

Chapter 51. OPEN SPACE COMMITTEE

[HISTORY: Adopted by the Township Council of the Township of Parsippany-Troy Hills by Ord. No. 89:9. Amendments noted where applicable.]

§ 51-1. Establishment.

There is hereby established an Open Space Committee which shall consist of seven members and whose terms and the powers of the Committee are hereinafter set forth.

§ 51-2. Membership.

A. The Open Space Committee shall be comprised of the following persons:

- (1) Mayor;
- (2) Township Administrative Officer;
- (3) One member of the Township Council of the Township of Parsippany-Troy Hills appointed by the Township Council;
- (4) Two citizens of the Township appointed by the Mayor;
- (5) Two citizens of the Township appointed by the Township Council.

B. The citizens appointed by the Mayor and the Township Council shall hold no other municipal office, position, or employment in the municipal government.

§ 51-3. Terms of office.

- A.** The Mayor and the member of the Township Council appointed to the Open Space Committee shall have terms which shall correspond with the term of their respective elective offices.
- B.** The Administrative Officer shall serve as a member of the Open Space Committee as long as he or she is employed by the Township in the capacity of Township Administrative Officer.
- C.** One of the citizens of the Township appointed by the Mayor and one appointed by the Township Council and so designated by the Mayor and Township Council at the time of appointment shall have a term of three years.
- D.** One of the citizens of the Township appointed by the Mayor and one appointed by the Township Council and so designated by the Mayor and Township Council at the time of appointment shall have a term of two years.
- E.** The terms of members of the Open Space Committee appointed by the Mayor and/or the Township Council pursuant to Subsections C and D of § 51-3, after their initial terms pursuant to said subsections, shall be three years.

§ 51-4. Powers and functions.

- A. The Open Space Committee shall make an initial determination of which parcels of land should be acquired in fee and/or those parcels of land from which the Township should acquire development rights only.
- B. The Open Space Committee shall submit to the Township Council a prioritized list of properties to be acquired and/or properties from which development rights should be acquired. The Township Council shall, within 45 days, either approve, disapprove, or modify the list as submitted and state the amount of funds that the Council shall make available for such acquisition. If the Township Council shall fail to act affirmatively by either approving, disapproving or modifying the list submitted by the Open Space Committee within 45 days after submission, the list shall be deemed approved as submitted by the Committee in its entirety with full financial authorization.
- C. After approval of the list referred to in Subsections A and B above, the Township may proceed to acquire, by gift, purchase or by eminent domain proceedings pursuant to N.J.S.A. 20:3-1 et seq., the parcels as prioritized on the list, within the financial constraints established by the Township Council.
- D. The Open Space Committee may employ and/or contract for professional services by legal counsel, appraisers and staff as it may deem necessary subject to budget appropriation and Township Council passage of professional services resolutions establishing the rates of compensation to be paid.
- E. The Open Space Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act, and the Committee shall give appropriate notification of said meetings.
- F. The Mayor shall serve as Chairman of the Open Space Committee, and the Open Space Committee shall select from among the four citizen members a Vice Chairman to serve as a 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 meeting and records of the proceedings of the Committee.

§ 51-5. Organization meeting.

The Open Space Committee shall hold its initial organization meeting shortly after this chapter takes effect.

§ 51-6. Open Space Trust Fund.

[Amended by Ord. No. 89:60; 5-22-2007 by Ord. No. 2007:12]

- A. There is hereby established an account that shall be known and designated as the "Open Space Dedicated Trust Fund," which shall be maintained in accordance with N.J.S.A. 40A:4-1 and N.J.S.A. 40A:5.1. Funds from the Open Space Dedicated Trust Fund may, as directed by the Township Council, be utilized to acquire vacant land as well as land that has improvements upon it at the time of acquisition, where the principal purpose of the acquisition is to preserve open space; and improve and renovate publicly owned open spaces, parks and historic properties, subject to the allocation set forth in § 51-7 hereof.
- B. 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 Dedicated Trust Fund for the approximate value that it deems appropriate relative to open space and the Township's capital account for the value that it determines shall be attributed to improvements.

§ 51-7. Accumulation and use of funds.

[Amended 5-22-2007 by Ord. No. 2007:12]

A. The Open Space Dedicated Trust Fund shall be funded through the dedication of an amount of two cents (\$0.02) per \$100 of assessed valuation of each annual tax levy commencing with the year 1989. The fund shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the trust fund shall be allocated on an annual basis as follows:

- (1) No more than 8/10 of one cent (\$0.008) may be used for capital improvements to open spaces and parks;
- (2) No more than 2/10 of one cent (\$0.002) may be used for preservation of historic properties; and
- (3) Not less than one cent (\$0.01) shall be used for the acquisition of land and improvements for open space preservation. The funds may be utilized for the acquisition of land or development rights or as a down payment for the issuance of bonds for the same purpose, at the discretion of the Township Council.

B. In the event the entire annual allocation in Subsection A(1) or (2), above, is not required for such purpose in any year, the balance shall be allocated to the acquisition of land and improvements for open space preservation.

§ 51-8. Sale of property.

No property acquired with these funds from the Open Space Trust Fund shall be leased or sold until the sale or lease of same has been approved by the voters at a referendum.

§ 51-9. Review of Committee activities; report.

In the event that no property is acquired under this chapter for a period of three consecutive years, then the Mayor and Township Council shall review the activities of the Open Space Committee and issue a report with recommendations and conclusions concerning the Open Space Trust Fund.