

March 24, 2020

BOROUGH OF BRADLEY BREACH, MONMOUTH COUNTY

RESOLUTION NO. 2020-77

**RESOLUTION IN SUPPORT OF “GREEN AMENDMENT” TO THE
NEW JERSEY STATE CONSTITUTION**

Mayor Engelstad offered the following Resolution and moved its adoption:

WHEREAS, the right of New Jerseyans to clean water, air and a healthy environment is not provided with any protection in the State of New Jersey’s Constitution; and

WHEREAS, while New Jersey was known as an environmental leader in terms of passing legislation to require remediation of contaminated sites, generation and use of renewable forms of energy, recycling of certain materials at a high level, and numerous other environmental areas; and

WHEREAS, nonetheless, within New Jersey, there still remain thousands of sites where the soil needs to be cleaned up, contaminants continue to migrate down into and pollute groundwater, brownfields need to be put to productive use, and public drinking water supplies and school water systems need to be rid of lead, solvents, and chemicals; and

WHEREAS, within New Jersey, there still remain places where the air is unhealthy, especially when ozone peaks in the summer heat, with eleven of New Jersey’s twenty-one counties receiving an “F” rating from the American Lung Association noting when comparing smog levels to health-based air quality standards; and

WHEREAS, according to a Fairleigh Dickinson University PublicMind Poll, 83% of New Jersey residents believe that the right to clean air and clean water should be protected by the constitution; and support for a constitutional right to a healthy environment runs across all demographics, including republicans and democrats, men and women, whites and non-whites and all age ranges; and

WHEREAS, our rights to free speech, to a free press, to religious freedom, and property rights are among the many fundamental rights guaranteed by our federal and state constitutions but our rights to clean water, clean air, and healthy environments, are not recognized or protected as fundamental rights by our State Constitution; and

WHEREAS, the aforementioned threats to New Jersey’s environment are of particular concern to the Mayor & Council of the Borough of Bradley Beach, County of Monmouth insofar as the Borough is a coastal community especially susceptible to the effects of climate change; and

WHEREAS, the Borough’s Mayor & Council believe that a clean and healthy environment is directly related to one’s health, and longevity, and is especially important and vital to the future of the coastal community of Bradley Beach; and

WHEREAS, in light of these facts, the Borough’s Mayor & Council have become aware that a bi-partisan bill was recently introduced in the New Jersey Senate co-sponsored by Senators Greenstein-D and Bateman-R (“SCR 30”), which states as follows:

“1. The following proposed amendment to the Constitution of the State of New Jersey is agreed to:

“PROPOSED AMENDMENT

“Amend Article I by adding a new paragraph 24 to read as follows:

“24. (a) Every person has a right to a clean and healthy environment, including pure water, clean air, and ecologically healthy habitats, and to the preservation of the natural, scenic, historic, and esthetic qualities of the environment. The State shall not infringe upon these rights, by action or inaction.

(b) The State’s public natural resources, among them its waters, air, flora, fauna, climate, and public lands, are the common property of all the people, including both present and future generations. The State shall serve as trustee of these resources, and shall conserve and maintain them for the benefit of all people.

(c) This paragraph and the rights stated herein are (1) self-executing, and (2) shall be in addition to any rights conferred by the public trust doctrine or common law.

“2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

“3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

“There shall be printed on each official ballot to be used at the general election, the following:

- a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (a) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (a) in the square opposite the word "No."

- b. In every municipality the following question:

CONSTITUTIONAL AMENDMENT TO ENSURE THE PEOPLE'S
ENVIRONMENTAL RIGHTS

“Do you approve amending the Constitution to grant every person the right to a clean and healthy environment? The amendment would also require the State to protect public natural resources.”; and

WHEREAS, the interpretative statement to the proposed Constitutional amendment states that: *“This amendment provides that every person has a constitutional right to a clean environment. This includes the right to clean air, pure water, and healthy habitats. The amendment would require the State to preserve public natural resources. The State would also be required to prevent others from destroying or damaging public natural resources.”*; and

WHEREAS, if SCR 30 is passed by the Senate and then the Assembly, and if it is agreed to by the voters in a public question ballot referendum, this “Green Amendment” will be added to the Bill of Rights of New Jersey State Constitution; and

WHEREAS, the Mayor & Council of the Borough of Bradley Beach recognize that clean water, air and a healthy environment will help to protect public health and enhance the quality of lives of residents of the Borough, especially as it relates to our beach, ocean, lakes, wetlands, and parks, as well as help attract more visitors and business to the Borough;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey hereby express their favor and support for SCR 30 and its counterpart in the Assembly, ACR 80; and

BE IT FURTHER RESOLVED that the Mayor & Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey encourage their legislative delegation to support ACR 80 and SCR 30 for full passage by the Assembly and Senate so that the residents of the

Borough may vote on whether to add the right to a clean and healthy environment to the Bill of Rights of the New Jersey State Constitution; and


BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the State Legislative Delegation representing the Borough of Bradley Beach.

Seconded by Councilman Weber and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Engelstad	X			

CERTIFICATION

I, Erica Kostyz, Deputy Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the March 24, 2020 meeting.


ERICA KOSTYZ, RMC, CMR
Deputy Municipal Clerk