

By-laws
of the
Hamilton Township (Mercer County) New Jersey
Environmental Advisory Commission

I. Establishment

The Hamilton Township Environmental Advisory Commission (“Commission”) was established under Section 2-541 of the Code of Ordinances, Hamilton Township, New Jersey, and in accordance with N.J.S.A. 40:56A-1 et seq.

The Commission is established for the protection, development or use of natural resources, including water resources, located within the territorial limits of the Township.

II. Powers and Authority

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. It shall keep an index of all open 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.

The Commission may recommend, for the approval of the Hamilton Township Council (“Council”), the acquisition of 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 properties 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 a 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 lands and water areas in the Township.

The Commission shall review all land-use applications for environmental concerns prior to submission to the Planning Board or Zoning Board of Adjustment.

III. Additional Powers

The Commission shall have such additional powers as are conferred by the Municipal Land Use Law (N.J.S.A 40:55D-1 et seq.) as applied only to the territorial boundaries of the Township. The purposes of the Law are as follows:

- A. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- B. To secure safety from fire, flood, panic and other natural and man-made disasters;
- C. To provide adequate light, air and open space;
- D. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- K. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- L. To encourage senior citizen community housing construction;

- M. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- N. To promote utilization of renewable energy resources;
- O. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs; and
- P. To enable municipalities the flexibility to offer alternatives to traditional development, through the use of equitable and effective planning tools including clustering, transferring development rights, and lot-size averaging in order to concentrate development in areas where growth can best be accommodated and maximized while preserving agricultural lands, open space, and historic sites.

IV. Additional Responsibilities

- A. The Commission shall promote efficiency and conservation in the use of energy resources within the Township.
- B. The Commission shall engage in additional activities that would from time to time are necessary to fulfill the mission and charter of the Commission

V. Membership

- A. The Commission shall consist of not more than seven (7) members appointed by the Mayor with the advice and consent of Council at a public meeting.
- B. The Mayor and Council may remove any member 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.
- C. A 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. Members will serve without compensation.
- D. **Officers**
 - 1. The Mayor shall annually designate one of the members to serve as Chair and presiding officer of the Commission.
 - 2. The Chair shall preside at all meetings of the Commission, decide all points of order and matters of procedure governing said meeting and perform all duties normally pertaining to the office of Chair as set forth in "Roberts Rules of Order" or the commission.
 - 3. The Chair, at his/her discretion, may appoint a Vice Chair who will serve as Chair in the absence of the Chair and perform other duties as assigned by the Chair.

4. The Chair, at his/her discretion, may appoint sub-committees to aid the Commission on an as-needed basis. Said sub-committees shall be composed of at least two regular members, and may include alternate and associate members. Subcommittees may make recommendations to the Chair for full Commission action. Sub-committees may consist of, but not be limited to the following:
 - a. **Ordinance Review** – To review existing and proposed new ordinances, and propose new ordinances for approval by the Council.
 - b. **Public Service Projects** — to propose, advertise and administer public service projects such as: a Septemberfest booth, stream clean-ups, road clean ups and Earth Day celebrations.
 - c. **Site Plan Review** — to review environmental consideration on plans provided by the Planning Board and/or Zoning Board of Adjustment regarding proposed development projects and make recommendations to that board during the application hearing or in writing.
 - d. **Natural Resources**--- to research issues regarding water resources and land preservation needs, as well as other natural resources, and report findings and recommendations.
5. The Chair shall act as spokesperson for the Commission in all public matters unless another member is so designated on an ad hoc basis.
6. The Vice-Chair shall, in the absence of the Chair, assume the responsibilities of the Chair and conduct the meetings and perform the duties as described in these bylaws.
7. The Secretary (Non-Commission Member) shall, under the direction of the Chair and in accordance with these bylaws:
 - a. Take and record attendance at all regular and special meetings of the Commission.
 - b. Take and record all decisions.
 - c. Take and record the minutes of all regular and special meetings of the Commission and cause same to be delivered to each member, alternate members and associate members, as well as to the Mayor's office and Council and Administration liaisons, by mail or electronically, within five (5) days after each meeting.
 - d. Incorporate any edits proposed by Commission members.
 - e. Handle/direct all official correspondence, compile the required records, keep and maintain necessary files with respect to operations, give all notices of meetings as required by the NJ Open Public Meeting Act (N.J.S.A 10:4-6) or other applicable laws or ordinances.

- f. Have custody and take care of all records, documents, maps, plans and papers of the Commission. Make all documents available to the Chair, members, alternate members, associate members, and Administration and Council liaisons prior to each meeting as needed.
- g. Keep track of membership terms and expiration dates and verify this information with the Township Clerk annually.
- h. Maintain a list of members, alternate members and associate members and their contact information.

E. Alternate Members

- 1. The Mayor shall appoint two alternate members, designated as Alternate No. 1 and Alternate No. 2, to serve for a term of two years.
- 2. The terms of the alternate members shall expire in alternating years. An alternate 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, after public hearing if he or she requests one, be removed by the governing body for cause.
- 3. 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.

F. Associate Members - The mayor may appoint four associate members for a term of one year. Each year each associate member term appointed shall expire. The associate members shall not be entitled to vote with the commission.

G. Vacancies - A vacancy on the Commission of a member or alternate member occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

H. Liaisons

- 1. There shall be one Township Council Member appointed by the Council President to serve as a liaison between the Council and the Commission.
- 2. There shall be one Township employee appointed by the Mayor as a liaison to the Mayor.

I. Attendance Requirements

- 1. Members shall be in attendance at all meetings of the Commission. In the event that a member will not be able to attend said meeting, he/she shall contact the Chair or Secretary at least two (2) hours prior to the meeting.

2. The unexcused absence of a member from two (2) consecutive meetings or four (4) total meetings within a calendar year shall constitute recommendation for removal of such member from the Commission with just cause.

I. Meeting Requirements

- A. The Commission will meet monthly on a date set annually by the Commission and approved by the Township. Meetings shall not be held on a legal holiday observed by the Township. Such meetings will be rescheduled to an alternative date. Meetings will be publicized on the Township website and calendar and in the local newspapers in accordance with N.J.S.A 10:4-6.
- B. Meetings may be cancelled without notice due to inclement weather or lack of a quorum.
- C. All meetings are open to the public.
- D. **Agenda** - An agenda will be typed and forwarded to all members, alternate members, associate members, and Administration and Council liaisons at least one week prior to the next scheduled meeting.
- E. **Minutes** - All proceedings, decisions and attendance of every meeting shall be recorded. Meeting minutes will be distributed within five (5) working days and distributed to all members, alternate members and associate members, as well as to the Mayor's office and Administration and Council liaison within five (5) working days. Email and document attachments sent by email are preferred. Minutes will be finalized by vote by Commission members at the subsequent Commission meeting. One hard copy of minutes of every meeting shall be maintained in a permanent file.
- F. **Quorum** - A quorum of four members is required to hold a meeting and to make decisions.

VII. Annual Report

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

VIII. Appropriation of Funds

The Commission will prepare and submit an annual budget to the Township and may request funds for expenses incurred within the limits of funds appropriated to it by the Township.