

## **ORDINANCE #17-25**

### **BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX ORDINANCE RESTRUCTURING THE BOROUGH SHADE TREE COMMISSION INTO A SHADE TREE ADVISORY COMMITTEE**

**BE IT ORDAINED** by the Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Code of the Borough of Sayreville, is hereinafter supplemented and amended as follows:

**SECTION ONE.** The Borough Shade Tree Commission, as established pursuant to N.J.S.A. 40:64-1, et seq., in Section 2-31 of the Sayreville Borough Code of Ordinances, is hereby dissolved, to be replaced by a newly established Borough Shade Tree Advisory Committee subject to the terms and conditions adopted herein.

**SECTION TWO.** Section 2-31 entitled "Shade Tree Commission" of Chapter II entitled "Administration" of the Sayreville Borough Code of Ordinances is hereby deleted in its entirety, and replaced with new Section 2-31 to be entitled "Shade Tree Advisory Committee" to read as follows:

#### **CHAPTER II – ADMINISTRATION**

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#### **2-31 – SHADE TREE ADVISORY COMMITTEE.**

**2-31.1 Establishment.** There is hereby established a Shade Tree Advisory Committee to carry out and discharge the duties hereinafter detailed, with the goal of preserving the shade trees in the Borough of Sayreville. The Shade Tree Advisory Committee herein established is to promote the following goals and objectives:

- a. Shade trees existing within the Borough of Sayreville are of vital importance to the public good due to their aesthetic and environmental benefits and economic value that they lend to properties within the Borough.
- b. The loss of any shade tree within the Borough is a loss to the entire community, and, as such, should be avoided except when removal is necessary for reasons of safety, public necessity, or unavoidable development.

**2-31.2 Membership.** The Shade Tree Advisory Committee shall consist of seven (7) members, to be composed of residents of the Borough of Sayreville who shall be volunteers serving without compensation. Each member shall be considered a volunteer participating in a community forestry program as provided for by the New Jersey Share Tree and Community Forestry Assistance Act, N.J.S.A. 13:1-17.1, et seq., as may be amended from time to time.

**2-31.3 Appointment; Terms.** All Shade Tree Advisory Committee members shall be appointed by the Mayor. The first Committee members shall be appointed with the terms of the initial appointments to be staggered such that two (2) members shall be appointed for one-year terms, two (2) members shall be appointed for two-year terms, and three (3)

members shall be appointed for three-year terms. Thereafter, all Committee members shall be appointed or reappointed for a term of three (3) years.

**2-31.4 Organization.** On an annual basis, the Shade Tree Advisory Committee shall elect a Chairperson and Secretary by and from the membership of the Committee.

**2-31.5 Powers and Duties.** The Shade Tree Advisory Committee shall have the power and authority as follows:

- a. Advise the Mayor and Council on the care and planting of all trees and shrubbery now located or which may hereafter be planted on along any public right-of-way and public property either owned or maintained by the Borough..
- b. Advise, through the Borough Administrator, the Department of Public Works concerning the maintenance of shade trees within the Borough, and, in general, to be a resource for the Mayor and Council in facilitating the various agents and employees of the Borough in protecting and/or replacing such trees as presently exist.
- c. Act as a subject matter expert in preparing reports to the Mayor and Council for submission to the New Jersey Community Forestry Program, coordinating with the Borough Administrator for the submission of any grants, and with the approval of the Administrator, submit grant applications associated with shade trees to the Mayor and Council for further action.
- d. Assist the Borough with compliance with the Borough's Tree Conservation and Reforestation Ordinance, Chapter 30.
- e. Provide guidance to the Mayor and Counsel on the proper use of the Borough Tree Bank Fund, including making recommendations for the use of such funds for the planting and maintenance of shade trees throughout the Borough.
- f. Upon request, review site plan and/or subdivision applications and plans to make recommendations to the Planning Board and/or Zoning Board of Adjustment with respect to tree selection, planting and location.
- g. Provide such other advisory duties as the Mayor and Counsel shall, from time to time by resolution, entrust to the Committee in furtherance of its goals and objectives.

**2-31.6 Meetings.** The Shade Tree Advisory Committee shall meet at least on a quarterly basis. The Committee is an advisory body and not subject to the requirements of the Open Public Meetings Act; however, may open up its meetings to the public upon an affirmative vote of a majority of its full membership, with appropriate public notice of same (meeting the requirements of the Open Public Meetings Act) being provided through the Borough Clerk's office.

**2-31.7 Certifications; Continuing Education.** Members of the Shade Tree Advisory Committee are eligible to obtain continuing education credits (CEUs) for the Borough as required under the New Jersey Community Forestry Program, in addition to the CORE

training for new members. The Committee needs to coordinate with the Borough Administrator to determine which two (2) members will obtain the CEUs for the Borough annually, which are a minimum total of eight (8) credits. The Borough shall only pay for the training courses for Committee members. Members may select any courses listed by the Rutgers University Urban Forestry Program. Members are required to notify the Borough Administrator which course they wish to be registered for so that a purchase order can be generated.

**SECTION THREE.** Section 30-8 entitled "Fees" of Chapter XXX entitled "Tree Conservation and Reforestation" of the Sayreville Borough Code of Ordinances is hereby supplemented and amended to read as follows: [New language in **bold and underlined**; and deleted language in ~~double strikethrough~~.]

## **CHAPTER XXX – TREE CONSERVATION AND REFORESTATION**

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### **30-8 – FEES.**

The applicant shall be charged fee for the provisions of this chapter in accordance with the following schedule:

- a. There shall be no fee required for a tree removal permit.
- b. If an applicant should decide not to replace trees on site, a contribution in the amount of two hundred and fifty (\$250.00) dollars per replacement tree as required by this Chapter shall be paid by the applicant and deposited in the Borough Tree Bank Fund.
- c. No fees shall be charged for trees transplanted in live condition to a suitable habitat; provided they survive for a period of one (1) year after time of transplanting.
- d. Fees collected under the provisions of this Chapter shall be deposited in the Borough Tree Bank Fund. The monies held in the Tree Bank Fund shall be used ~~to fund the annual appropriation for the operation of the Commission as determined by the governing body~~ **to achieve the purposes and intents of this Chapter** ~~pursuant to Section 2-31.9 of the Revised General Ordinances of the Borough of Sayreville. Should the Commission determine during the course of the year that it requires additional funding to carry out its authorized purposes, it shall advise the governing body, which may appropriate such additional funds as it deems necessary.~~

### **SECTION FOUR. Severability Clause.**

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

**SECTION FIVE. Repealer.**

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

**SECTION SIX. Mayor Approval.**

Within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved

**SECTION SEVEN. Effective Date.**

This Ordinance shall take effect upon final adoption and publication in accordance with law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

**INTRODUCED/APPROVED ON FIRST READING**

DATED: May 27, 2025

\_\_\_\_\_  
Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

\_\_\_\_\_  
Daniel Balka, Councilman  
(Admin & Finance Committee)

**ADOPTED ON SECOND READING**

DATED: June 16, 2025

\_\_\_\_\_  
Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

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Daniel Balka, Councilman  
(Admin & Finance Committee)

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

\_\_\_\_\_  
Kennedy O'Brien, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

\_\_\_\_\_  
Borough Attorney