

ORDINANCE #2065-22

AN ORDINANCE AMENDING AND RENAMING CHAPTER 93 IN THE CODE OF THE BOROUGH OF MIDDLESEX SO AS TO CREATE SEPARATE COMMITTEES FOR RECREATION AND PARKS IMPROVEMENT IN THE BOROUGH

WHEREAS, the Borough currently has a committee, created via ordinance, that governs parks and recreation within the Borough; and

WHEREAS, the committee is governed entirely by Chapter 93 in the Borough's Code of ordinances; and

WHEREAS, the committee currently in place provides for a number of recreational goals of the Borough but does not adequately address park maintenance and improvement; and

WHEREAS, the administration of the Borough has looked favorably at establishing separate committees governing recreation and park maintenance and improvement; and

WHEREAS, such committees have been looked at favorably by the Borough Attorney as an alternative to the structure currently in place;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that Chapter 93 of the code of the Borough of Middlesex is hereby amended as follows:

SECTION I.

The Title of Chapter 93 is hereby revised to be named "Recreation and Parks Improvement Committees."

SECTION II.

Section 93-1 entitled "Establishment" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

There is hereby established in the Borough of Middlesex a Recreation Committee, **and a separate Parks Improvement Committee** which shall have the duties and powers hereinafter more particularly set forth, and the members of which shall be appointed by the Mayor with the advice and consent of Council in accordance with the provisions of this chapter.

SECTION III.

Section 93-2 entitled "Membership; terms; council representative; filling of vacancies" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

- A. The Recreation Committee shall be composed of seven members and two alternate members, who shall be citizens and residents of the Borough of Middlesex. **The Parks Improvement Committee shall be comprised of nine members and two alternate members, who shall be citizens and residents of the Borough of Middlesex. There shall be one representative Council member on each Committee.** Such members and alternate members **for the Recreation Committee** shall be appointed by the Mayor **with the advice and consent of the Council** to serve three-year terms; provided, however, that the initial appointments shall be made in the following manner; two members for initial one-year terms; two members for initial two-year terms; three members for initial three-year terms; one alternate for an initial one-year term; and one alternate for an initial two-year term. **Such members and alternate members for the Parks Improvement Committee shall be appointed by the Mayor with the advice and consent of the Council to serve three-year terms; provided, however, that the initial appointments shall be made in the following manner; three members for initial one-year terms; three members for initial two-year terms; three members for initial three-year terms; one alternate for an initial one-year term; and one alternate for an initial two-year term.** After the conclusion of the initial terms as herein provided, all terms shall be for three years. The Mayor **with the advice and consent of the Council** shall designate the alternate members as "Alternate No. 1", and Alternate No. 2." At meetings of ~~the Recreation~~ **each** Committee, alternate members shall be permitted to participate in discussion of the proceedings, but shall not be permitted to vote except in the absence or disqualification of one or more regular members, in which event alternate members shall be permitted to vote in lieu of such absent or disqualified regular members in the order of numerical designation of such members.
- B. In addition to the aforementioned members, the Mayor **with the advice and consent of the Council** shall appoint a member of the Borough Council to serve as a representative to ~~the Recreation~~ **each** Committee each year, who shall be permitted to participate in discussions of the proceedings of the **requisite** Committee, but who shall not be permitted to vote. Such members of the Borough Council shall serve a one-year term. **The Mayor may appoint the same Council member as a representative to each committee.**
- C. All appointments shall expire on December 31. Initial appointments, as above provided, shall be made for the balance of the one-, two- or three-year term designated, ending on December 31 of the applicable year.
- D. Vacancies shall be filled by the Mayor for the unexpired term only. The members shall serve until their respective successors are appointed, found qualified, and take office.

SECTION IV.

Section 93-3 is hereby revised to be named "Relation to Borough Committee; appropriations; insurance for Committees."

SECTION V.

Section 93-3 is hereby amended as follows (struck through portions to be removed, bolded and

underlined portions to be added):

- A. The Borough Council shall cooperate with the Recreation Committee to coordinate and provide equipment for recreational activities, as well as to coordinate the ~~development,~~ **day-to-day** operation and maintenance of parks, public places, playgrounds, and recreational areas, in the Borough of Middlesex, in order to provide for the maximum benefit and ~~planned development~~ for the residents of the Borough of Middlesex.
- B. The Borough Council may, from time to time, by resolution, place activities, parks, public places, playgrounds and recreational areas under the jurisdiction of the Recreation Committee for ~~the development,~~ operation or maintenance thereof, or for such purposes as may be specified in any such resolution. **The Borough may from time to time, by resolution, place parks, playgrounds, and recreational areas under the jurisdiction of the Parks Improvement Committee for development or for such future use or purposes as may be specified in any such resolution.** The Borough shall continue to be responsible for the **development,** care, custody and policing of any such parks, public places, playgrounds and recreational areas, which, from time to time, may be placed under the jurisdiction of **either** the Recreation Committee **or the Parks Improvement Committee,** unless such responsibilities or any others shall be specifically assigned in any such resolution.
- C. **Neither** ~~The Recreation Committee~~ **nor the Parks Improvement Committee** herein established shall ~~not~~ be deemed to be a park or recreation commission pursuant to N.J.S.A. 40:12-1 et seq., but such ~~Recreation Committees~~ shall have only those powers and duties as may be set forth herein or as may be more particularly provided by resolution of the Borough Council.
- D. There shall be no appropriation of public funds to the Recreation Committee **or the Parks Improvement Committee,** except as may be provided by the Borough Council for designated purposes consistent with the intent of this chapter. The Recreation Committee **and the Parks Improvement Committee** shall recommend to the Borough Council proposals, from time to time, as may be consistent herewith.
- E. The Borough shall obtain liability insurance coverage covering the approved activities under the jurisdiction of the Recreation Committee **and the Parks Improvement Committee,** the participants in those activities, the Borough of Middlesex and individual members of the Recreation Committee **and Parks Improvement Committee.**
- F. Neither the Recreation Committee **or Parks Improvement Committee,** nor any member or members thereof, shall have any power or right, express or implied, to bind or obligate the Borough of Middlesex or the Borough Committee, directly or indirectly.

SECTION VI.

Section 93-4 is hereby revised to be named "Duties of the Recreation Committee."

SECTION VII.

Section 93-4 is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

The primary purpose of the Recreation Committee shall be to:

- A. Assist in providing equipment as needed to programs concerned with the recreation of the residents of the Borough of Middlesex.
- B. Provide recommendations to the Parks Improvement Committee for the orderly development of parks or other public lands in the Borough of Middlesex.
- C. Cooperate with the Middlesex County Department of Recreation in coordinating and advising on activities to be held on county-owned recreational land should such aid be requested by the Middlesex County Recreation Department.
- D. Suggest improvements to the Parks Improvement Committee needed for orderly development and to undertake such improvements as it is authorized to carry out pursuant to this chapter or hereafter by resolution of the Borough Council.
- E. Operate and maintain such parks or other public lands over which it is given jurisdiction in any resolution of the Borough Council and shall do so pursuant to any standards set forth in any such resolution.
- F. Handle other specific programs which may be assigned or authorized by the Borough Council, by resolution from time to time, in accordance with the general purposes of the Recreation Committee and the provisions of this chapter and subject to the limitations contained herein.

SECTION VIII.

A new Code Section number 93-4.1 is hereby established and named "**Duties of the Parks Improvement Committee**" and shall read as follows:

The primary purpose of the Parks Improvement Committee shall be to:

- A. **Research and provide recommendations to the Mayor and Council on future improvements, enhancements, developments, expansions, and uses of the Borough parks and recreation areas. This would include but is not limited to recommending additional recreational areas such as pickle ball courts, walking, biking, nature trails, etc., and also in no way limits the Committee to recommend enhancements and improvements to existing Borough parks and recreation areas.**
- B. **Research and provide recommendations to the Mayor and Council on ways of expanding and increasing park utilization by Borough residents.**
- C. **Work with other Borough Committees on joint beautification efforts for all parks and recreation areas.**

D. Research and apply for grants that would enable the Borough to implement approved changes.

E. Conduct donation drives to assist in funding approved changes.

SECTION IX.

Section 93-5 entitled "Limitations" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

~~Neither t~~The Recreation Committee nor Parks Improvement Committee shall ~~not~~ act in any manner which would cause a forfeiture of any lands of the Borough of Middlesex. The Borough reserves the right to limit the jurisdiction, purposes or programs of the Recreation Committee at any time by resolution of the Borough Council.

SECTION X.

Section 93-6 entitled "Organization; meeting attendance" is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

A. Both tThe Recreation Committee and the Parks Improvement Committee may organize as ~~it~~either sees fit, choosing a Chairperson, Board Secretary, and such other officers from among its members as it may deem advisable, adopt rules and bylaws for the orderly conduct of meetings, and organize subcommittees for the administration and handling of its programs.

B. Members shall attend one-half of all public meetings in each calendar year and shall not be absent from three consecutive regularly scheduled meetings. The Committee shall petition the Borough Council for removal and replacement of any member with attendance below this standard.

SECTION XI.

Section 93-7 is hereby revised to be named "Director of Public Recreation, Parks Improvement, and Senior Services."

SECTION XII.

Section 93-7 is hereby amended to read as follows (struck through portions to be removed, bolded and underlined portions to be added):

The Director of Public Recreation, Parks Improvement, and Senior Services appointed by the Mayor shall serve as a voting member of both the Parks Improvement and Recreation Committees.

SECTION XIII.

Section 93-8 entitled "Grievance procedure; appeals" is hereby amended is follows (struck

through portions to be removed, bolded and underlined portions to be added):

- A. Any recognized recreational or parks group which feels or believes it is aggrieved by any of the actions of the Director of Public Recreation, **Parks Improvement**, and Senior Services shall have the right to appeal any of the Director of Public Recreation, **Parks Improvement**, and Senior Services's actions and/or recommendations in the first instance to the Borough Administrator. Said appeal shall be filed not later than 10 days from the date of any action or recommendation taken by the Director of Public Recreation, **Parks Improvement**, and Senior Services and shall be in writing to the Borough Administrator.
- B. The Borough Administrator shall thereafter set the matter down for a hearing and consider the testimony of witnesses and other evidence to be presented and at the conclusion of which the Borough Administrator shall render a decision as soon as is practicable.
- C. Any party may appeal in the final instance the decision of the Borough Administrator to the Borough Council, within five days of the Borough Administrator's decision in writing to the Borough Clerk.

SECTION XIV.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION XV.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION XVI.

All Borough of Middlesex ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION XVII.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

ATTEST:

Linda Chismar, Municipal Clerk

John L. Madden, Mayor

INTRODUCED: 08/23/2022

DATE OF PUBLICATION:
OF INTRODUCTION August 26, 2022

ADOPTED: September 13, 2022

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