Mayor and Common Council
Borough of Flemington

September 8, 2014

Council Meeting Room

I. Work Session Agenda (7:00 PM)

1. UPDATE: FLEMINGTON HISTORIC HOUSE TOUR, OCTOBER 25, 2014 (MEMBERS OF THE FLEMINGTON HISTORIC PRESERVATION COMMISSION)

II. Regular Meeting Agenda (7:30 PM)

Flag Salute

Roll Call:

Erica Edwards	Mayor
Dorothy Fine	Councilwoman
John Gorman	Councilman
Phil Greiner	Councilman
Joey Novick	Councilman
Brian Swingle	Council President
Phil Velella	Council Vice President

1. ORDINANCE 2014-18: SECOND READING: AN ORDINANCE AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON" SET FORTH IN 7-17.1 SCHEDULE X, 1975 SPECIFICALLY "ACCESS AND EXIT WAYS TO AND FROM PRIVATE PARKING LOTS AND DRIVEWAYS"
2. ORDINANCE 2014-19: SECOND READING: AN ORDINANCE AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON" SET FORTH IN 7-13.1 SCHEDULE X 1975 SPECIFICALLY "NO LEFT TURNS"
3. UPDATE: FLEMINGTON BUSINESS IMPROVEMENT DISTRICT (MEGAN JONES-HOLT, EXECUTIVE DIRECTOR)(UP TO A MAXIMUM OF APPROXIMATELY 30 MINUTES)
4. Public Comments -- Session I (up to approximately 3 minutes each, for a maximum of approximately 30 minutes)
5. Mayor's Report (up to approximately 3 minutes)
6. Council Members' Reports (up to approximately 3 minutes each)

   Councilwoman Fine

   Councilman Gorman

   Councilman Greiner

   Councilman Novick

Council President Swingle

Council Vice President Velella

7. RESOLUTION 2014-161: APPROVING A REFUND OF A FOOD LICENSE FEE TO PUDGY'S STREET FOOD IN THE AMOUNT OF $100.00
8. RESOLUTION 2014-162: APPROVING AN ON PREMISE RAFFLE FOR SAFE IN HUNTERDON TO BE HELD ON OCTOBER 14TH AND 15TH, 2014
9. RESOLUTION 2014-163: AUTHORIZING THE BOROUGH OWNED CAPNER STREET PROPERTY KNOWN AS BLOCK 16 LOT 28 TO BE LISTED FOR SALE AT $93,000
10. RESOLUTION 2014-164: APPOINTING CERTAIN ADDITIONAL MEMBERS TO THE COMMITTEE TO WRITE THE GLOBAL AG REDEVELOPMENT PLAN
11. RESOLUTION 2014-165: AUTHORIZING A CONTRACT TO BE AWARDED TO REIVAX CONTRACTING FOR THE STANGL AND WALTERS LANE ROAD WORK PROJECT IN THE AMOUNT OF $509,892.00
12. RESOLUTION 2014-166: AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE EAST MAIN STREET IMPROVEMENT PROJECT
13. RESOLUTION 2014-167: AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE CAPNER STREET AND ALLEN STREET IMPROVEMENT PROJECT
14. RESOLUTION 2014-168: APPOINTING JOHN MOORE OF WILLIS, AS THE RISK MANAGEMENT CONSULTANT FOR THE STATEWIDE INSURANCE FUND
15. ORDINANCE 2014-20: SECOND READING: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III POLICE REGULATIONS SECTION 16.13 "SPECIAL EVENT PERMIT FEES"
16. Public Comments -- Session II (up to approximately 3 minutes each, for a maximum of approximately 30 minutes)
17. Attorney's Report
18. Payment of the Bills

    Motion To: **Pay The Bills**

Executive Session For Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

Adjournment

Motion To: **Adjourn**

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

AGENDA ITEM 2014-24

DOC ID: 1657

Update: Flemington Historic House Tour, October 25, 2014 (Members of the Flemington Historic Preservation Commission)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1644

TABLED

ORDINANCE 2014-18

Second Reading: an Ordinance Amending and Supplementing the "Revised General Ordinances of the Borough of Flemington" Set Forth in 7-17.1 Schedule X, 1975 Specifically "Access and Exit Ways to and from Private Parking Lots and Driveways"

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

AN ORDINANCE AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON" SET FORTH IN 7-17.1 SCHEDULE X, 1975 SPECIFICALLY "ACCESS AND EXIT WAYS TO AND FROM PRIVATE PARKING LOTS AND DRIVEWAYS"

BE IT ORDAiNED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that an Ordinance Amending and Supplementing "The Revised General Ordinances of the Borough of Flemington, 1975" as follows:

- **SCHEDULE X--- ACCESS AND EXIT WAYS TO AND FROM PRIVATE PARKING LOTS AND DRIVEWAYS - be amended to read as follows:**

  In accordance with the provisions of subsection 17-17.1, the following locations shall be established as a one-way entrance and a one-way exit from Block 5 Lot 1 and Block 14 Lot 1 from a municipal road entering or exiting a private parking lot from the additional following locations:

  c. Right Turn Only Entrance and Exit onto North Main Street from Block 14 Lot 1 parking lot 100 feet West of Walter Foran Boulevard and Walter Foran Boulevard Extension intersection.

  d. Entrance and Exit onto Walter Foran Blvd. from Block 5 Lot 1 parking lot 340 feet North of Walter Foran Boulevard and Walter Foran Boulevard Extension intersection.

- **Effective Date**

  This Ordinance shall take effect immediately after final passage and publication according to law.

Introduced: August 25, 2014

Adopted:

Attest:

_____	_____
Rebecca Newman, RMC/CMC Municipal Clerk	Erica Edwards, Mayor

HISTORY:

08/25/14	**Governing Body**	**INTRODUCED**	**Next: 09/08/14**

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1645

TABLED

ORDINANCE 2014-19

Second Reading: an Ordinance Amending and Supplementing the "Revised General Ordinances of the Borough of Flemington" Set Forth in 7-13.1 Schedule X 1975 Specifically "No Left Turns"

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

AN ORDINANCE AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON" SET FORTH IN 7-13.1 SCHEDULE XIV, 1975
SPECIFICALLY "NO LEFT TURNS"

BE IT ORDAiNED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey an Ordinance Amending and Supplementing "The Revised General Ordinances of the Borough of Flemington, 1975" as follows:

· SCHEDULE XIV--- NO LEFT TURNS - be amended to read as follows:

In accordance with the provisions of subsection 17-13.1, no person shall make a left turn from the additional following locations:

g. Entrance North Main Street onto Block 14 Lot 1: No left turn from North Main Street onto Block 14 Lot 1 driveway 100 feet west of Walter Foran Boulevard and Walter Foran Boulevard Extension intersection.

h. Exit Block 14 Lot 1 driveway: No left turn from Block 14 Lot 1 driveway 230 feet south of Walter Foran Boulevard and Walter Foran Boulevard Extension intersection onto Walter Foran Boulevard Extension.

i. Exit North Main Street and Park Avenue: No left turn from North Main Street and Park Avenue intersection onto North Main Street.

j. Exit from Block 14, Lot 1 onto Park Avenue: No left turn from Block 14, Lot 1 driveway 85 feet south of intersection of North Main Street and Park Avenue.

· Effective Date

This Ordinance shall take effect immediately after final passage and publication according to law.

Introduced: August 25, 2014

Adopted:

Attest:

_____ _____

Rebecca Newman, RMC/CMC
Municipal Clerk

Erica Edwards, Mayor

HISTORY:

08/25/14	**Governing Body**	**INTRODUCED**	**Next: 09/08/14**

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

AGENDA ITEM 2014-23

DOC ID: 1656

Update: Flemington Business Improvement District (Megan Jones-Holt, Executive Director)(Up to a Maximum of Approximately 30 Minutes)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

RESOLUTION 2014-161

DOC ID: 1655

Approving a Refund of a Food License Fee to Pudgy's Street Food in the Amount of $100.00

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Pudgy's Street Food applied for a food license permit to serve food at the Jazz Festival and paid all necessary fees; and

WHEREAS, the Flemington BID paid one fee for all of the vendors for the Jazz Festival and therefore a separate payment was not necessary; and

WHEREAS, no permit was issued prior to Pudgy’s request for cancellation.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund in the amount of $100.00 made payable to Pudgy's Street Food is approved.

Adopted: September 8, 2014

ATTEST:

_____
Rebecca P. Newman, RMC
Borough Clerk

_____
Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1660

SCHEDULED

RESOLUTION 2014-162

Approving an On Premise Raffle for Safe in Hunterdon to be Held on October 14Th and 15Th, 2014

BOROUGH OF FLEMINGTON

COUNTY OF HUNTERDON

WHEREAS application has been received by the Borough of Flemington to grant an On-Premise Raffle License; and

WHEREAS no objection has been received by the Borough Clerk; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that an On-Premise Raffle License be granted:

TO: Safe In Hunterdon

BENEFIT: Education

DATE: October 14th and 15th, 2014

LOCATION: 16 Turntable Junction

TIME: 12:00 to 5:00 PM

Adopted: September 8, 2014

_____
Erica Edwards, Mayor

Attest:

_____
Rebecca P. Newman
Municipal Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1654

SCHEDULED

RESOLUTION 2014-163

Authorizing the Borough Owned Capner Street Property Known as Block 16 Lot 28 to be Listed for Sale at $93,000

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the Borough of Flemington obtained a vacant piece of property, known as Block 16 Lot 28, Allen Street, through a tax lien foreclosure; and

WHEREAS, the Borough is incurring expenses to maintain the property currently; and

WHEREAS, the Borough desires to sell the property to recoup lost tax revenue, legal costs and to stop maintenance expenses; and

WHEREAS, the Borough Tax Assessor has determined the land is worth $85,000.00 which is a slight decrease in the current assessed value of $100,600.00, due to the two variances being needed to build on the property and various topographical issues; and

WHEREAS, a realtor has reviewed the assessors comments and opined it should be listed for a price of $93,000.00

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Borough owned lot known as Block 16 Lot 28, Allen Street, be listed with Brent Franklin of Re/Max for an amount of $93,000.00.

Adopted: September 8, 2014

ATTEST:

_____ _____

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1653

SCHEDULED

RESOLUTION 2014-164

Appointing Certain Additional Members to the Committee to Write the Global Ag Redevelopment Plan

Borough of Flemington
County of Hunterdon

Whereas the Council has created a committee to write the Global Ag redevelopment plan, which committee is to include two members of the Flemington Business Improvement District ("BID") Board of Trustees and two members of the public; and

Whereas the Borough's Redevelopment Committee, comprised of the Mayor and Councilmen Swingle and Velella, has met and recommends that the following BID Board members and members of the public be appointed to the committee to write the Global Ag redevelopment plan:

BID Board Members: Jeff Fleisher and Jim Gano

Members of the Public: Sal DiPasquale and Lauren or Andrzej Imiolek

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that these appointments to the Committee to write the Global Ag redevelopment plan are approved.

Adopted: September 8, 2014

ATTEST:

_____ _____

Rebecca P. Newman, RMC Erica Edwards, Mayor

Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

RESOLUTION 2014-165

DOC ID: 1651

Authorizing a Contract to be Awarded to Reivax Contracting for the Stangl and Walters Lane Road Work Project in the Amount of $509,892.00

RESOLUTION

WHEREAS, the Borough of Flemington advertised, and subsequently received bids, for the Road Improvements for Walters Lane and Stangl Road on August 28, 2014, as shown on the attached bid summary and;

WHEREAS, one (1) bid was received as follows:

Contractor	Contract 1 Base Bid	Contract 2 Base Bid	Contract 2 Base Bid plus Alternate Bid	Combined Contracts 1&2 Base Bid	Combined Contracts 1&2 Base plus Alternate Bid
Reivax Contracting, Newark, NJ	$ 198,873.00	$311,019.00	$354,019.00	$511,592.00	$554,592.00

WHEREAS, bids have been reviewed by the Borough Engineer, Robert Martucci, and by the Borough Attorney's representative, Steven Firkser, and they have determined that the bid submitted by Reivax Contracting of Newark, New Jersey is the lowest responsive bid for the contract 1 and contract 2 work in the amount of $198,873.00 for contract 1 and $311,019.00 for contract 2 for the Base Bid, and;

WHEREAS, The lowest responsive bid is for separate contracts 1&2 that total in the amount of $509,892.00 and not the combined contracts 1&2 which total in the amount of $511,592.00.

WHERAS, the Borough of Flemington has sufficient funds for the contract work.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the bid for Road Improvements for Walters Lane and Stangl Road be awarded to Reivax Contracting of Newark, NJ for the bid for contract 1 in the amount of $198,873.00 and for contract 2 in the amount of $311,019.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit price bid, as outlined in the Plans and Specifications prepared by Robert Martucci, P.E., Borough Engineer.

ATTEST:

Rebecca Newman, Clerk

Erica Edwards, Mayor

Attachment: DOC090514-09052014114829 (2014-165 : Stangl Road and Walters Lane Road Work)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1659

SCHEDULED

RESOLUTION 2014-166

Authorizing the Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Transportation for the East Main Street Improvement Project

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, East Main Street is in need of Improvement

WHEREAS, Robert Martucci, P.E., Borough of Flemington Engineer, has prepared a cost estimate for improvements to this road.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Flemington formally approved the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Flemington Borough-00080 to the New Jersey Department of Transportation on behalf of Borough of Flemington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Flemington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 8th day of September, 2014.

_____
Rebecca Newman, RMC/CMC

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Rebecca Newman, RMC

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1658

SCHEDULED

RESOLUTION 2014-167

Authorizing the Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Transportation for the Capner Street and Allen Street Improvement Project

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Capner Street and Allen Street are in need of Improvement

WHEREAS, Robert Martucci, P.E., Borough of Flemington Engineer, has prepared a cost estimate for improvements to these roads.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Flemington formally approved the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Flemington Borough-00079 to the New Jersey Department of Transportation on behalf of Borough of Flemington.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Flemington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approved the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council
On this 8th day of September, 2014.

_____
Rebecca Newman, RMC

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Rebecca Newman, RMC

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1648

SCHEDULED

RESOLUTION 2014-168

Appointing John Moore of Willis, as the Risk Management Consultant for the Statewide Insurance Fund

Borough of Flemington
County of Hunterdon

WHEREAS, the Borough of Flemington has joined the Statewide Insurance Fund, a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, as follows:

1. The Borough of Flemington hereby appoints, John Moore, as its local Risk Management Consultant.
2. The Mayor and the Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's agreement for the year 2014 in the form attached hereto.

ATTEST:

_____
Rebecca P. Newman
Borough Clerk

_____
Erica Edwards, Mayor

CERTIFICATION

I, Rebecca P. Newman, Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on September 8, 2014.

_____

Rebecca P. Newman
Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/08/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1646

TABLED

ORDINANCE 2014-20

Second Reading: an Ordinance Amending and Supplementing Chapter Iii Police Regulations Section 16.13 "Special Event Permit Fees"

Borough of Flemington
County of Hunterdon

3-16 Special Events.*

***Editor's Note:** Prior ordinance history includes portions of Ordinance No. 17-1980, 15-1990 and 2005-31.

3-16.1 *Definitions.*

a. "Chief of police" shall mean the chief of police of the Borough of Flemington.

b. "Special event" shall mean any parade, march, ceremony, show, demonstration, rally, vigil, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, sidewalk, park or other public place in the Borough of Flemington.

c. "Special event permit" shall mean a permit as required by this section.

d. "Person" shall mean any person, firm, partnership, association, group of two or more people, corporation, company or organization of any kind.

3-16.2 *Permit Required; Exceptions.*

No person shall engage in, participate in, aid, form or start any special event, unless a special event permit shall have been obtained from the chief of police.

a. This section shall not apply to the following:

1. A governmental agency acting with the scope of its functions; or

2. Any person acting under regulatory or statutory authority.

3-16.3 *Application for Permit.*

A person seeking issuance of a special event permit shall file an application with the chief of police on forms approved by such officer.

a. An application for a special event permit shall be filed with the chief of police not less than six nor more than 30 days before the date on which it is proposed to conduct the special event.

b. The application for a special event permit shall set forth the following information:

1. The name, address and telephone number of the person seeking to conduct the special event;

2. If the special event is proposed to be conducted for, on behalf of, or by an organization of any kind, the name of the organization and of the authorized and responsible heads of such organization;

3. The name, address and telephone number of the person who will be the special event chairman or organizer and, if different, who will be responsible for the conduct of the special event;

4. The date when the special event is to be conducted;

5. The route to be traveled, the starting point and the termination point or, if the special event is going to be in a fixed location and not moving, the location where the special event will be held;

6. The approximate number of persons who will constitute or partake in the special event;

7. If animals will be included in the special event, the specific type of each animal and whether each is domestic or wild;

8. The number and description of the motor vehicles or any other type vehicle expected to be used in the special event;

9. The specific times when such special event will start and terminate;

10. A statement as to whether the specific event will occupy all or only a portion of the width of the sidewalk(s) or street(s) proposed to be traversed or on which it will be located;

11. The location of the street(s) or any assembly area(s) to be used for the

special event;

12. The time at which units of the special event will begin to assemble at each such assembly area;

13. The interval of space to be maintained between units of the special event if the event will be moving;

14. If the special event is designed to be held by, or on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the special event, authorizing the applicant to apply for the permit on its behalf;

15. A statement of the purpose of the special event; and

16. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

17. The application shall contain a map indicating the location of the nonsmoking area as required under section 3-26. An applicant reserves the right to request a waiver from designating a nonsmoking area in a written request stating why the applicant cannot comply that must accompany the application. Based upon the review of the written request in light of the other information in the application and the factors for issuing a permit set forth in subsection 3-16.4 of this section, the chief of police shall have the authority to waive the nonsmoking area designation based on compelling logistic reasons.

c. If the special event will use or traverse any State or county road or highway or be located on any Federal, State or county property within the Borough of Flemington, the application shall be accompanied by a written consent or other written authorization to hold such special event on the date and at the time requested, issued by the public agency or body having jurisdiction and control over said road, highway or property.

d. When it reasonably appears that the applicant for a special event permit could not have complied with subsection 3-16.3 by filing the application for the special event permit not less than six days before the date on which it is proposed to conduct the special event, the chief of police shall have the authority to consider any application hereunder which is filed within such six-day period in the same manner as if it had been timely filed,

provided the applicant sets forth the good faith reasons it could not timely comply in its written application for the permit.

3-16.4 *Issuance of Permit.*

The chief of police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that it is either (1) for any special event involving expressive activity protected by the New Jersey Constitution or United States Constitution and includes less than 25 people, provided the applicant signs a verified statement that he in good faith believes the event's purpose involves such expressive activity and will not require the closure of or substantially block or interfere with the use of a sidewalk, street, alley or other public right-of-way or other property owned or controlled by the Borough of Flemington or (2) that:

a. The conduct of the special event will not substantially interrupt the safe and orderly movement of other vehicular or pedestrian traffic contiguous to its route or location;

b. The conduct of the special event will not require the diversion of so great a number of police or fire officers of the Borough of Flemington to properly police or protect the location or line of movement and the areas contiguous thereto, as to prevent normal police or fire protection for the borough;

c. The conduct of such special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Borough of Flemington, other than that to be occupied by the location or line of movement and areas contiguous thereto;

d. The concentration of persons, animals and/or vehicles at the location or assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such location or assembly area(s);

e. The conduct of the special event will not interfere with the movement of firefighting equipment enroute to a fire;

f. The special event either will not move or is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute; and

g. The special event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

3-16.5 *Denial of Permit.*

If the application is disapproved, the chief of police shall give written notice thereof to the Borough Clerk and applicant setting forth the reasons for the denial of the permit.

3-16.6 *Notice of Decision.*

The chief of police shall notify the applicant for a special event permit of his decision on such application within 72 hours of the time that the application was filed.

3-16.7 *Permit Conditions.*

The chief of police also may condition the issuance of a special event permit by imposing reasonable requirements concerning the time, place, and manner of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such conditions include the following:

a. Alteration of the date, time, route or location of the event proposed in the event application;

b. Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route;

c. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street;

d. Requirements for the use of traffic cones or barricades;

e. Requirements for provision of first aid or sanitary facilities;

f. Requirements for the use of event monitors and providing notice of permit conditions to event participants;

g. Restrictions on the number and type of vehicles, animals, or structures at the event and inspection and approval of floats, structures, and decorated

vehicles for fire safety by the Borough of Flemington Fire Department;

h. Compliance with animal protection ordinances and laws;

i. Requirements for use of garbage containers and the cleanup and restoration of Borough of Flemington and/or any other affected property;

j. Restrictions on use of amplified sound;

k. An application for a special event permit to conduct a block party may be conditioned on notice and obtaining written approval of 50 percent of the dwellings along the affected street(s);

l. Compliance with any relevant ordinance or law and obtaining any legally required permit or license.

3-16.8 *Notice of Permit.*

Immediately upon the issuance of a special event permit, notice thereof shall be forwarded by the chief of police to the following:

a. The mayor;

b. The clerk of the borough;

c. The fire chief; and

d. The director of the department of public works.

3-16.9 *Information Required.*

Each permit shall state the following information:

a. The starting time and ending time;

b. The minimum speed, if applicable;

c. The maximum speed, if applicable;

d. The maximum interval of space to be maintained between the units of the special event, if applicable;

e. The location of the special event or the portions of the street(s) to be traversed that may be occupied by the special event;

f. The maximum length of the special event in miles or fractions thereof, if applicable;

g. Such other information as the chief of police reasonably shall find necessary to the enforcement of this special events ordinance.

3-16.10 *Compliance.*

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The special event chairman, organizer or other person heading or leading such activity shall carry the special event permit upon his person during the conduct of the special event.

3-16.11 *Prohibited Acts.*

a. No person shall unreasonably hamper, obstruct or impede, or interfere with any lawful special event or with any person, vehicle or animal participating or used in a special event.

b. No driver of a vehicle, streetcar or trackless trolley shall drive between. the vehicles or persons comprising a lawful special event when such vehicles or persons are in motion and are conspicuously designated as a special event.

3-16.12 *Violation; Penalty.*

Any person who violates any provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding $500.00 or by imprisonment in the county jail for a term not exceeding 90 days, or both.

3-16.13 *Fees.*

At the time an application for a special event permit is filed, the applicant shall pay to the Borough of Flemington a nonrefundable administrative fee of $35.00, which fees shall be waived if:

a. The applicant is a United States military organization or United States veterans' organization; or

b. The applicant is the Borough of Flemington, any of its departments or the Flemington-Raritan Rescue Squad; or

c. <u>The applicant is a charitable organization located in the Borough, or a 501(c)(3) not-for-profit corporation located in the Borough which shall include the Flemington Business Improvement District</u>; or

d. The chief of police finds that the special event involves expressive authority protected by the New Jersey Constitution or United States Constitution, provided the applicant signs a verified statement that he in good faith believes the event's purpose involves such expressive activity.

Introduced: August 25, 2015

Adopted:

_____ _____

Rebecca Newman, RMC Erica Edwards, Mayor
Municipal

HISTORY:

08/25/14	**Governing Body**	**INTRODUCED**	**Next: 09/08/14**