

Revised April 20, 2005

ORDINANCE NO. 25-05

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE
TOWNSHIP OF SOUTH BRUNSWICK BY CREATING CHAPTER 2, ARTICLE V
DIVISION 13, MAPLETON PRESERVE AT SOUTH BRUNSWICK COMMISSION**

ADOPTED
5/10/05

WHEREAS, the Township of South Brunswick, together with the State of New Jersey, has acquired significant parcels along Mapleton Road and Ridge Road, much of which consists of the former Princeton Nurseries property; and

WHEREAS, through certain agreements, the Township is obligated to manage and develop property located at Block 99, Part of Lot 3.011, Part of Lot 7.01, Block 108, Lots 12-18 and Block 109, Lots 13-18 (hereinafter, the Property), consisting of approximately 52.9 acres acquired jointly by the State of New Jersey Department of Environmental Protection (hereinafter, the Department) and the Township of South Brunswick (hereinafter, the Township) from Wm. Flemer's Sons, Inc. into a passive recreational, natural resource interpretive, horticultural and historic preservation center devoted to the preservation of the historic agricultural character of the area and pursuant to a Management and Use Agreement (hereinafter, the Management and Use Agreement) executed by the Department and the Township on December 10, 2004; and

WHEREAS, the prior owners of the Princeton Nurseries site, William FLEMERS' Sons Inc., have agreed to donate a \$300,000 endowment to further the outdoor, educational, interpretive and historic preservation purposes of the Property, rehabilitation of the main Propagation House including the chimney stack and eight (8) greenhouses and the rehabilitation of the warehouses, pursuant to the Management and Use Agreement executed by the Department and the Township as a memorial to the rich, long-standing history of Princeton Nurseries; and

WHEREAS, the Township is or will actively solicit additional contributions by outside sources toward the renovation and development of this area; and

WHEREAS, it is appropriate to create a Commission to oversee the planning, development and maintenance of this property pursuant to the Management and Use Agreement executed by the Department and the Township in which the Township has agreed to manage the Property, the members of which have a particular expertise in the planning, development and maintenance of such park lands;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

- I. Chapter 2, Article V, Division 13, Mapleton Preserve at South Brunswick Commission, of the Code of the Township of South Brunswick shall be and is hereby added as follows:

Secs. 2-699—2-719. Reserved.

Division 13

MAPLETON PRESERVE AT SOUTH BRUNSWICK COMMISSION

Sec. 2-720. Establishment; purpose

Sec. 2-721. Composition; ex-officio members; alternates; qualifications; conflicts of interest; compensation

Sec. 2-722. Appointment; terms

Sec. 2-723. Removal; absenteeism; vacancies

Sec. 2-724. Officers

Sec. 2-725. Meetings; rules; quorum

Sec. 2-726. Powers and duties; records and annual report

Sec. 2-727. Anticipated expenses

Sec. 2-728. Staff; appointments of staff; compensation of staff

This is to certify that the foregoing is a true copy of an ordinance adopted by the Township Council of South Brunswick Township.

Barbara Nyitrai
Barbara Nyitrai, RMC
Township Clerk

Secs. 2-729—2-750. Reserved.

Sec. 2-720. Establishment; purpose

- A. There is hereby established a Mapleton Preserve at South Brunswick Commission of the Township of South Brunswick.
- B. The purpose of the Mapleton Preserve at South Brunswick Commission is to oversee the planning, development and maintenance of property located at Block 99, Part of Lot 3.011, Part of Lot 7.01, Block 108, Lots 12-18 and Block 109, Lots 13-18 (hereinafter, the Property), consisting of approximately 52.9 acres acquired jointly by the State of New Jersey, Department of Environmental Protection (hereinafter, the Department) and the Township of South Brunswick (hereinafter, the Township) pursuant to the Management and Use Agreement dated December 10, 2004, executed by the Department and the Township in which the Township has agreed to manage the Property.

Sec. 2-721. Composition; ex-officio members; alternates; qualifications; conflicts of interest; compensation

- A. The Mapleton Preserve at South Brunswick Commission shall be composed of:
 - (1) Six (6) regular members who shall be representatives of the following:
 - a. Three (3) members from the Township of South Brunswick.
 - b. One (1) member from the New Jersey Department of Environmental Protection, Division of Parks and Forestry.
 - c. One (1) member from the New Jersey Department of Environmental Protection, Green Acres Program.
 - d. One (1) member from New Jersey Department of Environmental Protection, State Historic Preservation Office.
 - (2) One (1) ex-officio member who shall be a member of the South Brunswick Township Council.
 - (3) One (1) ex-officio member who shall be from the New Jersey Department of Environmental Protection, Assistant Commissioner, Natural and Historic Resources Group.
 - (4) The two (2) ex-officio members shall be non-voting members, except in the event of a tie vote of the regular members, in which case the two (2) ex-officio members shall jointly reach an agreement between themselves as to which way to vote, and then they shall together cast the deciding vote.
 - (5) Two (2) alternates, designated as SB Alternate #1 and SB Alternate #2, to be appointed by the Township Council, who may participate in discussions but may not vote except in the absence or disqualification of a regular member appointed by the Township

Council. A vote shall not be delayed in order that a regular Township member may vote instead of an alternate Township member. If a choice must be made as to which SB alternate is to vote, SB Alternate #1 shall vote first.

(6) Two (2) alternates, designated as State Alternate #1 and State Alternate #2, to be appointed by the State offices represented on the Commission, who may participate in discussions but may not vote except in the absence or disqualification of a regular member appointed by the State offices represented on the Commission. A vote shall not be delayed in order that a regular State member may vote instead of an alternate State member. If a choice must be made as to which State alternate is to vote, State Alternate #1 shall vote first.

- B. Each of the members shall be appointed to the Commission by their respective organizations. Members from South Brunswick shall be appointed by the Township Council of the Township of South Brunswick.
- C. No member of the Commission shall have a direct or indirect, personal or pecuniary interest in any proposal or transaction recommended by the Commission. If such an interest exists, that member shall recuse himself or herself from all participation in said proposal or transaction.
- D. The members of the Commission shall serve without compensation but each shall receive his/her actual disbursements for approved expenses in performing his/her duties.

Sec. 2-722. Appointment; terms.

- A. All regular and alternate members shall be appointed with special consideration for their qualifications which shall be based on their experience, knowledge and/or expertise in the fields of passive recreation, historic preservation, historic agricultural and horticultural activity, landscaping, parks and forestry development, natural resources management and/or open space preservation.
- B. All regular and alternate members appointed by the Township Council shall be appointed for staggered, three (3) year terms. The initial appointments of regular and alternate members by the Township Council shall be one (1) regular and one alternate member for a term of one (1) year each, one (1) regular and one alternate member for a term of two (2) years each and one (1) regular member for a term of three years. Thereafter, each of the regular and alternate members appointed by the Township Council shall serve three (3) year terms.
- C. The ex-officio members shall be appointed for one (1) year terms.

Sec. 2-723. Removal; absenteeism; vacancies

- A. The Township Council may remove any member of the Commission appointed by the Township Council for cause after written notice has been

served upon the member and after a hearing on the issues raised, at which time the member shall be entitled to be heard in person or by counsel. At the discretion of the member, the hearing may be in private.

- B. Cause for removal of a member appointed by the Township Council may be found where that member has absences from three (3) consecutive meetings, or from fifty percent (50%) of the Commission's regularly scheduled meetings for a year, without prior notification to the Chairperson. The Chairperson shall submit a written report to the Township Council as to such absenteeism.
- C. In the event of a vacancy occurring on the Commission other than by expiration of term, such vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Sec. 2-724. Officers

The officers of the Commission shall be appointed by it at its first meeting of the year to serve one (1) year terms.

Sec. 2-725. Meetings; rules; quorum

- A. The Commission shall meet at least once per month, at a time to be set by the Commission. Additional meetings may be called if deemed necessary.
- B. The Commission shall have the power to establish its own bylaws.
- C. A majority of the Commission shall constitute a quorum. Passage of any motion requires an affirmative vote by a majority of the members present.

Sec. 2-726. Powers and duties; records and annual report

- A. The Mapleton Preserve at South Brunswick Commission shall oversee all planning, administration, management, maintenance and monitoring of the Property pursuant to the Management and Use Agreement executed by the Department and the Township in which the Township has agreed to manage the Property.
- B. The Mapleton Preserve at South Brunswick Commission shall also ensure that the following goals and objectives are met for the Property, pursuant to the Management and Use Agreement:
 1. Preserve and protect the significant natural resources and man-made features of recognized historic and natural resources value of the Property.
 2. Develop and maintain the Property as an interpretive outdoor educational, horticultural and historic preservation center and a historic landscape greenway/passive recreational trail corridor between the D&R State Park, the Cook Natural Preserve, Middlesex County park land and South Brunswick Township park land.
 3. Develop and manage the Property for such uses as hiking, birding, photography and nature walks as well as uses for historic preservation and horticultural purposes and associated

activities pertaining thereto, such that any such use would not be a detriment to the National Register eligible Princeton Nurseries Historic District.

4. Ensure that the Property is not used for such things as motorized vehicles, snowmobiles, ATV's, dirt bikes, four-wheel drive cars and trucks or hunting pursuant to the Management and Use Agreement.
5. There has been established an Endowment Committee in the Management and Use Agreement made up of one (1) representative each from the Township of South Brunswick, the Department of Environmental Protection (DEP) Division of Parks and Forestry, and the DEP State Historic Preservation Office which has exclusive oversight of the \$300,000 endowment specifically donated by Wm. Flemers' Sons Inc., including additional funds to the Endowment (if any), to further the outdoor, educational, interpretive and historic preservation purposes of the Property and additional adjacent property donated by the Trustees of Princeton University. Endowment funds shall be used only for the implementation and execution of the Management Plan (for example the rehabilitation of the main Propagation House including the chimney stack and eight (8) greenhouses and the rehabilitation of the warehouses), pursuant to the Management and Use Agreement. The Commission shall endeavor to work in concert with the Endowment Committee to further the goals and objectives set forth herein.
6. Develop, use and maintain two (2) existing warehouse buildings located on the Property, the main propagation house, including the chimney stack and eight (8) greenhouses, pursuant to the Management and Use Agreement.
7. Ensure compliance with all other conditions of the Management and Use Agreement and the Management Plan, including, but not limited to, developing a "Use Plan" as a subset of the Management Plan for the structures on the Property within the time periods described in the Management and Use Agreement.
8. Provide periodic reports to the Township Manager and Township Council as often as necessary/requested, but at least annually, describing the activities of the Commission and its progress toward complying with the Management and Use Agreement and Management Plan with copies to the Department.

9. Recommend to the Township Council and the Department the promotion and/or advertising of the Property.
10. Develop, in conjunction with the South Brunswick Department of Recreation, such projects as will encourage use of the Property by the public and investment in the Property by outside organizations consistent with this Chapter.
11. Serve in an advisory capacity regarding applications for any grants appropriate for development, use and maintenance of the Property.

- C. The Commission shall keep records of its meetings and activities and shall make an annual written report to the Township Council and the Department.

Sec. 2-727. Anticipated expenses

No later than October, the Commission shall submit to the Township Manager the estimated sum necessary for the proper conduct of its work during the ensuing fiscal year.

Sec. 2-728. Staff; appointments of staff; compensation of staff

- A. The Commission may make recommendations to the Township Manager for the appointment of a secretary and such other employees as it may from time to time require.
- B. Such appointments shall be made by the Township Manager.
- C. All staff salaries for the secretary and such other employees as are required shall be set by the Township Manager and paid for by the Township within the limits of the funds appropriated to the Commission by the Township Council, and in accordance with the salary ordinance adopted by the Township Council. No salaries for such positions shall be paid for out of the \$300,000 Endowment fund.

Secs. 2-699—2-719. Reserved.

- II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be in conflict with existing regulations or shall be adjudged by any court of competent jurisdiction to be invalid, such conflict or judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined to the clause, sentence, paragraph, section or part thereof directly involved in the conflict or the controversy in which said judgment shall have been rendered.
- III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on April 26, 2005, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on May 10, 2005, at which time and place any person having an interest therein will be given an opportunity to be heard.

Barbara Keptac 4/26/05
Township Clerk