

ORDINANCE 2026-04

AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 22, ARTICLE IV, SECTIONS 22-18 THROUGH 22-18.12 OF THE BOROUGH CODE TO ESTABLISH SEPARATE ENVIRONMENTAL COMMISSION/GREEN TEAM AND SHADE TREE ADVISORY BOARD

WHEREAS, the Borough of South River previously established a combined "Environmental Commission/Shade Tree Advisory Board/Green Team" pursuant to Chapter 22, Article IV, Section 22-18 of the Borough Code; and

WHEREAS, the Mayor and Council have determined that separating the Environmental Commission/Green Team and Shade Tree Advisory Board functions into two distinct bodies will promote greater efficiency, focus, and effectiveness in carrying out their respective statutory and advisory responsibilities; and

WHEREAS, the Environmental Commission/Green Team should focus on sustainability initiatives, environmental planning, and advisory duties relating to environmental protection; and

WHEREAS, the Shade Tree Advisory Board should focus specifically on matters relating to municipal shade trees, tree preservation, and tree removal regulation; and

WHEREAS, the Mayor and Council desire to preserve the existing membership structure, procedures, and administrative provisions for both bodies while assigning their functional powers appropriately; and

WHEREAS, the Borough Council possesses the statutory authority to establish advisory boards to assist in governance and administration (N.J.S.A. 40:81-13); and

WHEREAS, the Borough Council possesses the statutory authority to prescribe penalties for violations of municipal ordinances (*see State v. Laurel Mills Sewerage Corp.*, 46 N.J. Super. 331 (App. Div. 1957)); and

WHEREAS, it is in the best interests of the Borough and its residents to reorganize these advisory functions to promote more efficient and specialized oversight of environmental and shade tree matters;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South River, County of Middlesex, State of New Jersey, as follows:

SECTION 1. REPEAL

Chapter 22, Article IV, Sections **22-18 through 22-18.12** of the Code of the Borough of South River are hereby repealed in their entirety.

SECTION 2. ESTABLISHMENT OF NEW ENVIRONMENTAL COMMISSION/GREEN TEAM

Chapter 22 is amended to add a new § 22-18 Environmental Commission/Green Team, to read as follows:

§ 22-18. Environmental Commission/Green Team

There shall be a commission known as the "Environmental Commission/Green Team of the Borough of South River." In this Code, the Environmental Commission/Green Team of the Borough of South River will sometimes be referred to as the "Environmental Commission."

§ 22-18.1. Membership.

The membership of the Environmental Commission/Green Team of the Borough of South River shall be comprised as follows:

- a. Regular Members. There shall be seven (7) regular members. Regular members shall be subject to the following requirements:
 1. Each regular member shall be appointed by the Mayor.
 2. Each regular member shall be a resident of the Borough.

3. At least one (1) regular member shall be a member of the Land Use Board.
4. The term of a regular member shall not be longer than three (3) years, beginning on January 1 of a given calendar year and ending on December 31 of the third year following.
 - i. Upon the inaugural appointment of regular members to the Environmental Commission, the Mayor shall designate three (3) regular members to serve an initial term of three (3) years, two (2) regular members to serve an initial term of two (2) years, two (2) regular members to serve an initial term of one (1) year, such that no more than three (3) regular members' terms shall terminate by function of this ordinance in the same calendar year.
 - ii. All subsequent appointments of regular members to the Environmental Commission, after the inaugural appointment, shall be for a term of three (3) years.
5. The regular members, at the first meeting of each calendar year, shall elect by a majority vote a Chairperson, who shall serve as the presiding officer of the Environmental Commission until a new Chairperson is elected the following calendar year. The Chairperson must be a regular member.
6. The regular members, at the first meeting of each calendar year, shall elect by a majority vote a Vice Chairperson, who shall serve as the presiding officer of the Environmental Commission in the Chairperson's absence or disqualification, until a new Vice Chairperson is elected the following calendar year. The Vice Chairperson must be a regular member.
- b. Alternate Members. There shall be two (2) alternate members. Alternate members shall be subject to the following requirements:
 1. Each alternate member shall be appointed by the Mayor.
 2. Each alternate member shall be a resident of the Borough.
 3. At the time of appointment, each alternate member shall be designated as either "Alternate Member 1" or "Alternate Member 2."
 4. Alternate members may participate in discussions on all matters before the Environmental Commission but may only vote on such matters in the absence or disqualification of a regular member. In the case of only one regular member's absence or disqualification, Alternate Member 1 shall be entitled to vote, unless Alternate Member 1 is also absent or disqualified, in which case Alternate Member 2 shall be entitled to vote. In the case of more than one regular member's absence or disqualification, both Alternate Member 1 and Alternate Member 2 shall be entitled to vote.
- c. Junior Members. There shall be two (2) junior members. Junior members shall be subject to the following requirements:
 1. Each junior member shall be appointed by the Mayor.
 2. Each junior member shall be a resident of the Borough.
 3. Each junior member shall be under the age of eighteen (18) at the time of appointment.
 4. Junior members shall not be entitled to vote.
 5. At the discretion of the Chairperson, Junior members may participate in discussions on matters before the Environmental Commission.
- d. Advisory Consultants. There shall be two (2) advisory consultants. Advisory consultants shall be subject to the following requirements:
 1. Each advisory consultant shall be appointed by the Mayor.

2. There shall not be any residency requirement for an advisory consultant.
 3. Advisory consultants shall not be entitled to vote.
 4. Advisory consultants may participate in discussions on all matters before the Environmental Commission.
 5. For purposes of this Section, advisory consultants shall be deemed "members" of the Environmental Commission.
- e. Vacancy. Upon a vacancy on the Environmental Commission, other than by expiration of a term, the Mayor shall make an appointment to fill the vacancy for the remainder of the unexpired term.
 - f. Removal From Office. The governing body may remove any member of the Environmental Commission for cause, after written charges have been served upon the member and after a hearing on the charges, at which time the member shall be entitled to be heard in person or by counsel, which expense shall be borne by the member.

§ 22-18.2. Powers.

The Environmental Commission/Green Team shall have the following powers:

- a. To conduct research into the use and possible use of open land areas of the Borough.
- b. To coordinate the activities of all unofficial bodies which are organized for purposes similar to that of the Commission.
- c. To advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purpose.
- d. To keep and maintain an index of all open areas, publicly or privately owned, including open marshlands, swamps or other wetlands, in order to obtain information on the proper use of such areas.
- e. To recommend to the Land Use Board plans and programs for inclusion in a municipal Master Plan and the development and use of such open land areas.
- f. 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 and marine resources protection.
- g. Subject to the approval of the governing body, to acquire property, both real and personal, in the name of South River, by gift, purchase, grant, bequest, devise or lease, for any of its purposes, and to 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 of or otherwise conserve and properly utilize open spaces and other land and water areas in the Borough.
- h. The Environmental Commission/Green Team shall have advisory power concerning the regulation and control over the planting, care and control of shade and ornamental trees and shrubberies upon or in highways, parks or parkways (except county parks and parkways) in the Borough of South River.
- i. The Environmental Commission/Green Team shall not have the power of condemnation or eminent domain. It shall not have power to pledge the credit of the Borough or to create any debt against it or in any manner act as the agent of the Borough.

§ 22-18.3. Green Team Duties and Purpose.

The Environmental Commission/Green Team's duties, as they concern the Green Team, shall include but not be limited to:

- a. Managing South River's participation in the Sustainable Jersey program;
- b. Encouraging the Borough staff to pursue sustainable practices where possible and implement the Borough Council's environmental goals;

- c. At the recommendation of the Borough Council, work with the existing groups within the Borough whose actions affect environmental issues so as to eliminate duplication and assure that important tasks are covered;
- d. Provide suggestions for further research and action by the Borough Council;
- e. At the direction of the Borough Council, provide advice and suggestions to the Borough Board of Adjustment and the Borough Historic Preservation Commission to assure that environmental issues are considered in their deliberations and action;
- f. Manage and organize various ad hoc environmental groups within the Borough;
- g. Solicit and evaluate environmental ideas and suggestions from the community; and
- h. Promote the causes of sustainability within the Borough.

§ 22-18.4. Volunteers.

The Environmental Commission/Green Team shall select Borough volunteers to work on Green Team projects. The names of the volunteers shall periodically be submitted to the Borough Council.

§ 22-18.5. Records of meetings.

- a. The Commission shall keep records of meetings and activities and shall make an annual report to the governing body.
- b. The Commission shall establish rules and regulations to govern its meetings and activities, not inconsistent with this article.

§ 22-18.6. Expenses and Employees.

The governing body may appropriate such funds as it deems necessary for the expenses incurred by the Environmental Commission/Green Team and may appoint such clerks and other employees as it may from time to time require. Such appointments shall be within the limits of funds appropriated to the Environmental Commission by the governing body.

§ 22-18.7. Violations and Penalties.

Any person violating any provisions of this article shall, upon conviction thereof, be punished as provided in Chapter 1, Article I, General Penalty, as the court deems necessary and just.

SECTION 3. ESTABLISHMENT OF NEW SHADE TREE ADVISORY BOARD

Chapter 22 is amended to add a new § 22-19 Shade Tree Advisory Board, to read as follows:

§ 22-19. Shade Tree Advisory Board

There shall be an advisory board known as the "Shade Tree Advisory Board of the Borough of South River." In this Section, the Shade Tree Advisory Board of the Borough of South River will sometimes be referred to as the "Board."

§ 22-19.1. Membership.

The membership of the Shade Tree Advisory Board of the Borough of South River shall be comprised as follows:

- a. Regular Members. There shall be seven (7) regular members. Regular members shall be subject to the following requirements:
 - 1. Each regular member shall be appointed by the Mayor.
 - 2. Each regular member shall be a resident of the Borough.
 - 3. At least one (1) regular member shall be a member of the Land Use Board.

4. The term of a regular member shall not be longer than three (3) years, beginning on January 1 of a given calendar year and ending on December 31 of the third year following.
 - i. Upon the inaugural appointment of regular members to the Shade Tree Advisory Board, the Mayor shall designate three (3) regular members to serve an initial term of three (3) years, two (2) regular members to serve an initial term of two (2) years, two (2) regular members to serve an initial term of one (1) year, such that no more than three (3) regular members' terms shall terminate by function of this ordinance in the same calendar year.
 - ii. All subsequent appointments of regular members to the Shade Tree Advisory Board, after the inaugural appointment, shall be for a term of three (3) years.
5. The regular members, at the first meeting of each calendar year, shall elect by a majority vote a Chairperson, who shall serve as the presiding officer of the Shade Tree Advisory Board until a new Chairperson is elected the following calendar year. The Chairperson must be a regular member.
6. The regular members, at the first meeting of each calendar year, shall elect by a majority vote a Vice Chairperson, who shall serve as the presiding officer of the Shade Tree Advisory Board in the Chairperson's absence or disqualification, until a new Vice Chairperson is elected the following calendar year. The Vice Chairperson must be a regular member.
- b. Alternate Members. There shall be two (2) alternate members. Alternate members shall be subject to the following requirements:
 1. Each alternate member shall be appointed by the Mayor.
 2. Each alternate member shall be a resident of the Borough.
 3. At the time of appointment, each alternate member shall be designated as either "Alternate Member 1" or "Alternate Member 2."
 4. Alternate members may participate in discussions on all matters before the Shade Tree Advisory Board but may only vote on such matters in the absence or disqualification of a regular member. In the case of only one regular member's absence or disqualification, Alternate Member 1 shall be entitled to vote, unless Alternate Member 1 is also absent or disqualified, in which case Alternate Member 2 shall be entitled to vote. In the case of more than one regular member's absence or disqualification, both Alternate Member 1 and Alternate Member 2 shall be entitled to vote.
- c. Junior Members. There shall be two (2) junior members. Junior members shall be subject to the following requirements:
 1. Each junior member shall be appointed by the Mayor.
 2. Each junior member shall be a resident of the Borough.
 3. Each junior member shall be under the age of eighteen (18) at the time of appointment.
 4. Junior members shall not be entitled to vote.
 5. At the discretion of the Chairperson, Junior members may participate in discussions on matters before the Shade Tree Advisory Board.
- d. Advisory Consultants. There shall be two (2) advisory consultants. Advisory consultants shall be subject to the following requirements:
 1. Each advisory consultant shall be appointed by the Mayor.
 2. There shall not be any residency requirement for an advisory consultant.

3. Advisory consultants shall not be entitled to vote.
 4. Advisory consultants may participate in discussions on all matters before the Shade Tree Advisory Board.
 5. For purposes of this Section, advisory consultants shall be deemed "members" of the Shade Tree Advisory Board.
- e. Vacancy. Upon a vacancy on the Shade Tree Advisory Board, other than by expiration of a term, the Mayor shall make an appointment to fill the vacancy for the remainder of the unexpired term.
 - f. Removal From Office. The governing body may remove any member of the Shade Tree Advisory Board for cause, after written charges have been served upon the member and after a hearing on the charges, at which time the member shall be entitled to be heard in person or by counsel, which expense shall be borne by the member.

§ 22-19.2. Powers and Duties.

The Shade Tree Advisory Board shall have the following powers and duties regarding tree management:

- a. To review all applications for the removal of shade trees on public property;
- b. To make recommendations to the Borough Council regarding tree removal requests;
- c. To develop and maintain standards for tree planting, maintenance, and removal;
- d. To oversee the Borough's tree replacement program;
- e. To conduct periodic inspections of public shade trees;
- f. To advise property owners on proper tree care and maintenance;
- g. To coordinate with utility companies regarding tree trimming and removal.

§ 22-19.3. Tree removal/application.

There shall be a Shade Tree Removal Application.

- a. No shade tree on Borough property shall be removed without an application submitted to the Borough.
- b. The Borough shall provide for the necessary application form to be issued to any property owner of the Borough of South River who wishes to remove any shade tree within a Borough right-of-way.
- c. The Board shall make a recommendation on the type of shade tree planting which would be allowed within the rights-of-way of the Borough if the property owner requests a replacement.
- d. An application fee of \$25 shall be paid by the applicant at the time of application to defray costs in the processing of the application.

§ 22-19.4. Volunteers.

The Shade Tree Advisory Board shall select Borough volunteers to work on shade tree projects. The names of the volunteers shall periodically be submitted to the Borough Council.

§ 22-19.5. Records of meetings.

- a. The Shade Tree Advisory Board shall keep records of meetings and activities and shall make an annual report to the governing body.
- b. The Shade Tree Advisory Board shall establish rules and regulations to govern its meetings and activities, not inconsistent with this article.

§ 22-19.6. Expenses and Employees.

The governing body may appropriate such funds as it deems necessary for the expenses incurred by the Shade Tree Advisory Board and may appoint such clerks and other employees as it may from time to time require. Such appointments shall be within the limits of funds appropriated to the Shade Tree Advisory Board by the governing body.

§ 22-19.7. Violations and Penalties.

Any person violating any provisions of this article shall, upon conviction thereof, be punished as provided in Chapter 1, Article I, General Penalty, as the court deems necessary and just.

SECTION 4. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect. To this end, the provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect without being impaired or invalidated in any way. The court making such determination shall have the power to modify any provision to the minimum extent necessary to make it valid and enforceable. If the court does not exercise such power, the parties agree to replace the invalid or unenforceable provision with a valid and enforceable provision that achieves, to the extent possible, the economic, business, and regulatory purposes of the invalid or unenforceable provision.

SECTION 5. REPEALER

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. Nothing herein is intended to repeal or abrogate any existing Ordinance or resolution that is not in conflict with this Ordinance.

SECTION 6. CONFLICT WITH OTHER LAWS

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance, law, rule, or regulation of the State of New Jersey, the more restrictive requirements shall apply.

SECTION 7. INTERPRETATION

The provisions of this Ordinance shall be construed as broadly as possible to effectuate the purposes set forth herein. In the event of a conflict between the terms of this Ordinance and any other Ordinance of the Borough of South River, the terms of this Ordinance shall govern.

SECTION 8. CODIFICATION

This Ordinance shall be a part of the Code of the Borough of South River as though codified and set forth fully herein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on February 9th, 2026, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 2nd day of March, 2026, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 2-9-26

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman DaSilva</i>			X			
<i>Councilman Donato</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Giannakopoulos</i>			X			
<i>Councilman Gurchensky</i>		X	X			
<i>Council President DeSantis</i>	X		X			

Alyssa Hager, RMC
Municipal Clerk
Borough of South River