

This special meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 5:02pm. Commissioners Gerkens and Garofalo were present.

Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. Notices were emailed to the Asbury Park Press, the Atlantic City Press and the Sandpaper, and posted on the website, the Post Office and the Borough Hall. Notices have remained continuously posted.

The Mayor read the following ordinance by title only and asked for a motion to open to public discussion.

ORDINANCE No. 2015-08

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION TRUST FUND PURSUANT TO NJSA 40:12-15.7

Proof of publication is on hand and the ordinance has been posted.

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

Commissioner Gerkens read the question that was submitted by the Taxpayers' Association to their members as part of an Association's survey:

"The town is considering an increase in the property tax rate of \$.01 per \$100 assessed property valuation as a way to begin to accrue money specifically for the purpose of acquiring strategic properties in town as they become available. This is generally thought of as an Open Space Initiative. The idea is to help preserve development-free spaces in our town. The Mayor has advised us that the Open Space Fund would have very restricted availability. Would you be in favor of this tax increase?"

Commissioner Gerkens stated of the 70 responses received to date, 40 were 'yes' (57.1%) and 30 were 'no' (42.9%); the ballot question will be for voters only, but the tax will have an impact on all taxpayers.

Tony Aukstikalnis, Cape May Ave., voiced his opposition to putting the question on the ballot, mainly because of the tax increase.

The Gaulds of Harvest Avenue, whose property was mentioned as a possible purchase if the open space funds were in place, stated that in the Sandpaper article the Mayor stated it was a non-buildable lot and asked for clarification. The Mayor said he may have said that or it was interpreted that way, but the lot is buildable, although the setbacks would make it an odd shaped building; variances would most likely be sought.

After a lengthy discussion amongst the Board members and the public, the Board felt it best to seek additional taxpayer input before putting the question on the ballot.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Motion to rescind: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

Motion to adjourn: Commissioner Gerkens

Second: Commissioner Garofalo

Meeting adjourned at 5:45pm.

ORDINANCE NO. 2015-08

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM BALLOT QUESTION
REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION
TRUST FUND PURSUANT TO NJSA 40:12-15.7**

WHEREAS the Borough of Harvey Cedars possesses several areas of open space and natural preservation areas within the Borough for the benefit of the public at large; and

WHEREAS the Borough seeks to obtain the approval of the voters for expanding its natural open space program and the funding mechanisms for the same; and

WHEREAS NJSA 40:12-15.7(a)(1)(a) provides that the governing body of any municipality may submit to the voters of the municipality in a general election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the purpose of the acquisition of lands for conservation purposes; and

WHEREAS NJSA 19:37-1 provides that the governing body of any municipality may ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof by the submission of such question to a vote of the electors in the municipality at any election to be held therein, by adopting at any regular meeting an ordinance or resolution requesting the Clerk of the County to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form; provided that such request shall be filed with the County Clerk not later than 81 days previous to the election.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Board of Commissioners of the Borough of Harvey Cedars does hereby request that the following referendum question be placed on the November 2015 general election ballot:

OPEN SPACE CONSERVATION TRUST FUND REFERENDUM

Shall the Board of Commissioners of the Borough of Harvey Cedars adopt an ordinance establishing an “Open Space Conservation Trust Fund,” which shall have the following provisions:

- A. The Open Space Conservation Trust Fund shall be funded through the collection of local property taxes in the amount of an additional one (1) cent per hundred dollars of assessed value on the annual local property tax levy.
- B. The aforementioned fund shall be designated solely for the purchase of property rights within the Borough of Harvey Cedars, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands and property rights for conservation purposes, including all costs and expenses associated therewith.
- C. Any property rights acquired through the Open Space Conservation Trust Fund shall not be sold or conveyed by the Borough unless or until authorized by subsequent Public Referendum of the voters of the Borough of Harvey Cedars.

EXPLANATORY STATEMENT

The proposed Open Space Conservation Trust Fund will be used to acquire property rights to preserve open space on developed or undeveloped areas in the Borough of Harvey Cedars. The purchase of property rights, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands for conservation purposes, including all of the Borough’s costs and expenses associated therewith, will be funded by a separate additional one (1) cent assessment per hundred dollars of assessed value on the annual local property tax levy, beginning in 2016. The funds raised will be used for no other purposes. The property acquired will be preserved for open space.

_____ YES _____ NO

SECTION 2. The Mayor and Commissioners do hereby further request that the Ocean County Clerk print the aforementioned question and explanatory statement on the official ballot for the Borough of Harvey Cedars for the General Election to be held on November 3, 2015.

SECTION 3. A certified copy of this ordinance shall be forwarded to the Ocean County Clerk.

SECTION 4. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

RESCINDED ON: August 12, 2015