

ORDINANCE NO. 18-22 AN ORDINANCE DISSOLVING THE OPEN SPACE COMMITTEE AND ENVIRONMENTAL ADVISORY COMMITTEE, AND CREATING A NEW SUSTAINABILITY AND OPEN SPACE ADVISORY COMMITTEE

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Borough of Kinnelon desires to dissolve the Open Space Advisory Committee and the Environmental Advisory Committee, and to in their place establish a new Sustainability and Open Space Advisory Committee (“SOSAC”); and

WHEREAS, the Borough of Kinnelon desires to amend Subsection 47-12 of Chapter 47 “Land Use Procedures” to be consistent with the dissolution of the Environmental Advisory Committee and the establishment of SOSAC.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 29 “Environmental Advisory Committee” of the Code shall be repealed in its entirety.

SECTION 2. Existing Chapter 51 “Open Space Advisory Committee” of the Code shall

be repealed in its entirety.

SECTION 3. A new Chapter 51 titled “Sustainability and Open Space Advisory Committee” shall be added and shall read as follows:

Chapter 51 Sustainability and Open Space Advisory Committee

§51-1 Establishment.

A Sustainability and Open Space Advisory Committee (SOSAC) is hereby established in and for the Borough of Kinnelon.

§51-2 Members; terms; qualifications; Council liaison; Secretary.

- A. The SOSAC shall be comprised of seven (7) regular members and two alternates:
- four members from the public,
 - one member from the Kinnelon Planning Board,
 - one member from the Kinnelon Recreation Committee,
 - one member from the Kinnelon Historical Preservation Advisory Committee and
 - two alternates from the public designated as Alternate No.1 and Alternate No. 2 who may participate in all matters but may not vote except in the absence or disqualification of a regular member. Alternate No. 1 shall be the first to vote in the place of a regular member, then Alternate No. 2.

The Mayor shall appoint, with the advice and consent of the Council, all members of SOSAC. All members of SOSAC shall be residents of the Borough of Kinnelon.

- B. The terms of the members first appointed shall be as follows:
- a. The Planning Board, Recreation and Historical Committee members shall serve terms that correspond to the terms of their respective representing board/committee.
 - b. Two alternates from the public shall be appointed for one-year term;
 - c. Two members from the public shall be appointed for two-year terms; and
 - d. Two members from the public shall be appointed for three-year terms.
 - e. Thereafter, the term for each member of the public shall be for a period of three years.
 - f. Any vacancy occurring during the term of any of the members of the public shall be filled for the balance of the unexpired term.

- C. After SOSAC members have been initially appointed, future members from the public may be interviewed by the members of the SOSAC and their recommendation forwarded to the Mayor and Council for their consideration prior to appointing new members.
- D. Determination of Quorum – Quorum is achieved when there are four members/alternate members in attendance.
- E. A member of the Borough Council shall be designated annually by the Mayor to serve as a nonvoting liaison between the Council and the SOSAC.
- F. The Mayor is a non-voting ex officio member of the committee.
- G. A secretary will be provided by the Borough of Kinnelon to record meetings, take and provide minutes of each meeting and serve necessary functions of the SOSAC.
- H. The committee shall annually designate a Chair to conduct the meetings, and a Vice Chair to act in the absence of a Chair in attendance.

§51-3 Purpose.

The Sustainability & Open Space Advisory Committee is intended to serve in an advisory capacity to the Borough Council, its officials and boards, and shall provide information, advice and recommendations relating to sustainability, environmental and open space issues.

§51-4 Duties.

The SOSAC shall have the duties and responsibilities as follows:

- A. Study and make reports and recommendations as may be directed by the Borough Council regarding environmental issues such as land use and development, solid waste management, toxic materials storage, air and water pollution, light pollution, noise control, open space preservation, water resources management, energy conservation and any other areas that are deemed relevant;
- B. Serve as a repository for information relating to the above ;
- C. Recommend to the Borough Council, subject to funds being available, the hiring of experts to assist the SOSAC in carrying out its duties.
- D. Make recommendations to the Borough Council regarding parcels of land for acquisition;
- E. Make recommendations to the Borough Council regarding the preservation, management and use of open space;
- F. Provide input for the updating of the Open Space and Recreation Plan;

- G. Assist the Borough in the development of an open space tracking system to catalogue the undeveloped or underdeveloped lands in the Borough and record the progress with respect to open space preservation.
- H. Coordinate activities in cooperation with other committees entrusted with responsibilities related to various SOSAC relevant issues;
- I. Submit reports to the Borough Council of various SOSAC activities.
- J. Assist the Borough in the evaluation, establishment and implementation of sustainable and resource management initiatives;
- K. Coordinate with the Recreation Committee and Historical Committee the Recreation and Historic Sites information for the Open Space and Recreation Plan.
- L. Make recommendations to the Planning Board to maintain the Borough's
 - a. Environmental Resource Inventory – the basis for land use planning that protects natural resources.
 - b. Critical Habitat Conservation and Management Plan – Stewardship and monitoring of Critical Habitats in the Highlands Preservation Area if required by NJ DEP.
 - c. Open Space and Recreation Plan – a guide for protection and preservation of open space in Kinnelon.
- M. Establish subcommittees and delegate tasks as needed.
- N. Periodically review its function and submit a recommendation to the Borough Council as to whether additional duties should be assigned or delegated to the Committee.
- O. Recommend to the Borough Council grants of interest.
- P. Develop a public education program with the goal of promoting sustainability, environmental and open space preservation in the Borough

§51-5 Compensation.

The members of the SOSAC shall receive no salary or other compensation for their services.

SECTION 4. Subsection 47-12 “Environmental Commission” of Chapter 47 “Land Use Procedures” shall be amended such that “Environmental Commission” shall be replaced with “Sustainability & Open Space Advisory Committee”, and shall now read as follows:

§47-12 Sustainability & Open Space Advisory Committee.

Whenever the Sustainability & Open Space Advisory Committee has prepared and submitted to the Planning Board an index of the natural resources of the municipality, the Planning Board shall make available to the Sustainability & Open Space Advisory Committee an informational copy of every application for development to the Planning

Board. Failure of the Planning Board to make such informational copy available to the Sustainability & Open Space Advisory Committee shall not invalidate any hearing or proceeding.

SECTION 5. Any provisions not amended by this Ordinance shall remain in full force and effect.

SECTION 6. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

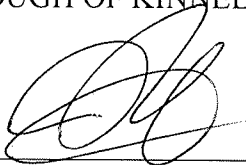
SECTION 8. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON



Karen M. Iuele, RMC, Borough Clerk



James J. Freda, Mayor