

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 12-2023

**AN ORDINANCE AMENDING CHAPTER 2: "ADMINISTRATION" OF
THE BOROUGH'S REVISED GENERAL ORDINANCES TO MODIFY
SECTION 2-58: "ENVIRONMENTAL COMMISSION" TO PROVIDE FOR
ASSOCIATE MEMBERS OF THE ENVIRONMENTAL COMMISSION.**

BE IT ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that Chapter 2: "Administration" of the Borough's Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

2-58 ENVIRONMENTAL COMMISSION.

2-58.1 Creation.

There is hereby created an Environmental Commission in the Borough for the protection, development and use of the natural resources located within the territorial limits of the Borough, pursuant to the provisions of N.J.S.A. 40:56A-1, et seq.

2-58.2 Members; Terms of Office; Compensation; Chairperson.

- a. The Mayor shall appoint the members of the Environmental Commission, which shall consist of seven members and two alternate members, all of whom shall be residents of the Borough, and one of whom shall also be a member of the Borough Planning Board.
- b. All members shall be appointed for terms of three years, with approximately one-third of the members' terms expiring annually, except that alternate members shall be appointed for two-year terms, one of which shall expire annually. Vacancies shall be filled for the unexpired term only, in the same manner as an original appointment.
- c. The members shall receive no compensation for their services.
- d. The Mayor shall annually designate one of the members to serve as Chairperson and presiding officer of the Environmental Commission within the first seven days of the year.
- e. The Mayor, from time-to-time, in consultation with the Environmental Commission, may appoint associate members to the Commission whose expertise in environmental issues and/or the natural resources of the Borough is sought by the Commission. An associate member need not be a resident of the Borough, and shall serve for a term of two (2) years from the date of appointment. An associate member shall consult with and advise the Commission, but shall have no vote upon matters under consideration by the Commission.

2-58.3 Powers and Duties.

The Commission shall have the following powers:

- a. Promoting the conservation and development of the natural resources of the Borough.
- b. Planning, implementing and informing the public about local conservation programs.
- c. Conducting research into the possible use of the open areas of the Borough of Allentown.
- d. Recommending to the Planning Board plans and programs, for inclusion in a Municipal Master Plan, for the development and use of such open areas.
- e. Advertising, preparing, printing and distributing books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purposes.
- f. Managing donated or purchased lands for conservation purposes and operating conservation programs.
- g. Acting as the coordinating agency of the community on conservation matters and as a liaison between conservation needs and regional, County, State and Federal agencies ministering to those needs.

2-58.4 Index of Open Areas.

The Commission shall compile and keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas.

2-58.5 Acquisition of Property.

The Commission, with the approval of the Borough Council may acquire property, both real and personal, in the name of the Borough, by gift, purchase, grant, bequest, devise or lease, for any of its purposes, including but not limited to use as living museums, sites for scientific study, areas for teaching of natural history and conservation, places of historic or prehistoric interest and scenic beauty and habitat for rare and endangered plants and animals, and shall administer the same for such purposes, subject to terms of the conveyance of gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement, covenant or other contractual right as may be necessary to acquire, maintain, improve, protect, limit the future use or otherwise conserve and properly utilize open spaces and other land and water areas in the Borough.

2-58.6 Exclusive Control.

The Environmental Commission shall, subject to approval of the Borough Council, have exclusive control of lands acquired for the purposes herein stated and may adopt suitable rules and regulations for the use thereof and the conduct of all persons while on or using the same.

2-58.7 Records; Annual Report.

The Commission shall keep records of its meetings and activities and shall make an annual report on or before the first day of December of each year and submit the same to the Borough Council, which report shall be comprehensive and detailed, covering operations, receipts, disbursements and expenditures for the full year.

2-58.8 Removal of Commissioner.

The Mayor or the Borough Council may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.

2-58.9 Appropriations.

The Borough Council shall annually fix, determine and appropriate a sum sufficient for the care, custody, policing and maintenance of such lands acquired for the uses and purposes herein stated, and for the expenses of the Commission, which shall be raised by taxation in the same manner as other taxes.

2-58.10 Appointment of Clerk, Other Employees; Compensation.

The Commission may appoint a Secretary or Clerk and such number of custodians, supervisors and assistants for the lands acquired for the uses and purposes herein mentioned as it shall think necessary, but the salaries of all such clerks, custodians, supervisors and assistants shall be fixed and determined by the Borough Council and, in addition thereto, the total salaries of all such persons shall be within the limits of funds appropriated to the Commission.

BE IT FURTHER ORDAINED by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication according to law.

ATTEST:

THOMAS FRITTS, Mayor

LAURIE A. ROTH, MAS, RMC, CMR
Municipal Clerk

Introduced: September 26, 2023

Adopted: October 10, 2023