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PUBLIC HEARING

before

SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE

SENATE CONCURRENT RESOLUTION NUMBER 40

(Proposes an amendment to the Constitution to permit municipalities to enact ordinance granting tax exemptions on privately owned real property dedicated for recreation conservation and open space uses)

April 6, 1987  
Room 341  
State House Annex  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Richard Van Wagner, Chairman

ALSO PRESENT:

Hannah Shostack  
Office of Legislative Services  
Aide, Senate County and Municipal  
Government Committee

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Hearing Recorded and Transcribed by  
Office of Legislative Services  
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Hearing Unit  
State House Annex  
CN 068  
Trenton, New Jersey 08625





## New Jersey State Legislature

### SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE

STATE HOUSE ANNEX, CN-068  
TRENTON, NEW JERSEY 08625  
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MARCH 27, 1987

### NOTICE OF PUBLIC HEARING

The Senate County and Municipal Government Committee will hold a public hearing on SCR 40 on Monday, April 6, 1987 at 10:00 a.m. in Room 341, State House Annex, Trenton, New Jersey. This meeting will be followed by a Joint Public Hearing with the Senate Transportation and Communications Committee at 10:30 a.m. to consider the "Transplan" bills proposed by the Department of Transportation (see separate notice).

This public hearing is being held in accordance with Article IX, Paragraph I of the Constitution, which requires that a proposed Constitutional amendment be considered at a public hearing prior to the first vote of either house.

SCR 40	Proposes an amendment to the Constitution to permit
Bassano	municipalities to enact ordinance granting tax
	exemptions on privately owned real property dedicated
	for recreation conservation and open space uses.

Anyone wishing to testify should contact Hannah Shostack, Committee Aide to the Senate County and Municipal Government Committee, at (609) 292-1596.



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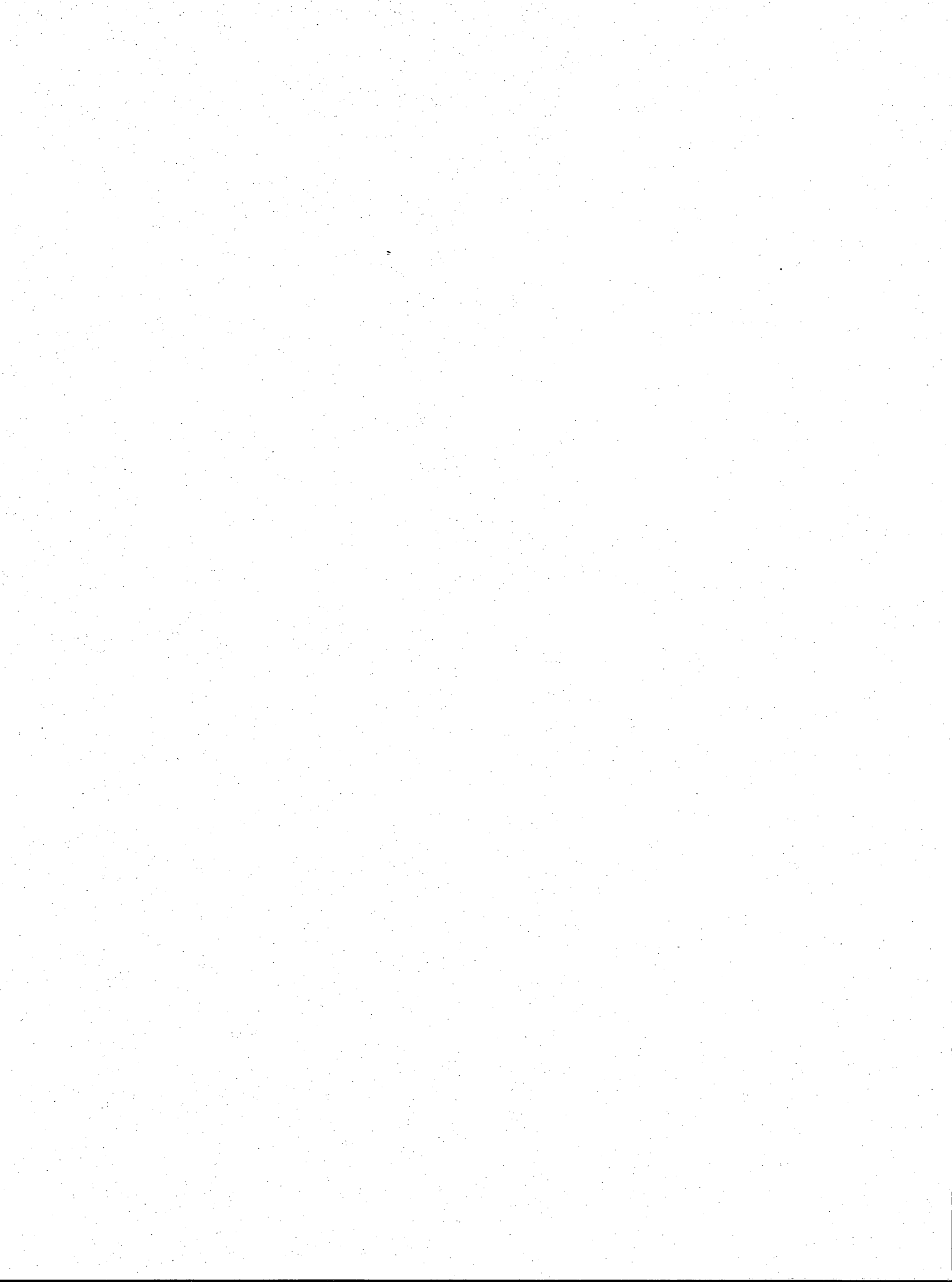
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John Meeker  
Tax Administrator  
Union County Board of Taxation

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SENATOR RICHARD VAN WAGNER (Chairman): If I could just get your attention one second, we're going to try to hold this public hearing. We just have two people to testify. This is a public hearing required by the Constitution to place a question on the ballot. It's Senate Concurrent Resolution Number 40. The sponsor is Senator Bassano. And, in keeping with the protocol that we recognize in this Senate County and Municipal Government Committee, I will ask Senator Bassano to present his resolution, which is before us, for public hearing. This bill has been released from Committee, has been laid on the desk for the appropriate period of time, and is now going through the final stage of its process before being in a position to be listed for consideration in the Senate. And that is the public hearing process. Senator Bassano?

SENATOR C. LOUIS BASSANO: Senator Van Wagner, thank you for considering SCR-40 today. Certainly this resolution that's before you today -- this concurrent resolution -- is not going to change the shape of the State of New Jersey. However, it can help with Green Acres and recreational property so that more of that type of land will be available in our State.

What SCR-40 would do would be to propose an amendment to the State Constitution to allow local municipalities to provide property tax exemptions for privately owned property which is dedicated to the municipality for conservation, recreation, and open space use. We feel that this bill, if it does become law, would make it possible to add more Green Acres to New Jersey at much lesser cost to the general public. It's for that reason that I'm hopeful that this SCR resolution does move through the legislative process, is placed on the ballot, and will be supported by the general public. If that happens, of course the next thing we would have to do then is to enact the law to grant that power to the municipalities to waive property taxes.

I do thank you, and certainly will entertain any questions that anyone may have, should the general public have questions on the SCR.

SENATOR VAN WAGNER: Thank you, Senator. We have Diane Quinton, who is representing the New Jersey Conservation Foundation.

D I A N E Q U I N T O N: Thank you, Senator. My name is Diane Quinton, and I'm speaking on behalf of the New Jersey Conservation Foundation, which is a private nonprofit foundation very interested in maintaining open space in New Jersey. They've been actively involved in such legislation as the Pinelands Protection Act, and the present wetlands legislation.

I appreciate the opportunity to comment on SCR-40, sponsored by Senator Bassano. And, although the Foundation commends Senator Bassano for sponsoring the amendment, we don't feel it really goes far enough. The Foundation has long supported the use of privately owned land for permanent conservation, recreation, and open space use, but they feel that any lands covered by the Open Lands Management Act, or any lands which would be opened to the public through either temporary or permanent deed restrictions, should receive at least a partial tax exemption.

Watershed lands also provide public access in many instances, and under those circumstances when there's some temporary or more permanent restriction against development, tax exemption should be provided for them as well.

On the face of it, providing these tax exemptions might sound like far-reaching an irresponsibility. Land which is not developed, as you well know, doesn't require any of the services required by developed land, such as the schools, the garbage pick-ups, the fire and police protection. Therefore, in the long run it seems much cheaper for a municipality to

maintain these open lands than it would to maintain developed lands.

Thank you.

SENATOR VAN WAGNER: Thank you, Ms. Quinton. We also have today Mr. John Meeker, Jr. who is the Tax Administrator for the Union County Board of Taxation. Mr. Meeker?

J O H N M E E K E R: Thank you, Senator. I also support this legislation -- this proposed constitutional amendment. And, I have not been able to see any legislation that's been drafted yet that would implement this. Is that because it hasn't been prepared at this point?

SENATOR VAN WAGNER: The normal course of these events which, if placed on the ballot and approved by the voters, really echoes to the Legislature a sense of what the voters feel is appropriate, and assuming that they support such a move such as this.

Once that action is taken, and the Legislature becomes by that vote aware of the sentiment of the public, it is then our responsibility to the best of our abilities to structure legislation that best fits the purpose stated in the question approved by the voters.

That's the normal course of action taken. Sometimes, legislators do introduce bills along with their resolution. Normally, however, they do not. They normally wait for the sentiment of the public to be expressed.

MR. MEEKER: Fine. Thank you. I think this bill will help provide open spaces. I would like to see the Legislature caution municipalities that they are hurting their tax base when they do grant this exemption, so it should be given for a very good purpose. I would also like to caution the municipalities that there should be some definite time-frame for the use of this property by the municipality. I would trust that the Legislature would, because of its giving this tax exempt status, make sure that the property would be

available to the public for quite a long period of time; not just a short period of time.

SENATOR VAN WAGNER: If I might point out, in the question itself, it states that it shall be for a specified period of time.

MR. MEEKER: Well, my concern was the fact it could be for six months, or for a year, or for two years, where I think the intent of the sponsor is to have it for many, many years, in briefly speaking with the sponsor.

SENATOR VAN WAGNER: I don't know whether we would adopt a statute that would place this in a tax-exempt status in perpetuity, but I sense that we would probably place it there -- assuming it passed and we drew legislation to do that -- for a period of time lengthy enough to make it a permanent recreational use, but with a provision that said that if any change were to take place, then of course that exemption would be lost. But I would sense that we would probably -- I can't speak for the sponsor -- but I sense that, if he would propose a bill, it would probably be for a very long period of time.

SENATOR BASSANO: We would have to look at it in a lot of different avenues with regards to time period. We would have to also address the issue of placing the structure, or making improvements on the property -- that would have to be addressed in the legislation. For that reason, we're taking one step at a time, and moving slowly, first with the SCR. If it's accepted by the public, then at that time we will draft necessary legislation, which I'm sure Jack will have the opportunity to comment on.

SENATOR VAN WAGNER: Well, what-- Assuming Mr. Meeker and I'm still around -- the assumption is more of me than he -- he's worked as a member of study groups and ad hoc committees appointed by my Committee on areas of taxation. So, I could almost assure you that if we were to put together any kind of working group, Mr. Meeker would be involved in it. Because, he normally is.

MR. MEEKER: Thank you, Senator. The only other concern I have is the -- or I should say comment. We intended, when the Farmland Assessment Act was passed, that the land would stay in farmland, and I think we've all experienced the fact that this has not really happened.

SENATOR VAN WAGNER: No.

MR. MEEKER: It's postponed the inevitable, and we've had development on the very land we tried to save. That's why I think with this bill it could be a great help, because it does provide the exemption that probably is most necessary for preservation. And that's why I'm very concerned that we have a good time frame in there for this tax exemption, so that we really do preserve this land.

SENATOR VAN WAGNER: All right. Your point is well taken.

MR. MEEKER: Thank you, Senator.

SENATOR VAN WAGNER: Now, is there anyone else wishing to be heard on SCR-40? Anyone else at all? Senator, any final comments?

SENATOR BASSANO: No final comments.

SENATOR VAN WAGNER: No final comment. If there are no other comments -- Hannah? (negative response) -- if there are no other comments, or no one else here to testify, I'd like to adjourn this public hearing. SCR-40 is now appropriately placed on second reading.

(HEARING CONCLUDED)

