

**ORDINANCE 16-2012**

**ORDINANCE OF THE BOROUGH OF MADISON ESTABLISHING THE  
MADISON COMMUNITY GARDEN ADVISORY COMMITTEE**

**WHEREAS**, the Mayor and Council wish to make permanent the Madison Community Garden Advisory Committee; and

**WHEREAS**, the Council has determined that it is in the best interest of the Borough of Madison to establish such a committee.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey as follows:

Section 1: The Madison Borough Code is amended to include the following Chapter 27 entitled "Madison Community Garden Advisory Committee":

Chapter 27: Madison Community Garden Advisory Committee.

SS 27 -1. Establishment.

The Madison Community Garden Advisory Committee is hereby established to be known as "the Community Garden Advisory Committee of the Borough of Madison" (hereafter referred to as "the Committee"). The Committee shall consist of fifteen (15) members.

SS 27 -2. Purpose and Responsibilities.

- (A) To make recommendations to the Mayor and Council regarding the operations of the Madison Community Garden and any future activities of the Committee.
- (B) The Committee will provide education and outreach on community gardening 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 on-going 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 (4) public meetings annually which shall be open to the public pursuant to the Open Public Meetings Act and shall take place at the Madison Municipal Building unless otherwise noted.

SS 27 -3. Membership

Membership shall consist of 15 regular members. All members of the Committee shall be residents of the Borough of Madison. All members shall serve without compensation. The Committee shall be comprised of the following persons, appointed by the Mayor with the advice and consent of the Council:

- (A) One liaison member of the Council.
- (B) Fourteen (14) members who are residents of the Borough.

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

SS 27 -4. 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.

SS 27 – 5. Borough Departmental Assistance.

- A. General. Subject to limitations as may hereinafter be determined by the Mayor and Council, insofar 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.

SS 27-6. Terms of Office.

- (A) The Council liaison shall serve annually.
- (B) The fourteen (14) 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 (four members shall initially be appointed for one year, four members shall initially be appointed for two years and six 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 thirty (30) days of the adoption of this Ordinance. Thereafter, the Committee shall establish its meeting schedule, which shall be duly published.

SS 27 -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.

SS 27 – 8. Conflict of interest.

A. 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.

B. Voting. No Committee Member having an interest as described in § SS 27-8A shall vote on matters directly relating to such interest.

Section 2: This ordinance shall take effect as provided by law.

ADOPTED AND APPROVED  
July 9, 2012

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk

Introduced and passed: June 25, 2012

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