

Mr. Caizza offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according the law:

**O-09-04**

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS,  
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY,  
AUTHORIZING AND ESTABLISHING OPEN SPACE TRUST FUND ORDINANCE**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands as follows:

**WHEREAS**, the voters of the Borough of Highlands, County of Monmouth, State of New Jersey, November 3, 2008, expressed their support to the Borough Council of the Borough of Highlands to establish an Open Space Trust Fund and to create the mechanism for collection of a dedicated .005 tax on each \$100 of assessed real property in the Borough of Highlands; and

**WHEREAS**, the Borough Council of the Borough of Highlands deems it necessary and convenient to establish such mechanism to begin collections during 2009; and

**WHEREAS**, the Borough Council of the Borough of Highlands agrees that the collection of such funds, creation of such trust fund mechanism and the acquisition of open spaces for perpetual preservation are in the best interests of the citizens of the Borough of Highlands.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Highlands as follows:

1. There is hereby authorized and established a specific and dedicated tax assessment of .005 (one half cent) per one hundred dollars of the assessed property valuation, to be assessed and paid on all taxable property in the Borough commencing with the tax year 2009 and continuing thereafter. The monies collected pursuant to such specific and dedicated tax will be used specifically and solely to acquire, preserve and improve lands for open space, conservation, recreation and parklands by the Borough of Highlands.

2. There is hereby created the Open Space Trust Fund to be administered by the Department of Finance of the Borough of Highlands subject to the provisions of the within Ordinance, which Trust Fund shall have deposited in it the special assessment of .005 per \$100 of assessed property valuation.

3. The Borough's Chief Finance Officer shall establish such Trust in a manner perpetually to keep separate and apart from all other Borough budgeted items all costs in connection therewith and all funds collected pursuant hereto.

4. The Borough's Chief Finance Officer, together with the Tax Assessor and tax collection, shall operate as necessary and convenient for the administration of the said Trust Fund including but not limited to creation of a separate line item on the municipal tax bills forwarded to all Highlands taxpayers, identifying the Trust Fund as follows: "Municipal Open Space Tax" and inserting opposite such separate line item the amount to be collected for such Fund as calculated pursuant to the said .005 per \$100 of assessed valuation as provided by the voters of Highlands at the said referendum conducted on November 3, 2008.

5. In the event the Borough of Highlands shall become the beneficiary, by way of gift, federal or state grant or other funding sources of any lands or unrestricted funds, such lands and/or funds may, at the discretion of the Borough Council be deposited in the Trust Fund, in the case of monies, or placed upon the Trust Funds' register of open lands, as the case may be.

6. It is the intention of this Ordinance to comply with all applicable state and federal programs governing the acquisition of open space for active or passive recreational, and the like, purposes.

7. All lands acquired through the program herein authorized shall be set aside and dedicated for such open space purposes and all deeds and other applicable documents shall so indicate.

8. All decisions respecting the acquisition and purchase of such lands shall be the determination of the Borough Council, subject to the applicable state and federal regulations.

9. If any clause of the within Ordinance be deemed by a Court of competent jurisdiction to be unlawful, the remaining provisions of the within Ordinance shall remain in full force and effect.

This Ordinance Shall take effect immediately upon publication.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Page 3**  
**O-09-04**

**DATE: February 18, 2009**

---

**NINA LIGHT FLANNERY**  
**Borough Clerk**

**Intro: February 18, 2009**  
**Publish: February 24, 2009 TRT, 3/24/2009 Asbury Park Press**  
**2<sup>nd</sup> Reading: April 1, 2009**  
**Adoption: April 1, 2009**  
**Publication:**

I, \_\_\_\_\_ Clerk/Deputy Clerk do hereby certify this to be a  
true copy of Ordinance # O-09-04 as adopted on April 1, 2009.