AN ORDINANCE BY PRINCETON CONCERNING THE PRINCETON ENVIRONMENTAL COMMISSION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated portions of Chapters 2 and 12 of the "Code of the Borough of Princeton, New Jersey, 1974" and portions of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to the Environmental Commission; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 12, consisting of Sections 12-1 through 12-8 of the "Code of the Borough of Princeton, New Jersey, 1974," and Article VIII of Chapter 2, consisting of Sections 2-31 through 2-32.6 of the "Code of the Township of Princeton, New Jersey, 1968," regarding the Environmental Commission, are hereby repealed.

Section 2. Section 2-68 of Chapter 2 of the "Code of the Borough of Princeton, New

Jersey, 1974," and Section 2-95 of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," also regarding the Environmental Commission, are hereby repealed.

Section 3. A NEW Chapter 12 of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Environmental Commission," as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to set forth the composition, duties and authority of the Environmental Commission, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 4. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 6. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of the attached Chapter 12 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on May 5, 2014 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on May 27, 2014 which begins at 7:00 p.m.

Kathleen K. Brzezynski

Kathleen K. Brzezynski, Deputy Clerk

EXHIBIT A

CHAPTER 12. ENVIRONMENTAL COMMISSION.

Sec. 12-1. Established; purpose; name.

There is hereby established pursuant N.J.S.A. 40:56A-1 *et seq.* an environmental commission of the municipality of Princeton for the protection, development and use of natural resources, including water resources, located within the territorial limits of Princeton, which shall be known as the "Princeton Environmental Commission" and which shall be governed by the provisions of the aforementioned law and this chapter.

Sec. 12-2. Composition; officers; qualifications; service without compensation.

The commission shall consist of seven members who shall be appointed by the mayor, after consultation with the council; one member shall also be a member of the planning board, and all members shall be residents of the municipality. The mayor shall designate one of the members to serve as chairperson and presiding officer of the commission. All members of the commission shall serve without compensation, but within budgetary limitations, they may receive reimbursement for actual expenses necessarily incurred in the performance of their duties.

Sec. 12-3. Terms of office.

The terms of office for the first commissioners shall be for one, two or three years, as shall be designated by the mayor in making the appointments, so that the terms of approximately 1/3 of the members will expire each year. Their successors shall be appointed for terms of three years and until the appointment and qualification of their successors.

Sec. 12-4. Removal from office.

The 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.

Sec. 12-5. Vacancies.

A vacancy on the commission occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

Sec. 12-6. Alternates; liaison; Sustainable Princeton member.

The mayor, after consultation with the council, shall appoint not more than two alternate members who shall be residents of the municipality. Alternate members shall be designated at the time of appointment by the mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the

alternate members shall be for two years, except that 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. A vacancy occurring other than by expiration of term shall be filled in the same manner as an original appointment, for the unexpired term only.

An alternate member shall not be permitted to act on any matter in which such member has either directly or indirectly any personal or financial interest. An alternate member may, after a public hearing if requested, be removed by the council for cause.

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.

A council member may be designated as liaison with the commission. Such designee may attend meetings and participate in deliberations of the commission, but shall not have the right to vote on matters before the commission.

The board of trustees of Sustainable Princeton may annually designate one of its board members to serve on the commission. The Sustainable Princeton member may attend meetings and participate in deliberations of the commission, but otherwise shall serve in an ex officio capacity and have no voting rights on the commission.

Sec. 12-7. Powers and duties generally.

a. The commission shall have power to study, and make recommendations and provide advice concerning, open space preservation, water resources and stormwater management, air pollution control, sustainable building design and practices, alternative transportation, recycling, composting, solid waste management, noise control, soil and landscape protection, environmental appearance, aquatic resources and protection of flora and fauna.

b. The commission shall have power to conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes.

c. The commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purposes, subject to appropriations made available to it for such activities.

d. The commission shall develop and maintain an inventory of all open space areas, publicly or privately owned, including sensitive environmental features like streams, open marsh lands, swamps, wetlands and flood plains, as a resource for obtaining information on the proper use of such areas. It may recommend to the planning board plans and programs for inclusion in the municipal master plan and for the development and use of such areas.

e. The commission shall, at the commission's discretion, have the power to review applications for development submitted to the planning board and offer written advice to said board which, in said commission's judgment, would alleviate or avoid negative environmental impacts.

f. The commission may, upon the council's approval, develop or participate in programs, activities and projects aimed at supporting and/or promoting the commission's goals and purposes, including but not limited to, fundraising efforts.

g. The commission shall also have such other powers and duties as shall, from time to time, be prescribed by the council.

Sec. 12-8. Acquisition and administration of property.

The commission may investigate and negotiate, with the approval of the council, the acquisition of property, both real and personal, by gift, purchase, grant, bequest, devise or lease, for any of its purposes. Such acquisitions 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 of or otherwise conserve and properly utilize open spaces and other land and water areas in the municipality. All such acquisitions shall be in the name of the municipality, and the governing body shall have the right finally to approve or disapprove the commission's recommendations. The commission may recommend to the council policies, rules and regulations for the administration of such acquisitions and, if so authorized by the council, administer such acquisitions for the purposes for which they were obtained, subject to the terms of any conveyance or gift thereof.

Sec. 12-9. Regional considerations as to open spaces.

In addition to the research performed and recommendations made by the commission to the planning board and council, as set forth in section 12-7 above, the commission shall have the power to take into account the regional aspects of conservation of open space. For such purpose, the commission may consult and cooperate with boards, bodies and commissions of other municipalities having a mutual interest in open space and may invite and permit delegates of such boards, bodies or commissions to attend meetings and participate in the deliberations of the commission, without the right to vote.

Sec. 12-10. Records and reports.

The commission shall keep minutes of its meetings and records of its activities and shall make a report to the council annually, and at such other times as the council may request.

Sec. 12-11. Personnel.

The commission may appoint, in consultation with the administrator, such clerical, technical or other assistants and incur such other expenses as it may from time to time require and as shall be within the limits of funds appropriated to it by the council.

Sec. 12-12. Budget; appropriations.

The council shall appropriate in the annual budget funds for the expenses incurred by the commission. The commission shall submit its proposed annual budget to the council at such time and in such form and in accordance with such procedures as the council shall prescribe. Budget review and approval shall be performed in the manner required by the New Jersey statutes and regulations.