

Chapter 45

ENVIRONMENTAL COMMISSION

§ 45-1. Commission established.

§ 45-5. Purpose; powers and duties.

§ 45-2. Membership.

§ 45-6. Acquisition of property.

§ 45-3. Removal of members for cause.

§ 45-7. Records; annual report.

§ 45-4. Vacancies.

§ 45-8. Employees; appropriations.

[HISTORY: Adopted by the Township Committee of the Township of Hillsborough 9-12-1972 by Ord. No. 72-7 (Ch. 15 of the 1977 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 49.

Land use and development — See Ch. 188.

Environmental impact statement — See Ch. 160.

§ 45-1. Commission established. [Amended 3-11-1975 by Ord. No. 75-1]

The Township of Hillsborough Environmental Commission is hereby established pursuant to Chapter 245 of the Laws of 1968, as amended by Chapter 35 of the Laws of 1972 (N.J.S.A. 40:56A-6).

§ 45-2. Membership. [Amended 3-11-1975 by Ord. No. 75-1]

- A. The Commission shall consist of seven members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of the Township of Hillsborough. The Commission shall also consist of two alternate members who shall be appointed by the Mayor and designated as "Alternate No. 1" and "Alternate No. 2." [Amended 11-9-2005 by Ord. No. 2005-46]
- B. The members shall serve without compensation except as hereinafter provided.
- C. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission.
- D. The terms of office of the first Commissioners shall be for one, two or three years, to be designated by the Mayor in making his appointments so that the terms of not more than two members shall expire in one year. Subsequent terms shall be for a period of three years, provided that Commissioners shall hold office until the appointment and qualification of their successors. The terms of the two alternate members shall be for two years, except that the term 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. [Amended 12-27-1977 by Ord. No. 77-21; 11-9-2005 by Ord. No. 2005-46]

- E. Alternate members 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. [Amended 11-9-2005 by Ord. No. 2005-46]

§ 45-3. Removal of members for cause. [Amended 3-11-1975 by Ord. No. 75-1]

The Mayor or Township Committee 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; such causes shall include inactivity by a Commission member or such member's inability to fulfill his or her duties, responsibilities and/or function.

§ 45-4. Vacancies. [Amended 3-11-1975 by Ord. No. 75-1]

A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. Such vacancies shall be filled after the Mayor has conferred with the Environmental Commission to obtain its recommendations and evaluations of potential appointees, based upon the candidate's qualifications and interests in overseeing environmental matters of the community.

§ 45-5. Purpose; powers and duties.

- A. Purpose. The Commission is established for the protection, development and use of natural resources, including water resources, located within the territorial limits of the Township of Hillsborough.
- B. Powers and duties.
- (1) The Commission shall have power to conduct research into the use and possible use of the open land areas of the Township and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes.
 - (2) The Commission shall 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, and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas.
 - (3) The Environmental Commission shall have power 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.¹ [Added 3-11-1975 by Ord. No. 75-1]

- (4) The Commission shall act as coordinating agency of the community on all matters pertaining to the environment and act as liaison between local conservation needs and regional, state and federal agencies ministering to these needs. [Added 3-11-1975 by Ord. No. 75-1]
- (5) The Commission's activities shall be devoted to planning, implementing and informing the public about local environmental programs. [Added 3-11-1975 by Ord. No. 75-1]
- (6) The Commission shall be able to sponsor the implementation of land control ordinances with concomitant requirements for environmental impact statements and shall be further able to develop sound criteria for the assessment of land use proposals through on-site reviews.² [Added 3-11-1975 by Ord. No. 75-1]
- (7) The Commission shall make every effort to coordinate its activities with the Planning Board relevant to land use proposals which come before the municipality. [Added 3-11-1975 by Ord. No. 75-1]
- (8) The Environmental Commission shall also act in an advisory capacity to other branches of the local government, such as the Recreation Commission. [Added 3-11-1975 by Ord. No. 75-1]

§ 45-6. Acquisition of property.

The Environmental Commission may, subject to the approval of the Township Committee, acquire property, both real and personal, in the name of the Township, by gift, purchase, grant, bequest, devise or lease, for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions) 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 Township.

§ 45-7. Records; annual report.

The Environmental Commission shall keep records of its meetings and activities and make an annual report to the Township Committee.

1. Editor's Note: For provisions pertaining to the subjects mentioned, see Ch. 160, Environmental Impact Statement; Ch. 172, Flood Damage Prevention; Ch. 255, Solid Waste, Art. I; Ch.251, Soil Erosion and Sediment Control; Ch. 262, Surface Water Runoff; and Ch. 295, Air Pollution.

2. Editor's Note: For provisions pertaining to environmental impact statements as they relate to land use proposals, see Ch 160, Environmental Impact Statement, and Ch. 188, Land Use and Development.

§ 45-8. Employees; appropriations.

The Commission may appoint such clerks and other employees as it may from time to time require, provided the same shall be within the limits of funds appropriated to it by the Township Committee.