

ORDINANCE NO. 59-2019

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
AND SUPPLEMENTING CHAPTER 137-11 OF THE BOROUGH
CODE ESTABLISHING THE RECREATION ADVISORY
COMMITTEE**

WHEREAS, the Council of the Borough of Madison finds that it is in the best interests of the citizens of the Borough of Madison to amend and supplement Chapter 137 as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Madison, County of Morris, State of New Jersey, as follows:

Section 1. Chapter 137-11 of the Code of the Borough of Madison is hereby amended to read as follows:

§ 137-11(1) Establishment.

The Recreation Advisory Committee is hereby established to be known as "the Recreation Advisory Committee of the Borough of Madison" (hereafter referred to as "the Committee"). The Committee shall consist of twelve (12) members.

§ 137-11 (2) Purpose and responsibilities.

Purpose and responsibilities:

- A. To make recommendations to the Mayor and Council regarding the needs of recreational activities conducted by the Borough and assist in the coordinating of existing programs of various organization and for planning future recreational needs.**
- B. The Committee will provide information to the Mayor and Council on these special needs.**
- C. The Committee will submit a report to the Mayor and Council at the end of each calendar year, concerning ongoing activities. In addition, the Committee shall regularly circulate to the Mayor and Council copies of its meeting minutes. All records, reports and data shall be available to the Council for inspection at any time.**
- D. The Committee will hold a minimum of four public meetings annually which shall be open to the public pursuant to the Open Public Meetings Act and shall take place at the Hartley Dodge Memorial unless otherwise noted.**

§ 137-11 (3) Membership.

- A. Membership shall consist of representative of recreation groups listed in the annual resolution recognize the primary sport recreational groups and organizations within the Borough of Madison. All members of the Committee shall serve without compensation. The Committee shall be comprised of the following persons, appointed by the Mayor with the advice and consent of Council:**

- (1) One liaison member of the Council (ex officio).**
- (2) Regular members, who are residents of the Borough, representative of recreation groups appointed at the annual Reorganization meeting of the Mayor and Council and listed in the resolution recognized as the primary sport recreational groups and organizations.**
- (3) Recreation Director (ex officio)**
- (4) One (1) at large member.**

B. The Committee shall have the right to appoint non-voting advisory members with special abilities and expertise beneficial to the Committee's objectives.

§ 137-11 (4) Voting powers, quorum and limitation of powers.

- A. A majority of the voting members of the Committee shall constitute a quorum.**
- B. The Committee is specifically prohibited from exercising any power of condemnation or eminent domain, from pledging the credit of the municipality and from creating any debt against the municipality.**

§ 137-11 (5) Borough departmental assistance.

- A. General. Subject to limitations as may hereinafter be determined by the Mayor and Council, in so far as may be practicable, the employees and professional staff of the Borough of Madison, including the Borough Attorney, shall be available to assist the Committee in the performance of its duties.**
- B. Procedure. All requests for employee or professional staff assistance shall be made through the Borough Administrator. Any project that requires substantial assistance from the Borough staff and professionals shall be reviewed by the full Committee and said assistance shall be approved by the Council prior to commencement of the project.**

§ 137-11 (6) Terms of office.

- A. The Council liaison shall serve annually.**
- B. The twelve resident members and Recreation Director (ex officio) shall serve for a term of one year.**
- C. The Mayor shall, initially, designate one of the members as Chairperson, and the Committee shall select a Secretary to record minutes. Thereafter, in subsequent years, the Committee shall annually select a Chairperson and Secretary. The Chairperson shall call the initial meeting of the Committee within 30 days of the adoption of this chapter. Thereafter, the Committee shall establish its meeting schedule, which shall be duly published.**

§ 137-11 (7) Vacancies.

Any vacancy occurring by reason of the death, resignation or removal of any member shall be filled for the unexpired term by the Mayor with advice and consent of the Council. In the event that the Mayor fails to make a nomination at least 15

days prior to the date of the second regular public meeting of the Council after a position becomes vacant or the Borough Council fails to confirm a nomination, then the appointment shall be made by the Borough Council by the vote of a majority of the members present at the meeting, provided that at least three affirmative votes shall be required, with the Mayor to have no vote thereon except in the case of a tie.

§ 137-11 (8) Reporting responsibilities.

- A. The Committee shall submit an annual report to Mayor and Council.

§ 137-11 (9) Conflict of interest.

- B. Disclosure of interest. No Committee member shall have or shall acquire any interest, direct or indirect, personal or financial, in any project which the Committee is promoting or in any contract or proposed contract for materials or services or in any lease, mortgage, sale or contract of any nature whatsoever relating to any such project or to the Committee without forthwith making written disclosure to the Committee of the nature and extent of the interest. Such disclosure shall be entered in writing upon the minutes of the Committee.
- C. Voting. No Committee member having an interest as described herein shall vote on matters directly relating to such interest.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication as prescribed by law.

ADOPTED AND APPROVED

December 19, 2019

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk

Introduced and passed: December 9, 2019
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