

ORDINANCE NO. 2021-07

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 9: "BOARDS, COMMITTEES, AND COMMISSIONS" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO HEREAFTER DESIGNATE ALL ENVIRONMENTAL COMMISSIONERS AS GREEN TEAM MEMBERS IN ADDITION TO THOSE GREEN TEAM MEMBERS ANNUALLY APPOINTED BY RESOLUTION

WHEREAS, the Borough of Red Bank, County of Monmouth, State of New Jersey (the "Borough") maintains an Environmental Commission, codified under Code Sections 9-13 through 9-18, to enhance the sustainability, monitoring, and protection of the Borough's natural resources and environment; and

WHEREAS, the Borough has likewise established a "Green Team" to support and participate in the Sustainable Jersey Municipal Certification Program; and

WHEREAS, over several years, the Borough's Environmental Commission and the Borough's Green Team have worked closely together and share many of the same members seeking to certify the Borough under the Sustainable Jersey Municipal Certification Program; and

WHEREAS, through the extraordinary efforts of the Borough's Environmental Commission and Green Team, the Borough is one of only three Monmouth County municipalities to achieve Silver Certification from the Sustainable Jersey Municipal Certification Program; and

WHEREAS, the Borough desires to expand the extraordinary and ongoing efforts of its "Green Team" by modifying the Borough Code to automatically appoint all of the Borough's Environmental Commissioners as members of the Borough's "Green Team" in addition to those "Green Team" members annually appointed by Resolution;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that the following Article 1 of Chapter 9: "Boards, Committees, and Commissions" of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken~~ text denotes deletions, underlined text denotes additions):

ARTICLE V ENVIRONMENTAL COMMISSION

§ 9-13 Created.

There is hereby created, pursuant to N.J.S.A. 40:56A-1, an Environmental Commission which shall consist of seven commissioners plus two alternate commissioners, who shall be designated at the times of their appointment as "Alternate No. 1" and "Alternate No. 2," all of whom shall be residents of the Borough of Red Bank and one of whom shall be a member of the Planning Board. Each member of the Environmental Commission shall be nominated and appointed by the Mayor only with the advice and consent of the Borough Council and shall serve without compensation. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

§ 9-14 Terms of Office.

- A. *General.* The Commissioners of the Environmental Commission shall serve for a term of three consecutive years. Alternate commissioners shall serve for a term of two years, and until the appointment and qualification of their successors.
- B. *Terms of office of initial commissioners.* The initial commissioners shall serve for the following initial terms:
 - (1) Two commissioners for a term of one year; and
 - (2) Two commissioners for a term of two years; and
 - (3) Three commissioners for a term of three years.

- (4) The terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year.
- C. *Vacancy.* A vacancy occurring otherwise than by expiration of the terms shall be filled for the unexpired term by the Mayor with the advice and consent of the Borough Council.
- D. *Removal.* The Mayor or the Borough Council of the Borough of Red Bank may remove any member of the Commission for cause, on written charges served upon the Commissioner and after a hearing thereon at which the Commissioner shall be entitled to be heard.
- E. *Exception.* Notwithstanding any other provision herein to the contrary, the term of any Commissioner common to the Planning Board shall expire upon the expiration of the term of membership on the Planning Board.

§ 9-15 Organization; officers; rules; meetings.

- A. For purposes of administration, the Environmental Commission is hereby placed within the Department of Administration, division of Planning and Zoning.
- B. The Commission as a body shall designate one of the commissioners to serve as chairman and presiding officer of the Commission for an annual term of office.
- C. The Commission may establish any rules necessary for the orderly conduct of its business. Any matter not covered by its adopted rules shall be governed by Robert's Rules of Order. The rules must be ratified by the Mayor and Council prior to its adoption.
- D. There shall be maintained a record, which shall be opened to the public, of the Commission's resolutions, proceedings, and actions. The Environmental Commission shall make an annual report to the Borough Council.

§ 9-16 Powers and Duties.

The Environmental Commission shall have the following powers and duties:

- A. To conduct research into the use and possible use of the open land areas of the Borough of Red Bank.
- B. To keep an index of all open areas, publicly or privately owned, including open marsh lands, swamps, and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the Planning Board, plans and programs for the inclusion in a municipal master plan and the development and use of such areas.
- C. To study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.
- D. To review and make recommendations on any major applications filed before the Red Bank Planning Board and/or the Red Bank Zoning Board of Adjustment.
- E. To have input into the impact of major applications in other contiguous municipalities as they may impact upon the Borough of Red Bank.
- F. To comment on Master Plan reviews.
- G. To serve as members of the Borough's "Green Team" to advance the Borough's goals and objectives under the Sustainable Jersey Municipal Certification Program, together with any and all other "Green Team" members appointed annually by Resolution of the Borough's governing body.

§ 9-17 Property acquisitions by Commission.

The Environmental Commission may not acquire property, either real or personal, in the name of the municipality either by gift, purchase, grant, bequest, devise or lease or otherwise. The Environmental Commission may recommend to the Borough Council the acquisition of any such property, either real or personal, which may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve improperly utilized open spaces and other land and water areas in the Borough of Red Bank.

§ 9-18 Liaison with contiguous municipalities.

The Commission shall include nonvoting liaison members from the Borough of Tinton Falls, Borough of Little Silver, Borough of Fair Haven, Borough of Shrewsbury and Township of Middletown; provided, however, that the named contiguous municipalities agree to forward and nominate a liaison member; and, provided further that the named municipalities have adopted an Environmental Commission and have also agreed to accept a liaison member from the Borough of Red Bank as a nonvoting member of their Environmental Commission.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

| | Motion | Yes | No | Abstain | Absent |
|------------------------|--------|-----|----|---------|--------|
| Councilman Yassin | | | | | |
| Councilwoman Triggiano | | | | | |
| Councilman Ballard | | | | | |
| Councilman Yngstrom | | | | | |
| Councilman Zipprich | | | | | |
| Councilwoman Horgan | | | | | |

Introduction: February 10, 2021

Public Hearing: February 24, 2021