Prior to December 31, 2013 the Township Council shall review the desirability of the continuation of additional funding of the Open Space Trust Fund and either authorize the continuation or termination of the Fund.

Section 2: Any provision of any ordinance of the Township of Livingston that is inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

Section 3: If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

4. This ordinance shall take effect upon final passage and publication in accordance with *the* law

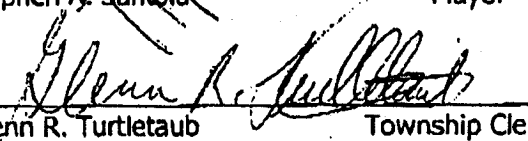
Approved as to form:



Sharon L. Weiner  
Township Attorney

  
\_\_\_\_\_  
Stephen A. Santola

Mayor

  
\_\_\_\_\_  
Glenn R. Turteltaub

Township Clerk

Adopted: 1/27/03