

ORDINANCE 2023-04

ORDINANCE OF THE TOWNSHIP OF WHITE, COUNTY OF WARREN, STATE OF NEW JERSEY TO REPEAL AND REPLACE CHAPTER 33 – FARMLAND PRESERVATION AND OPEN SPACE TRUST FUND AND TO REPEAL CHAPTER 23 ENVIRONMENTAL COMMISSION FOR THE CODE OF THE TOWNSHIP OF WHITE

WHEREAS, the Township Committee of White has examined both Chapter 33 and Chapter 23 to consider combining the Committee and Commission to one Committee; and

WHEREAS, the Township Committee has determined that combining the Committee and Commission would be more effective and efficient for such bodies to carry out their respective duties and obligations; and

NOW, THEREFORE, BE IT ORDAINED by the Committee of the Township of White, County of Warren, State of New Jersey that Chapter 33 the Code of the Township of White shall be repealed and replaced as follows and Chapter 23 shall be repealed in its entirety:

Section 1:

ARTICLE I

Farmland Preservation and Open Space Trust Fund

§ 33-1. Establishment; purpose.

A. There is hereby established a reserve in the Other Trust Fund which shall be known and designated as the "Farmland Preservation and Open Space Trust Fund." A special bank account shall be opened and maintained for this purpose. Funds from the Farmland Preservation and Open Space Trust Fund may, as directed by the Township Committee, be utilized to acquire by gift, purchase or by eminent domain, vacant land, easements other than development easements, and land which has improvements upon it at the time of acquisition. Development easements shall be acquired only by purchase pursuant to contract with the landowner. The principal purpose of the acquisition shall be for any or all of the following purposes, or any combination thereof:

- (1) The purchase of property, easements or development rights within the Township of White for the preservation of farmland, active and passive recreation, or the protection of drinking water sources;
- (2) Acquisition of lands or easements for recreation and conservation purposes;
- (3) Development of lands acquired for recreation and conservation purposes;
- (4) Payment of debt service on indebtedness issued or incurred by the Township of White for any of the purposes set forth in Subsection A(1) through (3) above.

B. Any such land or improvements purchased hereunder shall be held by White Township in trust for the benefit of Township residents.

§ 33-2. Apportionment and allocation of funds.

The Township Committee, after reviewing any recommendations of Open Space Committee and the holding of a public hearing thereon, shall apportion and allocate the monies from the Farmland Preservation and Open Space Trust Fund.

§ 33-3. Funding.

The Farmland Preservation and Open Space Trust Fund shall be funded through the dedication to the fund of an amount of \$0.02 per \$100 of assessed valuation of each annual tax levy commencing with the tax and budget year 1999. The fund shall also be permitted to accept donations and testamentary bequests. The accumulated receipts and deposits within the fund may be utilized for the purposes set forth in § 33-1 herein. Any and all interest accruing shall be retained in and used for the same purposes as established in accordance with § 33-1 herein.

ARTICLE II
Open Space Committee

§ 33-4. Establishment.

There is hereby established an Open Space Committee comprised of Township residents appointed by the Mayor with the consent of the other members of the Township Committee each year at the annual Township reorganizational meeting. The Open Space Committee shall consist of five regular members and two alternate members.

§ 33-5. Term of office; duties.

Three of the members shall be Township residents actively engaged in farming and owning at least a portion of the land they farm. The Open Space Committee shall have, within the appropriations which may be established by the Township Committee, the following duties:

- A. In cooperation with the landowners, identify farmland and open space suitable for preservation;
- B. Establish guidelines for the preservation of farmland and open space;
- C. Establish an application process for the landowners interested in preserving farmland and open space;
- D. Educate the public about farmland and open space preservation programs, and the compensation therefor;
- E. Evaluate and recommend to the Township Committee, with the cooperation and approval of landowners, specific properties and projects for inclusion in the Farmland Preservation and Open Space Trust Fund program, and the amount of public funds needed to be expended therefor;

- F. Evaluate and recommend to the Township Committee appropriate funding mechanisms for the preservation of farmland and open space;
- G. The Open Space Committee is established for the protection, development or use of natural resources, including water resources, located within the territorial limits of the Township of White. The Open Space Committee shall have power to conduct research into the use and possible use of the open land areas of the Township and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas. The Open Space Committee shall have power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.
- H. Advise the Township Committee on stormwater management concerns and issues throughout the Township existing or related to development in the Township.
- I. Meet on a regular basis in order to properly discharge its functions herein, subject to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;
- J. Provide written monthly reports to the Township Committee and Planning Board on the status of all farmland preservation and open space acquisition efforts;
- K. Keep and maintain, in an appropriate place in the municipal building, comprehensive records of its proceedings and all the studies and reports it has generated or received in connection with its work.

§ 33-6. Review and report.

In the event that no property or easements are acquired under this chapter for a period of five consecutive years, then the Township Committee shall review the activities of the Open Space Committee and issue a report with recommendations and conclusions concerning the continuation of the fund.

§ 33-7. Agriculture Advisory Committee; appointment; term; duties. [Amended 12-26-2003 by Ord. No. 2003-27]

There is hereby created a committee known as the "Agriculture Advisory Committee." The Agriculture Advisory Committee shall be comprised of three members, all of whom shall be actively engaged in farming and owning at least a portion of the land they farm. In addition, the Agriculture Advisory Committee may have two alternate members. The members of the Agriculture Advisory Committee shall be appointed by the Mayor with the consent of the other members of the Township Committee at the annual reorganizational meeting. The term of office for all members shall be for three years. The duties of the Agriculture Advisory Committee shall be as follows:

- A. Provide expertise and advice regarding farmland preservation to the Open Space Committee, the Township Committee, and the Township Planning Board.
- B. Comply with the New Jersey Planning Incentive Grant ("PIG") program, N.J.A.C. 2:76-17.1, et seq.
- C. Meet on a regular basis in order to properly discharge its functions herein, subject to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.
- D. File periodic reports with the Township Planning Board as required by N.J.A.C. 2:76-17.4(a)1, and provide copies of same to the Township Committee and to the Open Space Committee.
- E. Perform those mediation duties set forth in § 217-4A and B of the Township Code.
- F. Keep and maintain, in an appropriate place in the municipal building, comprehensive records of its proceedings and all studies and reports it has generated or received in connection with its work.

§ 33-8. Secretaries; funding. [Amended 2-5-2004 by Ord. No. 2004-1; 5-6-2004 by Ord. No. 2004-9]

There is hereby created the position of Secretary, White Township Open Space Committee and White Township Agriculture Advisory Committee. One individual shall serve both Committees. Said positions shall be funded within the limits appropriated by the Township Committee by ordinance.

**ARTICLE III
Sale of Property**

§ 33-9. Authorization required.

No property acquired with the funds from the Farmland Preservation and Open Space Trust Fund shall be leased or sold unless action has been authorized by the Township Committee pursuant to law.

§ 33-10. Disposition of property acquired.

The Township Committee, after at least one public hearing thereon, and upon a finding that the purposes of this chapter might otherwise be better served or that any land acquired by White Township pursuant to this chapter is required for another public use, may, by ordinance, convey through sale, exchange, transfer or other disposition, title to or a lesser interest in that land, provided that White Township shall replace any land conveyed under this section by land of at least equal fair market value and of reasonably equivalent usefulness, size, quality and location to the land conveyed. Any money derived from the conveyance shall be deposited into the fund created herein.

§ 33-11. Compliance with other laws.

Any conveyance made pursuant to this section shall be made in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. In the event of conveyance by exchange, the land or improvements thereon to be transferred to the trust shall be at least

equal in fair market value and of reasonably equivalent usefulness, size, quality and location to the land or improvements transferred from the trust.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

CERTIFICATION

The foregoing ordinance was adopted at the Regular Meeting of the White Township Committee held on the 8th day of November 2023.

Kathleen R. Reinalda, RMC, Municipal
Clerk