

**BOROUGH OF FANWOOD
RESOLUTION 16-08-117**

**RESOLUTION OF THE BOROUGH OF FANWOOD AUTHORIZING SUBMISSION
TO VOTERS OF A REFERENDUM QUESTION AUTHORIZING IMPOSITION OF AN
OPEN SPACE TAX**

WHEREAS, N.J.S.A. 40:12-15.7 authorizes the Borough Council of the Borough of Fanwood (the "Borough Council") to submit to the voters of the Borough of Fanwood (the "Borough") in a general election a referendum question authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the following purposes: (a) acquisition, development and/or maintenance of lands for recreation and conservation purposes; (b) acquisition of farmland for farmland preservation purposes; (c) acquisition and/or historic preservation of historic properties, structures, facilities, sites, areas or object; or (e) payment of debt service on indebtedness issued or incurred by the Borough for any of the acquisition, development and/or historic preservation purposes set forth above; and

WHEREAS, the Borough Council has determined that it would be in the public interest to place a non-binding referendum question on the November 2016 general election ballot for the purpose of assessing voter preference with regard to the question as to whether the Borough shall create a municipal open space recreation and farmland preservation trust fund for the purposes aforesaid funded by an annual levy, *i.e.*, a tax, at a rate not to exceed \$.01 per \$100.00 of assessedvalue of real property located in the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Fanwood, County of Union, State of New Jersey, as follows:

1. The Borough shall cause the following referendum question to be placed on the November 2016 general election ballot:

Shall the Borough of Fanwood establish an annual levy at the rate of \$0.01 per \$100.00 of assessed value of real property located in the Borough and annually appropriate that revenue for any or all of the following purposes, or any combination thereof:

- 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 of such properties, structures, facilities, sites, areas or objects for historic preservation purposes; or

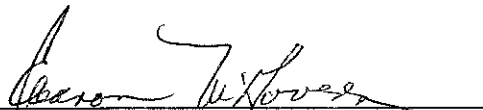
f. payment of debt service on indebtedness issued or incurred by the Borough for any of the purposes set forth in paragraphs (a), (b), (d), or (e) herein above?

YES [] NO []

Interpretive Statement: A "yes" vote on this question would allow the Borough of Fanwood to preserve remaining tracts of open space which are rapidly being developed by establishing a "Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund" to be funded annually through the collection of a dedicated open space tax in the amount of one cent per one hundred dollars of assessed real property value. This tax would be dedicated to the acquisition, improvement and/or maintenance of land for recreation and conservation purposes, the acquisition of farmland for farmland preservation purposes, the acquisition and/or preservation of historic properties, structures, facilities, sites, areas or objects, or for payment of debt service or indebtedness issued or incurred by the Borough for any of these purposes. Approval would also enhance the Borough's ability to qualify for NJ State Green Acres funds under the Planning Incentive Acquisition Program and enable the Borough to qualify for any future programs, presently not in existence, which might condition a municipality's eligibility to receive open space funds on the adoption of a tax levy and the creation of a "Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund."

2. A certified copy of this Resolution shall be filed immediately with the Clerk of the County of Union with direction that the aforesated question and explanatory statement be printed and appear on the Official Ballot to be used in the Borough of Fanwood in this November 2016 general election.
3. A copy of this Resolution shall be available for public inspection at the office of the Borough Clerk.
4. This resolution shall take effect immediately.

This is to certify that the above is a true and exact copy of a Resolution adopted by the Borough Council on August 15, 2016.



Eleanor McGovern, Borough Clerk