

## **Pennington Open Space Committee (§ 13-26 — § 13-32)**

[Adopted 4-5-1999 by Ord. No. 99-5]

### **Establishment**

There is hereby established an Open Space Committee consisting of seven members (the "Committee").

### **Membership**

A. Borough resident membership. The Open Space Committee shall consist of six residents of the Borough appointed as follows:

- (1) The Mayor or one member of the Borough Council appointed by the Mayor.
- (2) The Chair of the Planning Board or one member of the Planning Board appointed by the Chair.
- (3) One member of the Environmental Commission appointed by the Chair, who may appoint himself or herself.
- (4) One member of the Economic Development Commission appointed by the Chair, who may appoint himself or herself.
- (5) Two citizen members, and up to two alternates, appointed by the Mayor and Council.

B. Nonresident membership. The Hopewell Township Open Space Committee may, in its discretion, appoint one of its members to the Committee as a voting member.

### **Terms of Office**

A. The Mayor shall serve for so long as he or she holds such position.

B. The representatives of the Planning Board, Environmental Commission and Economic Development Commission shall have initial terms of one, two and three years, respectively, and thereafter be appointed for a term of three years and until the appointment and qualifications of his/her successor.

C. One of the citizens of the Borough appointed by the Mayor and so designated by the Mayor at the time of appointment shall have an initial term of three years and thereafter be appointed for a term of three years and until the appointment and qualification of his/her successor.

D. One of the citizens of the Borough appointed by the Mayor and so designated by the Mayor at the time of appointment shall have an initial term of two years and thereafter be appointed for a term of three years and until the appointment and qualification of his/her successor.

E. The member of the Hopewell Township Open Space Committee shall have a term of one year.

### **Powers and Operating Procedures**

A. Officers. The Committee shall select from among its members a Chair and a Vice Chair to serve as the presiding officer in the absence of the Chair. The Committee shall also select a Secretary whose function shall be to maintain minutes of the Committee's meetings and records of its proceedings.

B. Initial organization meeting. The Committee shall hold its initial organization meeting within 60 days after the final adoption of this article.

C. Meetings. The Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).

D. Procedures. The Committee shall determine the criteria which are to be used in analyzing properties for possible acquisition by the Borough either alone or in conjunction with other public entities or qualified nonprofit organizations whether in fee, by easement or by means of development rights. From time to time, the Committee shall advise the Borough Council of properties, which it has determined meet the criteria and might be suitable for acquisition. The Borough Council shall determine which properties, easements or development rights should be

acquired. After selection of the lands, easements or development rights as herein above provided, the Borough 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 either alone or in conjunction with other public entities or qualified nonprofit organizations within the financial constraints established by the Borough Council.

### **Open Space Trust Fund**

A. Establishment of Open Space Trust Fund. There is hereby established a reserve in the Borough's general capital fund which shall be known and designated as the "Open Space Trust Fund" (the "fund"). A separate bank account shall be opened and maintained for this purpose.

B. Funding. The Open Space Trust Fund shall be funded through the dedication to the fund of an amount as determined from time to time by the registered voters of the Borough pursuant to N.J.S.A. 40:12-15.7. Donations and testamentary bequests made for the purposes enumerated in N.J.S.A. 40:12-15.7 shall be deposited in this fund. The moneys accumulated within the fund may be utilized for the acquisition of land, easements and/or development rights or as a down payment for the issuance of bonds for the same purpose at the discretion of the Borough Council. Any and all interest accruing shall remain in the fund and may be utilized for the above-described purpose.

C. Use of funds.

(1) Funds from the account may be used, as directed by the Borough Council, to acquire, develop and maintain vacant land, easements and development rights for recreation and conservation purposes. Funds from the account may also be used to acquire land that 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 Borough 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 deems appropriate relative to open space and the Borough's capital account for the value that it determines attributable to improvements.

(2) Money from the fund may also be used to cover expenses related to the authorized acquisitions, including but not limited to appraisals, surveys, title searches and legal fees.

### **Disposition of Property or Other Interest in Land**

No property or interest in land acquired with funds from the fund shall be sold or otherwise disposed of by the Borough Council until the disposition has been authorized by the Borough Council after and in accordance with public referendum in the manner prescribed by law. The deed for any property acquired with funds from the fund shall contain the specific notation reflecting that the property was acquired with funds from the fund.

### **Review of Committee Activities; Liquidation of Fund**

In the event that no property is acquired for a period of five consecutive years, then the Borough Council shall review the activities of the Committee and may elect to submit to the registered voters the question of whether the Committee should be dissolved, the fund liquidated and the open space tax repealed. If the open space tax is repealed and the fund liquidated, any remaining funds shall be transferred to a qualified nonprofit entity, whose principal purpose is the acquisition, development and maintenance of lands for recreation and conservation purposes.

### **Hopewell Open Space Advisory Committee (*summary of ordinance text*)**

By ordinance No. 2000-2 adopted March 6, 2000, Borough Council approved appointment of two Borough residents to represent Pennington on the Hopewell Open Space Advisory Committee. The two Borough representatives shall be appointed by the Mayor with the advice and consent of the Borough Council. It is the intent of the Borough and its partner municipalities to embark upon a long-range program in order to acquire and preserve natural resources in order to manage the pace of growth, enhance property values and otherwise benefit the health, safety and welfare of the residents of Pennington Borough, Hopewell Township and Hopewell Borough.