

Chapter 32. Environmental Commission

[HISTORY: Adopted by the Mayor and Council of the Borough of Middlesex 11-21-2000 by Ord. No. 1510. Amendments noted where applicable.]

§ 32-1. Establishment; composition.

[Amended 9-28-2021 by Ord. No. 2044]

There is hereby established, pursuant to N.J.S.A. 40:56A-1, in the Borough of Middlesex an Environmental Commission of seven members, all of whom shall be residents of the Borough, and one of whom shall also be a member of the Joint Land Use Board. The Mayor shall appoint all members of the Commission. Where there is a vacancy in the office of Mayor, the power of appointment hereby accorded to the Mayor shall be vested in the duly designated acting Mayor. All members of the Commission shall serve without compensation.

§ 32-2. Terms.

The terms of office of the first Commissioners shall be for one, two or three years, from January 1 of the year of his/her appointment, to be designated by the Mayor in making his appointments, so that the terms of approximately 1/3 of the members will expire each year and their successors shall be appointed for terms of three years and until the appointment or qualification of their successors. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission.

§ 32-3. Alternate members.

- A. There shall be two alternate members, and alternate members shall serve for terms of two years from January 1 of the year of his/her appointment, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. Such alternate members shall be designated at the time of appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2."
- B. 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.

§ 32-4. Vacancies.

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. A vacancy occurring otherwise other than by expiration of term for an alternate member shall be filled by the appointed authority for the unexpired term only.

§ 32-5. Removal.

The Mayor or governing body of the municipality may remove any member of the Environmental Commission 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. The power of removal hereby accorded to the Mayor shall be vested in the elected official so designated or, where there is a vacancy in the office of Mayor, in the duly designated acting Mayor.

§ 32-6. Conflict of interest.

A member of the Commission, as well as an alternate member, shall not be permitted to act on any matter in which that member has directly or indirectly any personal or financial interest.

§ 32-7. Powers.

- A. The Environmental Commission shall have the 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.
- B. The Commission 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 Joint Land Use Board plans and programs for inclusion in a municipal Master Plan and the development and use of such areas.

[Amended 9-28-2021 by Ord. No. 2044]

§ 32-8. Acquisition of real and personal property.

The Environmental Commission may, subject to the approval of the governing body, acquire property, both real and personal, in the name of the municipality by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall 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 municipality.

§ 32-9. Records and annual report.

The Environmental Commission shall keep records of its meeting and activities and shall make an annual report to the governing body of the municipality.

§ 32-10. Appropriation.

The governing body of a municipality may appropriate funds for the expenses incurred by the Environmental Commission. The Commission may appoint such clerks and other employees as it may from time to time require and as shall be within the limits of funds appropriated to it.

§ 32-11. 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.

Chapter 48. Health, Board of

[HISTORY: Adopted by the Mayor and Council of the Borough of Middlesex 9-8-1913 by Ord. No. 5, effective 9-19-1913. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 36.

Adoption of Code by Board of Health — See Ch. 425, Art. I.

Housing standards — See Ch. 436.

Radioactive materials — See Ch. 442.

Sanitary regulations — See Ch. 446.

Public swimming pools — See Ch. 450.

Individual and semipublic water supplies — Ch. 456.

§ 48-1. Established.

There shall be in and for the Borough of Middlesex a Board of Health in accordance with the provisions of the Act of the Legislature of New Jersey, entitled "An Act to Establish in This State Boards of Health and a Bureau of Vital Statistics, and to Define Their Respective Powers and Duties," approved March 31, 1887, and the several supplements thereto.^[1]

[1] *Editor's Note: See N.J.S.A. 26:3-1 et seq.*

§ 48-2. Composition; term; vacancies.

[Amended 12-28-1955 by Ord. No. 240]

- A. From and after the passage of this chapter, said Board of Health of the Borough of Middlesex shall consist of seven regular members. All members of said Board of Health, hereafter appointed, shall be appointed by the Mayor and Council and shall hold said office for the term of four years, except in the case of vacancies; vacancies shall be filled for the unexpired term.

[Amended 2-13-2007 by Ord. No. 1706]

- B. Alternate members. The Mayor shall appoint two alternate members of the Board of Health who shall have the right to attend all meetings of the Board and participate in discussions of any proceedings but may not vote except in the absence of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. Said alternate members shall be designated at the time of appointment by the Mayor as Alternate No. 1 and Alternate No. 2. Such alternate members shall serve for a term of two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring other than by expiration of term shall be filled by the Mayor for the unexpired term only.

[Added 2-10-2004 by Ord. No. 1604-04]

§ 48-3. Rules and regulations.

Said Board of Health shall adopt rules and regulations for its own government and shall elect a president from among its own members.

§ 48-4. Appointments.

Said Board of Health shall appoint a Registrar of Vital Statistics, Clerk and Sanitary Inspector, and may also appoint such officers or assistants as said Board of Health may deem necessary; all appointees of said Board of Health shall be governed by the rules of said Board, and they may be removed for cause by said Board.

§ 48-5. Contracting debts.

Said Board of Health shall not contract any debt or debts of any kind beyond the amount of the appropriation made for its use by this Council.

§ 48-6. Powers.

[Added 4-14-2015 by Ord. No. 1873]

The Borough of Middlesex Board of Health shall have power to pass, alter or amend ordinances and make rules and regulations in regard to the public health within its jurisdiction for the purposes enumerated in N.J.S.A. 26:3-31 et seq., and any amendments thereto.

Chapter 100. Shade Tree Commission

[HISTORY: Adopted by the Mayor and Council of the Borough of Middlesex 6-17-1959 by Ord. No. 304. Amendments noted where applicable.]

GENERAL REFERENCES

Defense and indemnification — See Ch. 23.

Code of Ethics — See Ch. 36.

Shade trees — Ch. 395, Art. I.

§ 100-1. Commission established; authority.

Pursuant to the provisions of N.J.S.A. 40:64-1 et seq., there is hereby created and established a Commission, which shall be known as the "Shade Tree Commission of the Borough of Middlesex, New Jersey," which said Commission shall be vested with all the authority and powers set forth in the statute in this section mentioned.

§ 100-2. Membership.

[Amended 1-27-2004 by Ord. No. 1595-04; 2-13-2007 by Ord. No. 1707; 2-12-2013 by Ord. No. 1821]
The Shade Tree Commission shall consist of five members, appointed by the Mayor, who shall be residents of the Borough of Middlesex, who shall serve without compensation. The Mayor shall also appoint two alternate members, who shall have the right to attend all meetings of the Commission and participate in discussions of any proceedings but may not vote except in the absence of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first. Said alternate members shall be designated at the time of appointment by the Mayor as Alternate No. 1 and Alternate No. 2. Such alternate members shall serve for a term of two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring other than by expiration of term shall be filled by the Mayor for the unexpired term only.

§ 100-3. Terms of office.

Within 60 days after the final adoption of this chapter the first Commissioners shall be appointed, and their terms of office shall commence on the day of their appointment, and shall be for the respective periods of one, two, three, four and five years from January 1 next succeeding such appointment. The term of each appointee shall be designated in his appointment. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1.

§ 100-4. Organization.

Within 30 days after the appointment of the total membership, the Commission shall organize, for the remainder of the then calendar year, and thereafter annually by the election of one of its members as President, and the nomination of a Secretary, who need not be a member.

§ 100-5. Salaries of Secretary and other employees.

The salary of the Secretary of the Shade Tree Commission, who may be compensated even if a member of the Commission, shall be fixed by the Mayor and Council of the Borough of Middlesex, and the salaries of all other employees shall be fixed by the Commission.

§ 100-6. Vacancies.

Any vacancy occurring, by reason of the death, resignation or removal of any Commissioner shall be filled for the unexpired term by the authority having the power to make the original appointments.