

ORDINANCE NO. 60-2019

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING
AND SUPPLEMENTING CHAPTER 136 OF THE BOROUGH
CODE ESTABLISHING THE PARKS 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 136 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 136 (38) of the Code of the Borough of Madison is hereby amended to read as follows:

§ 136-38(1) Establishment.

The Madison Parks Advisory Committee is hereby established to be known as "the Parks Advisory Committee of the Borough of Madison" (hereafter referred to as "the Committee"). The Committee shall consist of nine (9) members.

§ 136-38(2) Purpose and responsibilities.

Purpose and responsibilities:

- A. To make recommendations to the Mayor and Council regarding the operations of the Madison parks and any future activities of the Committee.**
- B. The Committee will provide education and outreach on parks to the community, all Borough Committees, Boards and Commissions, and the Mayor and Council.**
- C. The Committee will seek grants to achieve these goals.**
- D. The Committee will submit a report to the Mayor and Council at the end of each calendar year, concerning ongoing activities and grants. 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.**
- E. 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.**

§ 136-38(3) Membership.

- A. Membership shall consist of nine (9) members. 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) Nine regular members, who are residents of the Borough.

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

§ 136-38(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.**

§ 136-38(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.**

§ 136-38(6) Terms of office.

- A. The Council liaison shall serve annually.**
- B. The nine resident members shall serve for a term of three years (staggered terms). The terms of office shall commence upon the day of each member's appointment, unless otherwise specified at the time of appointment, and be for the initial respective periods of one, two, and three years (three members shall initially be appointed for one year, three members shall initially be appointed for two years and three members for three years). The term of each appointee shall be designated in his or her appointment. All subsequent appointments, except to fill vacancies, shall be for the full three-year term, to take effect on January 1 next succeeding such appointment.**
- 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.**

§ 136-38(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.

§ 136-38(8) Reporting responsibilities.

- A. A Parks Management plan shall be created and updated every five (5) years, in order to plan routine maintenance and phase in special projects.
- B. The Committee shall submit an annual report to Mayor and Council.

§ 136-38(9) Conflict of interest.

- C. 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.
- D. 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

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk