

ORDINANCE 2004-12

AN ORDINANCE ESTABLISHING A TREE MITIGATION TRUST FUND AND ADVISORY COMMITTEE TO THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

Section 1: A Tree Mitigation Trust Fund and Advisory Committee is hereby established as follows:

1. Fund established; use for tree plantings and equipment purchases.

- A. There is hereby established a reserve in the general capital fund which should be noted and designated as the "Tree Mitigation Trust Fund." A separate bank account to hold this reserve shall be established and maintained that is entitled the "Hillsborough Tree Mitigation Trust Account."
- B. As directed by the Township Committee, funds from the Tree Mitigation Trust Fund may be utilized to purchase trees to be planted where determined to be appropriate, and for the purchase of equipment/supplies necessary to plant and/or maintain these trees until they become established/self-sufficient.

2. Funding of Tree Mitigation Trust Fund

- A. All funding for Hillsborough Tree Mitigation Trust Fund shall be derived solely from developer contributions pursuant to Article IX of the Hillsborough Development Regulations Ordinance.

3. Establishment of Tree Mitigation Advisory Committee

- A. There is hereby established a Tree Mitigation Advisory Committee ("TMAC")
- B. The mission of the TMAC is to:
 - i. Plan for, recommend, and to review the replacement of trees that have been removed by development in such a way as to most effectively enhance the quality of life in the Township,
 - ii. Evaluate the need for, recommend as necessary, and review all Township purchases of equipment and/or supplies that would be used to plant and/or maintain replacement trees until they become established/self-sufficient,
 - iii. Exercise prudent responsibility in making plans and recommendations, with regard to the resources available from the Hillsborough Tree Mitigation Trust Fund.

4. Composition; terms; vacancies; removal.

- A. The TMAC shall consist of five (5) members appointed by the Township Committee, by resolution. One member shall be the Township's (Deputy) Supervisor of Parks.
- B. In regard to the other four (4) members:
 - i. All must be residents of the Township,
 - ii. A minimum of two (2) must have professional certification or similar occupational and/or educational background as a landscape architect, arborist, forester or other directly related area of expertise.

- iii. All shall be appointed for terms of four (4) years, staggered evenly by reason of the original appointments.
- iv. All vacancies shall be filled for the unexpired term in the same manner by the Township Committee.
- C. The Township Committee may remove any member of the TMAC for cause. Cause for removal may be found where:
 - i. A member is absent for three (3) consecutive meetings, or fifty percent (50%) of regularly scheduled meetings within a calendar year.
 - ii. A member does not take a proper part in carrying out the mission of performing the duties of the TMAC.

5. Organization.

- A. The TMAC shall organize within thirty (30) days after the appointment of its total Membership, and thereafter annually each January, by the election by its membership of one of its members as Chairman, and one a Secretary.
- B. The (Deputy) Supervisor of Parks is not eligible to serve as either Chairman or Secretary; otherwise, he shall be a full voting member.
- C. The TMAC shall meet at least (four) 4 times per year, but may choose to meet more often as necessary.

6. Powers and Duties

- A. The TMAC shall prepare and submit to the Township Committee, upon recommendation of the Planning Board, an annual Tree Mitigation Budget and Implementation Plan for the Township Committee's approval, which shall include:
 - i. A recommendation of the number, type and location of all trees to be planted, and, if necessary, the type of equipment/supplies to be purchased by the Township to plant and maintain, as deemed desirable and appropriate, whatever number of said trees.
 - ii. The projected cost of the trees, and of associated planting and maintenance activities.
 - iii. A plan for the planting and maintenance of replacement trees, which would include but not necessarily be limited to the planting schedule, and the recommendation of which entity or entities (public and/or private) would be best tasked to perform which planting and maintenance duties.
- B. The TMAC shall oversee the annual tree planting program, to ensure that all plantings and maintenance were made according to the approved budget and implementation plan.
- C. Revisions to the approved budget and implementation plan may be recommended by the TMAC during the year, as appropriate, and submitted to the Township Committee, upon recommendation of the Planning Board, for the Township Committee's approval.
- D. The TMAC shall annually review the Tree Mitigation program, and submit to the Township Committee a brief report describing the activities performed under the program, and their results. The report may also include any general recommendations the TMAC may have in regard to the future direction of the program.
- E. In the event that no funds are deposited into and available from the Tree Mitigation Trust Account under Article IX of the Hillsborough Development Regulations Ordinance for a period of five (5) consecutive years, then the Township Committee shall conduct a review and issue a report with recommendations and conclusions concerning the continuation of the Tree Mitigation Trust Fund and the TMAC.

Section 2: This Ordinance shall take effect upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Kevin P. Davis, Acting Township Clerk

Steven N. Sireci, Mayor