

**BOROUGH OF RIVER EDGE
ORDINANCE NO. 23-03**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF RIVER EDGE, CHAPTER 79, ENTITLED 'RECREATION AND
CULTURAL AFFAIRS, DEPARTMENT OF'**

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey, as follows:

Section 1. Chapter 79 entitled "Recreation and Cultural Affairs, Department of" shall be renamed "Department of Recreation and Cultural Affairs" and replaced in its entirety by the following:

§ 79-1 Establishment.

There is hereby established in and for the Borough of River Edge a Department of Recreation and Cultural Affairs (the "Department") to maintain, promote, operate and facilitate the use of Borough-owned or -leased park, playgrounds and recreational facilities. The Department shall design, provide, coordinate, and administer existing and new recreation and cultural programs with the advice of the Recreation Commission and the Cultural Affairs Advisory Committee.

§ 79-2 Powers and duties of Department.

Powers and duties of the Recreation Department are as follows:

- A. Administer, operate, and have jurisdiction over the use of municipal parks, playgrounds and playfields, facilities for indoor and outdoor sports, and recreational programs.
- B. Develop and administer recreational programs and related activities; regular and special public events in cooperation with other public and private agencies and organizations or as advised by the Recreation Commission or at the direction of the governing body.
- C. Maintenance and repairs; trees and shrubbery.
 - (1) Maintain and repair the playfields, playgrounds and recreational areas, the exception being the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted, including trimming, spraying, care and protection thereof is subject to the requirements of § 384-6A and C.
 - (2) No tree or shrubbery shall be planted in or removed from any Borough park, playground, recreational area, or other area under the jurisdiction of the Borough or Department without the consent of the Director and the River Edge Shade Tree Commission. Should the Director and Shade Tree Commission not be able to agree on a planting or removal, the final determination shall be made by the governing body in accordance with § 384-6A.
 - (3) The Department of Public Works Superintendent, or his designee, may direct the removal of a tree, or part thereof, if the Superintendent or designee determines that there is an imminent danger to public safety in accordance with § 384-6C.
- D. Enforce Borough ordinances, rules, regulations and policies pertaining to the use of recreational facilities and programs.
- E. Authority to establish, charge and collect a reasonable fee for use of the Borough's recreational facilities and programs or activities subject to approval of the Mayor and Council.
- F. Authority to solicit sponsorships and accept donations in strict accordance with Borough standards, procedures and applicable statutes.

G. Determine, in consultation with other Borough departments, scope, description, manpower and materials costs necessary for the proper maintenance of the Borough's parks, playgrounds, playfields and other facilities.

The Department of Public Works shall have the authority to determine the schedule and assignment of manpower for any work conducted to assist the Department.

H. Provide advisory opinions to the governing body and Borough departments.

§ 79-3 Director of Recreation and Cultural Affairs

The office of Director of Recreation and Cultural Affairs ("Director") is hereby created.

A. The Director shall serve as department head and be responsible for the overall efficient administration, maintenance, direction and development of the Department. The Director may recommend that the Mayor and Council create subordinate offices and positions that may be necessary and if such funds are appropriated.

B. Subject to the general oversight by the Mayor and Council, the Director shall be supervised by the Borough Administrator and operate the Department under the auspices of same. Compensation shall be in accordance with policies and procedures for all noncontractual personnel.

C. Director.

(1) The Director shall serve at the pleasure of the Mayor and Council. Compensation shall be in accordance with policies and procedures for all noncontractual personnel.

(2) Prior to appointment, the Director shall be qualified by training and experience in the field of public recreation. The Director shall possess the Certified Park and Recreation Professional (CPRP) and Certified Playground Safety Inspector (CPSI) certifications from the National Recreation and Park Association (NRPA). If the Director does not possess the CPRP certification upon date of hire, the Director is required to attain the certification within 18 months from the date of hire. If the Director does not possess the CPSI certification upon date of hire, the Director is required to obtain the certification within 24 months from the date of hire.

D. The Director shall collaborate with the Recreation Commission and shall seek the advice and consent of the Mayor and Council as may be required in this chapter.

§ 79-4 Powers and duties of Director.

Powers and duties of the Director of Recreation are as follows:

A. Administer, plan, supervise, inspect and conduct programs and activities of the Borough's public playgrounds, athletic fields, recreation facilities, regular and special public events, in consultation and cooperation with other public and private agencies and organizations if necessary and/or as recommended by the Recreation Commission or at the direction of the governing body.

B. Manage, inspect and maintain all recreational facilities, recreational equipment and services for any properties owned, leased or controlled by the Borough.

C. Develop routine maintenance needs for all playfields, playgrounds and other recreational areas; and a schedule thereof.

D. Work with the Superintendent of Public Works to determine the scope of work that is to be conducted by the Department of Public Works and personnel and manpower; materials or outside services and required schedule of tasks. The Director must request sufficient funding in the Recreation Department's budget to ensure adequate operating funds are available.

E. Supervise and manage any subordinate offices or positions employed under the auspices of the Department.

- F. Develop, implement and oversee a master schedule, in consideration of advice of the Recreation Commission, to apportion available time for use of Borough recreational facilities, parks or other Borough properties, including leased property or property subject to an interlocal agreement with the River Edge Board of Education, RiverDell Board of Education or other entity.
- G. Determine specific criteria, in consideration of advice of the Recreation Commission, to which sports organizations are deemed as being under the auspices of the Department.
- H. Expend departmental funds in accordance with budget appropriations and ordinances.
- I. With the advice of the Recreation Commission and/or Cultural Affairs Committee, arrange and provide for the concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.
- J. Authority to charge and collect a reasonable admission fee for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.
- K. Authority to charge and collect a reasonable service charge from persons using, as participants, special areas and facilities, which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.
- L. Pay over all moneys received by the Department to the Chief Financial Officer. These monies will be kept in a dedicated fund used only for the purpose of defraying the expenses of improving, maintaining or policing the playground and recreation places. In order to expend the funding for any of these purposes, the Director, subject to approval of the Mayor and Council, may expend funds from the dedicated account. Any such funds authorized shall be expended in accordance with applicable state and local rules and regulations for public purchasing.
- M. Recommend and request allocations of available monies that may be available through the Borough's open space tax, for the term if and when authorized from the Mayor and Council.
- N. Recommend the collection fees and/or other admission or entry charges for registration, enrollment or admission to the recreation programs and activities of the Borough.
- O. Prepare and submit a proposed operating and capital budget annually to the governing body. The budget may include recommended salary budgets for the proper and efficient operation of the Department for each calendar year.
- P. Request appropriations for professional services and vendors. Any ongoing maintenance contracts must also be included.
- Q. Prepare proposals for additional personnel. Said proposals shall include a job description, rationale, recommended work hours and recommended compensation for the position(s) sought to the Borough Administrator. The employment request will be subject to the Borough's personnel hiring procedure.
- R. Prepare a five-year capital improvement plan identifying replacement or upgrades to existing outdoor/recreation areas/facilities and/or purchase of new equipment and respective estimated costs.
- S. Investigate and report on any recreational grant opportunities from private, nonprofit and/or public sources and prepare applications regarding same.
- T. Apply for and maintain membership in the New Jersey Recreation and Parks Association.
- U. Develop and disseminate promotional materials and inform residents of all available programs and events.

- V. Recommend and screen all potential program directors, league directors and coaches for review by the Recreation Commission.
- W. Prepare the agenda, minutes and, unless excused for cause, attend all meetings of the Recreation Commission.
- X. Establish rules and regulations applicable in the programming and use of parks and recreational facilities with the advice of the Recreation Commission; subject to the approval of the Mayor and Council.
- Y. Ensure all programs and volunteers are in compliance with background checks, credential programs and required training.
- Z. Attend meetings of the governing body from time to time to provide periodic reports regarding the activities of the Department or upon request.
- AA. Prepare and submit an annual report to the Mayor and Council in accordance with § 79-7.
- BB. Any other duty as directed by the governing body.

§ 79-5 Assistant to the Director of Recreation and Cultural Affairs

- A. Subject to the general oversight by the Borough Administrator, the Assistant to the Director (“Assistant”) shall be supervised by the Director. Compensation shall be in accordance with policies and procedures for all noncontractual personnel.
- B. Appointment of the Assistant to the Director. The Assistant shall be appointed by the Mayor with the advice and consent of the Council. The Assistant shall serve in a part time capacity and at the pleasure of the Mayor and Council. Prior to appointment, the Assistant shall be qualified by training and experience in the field of creative arts, fine arts, music, dance, theater, art education, hospitality or event planning.
- C. Assesses community needs for cultural programs; plans, organizes, schedules and implements cultural programs and events, in consultation and cooperation with other public and private agencies and organizations if necessary and/or as advised by the Cultural Affairs Advisory Committee or at the direction of the governing body.
- D. Prepare the agenda, minutes and, unless excused for cause, attend all meetings of the Cultural Affairs Advisory Committee.
- E. Coordinate with the Director in the development and dissemination of promotional materials and inform residents of all available recreation and cultural programs.
- F. Develop, implement and oversee a master schedule, in consultation with and in consideration of the advice of the Cultural Affairs Advisory Committee, of events to coordinate with the Director for use of Borough recreational facilities, parks or other Borough properties, including leased property or property subject to an interlocal agreement with the River Edge Board of Education, RiverDell Board of Education or other entity.
- G. Investigate and report on any grant opportunities from private, nonprofit and/or public sources and prepare applications regarding same.

§ 79-6 Recreation Commission.

- A. Creation and composition. There shall be a Recreation Commission which shall be comprised of the Director, seven regular voting members and two alternate members in accordance with the following:
 - (1) Appointment of members.
The Mayor shall nominate and, by and with the advice and consent of the Council, appoint all members of the Recreation Commission, including two alternate members of the Recreation Commission, in the manner provided by law for the appointment of Borough personnel.
 - (2) Terms of members and alternate members; vacancies.

- i. Terms of members and alternate members.
 - (a) All voting members of the Commission, including alternate members, shall be appointed for a period of three years, and until their successors are duly appointed and qualified.
 - (b) Upon adoption of this chapter, the terms for initially appointed regular voting members shall be staggered; three members shall be appointed for a period of three years; two members shall be appointed for a period of two years; and two members shall be appointed for one year to establish rotating vacancies.
 - (c) The terms of the initially appointed alternate members shall likewise be staggered. One alternate shall initially be appointed for one year, and one alternate shall initially be appointed for two years. Alternates shall be designated as Alternate No. 1 and Alternate No. 2.
 - (d) Subsequent terms for all regular members shall be three years and three years for alternate members. Regular members shall serve no more than two consecutive terms unless otherwise approved by the governing body.
 - (e) Upon the adoption of this chapter and for the initial appointments to the Recreation Commission, the terms of the seven at-large voting members and two alternates of the Recreation Commission are to be offered to the sitting members and designated alternates of the previous River Edge Board of Recreation Commissioners. The length of terms for the reappointments shall be staggered in accordance with the requirements.
 - (f) The members shall be residents of the Borough of River Edge and shall not be employed by the Borough and shall not currently be serving on any other Borough board or commission.
- ii. Vacancies. Should a vacancy occur otherwise than by expiration of term for either a regular voting member or an alternate member, the Mayor shall appoint, subject to the advice and consent of the Council, a qualified successor to serve for the balance of the unexpired term only.
- iii. The Commissioners shall serve with no compensation for their services.
- iv. Alternate members of the Recreation Commission shall vote in the absence of a regular member of the Recreation Commission. Alternate members of the Recreation Commission shall attend all meetings along with the seven members of the Board of Recreation Commissioners and be permitted to participate in all discussions and matters affecting the Recreation Commission.

B. Organization of Recreation Commission.

- (1) The Commission shall develop and adopt bylaws annually. Bylaws may be amended subject to the approval of 2/3 of the regular voting membership.

The bylaws must include a definition of the number of members required for a quorum; a schedule of regular meetings for each calendar year; and an attendance policy no stricter than what is permitted by state statute or Borough requirement, whichever is more restrictive.

- (2) The Commission shall meet on a monthly basis. At least 30 days prior to the end of a calendar year, the Commission shall provide the Borough Clerk with a calendar of meetings for the next year.
- (3) Meetings shall be held in accordance with the Open Public Meetings Act (OPMA) and the requirements of the Open Public Records Act (OPRA).
- (4) The Commission shall annually elect a chairperson, a vice chairperson and recording secretary, as well as other such officers it deems necessary to carry out its duties.
- (5) The Director shall not be responsible for the administration of the Recreation Commission.

C. Duties of the Recreation Commission.

- (1) Advise the Director in the coordination of recreation programs, the development of new initiatives, and the management of existing programs and events.
- (2) Advise the Director in the preparation of the annual operating and capital budgets for the Department.
- (3) Advise the Director to arrange and provide for the giving of games and contests and may use and employ such playgrounds or recreation places for the purpose of giving thereon games and contests to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under the Department's control.
- (4) Advise to the Director reasonable admission fees for each person entering such playground or recreation place as a spectator during the time or times when the same is being used or employed for such purposes.
- (5) Advise the Director a reasonable service charge from persons using, as participants, special areas and facilities which require special maintenance and the use of which is restricted to relatively few people, in order to assist in the meeting of the operating costs thereof in whole or in part.
- (6) Assist the Director in the identification and prioritization of short-term, intermediate and long-term capital improvements.
- (7) Conduct studies or advise the Mayor and Council and/or the Director regarding any such matters referred to the Commission and report in writing findings and conclusions as soon as reasonably possible.
- (8) Advise the Director on guidelines for the recreational use of playgrounds and recreational facilities in the Borough, consistent with rules governing the use thereof. Such guidelines shall be reviewed on a periodic basis and updated as necessary.
- (9) Advise on any guidelines or policies developed by the Director.
- (10) Advise the Director on recreation programs, activities, functions and improvements which will economically and effectively promote the cause of recreation and for all residents of all age groups in the Borough, including special needs programs and programs for seniors, teens and families.
- (11) Assist the Director upon request to formulate policies, codes of conduct, and rules and regulations for the purpose of carrying out the objectives of the Borough's recreation programming.
- (12) Promote volunteerism for recreation and park programs.
- (13) Assist the Director upon request in disseminating information to the public to advertise existing or new programs or activities and soliciting public comments and feedback in return.

- (14) Assist the Director upon request in determining specific criteria for designating an organization, league or program as a "youth sports organization."
- (15) Create any subcommittee of the Commission members or an advisory committee consisting of representatives from each of the Borough's youth sports organizations or league; said organization must operate under the auspices and authority of the Department.
- (16) Provide input and provide assistance to the Director upon request to the preparation of the Recreation Department's annual report to the governing body in accordance with § 79-7, Annual report.

§ 79-7 Annual report.

A. The Director shall submit, not less than annually, a report to the governing body as to the activities of the Department. The Recreation Commission may assist in the development and preparation of the report and/or any element required therein.

B. The report shall include, but not be limited to:

- (1) A summary of recreational programs offered under the auspices of the Department that should also include the number of participants.
- (2) A summary of routine or special maintenance activities undertaken and the cost(s) thereof for Borough recreation facilities or equipment and replacement for the calendar year.
- (3) A summary table of revenue and expenditures for programs and events sponsored or conducted under the auspices of the Department.
- (4) A program of routine and periodic maintenance necessary to physically maintain the recreational facilities and improvements located within the Borough of River Edge and subject to the jurisdiction thereto.
- (5) Recommendations to expand, modify or eliminate existing recreational programs or recommendations for new programs.
- (6) An inventory of all Borough property owned, leased or subject of an interlocal agreement with the River Edge Board of Education or any other entity and equipment as well as details of the state thereof.
- (7) An assessment by the Director of the adequacy of the facilities and to what extent the needs of the public are being met.
- (8) Should it be determined that a leased property or property subject of an interlocal agreement with the River Edge Board of Education is determined to no longer adequately meet the needs of the public, provided alternatives and cost estimates for consideration by the Mayor and Council shall be included.
- (9) An assessment of the effectiveness of maintenance programs to maintain and care for the recreational facilities and parks of the Borough of River Edge and recommendations and cost estimates for consideration by the Mayor and Council.
- (10) Five-year capital plan with recommendations for improvements of recreational facilities and the cost(s) thereof.

§ 79-8 Cultural Affairs Advisory Committee.

A. Creation and composition. There shall be a Cultural Affairs Advisory Committee which shall be comprised of the Assistant to the Director of Recreation and Cultural Affairs and a minimum of seven members is hereby established by the Borough of River Edge. A member of the Borough Council shall serve as a member of the Cultural Affairs Advisory Committee and liaison to the governing body. The membership shall serve a three-year term and further consist of:

1. A representative of the River Edge School District, Board of Education and/or parent-teacher organization.
2. The Director of River Edge Library or his/her designee.
3. A representative of the River Edge Cultural Center or any successor organization or local organization dedicated to cultural activities or someone with expressed knowledge and interest in same.
4. The remaining members shall be appointed by the Mayor with the advice and consent of the Council. They shall be residents of the Borough of River Edge and shall not be employed by the Borough and shall not currently be serving on the Recreation Commission.

In the event of a vacancy occurring on the Committee other than by expiration of a term, such vacancy shall be filled by the Mayor and Council for the unexpired term.

B. Purpose. The intent and purpose of the Committee is to coordinate and/or conduct cultural and performing arts programs, such as but not limited to art exhibits, plays, operas, concerts, dance recitals and other similar activities and programs, for the benefit of the residents of the Borough of River Edge.

C. Qualifications. Members of the Committee shall be residents of the Borough and should have some background, either through education or experience, associated with cultural and/or performing arts. In the event that such persons are not available or willing to serve, then any residents of the Borough deemed qualified by the governing body may be appointed to serve.

D. The members of the Committee shall serve without remuneration.

E. Organization of the Cultural Affairs Advisory Committee. The Committee shall meet immediately after January 1 of each year for the purpose of reorganization. The agenda at this meeting should include the election of officers, establishing dates and places of meetings, adoption of bylaws or rules of procedure and such other business as may properly come before the Committee at the annual reorganization meeting.

- (1) The Committee shall designate one of its members to serve as its Chairperson and presiding officer and may designate such other officers, such as Secretary, Treasurer and any other officers, deemed necessary to conduct its affairs.

F. Duties of the Cultural Affairs Advisory Committee.

With the advice and consent of the governing body, and the Assistant to the Director of Recreation and Cultural Affairs, the Cultural Affairs Advisory Committee may be granted the following duties in discharging its intent and purpose:

- (1) The Committee may be empowered to advertise, prepare, print and distribute pamphlets, brochures, maps, books or other reading materials which are necessary for the promotion of any programs, projects or activities under its authority.
- (2) The Committee shall have the power to appoint subcommittees of the general citizenry in specific areas of the cultural and performing arts, such as dance, art, music, and theater, for the purpose of assisting the Committee in developing and offering specific programs and activities.
- (3) Meetings shall be held in accordance with the Open Public Meetings Act (OPMA) and the requirements of the Open Public Records Act (OPRA).
- (4) The Committee shall file an annual report of its activities and budgetary expenditures with the governing body on or before December 31 of every calendar year.
- (5) In cooperation with the Assistant to the Director of Recreation and Cultural Affairs, the Committee may apply for any state, federal or private grants for the purpose of advancing the arts within the Borough.

G. Funding; deposit and expenditure of funds. The governing body may appropriate such sum in each year's current fund budget as may be determined by the governing body to be necessary for the purpose of the Committee. Should the Committee receive any gifts, donations or bequests, such funds shall be deposited in a trust fund account and shall not be utilized for any cultural or performing arts program, project or activity without the prior approval of the governing body. Dedicated funds shall be spent for the purpose for which the funds were received in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

§ 79-9 Continuance of existing regulations, policies and codes.

Any rules, regulations, policies or code of conduct previously adopted and enforced by the Recreation Commission, Cultural Affairs Advisory Committee and Director prior to the date of adoption of this chapter shall remain and continue in full force and effect until further order by the appropriate jurisdiction.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

INTRODUCED: February 16, 2023

ADOPTED: March 13, 2023

	Motion	Second	Yes	No	Abstain	Absent
Chinigo	X		X			
Kaufman		X	X			
Montisano- Koen			X			
Kinsella			X			
Malellari			X			
Benson			X			
Mayor Papaleo			X			

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of River Edge on March 13, 2023


 Anne Dodd, RMC
 Borough Clerk


 Thomas Papaleo, Mayor