



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 08/11/20 08:00 PM

Department: Finance

Category: Authorization

DOC ID: 5881

RESOLUTION 162-2020

Authorize Submission of Binding Referendum Question – 2020 General Election

RESULT: ADOPTED BY CONSENT VOTE [6 TO 0]
MOVER: James Dunleavy, Mayor
SECONDER: Michael S Pagan, Councilman
AYES: Schwartz, Orgen, Dunleavy, Rice, Kaplan, Pagan
ABSTAIN: Elie Y. Katz

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

162-2020

**AUTHORIZE SUBMISSION OF BINDING REFERENDUM QUESTION –
2020 GENERAL ELECTION**

WHEREAS, *N.J.S.A. 40:12-15.1 et seq.*, and specifically *N.J.S.A. 40:12-15.7*, authorizes the governing body of any municipality to submit to the voters a proposition authorizing imposition of an annual tax levy 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. 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) for (g);
- g. Blue Acres projects; and

WHEREAS, any amounts raised by such tax levy shall be deposited into a “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund; and

WHEREAS, upon approval of the proposition by a majority of the votes cast by the voters of the municipality, the governing body of the municipality may annually raise by taxation a sum not to exceed the amount or rate set forth in the proposition approved by the voters for the purposes specified therein, provided that if the amount or rate set forth in the proposition was not subdivided among the various purposes, the governing body of the municipality may determine the appropriate amount or rate to be allocated to each purpose after conducting at least one public hearing thereon (*N.J.S.A. 40:12-15.7*); and

WHEREAS, pursuant to a Teaneck Council resolution adopted on June 7, 2004, the voters of the Township of Teaneck approved a referendum establishing a dedicated tax program and imposing an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value for a period not to exceed four (4) years, for the aforesaid purposes; and

WHEREAS, pursuant to Teaneck Council Resolution 307-08 adopted on July, 22, 2008, the voters of the Township of Teaneck approved a referendum on November 4, 2008, to continue a dedicated tax program and imposing an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value for a period not to exceed four (4) years, for the aforesaid purposes; and

WHEREAS, pursuant to Teaneck Council resolution 171-12 adopted on July 24, 2012, the voters of the Township of Teaneck approved a referendum on November 6, 2012, to continue a

dedicated tax program and imposing an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value for a period not to exceed four (4) years, for the aforesaid purposes; and

WHEREAS, pursuant to Teaneck Council resolution 175-2016 adopted on July 19, 2016, the voters of the Township of Teaneck approved a referendum on November 8, 2016, to continue a dedicated tax program imposing an annual tax levy at the rate of \$0.01 per \$100 of assessed value for a period not to exceed four (4) years, for the aforesaid purposes; and

WHEREAS, the Township of Teaneck has heretofore appropriated from said “Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund” funds to develop and maintain land acquired for recreation purposes including the construction of an inclusive (accessible) playground at Votee Park, improvements to the soccer field at Votee Park and the upgrade of various parks and playgrounds; and

WHEREAS, the Township Council of the Township of Teaneck wishes to submit to the voters of the Township of Teaneck as a binding referendum question whether to continue a dedicated tax program and extend the imposition of an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value, effective for the calendar year 2021, for a period not to exceed four (4) years unless a proposition extending the same is approved by the voters for the aforesaid purposes;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Teaneck, in accordance with the provisions of N.J.S.A. 40:12-15.7 that the following question be submitted to the voters of the Township of Teaneck at the General Election to be held on November 3, 2020, as a binding referendum question:

Shall the Township of Teaneck, effective for the calendar year 2021, continue a dedicated tax program and extend an annual tax levy at the rate of \$0.01 per \$100.00 of assessed value for a period not to exceed four (4) years unless a proposition extending the same is approved by the voters for the following purposes:

- i. acquisition of lands for recreation and conservation purposes;*
- ii. development of lands for recreation and conservation purposes*
- iii. 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;*
- iv. payment of debt service on indebtedness issued or incurred by the Township of Teaneck for the foregoing purposes; and*
- v. maintenance of lands for recreation and conservation purposes,*

to be allocated among any and all of the above purposes or any combination thereof, so that:

- A. no less than fifty (50%) percent of the total tax collected over the four (4) year period shall be devoted to acquisition of lands for recreation and conservation purposes; 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; and payment of debt service on indebtedness issued or incurred by the Township of Teaneck for any of the foregoing purposes, and*
- B. no more than fifty (50%) percent of the total tax collected over the four (4) year*

period shall be devoted to the development of lands for recreation and conservation purposes; payment of debt service on indebtedness issued or incurred by the Township of Teaneck for the foregoing purpose; and maintenance of lands for recreation and conservation purposes, provided, however, that all or any portion of the tax collected over the four (4) year period may be devoted to a specific site or project regardless of the aforesaid allocation as determined by the Township Council of the Township of Teaneck by the affirmative vote of at least five (5) members of the Council after conducting at least one public hearing thereon.

INTERPRETIVE STATEMENT

This proposition would authorize the Township of Teaneck, effective with the calendar year 2021, for a period of four (4) years, to continue the existing Municipal Trust Fund for the acquisition and development of lands for recreation and conservation purposes, 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 as well as for the payment of debt service for any of these purposes provided that payment of such debt service shall not exceed the life expectancy of any improvement for which debt service is sought, and maintenance of lands for recreation and conservation purposes. Real property owners in the Township of Teaneck would be taxed annually at the rate of \$0.01 per \$100.000 assessed value not to exceed four (4) years to fund this program (which is equal to \$40.00 per year for a property assessed at \$400,000.00).

The Trust Fund would be funded for a period of no more than four (4) years, effective for the calendar year beginning in 2021, unless a proposition to extend the fund is approved by the voters of the Township of Teaneck.

Taxes collected over the four (4) year period would be allocated so that not less than fifty (50%) percent of such taxes shall be devoted to acquisition of lands for recreation and conservation purposes; 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; and payment of debt service on indebtedness issued or incurred by the Township of Teaneck for any of the foregoing purposes, and so that no more than fifty (50%) percent of the total tax collected over the four (4) year period shall be devoted to the development of lands for recreation and conservation purposes; payment of debt service on indebtedness issued or incurred by the Township of Teaneck for the foregoing purpose; and maintenance of lands for recreation and conservation purposes, provided, however, that all or any portion of the tax collected over the four (4) year period may be devoted to a specific site or project regardless of the aforesaid allocation as determined by the Township Council of the Township of Teaneck by the affirmative vote of at least five (5) members of the Council after conducting at least one public hearing thereon.

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby authorized and directed to forward this binding referendum question to the Bergen County Clerk for the submission to the voters of the Township of Teaneck at the November 3, 2020 election.

This is to certify that the above Resolution was adopted by the
Township Council on August 11, 2020

Doug Ruccione

Doug Ruccione
Acting Township Clerk