

ORDINANCE O-23-25

AN ORDINANCE OF THE TOWNSHIP OF HOWELL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING A REFERENDUM QUESTION TO AMEND THE ANNUAL LEVY FOR MUNICIPAL OPEN SPACE, RECREATION AND HISTORIC PRESERVATION TRUST FUND PURSUANT TO N.J.S.A. 40:12-15.7

WHEREAS, the Township of Howell is desirous of improving the recreational and conservational efforts of lands for the enjoyment of its residents; and

WHEREAS, on or about August 4, 2003, the Township Council of the Township of Howell passed Ordinance O-33-03 authorizing a referendum for a Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund for the purposes set forth at *N.J.S.A. 40:12-15.7a(1)(a)-(g)* funded by an annual levy of a rate of two cents (\$0.02) per one hundred dollars (\$100.00) of assessed real property value; and

WHEREAS, the referendum authorized by Ordinance O-03-33 was answered affirmatively by the Township voters in a referendum dated November 4, 2003; and

WHEREAS, *N.J.S.A. 40:12-15.7d(1)*, The governing body of a municipality may submit to the voters of the municipality in a general or special election a proposition amending or supplementing a proposition previously submitted, approved, and implemented that changes the amount or rate of the annual levy for the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund; and

WHEREAS, the Township Council has determined that it would be in the public interest to place a binding referendum question on the November, 2023 general election ballot for the purpose of assessing voter preference regarding the question as to whether the Township should amend the current levy for the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund with an additional annual levy of a rate of one cent (\$0.01) per one hundred dollars (\$100.00) of assessed real property value imposed by the Township; and

WHEREAS, this levy of one cent (\$0.01) per one hundred dollars (\$100.00) of assessed real property value would be in addition to the levy of two cents (\$0.02) per one hundred dollars (\$100.00) of assessed real property value which is currently imposed by the Township pursuant to Township Ordinance O-03-33.

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Howell, County of Monmouth, State of New Jersey as follows:

SECTION 1. The following referendum question shall be placed on the November 7, 2023 general election ballot:

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

Shall the Township of Howell, pursuant to *N.J.S.A. 40: 12- 15.7d(1)*, amend the annual Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund levy of two cents (\$0.02) per one hundred dollars (\$100.00) of assessed property real property value to three cents (\$0.03) per one hundred dollars (\$100.00) of assessed property real property value to be used for the following purposes:

- (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;
- (f) Blue Acres projects; or
- (g) Payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraphs (a), (b), (d), (e) or (g) of this paragraph; or

YES [] NO []

SECTION 2. The following interpretive statement is offered concerning the proposed referendum establishing an annual levy for the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund:

A “yes” vote will permit the Township of Howell to amend the annual levy for the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund with an additional one cent (\$0.01) per one hundred dollars (\$100.00) of assessed real property value. This would increase the total annual levy for the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund from two cents (\$0.02) to three cents (\$0.03) per one hundred dollars (\$100.00) of assessed real property value. All revenue generated by the levy must be deposited into the Township’s the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund and can only be used for development, maintenance and acquisition of lands for recreation, conservation or historic purposes, Blue Acres projects or payment of debts issued or incurred for such purposes and projects. As an example, if the referendum is approved, an owner of real property assessed at \$100,000 would annually pay \$30 per year into the

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Township's Open Space, Recreation and Historic Preservation Trust Fund instead of the current \$20.

SECTION 3. Pursuant to *N.J.S.A. 40:12-15.7 et seq.*, this ordinance shall not take effect unless approved by the voters at the November 7, 2023 general election.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Howell on the 18th day of July 2023, and will be considered for second and final passage at a meeting of the Township Council to be held on the **7th day of August, 2023**, at 3:00 PM. at the Municipal Building located at 4567 Route 9 North, 2nd Floor, Howell, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>		X		X		
<i>Councilman Gasior</i>	X			X		
<i>Councilman Nadel</i>				X		
<i>Deputy Mayor O'Donnell</i>				X		
<i>Mayor Berger</i>						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held July 18, 2023. WITNESS my hand this 19th day of July 2023.


DIANE FESTINO, RMC
TOWNSHIP CLERK

DASTI & ASSOCIATES
ATTORNEYS AT LAW

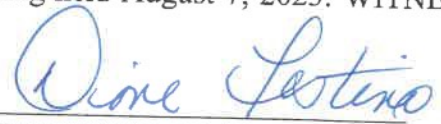
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This is to certify that the foregoing Ordinance was adopted by the Township Council at a **Special Meeting** of the Township of Howell held on August 7, 2023.

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>			X			
<i>Councilman Gasior</i>		X	X			
<i>Councilman Nadel</i>			X			
<i>Deputy Mayor O'Donnell</i>	X		X			
<i>Mayor Berger</i>			X			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Special Meeting held August 7, 2023. WITNESS my hand this 8th day of August 2023.



DIANE FESTINO, RMC
TOWNSHIP CLERK

DASTI & ASSOCIATES

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Explanatory Statement: To Add a Referendum Question to be Placed on the November 7, 2023 General Election.

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