

ORDINANCE 01-2020

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

**AN ORDINANCE AMENDING CHAPTER 7 OF THE BOROUGH CODE, CREATING A NEW ARTICLE XVII ESTABLISHING THE EATONTOWN COMMUNITY GARDEN ADVISORY COMMITTEE AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE COMMITTEE.**

**WHEREAS**, the Borough Council of the Borough of Eatontown, (the "Borough") Amended the Borough Code by adopting Article XII creating the "Advisory Committee on Sustainable Practices" known as the "Green Team"; and

**WHEREAS**, the Green Team created a Community Gardens subcommittee amongst its members which spearheaded, with the support of the Mayor and Council, the development of a Borough Community Garden on Borough property near Husky Brook Park; and

**WHEREAS**, in addition to the dedication of Borough property, the Mayor and Council authorized the expenditure of significant taxpayer monies to create the Community Garden; and

**WHEREAS**, inasmuch as the Borough has spent and will continue to expend significant public resources to oversee and maintain the Community Garden given its value to the community; and

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough to create the Eatontown Community Garden Advisory Committee to fully support the Community Garden and at the same time provide more oversight given the significant public resources which have been and will be expended to properly maintain it in the future.

**NOW, THEREFORE, BE IT ORDAINED**, by the BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY that Chapter 7 of the Borough Code is hereby amended to create Article XVII, entitled "Community Garden Advisory Committee , as follows:

**SECTION I – ESTABLISHMENT (Section 7- 102)**

There is hereby created an advisory committee which shall be known as the "Community Garden Advisory Committee"

**SECTION 2- MEMBERSHIP (Section 7-103)**

- A. The Community Garden Advisory Committee shall consist of five regular voting members; all members who shall be residents of the Borough of Eatonton, one of whom shall be a member of the Borough of Eatontown Green Team or the Environmental Commission; one member shall be a Councilperson selected by the Council; two members shall be gardeners who actively maintain plots at the Community Garden; and one member shall be a member of the Recreation Advisory Committee. All members except the Council member shall be appointed by the Mayor, with the advice and consent of the Borough Council. The Governing Body shall select a Chairperson on an annual basis and that Chairperson shall serve a one year term.
- B. Two members shall serve an initial term of two years and two members shall serve an initial term of three years. The Councilperson shall serve a one year term and shall be selected by the Council on an annual basis.
- C. Thereafter all non-Council members shall serve for a term of three years. Any vacancy in membership shall be filled in the same manner as the original appointment.

**SECTION 3-ELECTION OF OFFICERS AND ORGANIZATION (Section 7-104)**

- A. Following the adoption of this ordinance, the Community Garden Advisory Committee shall meet to organize and shall appoint a Secretary. The Secretary shall serve one-year terms.
- B. The Chairperson shall set the meeting schedule after conferring with the members, establish an agenda for each meeting, and conduct the meetings in an orderly and timely fashion.
- C. The Secretary shall be responsible for maintaining correspondence, memoranda and preparing written minutes of all committee meetings.

D. The Committee shall meet annually to reorganize and determine when it shall meet and how often, however, the committee shall meet at least four times per year.

#### **SECTION 4- DUTIES AND RESPONSIBILITIES (Section 7-105)**

- A. The Committee shall be responsible for the general operation and planning of the Community Garden and any related Borough property assigned by the Borough Council pursuant to the rules, regulations and procedures approved by the Borough Council.
- B. The Committee shall prepare and present to the Borough Council, for approval, rules, regulations and procedures governing the development, implementation, use and maintenance of the Community Garden and any related Borough property by members of the public including but not limited to the size of plots, access, environmental management practices, and any other requirements necessary and appropriate for the operation of the Community Garden.
- C. The Committee shall also keep track of all plot assignments, maintain a waiting list for plots, and accept applications.
- D. The Committee shall ensure the proper maintenance and appearance of the Community Garden by advising the Borough Administrator of required maintenance activities and will promote and educate residents on the benefits of gardening and Community Gardens.

#### **SECTION 5- QUORUM AND LIMITATIONS OF POWERS (Section 7-106)**

- A. A majority of members shall constitute a quorum.
- B. The Committee shall have no authority to spend municipal funds, enter into contracts on behalf of the municipality or in any way obligate the municipality legally or financially. The Committee may make recommendations to the Borough Administrator who under his/her authority may act on such recommendations when it is determined that such actions are in the best interest of the Borough. subject to Council approval, where appropriate and necessary.
- C. The Committee is prohibited from exercising any power or condemnation, from pledging the credit of the municipality, and from creating any debt against the municipality.

#### **SECTION 6 CONFLICTS OF INTEREST (Section 7-107)**

- A. Disclosure of interest. No Committee member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered in writing upon the minutes of the Committee meeting.
- B. Voting. No Committee member having an interest as described in this section shall vote on matters directly relating to such interest.

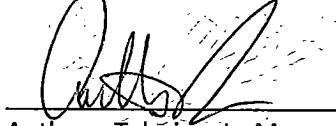
#### **SECTION – 7 EFFECTIVE DATE**

This ordinance shall take effect immediately after its final adoption.

DATE INTRODUCED: March 11, 2020

DATE ADOPTED: April 8, 2020

APPROVED:

  
Anthony Talerico, Jr. Mayor

Date: 4-10-2020

ATTEST:

  
Julie Martin, Municipal Clerk

Date: 4-13-2020