

ORDINANCE 2288

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING CHAPTERS 5, 17, AND 283 OF THE CODE OF THE BOROUGH REGARDING BOARDS, COMMISSIONS AND COMMITTEES

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

Delete from Chapter 5, Administration, Articles VI, Health Advisory Board; VII, Board of Recreation Commissions; VIII, Traffic Advisory Commission; and IX, Cultural Arts Commission.

Amend Chapter 17, Boards, Committees and Commissions as follows:

Delete Article I, Environmental Commission and ADD:

Article I, Environmental Advisory Committee.

17-1 - Establishment.

It is hereby created and established an Environmental Advisory Committee for the Borough of South Plainfield.

17-2 - Membership; Vacancies; Liaison to Planning Board.

A. The Environmental Advisory Committee shall consist of three to seven members, all of whom shall be residents of the Borough, appointed by the Mayor with the advice and consent of the Borough Council. Terms of office for all members shall be three years and until the appointment and qualification of their successors.

B. The Mayor shall appoint one member for one year, one member for two years, and one member for three years. In case of the initial appointment of the board to more than three members, a fourth member shall be appointed for one year; a fifth member for two years; a sixth and seventh member for three years. The terms shall commence on January 1, 2024. Thereafter, the Mayor shall appoint or reappoint members for three-year terms.

C. The Mayor shall designate one of the members of the Planning Board to serve as a liaison between the Advisory Committee and the Planning Board.

D. In the event of a vacancy occurring on the committee other than by

expiration of a term, it shall be filled for the unexpired term. All members of the committee shall serve without compensation.

17-3 - Functions.

The committee is established to assist in the protection, development and use of natural resources, including water resources, located within the territorial limits of the Borough. In order to carry out these purposes, the committee shall have the following functions:

A. Promoting conservation and development of the natural resources of the Borough by making recommendations to the appropriate Borough officials, boards and bodies.

B. Planning, implementing and informing the public about local conservation programs.

C. Research the use and possible use of open areas of the community and make recommendations to the Planning Board and/or Borough Council.

D. Preparing and recommending to the Borough Council the printing and distribution of books, maps, charts, plans and pamphlets which it feels are necessary to further its environmental advocacy role.

E. Acting as the coordinating agency for the community on environmental matters, and a liaison between local environmental needs and regional, county, state and federal agencies administering to those needs.

F. Compiling and annually updating an environmental resource inventory of land and water resources, which are both publically or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas.

G. At the request of the Borough Administrator, review proposed and existing legislation and actions of regulatory agencies as they impact the environment and advise the Borough Council on such matters.

17-4 - Rules and Regulations.

The committee may recommend for adoption by the Borough Council suitable rules and regulations for the use of any such lands and the conduct of any persons while on or using same.

17-5 - Records and Annual Reports.

The committee shall keep records of its meetings and activities and shall make an annual report on or about December 1 of each year and submit the report the Borough Council, which report shall be comprehensive and detailed concerning the operations and activities of the committee during the preceding year.

17-6 - Organization.

A. The committee shall conduct a reorganization meeting and shall hold an annual organizational meeting in January of each year.

B. The committee shall elect a chairperson, vice chairperson and secretary at its annual meeting and shall adopt a resolution establishing the dates, times and places of committee meetings for the year.

C. The committee is hereby authorized to adopt bylaws to govern its procedures.

Delete Article II, Recycling Commission.

Delete Article III, Taxpayers Advisory Group.

Change Article IV, Business and Economic Development Advisory group to Article II, Business and Economic Development Advisory Group.

Revise Section 17-24, Establishment, Membership and Terms; Compensation, to state as follows:

17-7.

A. Business and Economic Advisory Group shall consist of five to seven member, one of whom must be a resident of the Borough of South Plainfield, who may not be an owner or operator of the business within the Borough of South Plainfield. The member shall be appointed by the Borough Council, provided that at least three affirmative votes shall be required, the Mayor having no vote thereon except in the case of a tie.

B. The members shall serve for terms of three years and until the appointment and qualifications of their successors, but the initial terms of the members shall be as follows: Three such members for terms of three years; three such members for terms of two years; and one such member for a term of one year.

C. In addition to the regular members as set forth in subsection B above, the Zoning Office and the Borough Engineer shall be non-voting members. Also, in addition to subsection B above, the President of the South Plainfield Business Association or their designee shall serve as a member of the South Plainfield Business and Economic Development Advisory Group. The President of the South Plainfield Business Association shall be a non-voting member.

Revise Article IV, Business and Economic Development Advisory Troup to Article II, Business and Economic Development Advisory Group.

Renumber Sections 17-24 and 17-25 to Sections 17-8 and 17-9.

Revise Section 17-26, Meetings; Chairperson to: 17-10.

The Business and Economic Development Advisory Committee shall meet regularly at least once a month and shall, at its first meeting, elect one from its number as chairperson, who shall preside over all meetings. In the event of a tie vote on any matters, the Council liaison shall act as a tiebreaker.

Revise Article V, Wellness Campaign Committee to Article III, Wellness Campaign Committee.

Revise Section 17-30, Establishment, Membership and Terms; Compensation, as follows:

A. The Wellness Campaign Committee shall consist of up to eight members; plus one additional member to be a representative of the Senior Center with an annual term. Each member shall be appointed by the Mayor with the advice and consent of the Borough Council. The Mayor shall also serve as a member of the Wellness Committee and shall vote in the event there is tie.

B. The Committee shall consist of the following members:

(1) One member shall be assigned to develop, plan, organize and execute programs for the youth of the Borough;

(2) One member shall be assigned to develop, plan, organize and execute programs for the employers of the Borough;

(3) One member shall be assigned to develop, plan, organize and execute programs for the seniors of the Borough;

(4) One member shall be assigned to develop, plan, organize and execute programs for the benefit of the community at large; and

(5) Up to four at large members assigned to develop, plan, organize and execute programs to the benefit of the community at large.

Renumber Section 17-31 to 17-14.

Revise Section 17-32, Meetings; Chairperson as follows:

17-15. Meetings, Chair.

The Committee shall meet regularly and shall, at its first annual meeting each year, elect one from its number as chairperson who shall preside over all meetings. In the event of a tie vote on any matters, the Mayor shall vote as the tiebreaker.

Renumber Sections 17-33 through 17-35 to Sections 17-16, 17-17 and 17-18.

Revise Article VI, South Plainfield Alliance for Substance Awareness Committee (SBASA) to Article IV South Plainfield Alliance for Substance Awareness Committee (SBASA) and renumber Sections 17-36 and 17-37 to Sections 17-19 to 17-20.

Revise Article VII, Public Celebrations Committee to Article V, Public Celebrations Committee.

Revise Section 17-38, Establishment, Membership and Terms; Compensation, to Section 17-21:

A. The Public Celebrations Committee shall consist of five to eleven members. Each member shall be appointed by the Mayor with the advice and consent of the Borough Council.

Subsections B and C shall remain as written.

Section 17-39, Qualifications for Membership shall be amended as follows:

Section 17-22.

Qualifications for membership are as follows:

A. Resident of the Borough of South Plainfield;

B. Over the age of 18; and

C. One member of the Governing Body of the Borough of South Plainfield shall be a member of the Public Celebrations Committee and may vote in the event of a tie vote among the other members of the Public Celebrations Committee.

Renumber Section 17-40 through 17-43 to Sections 17-23, 17-24, 17-25 and 17-26.

Change Article VIII, Human Relations Committee, to Article VI, Human Relations Committee.

Revise Section 17-44, Establishment, Membership and Terms; Compensation, as follows:

17-27.

A. There is hereby established a Human Relations Committee for the Borough of South Plainfield that shall consist of up to ten members, plus up to four advisory members. The membership of the Commission shall include a member from each Borough agency as follows:

(1) One member of the South Plainfield Cultural Arts Commission to be designated by the Chair of the Cultural Arts Commission.

(2) One member of the South Plainfield Recreation Commission to be designated by the President of the Recreation Commission;

(3) One member of the South Plainfield Business and Economic Development Advisory Group to be designated by the Chair of the Business and Economic Development Advisory Group;

(4) One member of the South Plainfield Library Board of Trustees to be designated by the President of the Library Board of Trustees;

(5) One member of the South Plainfield Housing and Community Development Committee to be designated by the Council Liaison of the Housing and Community Development Committee;

(6) One member of the South Plainfield Public Celebrations Committee to be designated by the Chair of the Public Celebrations Committee;

(7) One member of the South Plainfield Mayor's Wellness Committee to

be designated by the Chair of the Mayor's Wellness Committee;

(8) One member of the South Plainfield Board of Education to be designated by the President of the Board of Education;

(9) One member of the Council of the Borough of South Plainfield who shall act as a liaison to be designated by the Mayor;

(10) One member of the South Plainfield Police Department to be designated by the Chief of Police; and

(11) Advisory members must be 18 years of age and residents of South Plainfield. They shall be appointed by the Mayor with the advice and consent of the Borough Council. Each member shall serve for a term of three years and until the appointment and qualification of their successor, except that the initial term of advisory members shall be as follows: two advisory members for a term of three years; one advisory member for a term of two years; and one advisory member for a term of one year. The initial appointment of advisory members shall be done at the annual reorganizational meeting of the Mayor and Council next following the adoption of this Article.

Renumber Sections 17-45 through 17-48 to Sections 17-28, 17-29, 17-30 and 17-31.

Delete Section 17-49.

Renumber Section 17-50 to 17-31.

Change Article IX, Citizens Advisory Committee, to Article VII, Community Development Citizens Advisory Committee.

Revise Section 17-51, Organization and Appointments, as follows:

(A) The Mayor shall appoint the members of the Community Development Citizens Advisory Committee (CDCAC) with the advice and consent of the Borough Council. The Committee shall consist of five to seven members who are residents of the Borough of South Plainfield and represent the various demographic characteristics of the areas to be served by the Community Development Block Grant Program as required by federal HUD regulations.

Renumber Sections 17-52 and 17-53 to Sections 17-33 and 17-34.

Add the following Articles:

Article VIII, Health Advisory Board.

17-35. The Mayor shall nominate and, subject to the approval of the Council, shall appoint up to five citizens of the Borough of South Plainfield to be member of the Health Advisory Board for the Borough of South Plainfield.

17-36. Terms.

The members of the Health Advisory Board shall be appointed for a term of three yeas until such time as their successors are appointed and qualified, however, the initial term of the members shall be as follows: two such members for a term of three years; two members for a term of two years; and one member for a term of one year.

17-37. Vacancies.

Vacancies occurring in the Health Advisory Board, either at the expiration of a term or otherwise, shall be filled by the appointment of the Mayor subject to the approval of the Council.

Article IX. Board of Recreation Commissioners.

17-38. Establishment; Members; Terms.

A. The Board of Recreation Commissioners is hereby established pursuant to N.J.S.A. 40:12-1 to 40:12-15 inclusive, together with the amendments and supplements thereto. The Mayor may, in his or her discretion, appoint not less than three nor more than seven persons, citizens and residents of the municipality, as members of the Board of Recreation Commissioners. The Commissioners first appointed shall be appointed for terms of one, two, three, four and five years, respectively, in such manner that the term of at least one Commissioner and not more than two Commissioners shall expire in each year according to the number appointed as fixed by the Mayor. In case of an increase of a board from three to five members, or in case of the increase of a board from five to seven members, the additional Commissioners shall be appointed, one for four years, and one for five years; and in case of the increase of a board from three to seven members, two of the additional Commissioners shall be appointed for four years and two shall be appointed for five years. Thereafter, all appointments shall be for the term of three years if the board consists of three members, or five years if the board consists of five or seven members, according to the number appointed to comprise the board, and vacancies shall be filled for the unexpired term only. The members shall serve until their respective successors are appointed and shall qualify. The members shall receive no compensation for their services.

B. The Mayor shall, on an annual basis, also appoint a liaison from the Police Athletic League to the South Plainfield Recreation Commission, as a non-voting member of the Recreation Commission. Said term will commence January 1 of each year.

17-39. Organization.

Immediately after their appointment, the Commissioners shall meet and organize by electing one of their members president, and select such officers and adopt such rules and regulations as they may deem necessary for the faithful discharge of the powers conferred on said Commission as provided for in N.J.S.A. 40:12-1 to 40:12-8 inclusive, as amended and supplemented. The Commission shall hold regular meetings at such times and places as it may designate.

17-40. Powers.

[Amended 5-9-1983 by Ord. No. 952]

The Recreation Commission shall have the full power extended to it under N.J.S.A. 40:12-6.

17-41. Acceptance of Gifts; Contracts.

The Recreation Commission may accept any grant, gift, bequest or donation of services, equipment, real estate or money from any individual or group to be used as specified by the donor or by the terms of acceptance. The Recreation Commission shall have no authority to enter into any contract or incur any obligation binding upon the Borough of South Plainfield, other than current obligations or contracts to be fully executed within the then-current fiscal year and all within the budget appropriations made by the Mayor and Council.

17-42. Recreation Director.

[Amended 5-9-1983 by Ord. 952; 4-18-2002 by Ord. 1593]

A. The Recreation Commission shall have the power to appoint a Recreation Director for a term not to exceed five years, which shall run from January 1 of the year in which he/she is appointed.

B. The Recreation Director must be trained and possess the necessary qualifications and must have demonstrated by actual work his/her ability to organize and direct a community recreation system and such other personnel as may be deemed necessary and are recommended by the Recreation Director.

17-43. Supervisors and Assistants.

The Commission may appoint such number of supervisors, assistants and custodians for the playgrounds and recreation places under its control as it shall think necessary and proper and shall fix and determine their respective salaries, subject to the approval of the Mayor and Council.

17-44. Authority of Commission Appointees.

The custodians, supervisors and assistants appointed by the Commission shall, while on duty, for the purpose of preserving order and the observation of rules, regulations and bylaws of said Commission, have all the power and authority of police officers of the Borough of South Plainfield, and any person who shall violate any such rules, regulations or bylaws of the Recreation Commission shall be deemed and adjudged to be a disorderly person.

17-45. Appropriations; Disposition of Funds.

[Amended 5-9-1983 by Ord. 952]

The Recreation Commission shall submit an annual budget to the Finance Committee of the Council for its approval. The funds appropriated by the governing body, as provided by the Salary Ordinance*, shall be disbursed through the office of the Borough Treasurer. Payment on account of expenses or claims shall be supported by vouchers. Payment on account of wages or salaries shall be made as other salaries and wages of all municipal employees. Funds received by the Recreation Commission from sources other than budget appropriations shall be deposited by the Treasurer in a special fund to the credit and for the use of said Commission and disbursed as the above budget funds are disbursed.

**Editor's Note: The current Salary Ordinances is on file in the office of the Borough Clerk.*

17-46. Annual Reports.

The Recreation Commission shall make an annual written report on or before the second Thursday in January of each year; said annual report shall contain an itemized accounting of all activities, receipts, disbursement, expenditures and the number of employees for the full year. Such other reports as may be requested from time to time by the Mayor and Council shall also be fulfilled. The fiscal year shall be the same as that of the Mayor and Council.*

** Editor's Note: Original Art. IX, Advisory Commission on the Aging, added 1-28-74 by Ord. No. 634, which immediately followed this section, was deleted at time of*

adoption of Code (see Ch. 1, General Provisions, Art. I). See now Ch. 11, Aging, Office on.

Article X.

17-47. Traffic Safety Advisory Board (Establishment; Membership; Purpose).

A commission known as the Traffic Safety Advisory Board of the Borough of South Plainfield is hereby established, consisting of five to nine members to promote traffic safety by advice to boards, departments and agencies and by education of the public.

17-48. Categories of Members.

The Traffic Safety Advisory Board shall be composed of the following members, containing five categories.

A. One member from the Borough Council appointed by the Mayor, which member shall be a non-voting member;

B. One member of the Department of Public Works appointed by the Director of Public Works;

C. One member of the Police Department appointed by the Chief of Police;

D. One member of the Board of Education of the Borough of South Plainfield appointed by President of the Board of Education; and

E. Up to six citizen members who are residents of the Borough of South Plainfield to be appointed by the Mayor with the advice and consent of the Borough Council.

[Amended 12-21-2015 by Ord. 2044]

17-49. Terms of Office.

The terms of office of the Traffic Safety Advisory Board shall be as follows: All members in categories A through D, inclusive, shall be appointed for a term of three years or until their official capacity as Councilperson, member of the Department of Public Works, member of the Police Department, member of the Board of Education shall terminate, whichever occurs sooner. Members of the Traffic Safety Advisory Board in category E shall be appointed as follows: two citizen members shall be appointed for a term of one year; two shall be appointed for a term of two years; and two shall be appointed for a term of three years. After the initial appointment, all appointments in category E shall be for three years. In the event the terms of the members as listed in

categories A through D should expire prior to their appointment for three years due to termination of their official capacity as members of the categories listed herein, then the terms of office shall be deemed expired and new appointments made for a term of three years or so long as the appointee remains a member of the category from which he or she was appointed. Vacancies shall be filled for unexpired terms in the same manner as the original appointments.

17-50. Organization.

The members of the Traffic Safety Advisory Board shall organize annually by selecting a Chairman, Vice Chairman and Secretary. The Board shall meet regularly at least once a month and at such other times as the Chairman shall direct. The Secretary shall keep a written record of the Commission's proceedings, handle all correspondence, send notices of meetings to members and perform such other duties as are necessary and property. The Secretary may be compensated as set forth in the Borough Salary Ordinance.

17-51. Duties and Responsibilities.

The duties and responsibilities of the Traffic Safety Advisory Board shall be both educational and advisory. The Traffic Safety Advisory Board shall:

- A. Coordinate the traffic safety activities of the various Borough departments, boards and agencies;
- B. Appraise existing traffic conditions for the recommendation of corrections;
- C. Recommend traffic and safety legislation to the Borough Council;
- D. Advise the public of the element of an official safety program and the necessity of public cooperation and support;
- E. Make specific recommendations to the Planning and Zoning Boards on all referred cases relating to traffic and safety coordination;
- F. Make specific recommendations to the Building Department on building permit applications for new commercial and industrial buildings; and
[Amended 2-1-2010 by Ord. No. 1873]
- G. Do all those things and have all those powers necessary and proper to effect all of the foregoing duties.

17-52. Recommendations.

Prior to approval of any action by either the Planning Board or the Zoning Board involving new commercial or industrial uses, plans of the proposed use shall be forwarded to the Traffic Safety Advisory Board for its recommendations. The Board may request of the applicant necessary supporting information involving existing vehicular and pedestrian traffic counts, projected traffic volumes, maps, expert testimony and traffic control specifications. Reports on recommendations by this Board shall be tendered to the respective forwarding department, board or agency within a reasonable period of the complete submission mentioned above.

Article XI. Cultural Arts Commission.

17-53. Establishment; Membership; Terms; Compensation.

A. The Cultural Arts Commission shall consist of not less than five members and no more than 11 members. The members shall be appointed by the Mayor with the advice and consent of the Borough Council. In the event of a tie vote, the Council liaison shall act as the tiebreaking vote.

[Amended 2-15-1990 by Ord. No. 1186; 7-11-2002 by Ord. No. 2233]

B. Each member shall serve for a term of three years and until the appointment and qualification of his or her successor, but the initial term of the members shall be as follows: two such members for a term of three years; two such members for a term of two years; and one such member for a term of one year. In the event of an increase of the Board to more than five members, the first two additional members shall be appointed for terms of three years; the next two additional members shall be appointed for terms of two years; and the next two additional members shall be appointed for terms of one year. Thereafter, all appointments shall be for a term of three years.

C. All members of the South Plainfield Cultural Arts Commission shall serve without compensation.

D. Associate members may be appointed by the Chairman of the Commission for a term of one year. The associate members to be appointed, up to a maximum of six, shall have no voting rights and shall also serve without compensation.

[Added 2-25-1985 by Ord. No. 1012]

E. The Cultural Arts Commission shall have a liaison to the governing body through the Recreation Committee established by the Borough Council.

[Added 2-25-1985 by Ord. No. 1012]

17-54. Meetings; Chairman.

The Commission shall meet regularly at least once a month and shall, at its first meeting, elect from one of its number a Chairman, who shall preside over all meetings.

17-55. Rules or Bylaws.

The conduct of the Cultural Arts Commission at its meetings and its activities shall be governed by rules and/or bylaws which shall be established within three months from its creation.

17-56. Powers and Duties.

The duties of the Cultural Arts Commission shall be as follows:

A. To render advice to the Mayor, Borough Administrator and the Borough Council on matters dealing with establishing and maintaining a municipal policy towards the arts, and to generally serve as an advocate for the arts in the Borough.

B. To enhance and create opportunities for our citizens to enjoy and participate in the cultural activities throughout the community.

C. To recruit and direct organizational and individual interest in and support for the arts within the Borough.

D. To provide a coordinating agency for successful organizational corporate and individuals' cultural efforts within the Borough and to assume the responsibility for disseminating information concerning cultural activities.

E. To organize support groups of volunteers to work with the Committee.

F. To encourage awareness of community cultural activities in the young.

Revise Section 283-2, Trustees, Terms, as follows:

A Board of Trustees consisting of seven to nine members shall hold in trust and manage all property of the Library. Said Board shall be composed of the Mayor of the Borough of South Plainfield, the Superintendent of Schools of the South Plainfield School District, and from five to seven citizens to be appointed by the Mayor, at least four of whom shall be residents of the municipality. The appointments shall be for terms of five years and they may be selected by the Mayor with the advice and consent of the Borough Council. The Mayor and Superintendent of Schools may respectively appoint an alternate to act in their place and stead with the authority to attend all meetings of the Board and, in their absence, to vote on all questions before the Board. Vacancies occurring in the Board of Trustees shall be filled for the unexpired term only, in the same manner as the

original appointments are made.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.