

**BOROUGH OF PEAPACK AND GLADSTONE**

**ORDINANCE NO. 1131-2023**

**AN ORDINANCE AMENDING CHAPTER II, SECTION 2-43 OF THE MUNICIPAL CODE OF THE BOROUGH OF PEAPACK AND GLADSTONE BY CREATING THE ENVIRONMENTAL AND SHADE TREE COMMISSION**

**WHEREAS**, the Borough Council of the Borough of Peapack and Gladstone previously enacted Chapter II, Article 43 of the Revised General Ordinances of the Borough and thereby created the Peapack and Gladstone Environmental Commission; and

**WHEREAS**, the Borough Council of the Borough of Peapack and Gladstone also previously and separately enacted Chapter II, Article 46 of the Revised General Ordinances of the Borough and thereby created the Peapack and Gladstone Shade Tree Commission; and

**WHEREAS**, the Mayor and Council have determined that many of the subject matters of the respective commissions are inter-related, and historically the commissions have shared the same members; and

**WHEREAS**, the Mayor and Council believe it to be in the best interests of the residents and more efficient government to combine the existing Environmental Commission and the existing Shade Tree Commission into a single commission to be known as the Environmental and Shade Tree Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Peapack and Gladstone that the Code of the Borough of Peapack and Gladstone is hereby amended as follows:

**SECTION 1**

Chapter II, Article 46 – SHADE TREE COMMISSION is hereby deleted in its entirety.

**SECTION 2**

Chapter II, Article 43 – ENVIRONMENTAL COMMISSION is hereby amended to be titled ENVIRONMENTAL AND SHADE TREE COMMISSION, and to consist of the following:

**ENVIRONMENTAL AND SHADE TREE COMMISSION.**

**§ 2-43.1 Commission Established; Purpose.**

Pursuant to N.J.S.A. 40:56A-1 et seq. and N.J.S.A. 40:64-1 et seq, there is hereby established in and for the Borough, an Environmental and Shade Tree Commission. The Commission is established for the purposes of protecting, developing or using the natural resources, including water resources, within the Borough, and for promoting the general welfare of the residents of the Borough of Peapack and Gladstone by providing for the regulation, planting, care, control, improvement, removal, preservation, and general protection of trees and shrubs so as to protect and preserve the environment.

**§ 2-43.2 Members; Appointment; Removal.**

The Commission shall consist of five (5) members appointed by the Mayor. One (1) member shall also be a member of the Land Use Board and all members shall be residents of the Borough. The members shall

serve without compensation. The Mayor shall annually designate one (1) of the members to serve as chairperson and presiding officer of the Commission. No member shall serve as chairperson and presiding officer of the Commission for more than three (3) consecutive years.

The terms of office of the first commissioners shall be two (2) members for a one (1) year term, two (2) members for a two (2) year term, and one (1) member for a three (3) year term. Their successors shall be appointed to terms of three (3) years and until the appointment and qualification of their successors.

The Commission shall also consist of two (2) alternate members appointed by the Mayor. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members first appointed shall be two (2) years for Alternate No. 1 and one (1) year for Alternate No. 2.

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

Any member shall not be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest.

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.

#### **§ 2-43.3 Powers and Duties.**

The Environmental and Shade Tree Commission shall have power to conduct research into the use and possible use of the open land areas of the Borough 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. It 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 Land Use Board or to the Mayor and Council of the Borough plans and programs for inclusion in the master plan and the development and use of such areas.

The Commission organized under this section shall serve in an advisory role to the Department of Public Works regarding the following:

**a.**

The protection of trees in public spaces owned by the Borough of Peapack and Gladstone;

**b.**

The regulation and control of the ground surrounding trees, as may be necessary for their proper growth, care and protection;

**c.**

The transplantation or removal of any tree, or part thereof, dangerous to public safety.

Ultimate authority regarding the subject matter set forth in this subsection shall remain vested in the Department of Public Works. If a conflict exists between the Department of Public Works and the Environmental and Shade Tree Commission regarding the foregoing subject matter, the judgment of the Department of Public Works shall prevail.

The Commission shall have such other powers and duties of environmental commissions as are now or shall hereafter be provided for by State statute, rule or regulation.

The Commission shall have such other powers and duties of shade tree commissions as are now or shall hereafter be provided for by State statute, rule or regulation.

**§ 2-43.4 Records and Annual Report.**

The Commission shall keep agenda and minutes of its meetings and records of its activities and make an annual report to the Borough Council.

**§ 2-43.5 Appropriations.**

The Commission may incur expenses as are appropriate and necessary to its purposes providing the same shall be within the limits of funds appropriated to it by the Borough Council.

**SECTION 3**

If any subsection, paragraph or provision of this ordinance is declared to be invalid by a court of competent jurisdiction, such finding shall not affect the remaining provisions of this Ordinance.

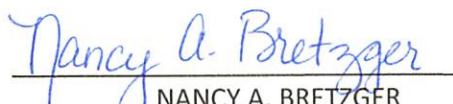
**SECTION 4**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Introduced: November 21, 2023

Adopted: December 19, 2023

ATTEST:

  
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NANCY A. BRETZGER  
BOROUGH CLERK

  
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MARK A. CORIGLIANO  
MAYOR