

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 46.2, 46.5, and 46.6 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PLANNING BOARD)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to update the terms of the appointments to the Township of West Orange Planning Board and professionals for the Township of West Orange Planning Board to reflect the move of municipal elections from May to November thereby necessitating the need to move the commencement of terms for the members of the Planning Board and professionals for the Planning Board from July to January.

II. CHAPTER 25, SECTION 46.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-46.2 Terms.

- a. The term of the member constituting Class I shall correspond with his or her official tenure.
- b. The term of the member constituting Class II shall be for one (1) year, or terminate at such time as the member is no longer an official of the Township, whichever occurs first. If the Class II member is also a member of the Environmental Commission, that member's term shall be for three (3) years or shall terminate at such time as the member is no longer a member of the Environmental Commission, whichever occurs first.
- c. The term of the member constituting Class III shall be for one (1) year or terminate at such time as the member is no longer a member of the Township Council, whichever occurs first.
- d. The term of a Class IV member who shall also be a member of the Board of Education or the Zoning Board of Adjustment shall terminate whenever that member is no longer a member of such other body or at the completion of his or her Class IV membership as defined in paragraph e. below, whichever occurs first.
- e. The terms of all Class IV members first appointed pursuant to this chapter shall be so structured that to the greatest practicable extent the expiration of such terms shall be evenly distributed over the first four (4) years after their appointment as determined by the Mayor at the time such initial appointments are made provided that no term of any member shall exceed four (4) years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which

they were appointed. Except as hereinabove provided, all Class IV members, shall be appointed for terms for four (4) years, all such terms running from January 1 of the calendar year in which the appointment is made.

- f. Following member's absence from four (4) consecutive meetings, that regular member's position on the Planning Board shall be declared vacant following written notice to the Mayor and Township Council provided that the Planning Board may refuse to excuse absences only with respect to those failures to attend and participate which are not due to legitimate illness. Any and all such vacancies shall be filled by appointment as provided for in subsection 25-46.2 above, for the unexpired term. (Ord. No. 2357-12 § 25-46.2)

III. CHAPTER 25, SECTION 46.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-46.5 Organization.

- a. The Planning Board shall elect a Chairperson and Vice-Chairperson from the members of Class IV, each to serve in such capacity for one (1) year dating from January 1 of the calendar year in which elected. Individual Class IV members may not be elected to successive terms as Chairperson and Vice-Chairperson.
- b. The Planning Board shall select a Secretary, who may be a member of the Planning Board or a municipal employee or such other person as the Board may decide upon. If the Board wishes to select a municipal employee, the Mayor shall provide that such employee be compensated for his or her services as secretary.

IV. CHAPTER 25, SECTION 46.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-46.6 Experts and Staff.

- a. The Planning Board shall appoint an attorney of the State of New Jersey, in good standing, other than the Township Attorney, Assistant Township Attorney or Zoning Board Attorney, as Planning Board Attorney. Such appointment shall be for a one (1) year term dated from January 1 of the calendar year in which such appointment is made. The Planning Board may fix the compensation or rate of compensation of the Planning Board Attorney; however, in no case shall the compensation provided exceed the amount appropriated by the Council in the municipal budget.
- b. The Planning Board may also employ or contract for the services of experts and other additional staff and services as the Board shall deem necessary and proper to aid in the performance of its duties. The Board's expenditures for such staff and services, exclusive of gifts or grants, shall not exceed the amount appropriated by the Council in the municipal budget.

V. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VI. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

ROBERT D. PARISI, MAYOR

**JERRY GUARINO,
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.,
MUNICIPAL CLERK**

INTRODUCED: January 22, 2018

ADOPTED: February 5, 2019

Legislative History

This ordinance is drafted to update the terms of the appointments to the Township of West Orange Planning Board to reflect the move of municipal elections from May to November thereby necessitating the need to move the commencement of terms for the members of the Planning Board and appointments of professionals for the Planning Board from July to January. In December 2013, the Township Council adopted Ordinance No. 2392-13 which moved non-partisan municipal elections from May to November, this ordinance simply updates the terms of the Planning Board members and appointment of professionals to reflect the change.