

6PhS+F-g110707

No. 6EG 10-17-07
1st Reading**Ordinance**

NOV 26 2007

Date to Mayor

No. Public Hearing

of the

Date Returned

Date Resubmitted
to CouncilNo. 652 FC NOV 20 2007
2nd Rdg. and Final Passage

City of Newark, N.J.

Date Advertised
1st Reading

No. Reconsidered

Final Reading

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Corporation Counsel

Council member

presents the following Ordinance:

AN ORDINANCE TO ESTABLISH AN ENVIRONMENTAL COMMISSION IN THE OFFICE OF THE MAYOR AND AGENCIES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY (2000), AS AMENDED AND SUPPLEMENTED.

Section 1. **Creation:** The Newark Environmental Commission is hereby established pursuant to Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1 to 40:56A-12), as amended by Chapter 35, PL 1972.

Section 2. **Members:** The Commission shall consist of seven (7) members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of Newark; two (2) members shall be appointed by the Municipal Council as alternates, all members shall serve without compensation except as hereinafter provided. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission. The terms of the office of the first commissioners shall be for 1, 2 or 3 years, to be designated by the Mayor in making his appointments and their successors shall be appointed for terms of 3 years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed for the following terms:

- 2 members for the 1-year term expiring December 31, 2008
- 2 members for the 2-year term expiring December 31, 2009
- 3 members for the 3-year term expiring December 31, 2010
- Alternate No. 1 for the 2 year term expiring December 31, 2009
- Alternate No. 2 for the initial 1 year term expiring December 31, 2008;
- and two years thereafter.

The Mayor or Municipal Council may remove any member of the Commission for cause, on written charges served upon the member and after the hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

Alternate members 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.

Section 3. **Powers of Commission:** The Commission is established for the protection, development or use of natural resources, including water resources, located within territorial limits of Newark. 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 with State and County environmental officials

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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 marshland, 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 Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas.

Section 4. Priorities. Within the overall powers of the Environmental Commission, the Commission shall establish its priorities with due consideration of the City's needs for:

- a) a contaminated site clean-up plan and accompanying grant strategy;
- b) an open space plan proposal for adoption by the Planning Board and accompanying grant strategy; and
- c) a Green City Plan which addresses the need for sustainable development and the reduction of air pollutants in the City.

Section 5. Records and Annual Reports: The Environmental Commission shall keep records of its meetings and activities and make an annual report to the Municipal Council and Mayor.

Section 6. Appropriations: The Commission may appoint such clerks and other employees and incur such expenses as it may from time to time require, providing the same shall be within the limits of funds appropriated to it by the Municipal Council or otherwise available to it. The Environmental Commission shall also have the power to research grant opportunities and to apply for such grants with Council approval.

Section 7. Studies and Recommendations: The Environmental Commission shall have power 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, marine resources and protection of flora and fauna.

Section 8. Meetings; Call to Special Meetings: A regular meeting of the Commission shall be held no less than six (6) times annually, at a time to be fixed by its Members and shall be held in accordance with the Open Public Meetings Act.

Section 9. Any ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 10. This ordinance shall take effect upon final passage and publication according to the laws of the State of New Jersey.

CERTIFIED TO BY ME THIS

DEC 08 2007

DO NOT USE SPACE BELOW THIS LINE

Statement

RECORD OF COUNCIL VOTE ON FINAL PASSAGE										RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador <u>S</u>	✓				Ramos	✓				Amador					Ramos				
Gonzalez	✓				Rice <u>S</u>	✓				Gonzalez					Rice				
James	✓				Rone				✓	James					Rone				
Payne	✓				Crump <u>M</u>	✓				Payne					Crump				
Quintana Vice President	✓				President					Quintana Vice President					President				
✓ - Indicates Vote										AB - Absent									
										NV - Not Voting									

OCT 17 2007

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on

Adopted on second and final reading after hearing on **NOV 20 2007**

Approved
Rescinded By

Michael C. Crump

Mayor

Council President

Robert S. Marabito

City Clerk