

ORDINANCE NO. 2026-09
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NEW JERSEY

**AN ORDINANCE AUTHORIZING A NON-BINDING
REFERENDUM BALLOT QUESTION REGARDING THE
USE OF OPEN SPACE TRUST FUNDS**

WHEREAS, Green Township has approved an Open Space Committee and Open Space Trust Fund for acquisition of vacant land and land which has improvements upon it, where the principal purpose is to preserve open space, recreation, farmland preservation, and/or historic preservation, currently codified in the Green Township Code Section 2-40.1 et seq.; and

WHEREAS, N.J.S.A. 40:12-15.7(d) allows the governing body to submit to voters in a general or special election a proposition amending or supplementing a previously approved proposition regarding open space conservation, including adding purposes for which Open Space Funds may be expended; and

WHEREAS, N.J.S.A. 19:37-1 permits governing bodies to ascertain the sentiment of legal voters upon a question by submission of such question to a vote of the electors in the municipality at any election held therein, by adopting at a regular meeting an ordinance or resolution requesting the County Clerk to print upon official ballots to be used at the next ensuing general election a proposition to be formulated and expressed in the Ordinance in concise form; provided the request shall be filed with the County Clerk not later than eighty-one (81) days previous to the election.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Green, as follows:

Section 1. The Green Township Committee does hereby request that the following non-binding referendum question be forwarded to the Sussex County Clerk to be placed on the November 2026 General Election Ballot:

OPEN SPACE TRUST FUND NON-BINDING REFERENDUM

Shall the Green Township Committee adopt an Ordinance revising the permitted use of the Open Space Trust Fund monies, currently codified as Section 2-40.1 et seq. of the Green Township Code, to allow up to a maximum of 10% [reduced from 30%] of the total Open Space Trust Fund (as of January 1 of each year) to be utilized for construction and maintenance costs of Open Space properties, only so long as the balance of the Open Space Trust Fund is more than \$1,000,000.00 as of January 1 of the year the funds will be used?

[] Yes

[] No

INTERPRETIVE STATEMENT

A “YES” vote will not increase the tax. This proposed revision is intended to strengthen the long-term preservation of the Township’s Open Space Trust Fund by reducing the percentage of funds that may be expended annually on construction and maintenance activities and by introducing a minimum balance requirement. By limiting withdrawals and ensuring a stable funding threshold, the Township aims to safeguard the financial sustainability of the Trust Fund while continuing to support essential stewardship and improvement of Open Space properties.

Currently, the Township Code permits the use of up to 30% of Open Space Trust Fund monies for construction and maintenance purposes with no minimum balance requirement.

This proposal will revise the Township’s current Open Space Ordinance, Section 2-40.1 et seq, by allowing a maximum of 10% of the balance of the Open Space Trust Fund monies each year to be utilized for costs associated with the construction and maintenance of Open Space properties, provided that the Fund maintains a minimum balance of more than \$1,000,000 as of January 1 of the year in which the funds are to be used.

A Yes vote on this referendum question will mean that the voters desire that up to 10% of Open Space funds [reduced from 30% of the Fund] may be utilized for construction and maintenance costs on Open Space properties, only if the balance of the Fund as of January 1 is \$1,000,000.00. A “YES” vote will not increase the tax. This ballot question is non-binding.

Section 2. The Sussex County Clerk is hereby requested to print the Non-Binding Referendum and Interpretive Statement on the Official Ballot for the next Election held in November 2026.

Section 3. **Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 4. **Repealer.** All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 5. **Effective date.** This Ordinance shall take effect after its final passage and publication as required by law.

NOTICE

TAKE NOTICE that the above entitled Ordinance was introduced at a regular meeting of the Green Township Committee held on Monday, June 15, 2026. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Green Township Committee to be

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conducted at 7:00 p.m. on Monday, July 20, 2026 at the Green Township Municipal Building,
150 Kennedy Road, Tranquility, New Jersey, and shall take effect according to law.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX

Mark Zschack, RMC, Township Clerk

Virginia Raffay, Mayor

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung		√	√			
Phillips	√		√			
Qarmout			√			
Rose			√			
Mayor Raffay			√			

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
DeYoung						
Phillips						
Qarmout						
Rose						
Mayor Raffay						

INTRODUCED: June 15, 2026
ADOPTION:

ADVERTISED: June 16, 2026
ADVERTISED: