

TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE No. 2022-01

AMENDING CHAPTER 18 (COMMISSIONS, COMMITTEES AND  
BOARDS), ARTICLE II (ENVIRONMENTAL COMMISSION), SECTION 17  
(MEMBERSHIP; COMPENSATION; TERMS; ALTERNATE MEMBERS) TO  
CHANGE THE APPOINTING AUTHORITY

WHEREAS, the Township Council adopted Ordinance No. 9-22 on August 3, 1992 establishing Chapter 16 Environmental Commission) of the Code of the Township of Verona; and

WHEREAS, the Township Code was revised by the Ordinance No. 2020-26 on December 29, 2020 and Chapter 16 was recodified as Chapter 18 Article II; and

WHEREAS, § 1-7(c)(8) of Ordinance No. 2020-26 changed all references to "Mayor" to read "Township Manager" except such references in Chapter 5, Administration of Government and §§ 55-1A and 55-2A; and

WHEREAS, N.J.S.A. 40:69A-87 adopted in 1950 provides that "[h]e shall fill vacancies occurring in the trustees of the public library and in the board of education where the municipality is operate under chapter 6 of Title 18 of the Revised Statues [now repealed] for such terms of office as are provided by law; and

WHEREAS, N.J.S.A. 40:69A-87 adopted in 1950 further provides that "[t]he powers of the mayor shall be only such as are expressly conferred upon him by this article; and

WHEREAS, Section 2 of P.L. 1989, c.168 amended N.J.S.A. 40:56A-1 and provides that "[n]otwithstanding any other provisions of law to the contrary, the powers of appointment and removal hereby afforded to the mayor of a municipality shall be vested in the elected official so designated or, where there is a vacancy in the office of mayor, in the duly designated acting mayor."; and

WHEREAS, it is the opinion of Counsel that the 1989 amendments to the powers of appointment of members as well as the chairman and presiding officer of the Environmental Commission shall be vested in the office of the mayor.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex, New Jersey as follows:

SECTION 1. Chapter 18 (Commissions, Committees and Boards), Article II (Environmental Commission), Section 17 (Membership; compensation; terms; alternate members) is hereby amended to read as follows [additions bracketed in bold type, deletions in bold type with strikethrough]:

- A. The Environmental Commission shall consist of seven members appointed by the ~~Township Manager~~ [Mayor], one of whom shall be a member of the Township Planning Board and all of whom shall be residents of the Township of Verona. The members shall serve without compensation except as herein provided. The ~~Township Manager~~ [Mayor] shall designate one of the members to serve as Chairman and presiding officer of the Commission. Members shall serve for terms of three years or until a successor is appointed and qualified, except that of the first members appointed, the terms of three members shall expire on June 30, 1993, the terms of three members shall expire June 30, 1994, and the term of one member shall expire June 30, 1995.
- B. The ~~Township Manager~~ [Mayor] or the governing body may remove any member of the Commission for cause on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.
- C. A vacancy on the Commission which occurs otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

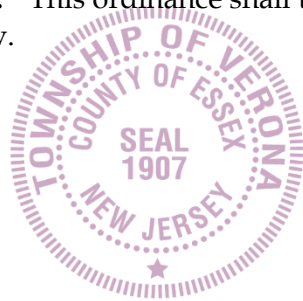
- D. The governing body may appoint not more than two alternate members to be designated as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2. A vacancy which occurs otherwise than by expiration of a term shall be filled by the governing body for the unexpired term only.
- E. An alternate member, after public hearing, if one is requested, may be removed by the governing body for cause.
- F. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.
- G. No member or alternate member shall be permitted to act on any matter in which he or she, either directly or indirectly, has any personal or financial interest.

**SECTION 2.** In case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**SECTION 3.** If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**SECTION 4.** All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** This ordinance shall take effect 20 days after final passage and publication as prescribed by law.



ATTEST:

*Jennifer Kiernan*  
 JENNIFER KIERNAN  
 MUNICIPAL CLERK

**I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF JANUARY 7, 2022 AND JANUARY 28, 2022.**

**JENNIFER KIERNAN  
 MUNICIPAL CLERK**

INTRODUCTION: January 3, 2022  
 PUBLIC HEARING: January 24, 2022  
 EFFECTIVE DATE: February 17, 2022