

# PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION BY-LAWS

## ARTICLE I. NAME

The name of this body shall be the “Peter J. Barnes III Wildlife Preservation Commission”.

## ARTICLE II. ESTABLISHMENT

The Peter J. Barnes III Wildlife Preservation Commission was originally established pursuant to section 4 of the Dismal Swamp Preservation Act (No. 3072A) approved October 1, 2009 by the Senate and General Assembly of the State of New Jersey upon adoption of authorizing resolutions by the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County, respectively. Subsequent amendments to the Commission were made per P.L. 2021 Chapter 195 (No. 5822) and P.L. 2025 Chapter 48 (No. 5067)

## ARTICLE III. DEFINITIONS

These terms shall have the following meanings in this act:

### ALTERNATE

Means a person designated by an individual municipality to serve on those occasions in which a regular member from said municipality cannot attend.

### APPLICATION FOR DEVELOPMENT

Means the application form, required fees and all accompanying plans and documents required by this chapter for the approval of a subdivision, site plan, planned unit development, conditional use, zoning variance or direction of the issuance of a zoning permit application.

### COMMISSION

Means the Peter J. Barnes III Wildlife Preservation Commission established pursuant to section 4 of this act upon adoption of authorizing resolutions by the local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County, respectively.

### MAJORITY VOTE

Means more than half of the membership of the commission present at a meeting.  
*Example: If there are five (5) members present at a meeting, the majority would be three (3).  
If there are six members present, the majority would be four (4).*

### MAJORITY OF THE TOTAL AUTHORIZED MEMBERSHIP

Means more than half of the total membership of the commission, excluding alternates.  
*Example: If the total membership, excluding alternates, is nine (9), then the Majority of the Total Authorized Membership would be five (5).*

### PETER J. BARNES III WILDLIFE PRESERVE

Means the area located within Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County as delineated by a metes and bounds description approved by resolution adopted by the respective local governing bodies of those municipalities.

### PRESERVE

Shall mean the same as “Peter J. Barnes III Wildlife Preserve”.

# **PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION BY-LAWS**

## **PROJECT**

Means any structure, land use change, or public improvement for which a permit from, or determination by, the municipality is required, which shall include, but not be limited to, building permits, zoning variances, and excavation permits.

## **ARTICLE IV. PURPOSE**

The purpose of the Commission is to provide comprehensive regulatory authority and regional planning for the Peter J. Barnes III Wildlife Preserve with a primary focus on protecting and preserving the ecological, historical and recreational values of the area.

## **ARTICLE V. POWERS & DUTIES**

The Commission shall have the power to:

- A. Review and approve, reject or modify all applications for development within the preserve pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).
  1. The Commission shall exercise any or all of the powers and duties of a municipal planning board and any or all of the power and duties of a county planning board for the preserve.
  2. No application for development shall be required to be reviewed and approved by both the Commission and the planning board of a constituent municipality.
- B. Review and approve, reject, or modify any State project planned within the preserve, and submit its decision to the Governor and the commissioner of the department proposing the project.
- C. The review of an application for development shall not be contingent upon the adoption of the master plan pursuant to C.40:55D-88.6; however, upon adoption of the master plan, any application for development shall be reviewed to ensure that the actions proposed in the application also conform to the master plan.
- D. To coordinate and support activities by citizens' groups to promote and preserve the Peter J. Barnes III Wildlife Preserve, and shall actively seek funds for the purchase and preservation of lands within the preserve for recreation and conservation purposes.
- E. To establish and charge reasonable fees for the review of applications for development submitted to the Commission and for other services the Commission may provide in accordance with the provisions of C.40:55D-8.
  1. Fees collected pursuant to this subsection shall be deposited into a separate account, and shall be dedicated for use by the Commission solely for the purposes of ministering and forcing its responsibilities pursuant to the act establishing this Commission.
- F. To 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. To sue and be sued in its own name.

# PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION BY-LAWS

- H. To help implement sections of the master plan regarding enhancement and preservation of existing natural resources located in the preserve.

## ARTICLE VI. MASTER PLAN

- A. The Commission shall prepare, or cause to be prepared, after holding one public hearing in each of the three municipalities within which the preserve is situated, a master plan for the protection and preservation of the Peter J. Barnes III Wildlife Preserve with elements similar to those provided for municipal master plans in section 19 of P.L.1975, c.291 (C.40:55D-28), as the Commission determines to be appropriate for the preservation of the ecological and historical nature of the preserve.
  - 1. The Commission is required to hold a public comment hearing on the proposed master plan in each of the municipalities in accordance with the Open Public Meeting Act (NJSA10:4-6 et seq.). A minimum of 10 days is required from the date of publication of the notice to the hearing.
  - 2. The master plan shall include a report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan.
  - 3. The Commission shall give due consideration to:
    - a. existing historical sites and potential restorations or compatible development;
    - b. the range of uses and potential uses of the area in the developed communities through which it passes;
    - c. designated areas to be kept as undeveloped, limited-access areas restricted to conservation or passive recreation;
    - d. any other issues the Commission deems appropriate for the protection and enhancement of the area;
    - e. consider existing patterns of development and any relevant master plan or other plan of development;
    - f. ensure widespread citizen involvement and participation in the planning process.
  - 4. The Commission shall act in support of local suggestions, recommendations, and ordinances. In so doing, it shall:
    - a. Provide consultation, planning and technical expertise to local planning bodies that wish to implement land-use policies to enhance the area.
    - b. Act on or refer complaints by citizens' groups or private residents who discover hazardous situations, pollution, or evidence of noncompliance with use regulations.
  - 5. Until such time as the master plan and metes and bounds are adopted by each municipality as required by the Commission's charge, the ecological perimeter shall serve as the delineation of the preserve.

**PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION  
BY-LAWS**

**ARTICLE VII. MEMBERSHIP**

- A. The Commission shall consist of nine members, appointed and qualified as follows:
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 municipal appointing authority shall appoint one alternate member to act in the absence or disability of the regular members appointed thereby.
1. 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.
  2. 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.
  3. No commission vote shall be delayed in order to enable a regular member to vote, instead of an alternate member.
- C. No more than five (5) members shall be of the same political party and no more than three members shall be appointed from any one municipality.
- D. Each member shall serve for a term of five (5) 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.
- E. 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.
- F. 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.
- G. 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.
- H. If a member cannot attend a scheduled meeting they are required to notify the

**PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION  
BY-LAWS**

Chairperson at least 48 hours prior to the meeting. The Chairperson, with the concurrence of the Commission, can recommend the removal of any member that has four (4) absences within one (1) year.

1. Removal recommendation shall be made to the governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough.
2. Removal shall be made by adoption of a resolution by the three local governing bodies.

**ARTICLE VIII. EXECUTIVE BOARD AND OFFICERS**

A. The commission shall select from its members a chairperson and vice-chairperson, a secretary and treasurer. It may also employ an executive director, who may also serve as the secretary.

1. The Chairperson shall be responsible for the organization and direction of the Commission. The Chairperson shall have the authority or be responsible for:
  - a. Appointment of members to committees
  - b. Preparing the meeting agenda, addition or subtraction of items from the agenda
  - c. scheduling of hearings
  - d. conducting meetings
  - e. ending meetings
  - f. ensuring that the work of the Commission is carried out promptly and competently
  - g. ensuring that meeting and hearing notices are advertised in accordance with the Open Public Meeting Act (NJSA10:4-6 et seq.).
  - h. The Chairperson may delegate these duties as necessary in order to accomplish the work of the Commission.
  - i. The Chairperson shall have authority to sign off on approved receivables and payables.
2. The Vice Chairperson shall preside at all meetings of the Commission in the absence of the Chairperson and shall perform all duties and have all powers of the Chairperson in case of temporary absence or incapacity of the Chairperson
3. The Secretary shall:
  - a. take minutes of each meeting
  - b. prepare written minutes for review and acceptance, such minutes being supplied to the membership at the same time as the tentative agenda for the upcoming meeting.
  - c. Upon approval of minutes, prepare an official copy, to be kept on file in a separate binder or folder to be available for reference at subsequent meetings. Copies of approved minutes shall be sent to the clerk of each municipality.

**PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION  
BY-LAWS**

- d. Prepare the tentative agenda for each upcoming public meeting with input from the Commission Chairperson and standing committee chairpersons
  - e. Give proper legal notice of public meetings
  - f. Prepare letters of correspondence as needed.
4. The Treasurer shall open an account with a bank of convenience and keep records of monthly financial activity. The treasurer shall also have signing authority for any disbursements, which shall be made at the direction of the Chairperson and by a majority vote by Commission members. There shall be 2 signatures on checks to disburse money, that of the treasurer and the chairperson. Any amount under \$500 can be paid without approval by the Commission.
- B. Selections for Executive Board positions shall be held during the first meeting of a calendar year during which a quorum is present. Should a meeting be scheduled but no quorum present, those members in Executive Board positions shall maintain their position until the next regular meeting. A member need not be present at a meeting to be nominated for a position.
- C. Vacancies in these offices shall be filled at the next meeting following the occurrence of the vacancy. The term of office shall be two (2) years or until their successors are elected and qualified by a majority vote on a formal motion or during the annual reorganization meeting.

**ARTICLE IX. COMMITTEES**

- A. Members shall serve on standing and ad hoc committees if requested by the Chairperson. Members shall strive to attend all meetings and notify the Chairperson in advance when unable to attend a meeting.
- B. Committees shall be established by vote of the members of the Commission for any purpose deemed necessary for the fulfillment of the purposes of the Commission. Ad hoc committees to investigate specific projects may be established and appointed by the Chairperson. Each Committee shall report to the Commission at each regular meeting or at such other times as the Commission may require.

**ARTICLE IX. MEETINGS SCHEDULE, NOTICE AND ATTENDANCE**

- A. Regular Meetings.
- 1. The Commission shall, every year by resolution, approve the annual schedule.
  - 2. Meeting locations shall be established in one of the three municipalities by the Chairperson.
  - 3. Changes in meeting dates or times shall be arranged in accordance with legal notice requirements and provisions of the Open Public Meetings Act (NJSA10:4-6 et seq.).
- B. Standing committees shall hold their work meetings at times and places at the convenience of the committee membership.
- C. The Chairperson shall have the right to reschedule meetings or call additional meetings, provided six (6) days notice is given to the membership. Members of the commission may call

# **PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION BY-LAWS**

for additional meetings provided it is approved by a standard majority vote during a regular meeting.

- D. A tentative agenda for the meeting will be e-mailed to the commission membership at least 3 days before the regular meeting along with minutes of the previous meeting. Any member unable to attend must notify the Chairperson as far in advance of the meeting as possible.

## **ARTICLE X. PUBLIC HEARINGS AND INFORMATIONAL MEETINGS**

### **A. Master Plan.**

1. From time to time the Commission may be required to hold a public hearing in each of the municipalities before adopting a proposal such as the Master Plan. The proposal with supporting arguments shall be presented by the Chairperson.
2. After the presentation, the Chairperson may open up the meeting to the public for comment and to solicit questions. The Chairperson may then invite rebuttals, if deemed appropriate.
3. When everyone has had an opportunity to comment, the Chairperson shall close the hearing. The Commission may deliberate and vote following the third hearing or wait until the next regular meeting.

### **B. Informational Meeting**

1. An informational meeting is less formal and designed to ensure that any proposal or topic of discussion with the meeting regards is completely understood. Modifications may be made to a proposal as a result of the meeting, but the objective usually is not to decide on the merits of the proposal.

### **C. Development Application Hearings.**

1. The Commission shall follow all guidelines pursuant to C.40:55D-1 et seq.

## **ARTICLE XI. MEETING RULES & PROCEDURES**

- A. Meeting procedures, unless otherwise specified in the rules hereinafter set forth shall be governed and determined by Robert's Rules of Order, Newly Revised.
- B. The Chairperson shall be the parliamentarian when he or she is present. In the absence of the Chairperson, the Vice Chairperson shall serve as parliamentarian.
- C. Regular public meetings will be conducted according to the following basic agenda outline.
  1. Call to Order
  2. Roll Call
  3. Adequate Notice / Statement of Legal Compliance for public notice
  4. Approval of prior minutes
  5. Committee reports
  6. Public Comment on Action Items
  7. Action Items

**PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION  
BY-LAWS**

- 8. Discussion Items
  - i. Old Business
  - ii. New Business
- 9. Public Comment
- 10. Adjournment

- D. The order of the agenda may be altered by the Chairperson, or by majority vote of members present at a meeting.
- E. Members of the public who are present at a public meeting may speak to any action item during “Public Comment on Action Items” or on any item related to the Commission at “Public Comment”.
  - 1. All questions or comments from the public shall be directed and addressed by the Chairperson.
  - 2. No member of the public may speak more than once until every other member of the public has had such opportunity. Members of the public may speak no more than two times per comment period, and shall be provided a maximum of five (5) minutes per comment portion.
  - 3. The chairperson may request a member of the public to cease speaking if the statement has been amply discussed and become merely repetitious.
  - 4. Individuals may be invited to address the Commission on matters before it at a point in the agenda deemed appropriate by the Chairperson.
- F. Motions may be made at any time during a meeting to recess or to adjourn to a later date. Passage of such a motion shall be by majority vote.
- G. Standing committee meetings shall be conducted without formalities.

**ARTICLE XII. QUORUM**

- A. The powers of the Commission shall be vested in the members thereof in office from time to time, and a majority (five) of the total authorized membership of the Commission shall constitute a quorum at any meeting thereof.
- B. Approval of any action item, unless otherwise provided for in these by-laws, shall be approvable by majority vote.
- C. Action may be taken and motions and resolutions adopted by the Commission at any meeting hereof 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.
- D. 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.

**PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION  
BY-LAWS**

**ARTICLE XIII. CONFLICT OF INTEREST**

- A. 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 preserve as delineated by a metes and bounds description approved by resolution adopted by the respective local governing bodies of Edison Township, Metuchen Borough, and South Plainfield Borough.
- B. No member shall participate in a vote or the discussion leading up to a vote if that person has a potential conflict of interest. Any member who has a potential conflict of interest shall disclose that fact to the Commission.
- C. Any contract or agreement knowingly made in contravention of this subsection is voidable.
- D. Any person who willfully violates the provisions of this article shall forfeit office or employment.

**ARTICLE XIV. FINANCING; APPROPRIATIONS; ACQUISITIONS; GIFTS**

- A. The Commission may receive funds from the Federal and State governments, municipalities, grant resources and fees for expenses related to its activities. The Commission may accept gifts of conservation easements and land. Formal acceptance of gifts must be approved by resolution.
- B. The Commission may undertake other activities to raise funds for its purposes.
- C. The Commission, from time to time as it may see fit, shall prepare a budget to be used for financial planning of the Commission.

**ARTICLE XV. RATIFICATION**

- A. The by-laws become effective when approved by a majority of the total authorized membership of the Commission.
- B. The by-laws may be amended by motion and approval by vote by the majority of the total authorized membership of the Commission at any public meeting of the Commission.
- C. Should any part of these s be shown to be invalid, the validity of any other part and of the by-laws as a whole, shall not be affected.

**PETER J. BARNES III WILDLIFE PRESERVATION COMMISSION  
BY-LAWS**

**CERTIFICATE OF ADOPTION OF BY-LAWS**

I do hereby certify that the above stated by-laws of the Peter J. Barnes III Wildlife Preserve Commission were approved by the commissioners of the Peter J. Barnes III Wildlife Preserve Commission on January 8, 2026 at their scheduled meeting and constitute a complete copy of the by-laws of the commission.

A handwritten signature in black ink, appearing to be 'KS', written over a horizontal line.

Kenneth Sammond, Secretary

Date: 1/8/2026