



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## ORDINANCE 16-18

### AN ORDINANCE AMENDING CHAPTER II, SECTION 43 (2-43), **“OPEN SPACE COMMITTEE”** OF THE CODE OF THE BOROUGH OF HIGHLANDS RELATED TO THE POWERS AND DUTIES OF THE OPEN SPACE COMMITTEE

WHEREAS, the Borough has established an Open Space Trust Fund as more specifically set forth in Chapter II, Section 42 (2-42) of the Borough Code; and

WHEREAS, the Borough has established an Open Space Committee, as more specifically set forth in Chapter II, Section 43 (2-43) of the Borough Code; and

WHEREAS, the Borough has made a determination to utilize open space trust funds to acquire, preserve and improve lands for open space, conservation, recreation and parklands by the Borough of Highlands; and

WHEREAS, the Borough has analyzed and evaluated the Borough Code and has recommended a change with respect to the scope of duties of the Open Space Committee as set forth in Chapter II, Section 43 (2-43); and

WHEREAS, the governing body finds that this recommendation is in the best interests of the residents of the Borough of Highlands and should be adopted for the general welfare of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

The following section of Chapter II, Section 43.4, **entitled “Powers and Duties”** of the Open Space Committee, of the Code of the Borough of Highlands, shall be amended and supplemented as follows: (underscores represent additions):

#### SECTION I.

#### 2-43 OPEN SPACE COMMITTEE.

##### 2-43.1 Establishment.

There is hereby established an open space committee, which shall consist of seven members, whose terms and powers are hereinafter set forth.

##### 2-43.2 Membership.

The open space committee shall be comprised of the following persons:

- a. One member of the Borough Council of the Borough of Highlands appointed by the mayor and borough council.
- b. Six citizens of the borough appointed by the mayor and borough council.

#### 2-43.3 Terms.

- a. The member of the borough council appointed to the open space committee shall have a term of one year.
- b. The terms of the citizen members shall be for three years. However, when the committee is first constituted, two committee members shall be appointed to and serve a one-year term initially, two committee members shall be appointed to and serve a two-year term initially and two committee members shall be appointed to and serve a full three-year term. This will provide for two committee members being appointed each year to a full three-year term after the initial creation of the committee.

#### 2-43.4 Powers and Duties.

a. The open space committee shall initially prepare a report recommending which parcels of land should be acquired in fee and/or those parcels of land from which the Borough should acquire development rights only.

b. The open space committee shall submit to the Borough Council a prioritized list of properties which it recommends that the Borough acquire and/or properties from which it recommends that development rights should be acquired.

c. The borough council is to determine the properties or development rights to be acquired by gift, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., within the financial constraints it establishes for such acquisition.

d. The open space committee shall also advise the borough council as to the parcels of land for which it recommends the Borough use funds from the Open Space Trust Fund, in order to preserve and improve lands for open space, conservation, recreation and parklands by the Borough of Highlands.

e. The borough council will review the recommendations of the open space committee, as to the specific parcels of lands for which it recommends the Borough use funds from the Open Space Trust Fund, for the preservation and improvement of lands for open space, conservation, recreation and parklands. The borough council will then make a determination as to whether to utilize funds from the Open Space Trust Fund, in order to preserve and improve the specific parcels of land, recommended by the open

space committee, for open space, conservation, recreation and parklands by the Borough of Highlands.

#### 2-43.5 Public Meetings.

The open space committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act and the borough council shall give appropriate notification of said meetings.

#### 2-43.6 Officers.

The open space committee shall select from among its members a chairman, and a vice-chairman to serve as the presiding officer in the absence of the chairman. The committee shall also appoint a secretary whose function shall be to maintain minutes of the committee's meeting and records of the proceedings of the committee.

#### 2-43.7 Initial Organization Meeting.

The open space committee shall hold its initial organization meeting shortly after this section takes effect.

#### 2-43.8 Sale of Property.

No property acquired with the funds from the reserve for open space acquisition shall be leased or sold, until the sale or lease of the same has been authorized by the borough council in the manner prescribed by law.

#### 2-43.9 Reviews and Reports.

In the event that no property is acquired under this chapter for a period of five consecutive years, then the borough council shall review the activities of the open space committee and issue a report with recommendations and conclusions concerning the reserve for open space acquisition.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Acting Municipal Clerk

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD		X	X			
D'ARRIGO	X		X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA ___ YES ___ NO X						

**Public Hearing/Possible Adoption – September 21, 2016**

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held September 07, 2016. WITNESS my hand this 8th day of September 2016.



Dwayne M. Harris, RMC  
Acting Municipal Clerk