

CHAPTER 48

AN ACT concerning the Peter J. Barnes III Wildlife Preservation Commission and amending P.L.2009, c.132.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 4 of P.L.2009, c.132 (C.40:55D-88.4) is amended to read as follows:

C.40:55D-88.4 Authorizing resolution.

4. a. Upon adoption of an authorizing resolution by the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough, respectively, in Middlesex County, there is established the Peter J. Barnes III Wildlife Preservation Commission. The commission shall consist of nine members appointed and qualified as follows, provided, however, that no more than five members shall be of the same political party and no more than three members shall be appointed from any one municipality:

(1) Two residents of Edison Township, appointed by the governing body of the municipality;

(2) Two residents of Metuchen Borough, appointed by the governing body of the municipality;

(3) Two residents of South Plainfield Borough, appointed by the governing body of the municipality;

(4) Two elected officials from Middlesex County, appointed by agreement of the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough; and

(5) one representative of the Edison Wetlands Association, appointed by agreement of the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough.

b. Each member shall serve for a term of five years. Each member shall serve for the term of the appointment and until a successor shall have been appointed and qualified. Any vacancy shall be filled in the same manner as the original appointment for the unexpired term only. Each municipal appointing authority shall appoint one alternate member to act in the absence or disability of the regular members appointed thereby. An alternate member shall have the same qualifications as a regular member appointed by the appointing authority and shall be appointed for a term of five years. Each alternate member may participate in the commission's proceedings, and in any discussions related thereto, but shall be authorized to vote only in the absence or disability of a regular member who has been appointed by the same municipal appointing authority. No commission vote shall be delayed in order to enable a regular member to vote, instead of an alternate member.

c. Any member of the commission may be removed by adoption of a resolution by the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough for cause after a public hearing.

d. Each member of the commission shall take and subscribe to an oath to perform the duties of the office faithfully, impartially, and justly to the best of their ability.

e. The members of the commission shall serve without compensation, but the commission may reimburse its members for necessary expenses incurred in the discharge of their duties.

f. The commission shall select from its members a chairperson and vice-chairperson, and may employ an executive director, who may also serve as secretary, and a treasurer. The commission may also appoint, retain, and employ, without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, such officers, agents, employees, and experts as it may require, and it shall determine their qualifications, terms of office, duties, services,

and compensation. The local governing bodies may provide administrative support to the commission.

g. The powers of the commission shall be vested in the members thereof in office from time to time, and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the total authorized membership, provided, however, that the commission may designate one or more of its agents or employees to exercise such administrative functions, powers, and duties, as it may deem proper, under its supervision and control. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission. For the purposes of this subsection, the “total authorized membership” of the commission shall include the regular members appointed pursuant to subsection a. of this section, provided that in the absence or disability of a regular member, an alternate member authorized to vote in that regular member’s stead shall be counted within the total authorized membership in the regular member’s stead for the duration of the regular member’s absence or disability.

h. No member, officer, employee, or agent of the commission shall be financially interested, either directly or indirectly, in any project, any part of a project area, or an application for development, other than a residence, or in any contract, sale, purchase, lease, or transfer of real or personal property located within the boundaries of the Peter J. Barnes III Wildlife Preserve.

(1) Any contract or agreement knowingly made in contravention of this subsection is voidable.

(2) Any person who willfully violates the provisions of this subsection shall forfeit the person’s office or employment.

2. This act shall take effect immediately.

Approved April 22, 2025.