



Mayor and Common Council Borough of Flemington

May 12, 2014

Council Meeting Room

Work Session Agenda (7:00 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

1. UPDATE: SAMUEL FLEMING HOUSE(SAMUEL FLEMING HOUSE BOARD OF TRUSTEES)

Regular Meeting Agenda (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

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

1. UPDATE: FLEMINGTON BUSINESS IMPROVEMENT DISTRICT (MEGAN JONES-HOLT, EXECUTIVE DIRECTOR)
2. RESOLUTION 2014-92: AUTHORIZING THE CLOSING OF BOROUGH STREETS FOR THE CENTRAL JERSEY JAZZ FESTIVAL TO BE HELD ON FRIDAY SEPTEMBER 12, 2014 AND THE 2 ND ANNUAL STREET FESTIVAL TO BE HELD ON SUNDAY OCTOBER 26, 2014 AND FOR THE USE OF BOROUGH STREETS FOR A BEER AND WINE GARDEN
3. Public Comments -- Session I (up to approximately 3 minutes each, for a maximum of approximately 30 minutes)
4. Mayor's Report (up to approximately 3 minutes)
5. Council Members' Reports (up to approximately 3 minutes each)

Councilwoman Fine

Councilman Gorman

Councilman Greiner

Councilman Novick

Council President Swingle

Council Vice President Velella

6. Approval of Minutes
Motion To: **Approve Minutes: April 28, 2014 Regular Council Meeting**
7. PROCLAMATION REAFFIRMING THE COMMITMENT AND OBJECTIVE OF THE FLEMINGTON GREEN TEAM
8. RESOLUTION 2014-93: AUTHORIZING THE CLOSING OF BOROUGH STREETS FOR THE MEMORIAL DAY PARADE TO BE HELD ON MAY 26, 2014
9. RESOLUTION 2014-94: RESOLUTION APPROVING SUBMISSION OF AN APPLICATION FROM JESSE WINFIELD TO THE NJ FIREMAN'S ASSOCIATION
10. RESOLUTION 2014-95: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE #2013-006 HELD ON BLOCK 2 LOT 45 C0013
11. RESOLUTION 2014-96: AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE #2012-026 HELD ON BLOCK 35.01 LOT 22.01
12. RESOLUTION 2014-97: ESTABLISHING A CREATIVE TEAM FOR THE BOROUGH OF FLEMINGTON
13. RESOLUTION 2014-98: REAFFIRMING THE SUSTAINABLE LAND USE PROCEDURE
14. RESOLUTION 2014-99: RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS (THE "REFUNDING BONDS") OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH"), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL ON MAY 12, 2014, TO REFUND CERTAIN BONDS OF THE BOROUGH, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS
15. ORDINANCE 2014-4: SECOND READING: AN ORDINANCE TO REMOVE A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN THE DOWNTOWN BUSINESS DISTRICT (SECTION 2620.F.2.E)
16. ORDINANCE 2014-5: SECOND READING: AN ORDINANCE TO REMOVE A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN THE VILLAGE AND ARTISAN SHOPPING DISTRICT (SECTION 2623.F.2.E)
17. ORDINANCE 2014-6: SECOND READING: AN ORDINANCE TO REMOVE A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN TRANSITION COMMERCIAL DISTRICT (SECTION 2618.E.3.E)
18. ORDINANCE 2014-7: SECOND READING: AN ORDINANCE TO REMOVE A RESTRICTION ON THE LOCATION OF OUTDOOR DINING AREAS IN THE DOWNTOWN BUSINESS II DISTRICT (SECTION 2621.F.2.E)

19. ORDINANCE 2014-8: SECOND READING: AN ORDINANCE ADDING A CONDITION FOR THE PLACEMENT OF BANNERS ACROSS MAIN STREET (SECTION 2361.A.1.C.4)
20. ORDINANCE 2014-10: SECOND READING: AN ORDINANCE AMENDING CHAPTER III POLICE REGULATIONS BY ADDING SECTION 3-27 ESTABLISHING THE LICENSING OF TOWING OPERATORS IN THE BOROUGH OF FLEMINGTON AND TOWING STORAGE FEES ALONG WITH REQUIREMENTS
21. Public Comments -- Session II (up to approximately 3 minutes each, for a maximum of approximately 30 minutes, or until 10:00 PM whichever earlier occurs)
22. Attorney's Report
23. 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: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Contract
Prepared By: Rebecca Newman

Initiator: Rebecca Newman

Sponsors:

DOC ID: 1549

SCHEDULED

AGENDA ITEM 2014-11

Update: (Samuel Fleming House Board of Trustees)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Contract
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors:

SCHEDULED

AGENDA ITEM 2014-12

DOC ID: 1548

Update: Flemington Business Improvement District (Megan Jones-Holt, Executive Director)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

SCHEDULED**RESOLUTION 2014-92**

DOC ID: 1550

Authorizing the Closing of Borough Streets for the Central Jersey Jazz Festival to be Held on Friday September 12, 2014 and the 2 Nd Annual Street Festival to be Held on Sunday October 26, 2014 and for the Use of Borough Streets for a Beer and Wine Garden

Borough of Flemington
County of Hunterdon

WHEREAS, the Flemington BID will be hosting two events this year as follows:

Friday, September 12, 2014 - Central Jersey Jazz Festival
Sunday, October 26, 2014 - 2nd Annual Street Festival; and

WHEREAS, the Flemington BID has requested that several roads be closed as follows:

Main Street from Mine to Bloomfield between the hours of 4:00 PM and 10:00 PM for the Central Jersey Jazz Festival to be held on September 12, 2014

Main Street from Capner to Mine Street from early morning to early evening for the 2nd Annual Street Festival to be held on October 26, 2014
; and

WHEREAS, the Flemington BID has requested the use of Borough Streets for a beer and wine garden; and

WHEREAS, the Flemington Borough Police Department has reviewed this request and has approved the closures and beer and wine garden as requested.

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 requested road closures as outlined above are approved and the use of Borough streets for a beer and wine garden is hereby approved.

Adopted: May 12, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

SCHEDULED**AGENDA ITEM 2014-13**

DOC ID: 1551

Proclamation Reaffirming the Commitment and Objective of the Flemington Green Team

PROCLAMATION REAFFIRMING THE COMMITMENT AND OBJECTIVE OF THE FLEMINGTON GREEN TEAM

WHEREAS, Flemington adopted Resolution No. 2010-108, "Creation of the Flemington Green Team" at a regular meeting conducted on August 23, 2010; and

WHEREAS, Flemington resolved in that resolution that they wished to pursue local initiatives and actions that would lead to Sustainable Jersey Municipal Certification; and

WHEREAS, Flemington further resolved in that resolution to create the Flemington Green Team, to serve as Flemington's agents for the Sustainable Jersey municipal certification process; and

WHEREAS, the Green Team was composed of individuals who are interested in advancing the efforts of Flemington in the Sustainable Jersey municipal certification program, and that have been actively working as a Green Team for three years; and

WHEREAS, that group, has been creating and cataloging significant sustainability actions so that Flemington may maintain Sustainable Jersey certification at the Bronze Level in 2014

NOW, THEREFORE, BE IT RESOLVED THAT I, ERICA EDWARDS, MAYOR OF FLEMINGTON, DO HEREBY PROCLAIM THAT:

- 1) The Green Team of Flemington is active in the community and advancing sustainable practices and actions included in the Sustainable Jersey municipal certification program;
- 2) The Green Team has been and shall continue to be composed of individuals who have demonstrated interest in advancing the efforts of Flemington to pursue certification through the Sustainable Jersey municipal certification program;
- 3) The role of the Green Team has been and shall continue to be to lead and coordinate the sustainability activities of the community;

Adopted May 12, 2014

Agenda Item 2014-13

Meeting of May 12, 2014

Attest:

Erica Edwards, Mayor

Rebecca Newman, Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

SCHEDULED**RESOLUTION 2014-93**

DOC ID: 1541

Authorizing the Closing of Borough Streets for the Memorial Day Parade to be Held on May 26, 2014

Borough of Flemington
County of Hunterdon

WHEREAS, the Memorial Day Parade organizers have requested that several roads be closed on May 26, 2014 between the hours of 9:00 AM and until the parade progresses as follows:

Main Street from the circle to the Monument
North Main from the Monument to Hopewell Ave
East Main from the Monument to New Jersey Ave
Pennsylvania Avenue from the Monument to Broad Street
Also the closing of Church and Broad throughout the Borough; and

WHEREAS, the Flemington Borough Police Department has reviewed this request and has approved the closures as requested.

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 requested road closures as outlined above are approved for the Memorial Day Parade being held on May 26, 2014.

Adopted: May 12, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

DOC ID: 1540

SCHEDULED**RESOLUTION 2014-94****Resolution Approving Submission of an Application from
Jesse Winfield to the NJ Fireman's Association**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Jesse Winfield has met the necessary qualifications to make an application to the New Jersey Fireman's Association; and

WHEREAS, the application requires that the Governing Body approve the application and authorize the Municipal Clerk to sign the application to the New Jersey Fireman's Association.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that approval is granted for the Clerk to sign the application for Jesse Winfield to apply to the New Jersey Fireman's Association.

Approved: May 12, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca NewmanInitiator: Rebecca Newman
Sponsors:

DOC ID: 1545

SCHEDULED**RESOLUTION 2014-95****Authorizing the Redemption of Tax Sale Certificate #2013-006
Held on Block 2 Lot 45 C0013**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of \$20,649.96 for the redemption of tax sale certificate # 2013-015; held on Block 2 Lot 45 C0013 known as 13 William Martin Way, property owner D & D Developers, certificate owner, US Bank Cust for BV001 Trust.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that tax sale certificate # 2013-015 held by US Bank Cust for BV001 Trust is hereby cancelled and may be removed from the record, and the Treasurer is instructed to issue a check in the amount of \$20,649.96 for the redemption made payable to US Bank Cust for BV001 Trust.

Attach a copy of this resolution and mail to:

US Bank Cust for BV001 Trust
2 Liberty Place
50 South 16th Street, STE 1950
Philadelphia, PA 19102

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: May 12, 2014

Erica Edwards, Mayor

Attest:

Rebecca P. Newman, Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

SCHEDULED**RESOLUTION 2014-96**

DOC ID: 1546

Authorizing the Redemption of a Tax Sale Certificate #2012-026 Held on Block 35.01 Lot 22.01

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of \$27,794.89 from Comerica Bank for the redemption of tax sale certificate # 2012-026; held on Block 35.01 Lot 22.01 known as 98 Mine Street property owner Sarah Helmick, certificate owner, US Bank Cust for CCTS Capital.

WHEREAS, the certificate redemption was only for \$17,140.68, thus resulting in an overpayment of \$10,654.21, which shall be refunded to Comerica Bank.

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 redemption of tax sale certificate # 2012-026 held by US Bank Cust for CCTS Capital is hereby cancelled and may be removed from the record and to instruct the Treasurer to issue a check in the amount of \$17,140.68 for the redemption made payable to US Bank Cust for CCTS Capital and to issue a refund in the amount of \$10,654.21 to Comerica Bank.

Attach a copy of this resolution and mail to:

US Bank Cust for CCTS Capital
2 Liberty Place
50 South 16th Street, STE 1950
Philadelphia, PA 19102

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: May 12, 2014

Erica Edwards, Mayor

Attest:

Updated: 5/9/2014 9:05 AM by Rebecca Newman

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Resolution 2014-96

Meeting of May 12, 2014

Rebecca P. Newman, Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors: Councilwoman Dorothy Fine

SCHEDULED

RESOLUTION 2014-97

DOC ID: 1544

**A Resolution for Establishing a Creative Team for the
Borough of Flemington**

BOROUGH OF FLEMINGTON

COUNTY OF HUNTERDON

WHEREAS, research suggests that both the image and the social fabric of a town can be improved with well-conceived investments in arts and culture; and

WHEREAS, having a Creative Team is one of the best first steps to sustainable places that are better because of the arts, and better for the arts; and

WHEREAS, a Creative Team is comprised of people who choose to become leaders for the arts and sustainability in their community and oversee, assess and evaluate creative place making efforts; understand the community's cultural assets; build a plan for creative place making; promote multiple types of support for the arts; and influence other leaders to build more creative communities and economies; and

WHEREAS, establishing a Creative Team is a pre-requisite to connecting the arts and creative sector with economic development through the Sustainable Jersey program, to enhance the sustainability of a community; and

WHEREAS, the following individuals, among others to be appointed at a later date, shall serve by appointment of the Mayor as members of the Creative Team for the year 2014:

Michael Cooper
Michael DeGenova
John Spears
Janet Quartarone
Erica Edwards
Dorothy Fine
Joey Novick

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 establishment of a Creative Team with the appointed members is approved.

Adopted May 12, 2014

Attest

Erica Edwards, Mayor

Rebecca Newman, Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors: Councilwoman Dorothy Fine

SCHEDULED**RESOLUTION 2014-98**

DOC ID: 1543

Reaffirming the Sustainable Land Use Procedure

Borough of Flemington
County of Hunterdon

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead; and

WHEREAS, the Borough of Flemington adopted Resolution 2011-108 in August 22, 2011 for sustainable land use;

NOW THEREFORE BE IT RESOLVED that the Borough of Flemington resolves to continue the following steps with regard to our municipal land-use decisions with the intent of making Flemington a truly sustainable community. The Borough is in the process of updating the Borough's land use practices, master plan and ordinances accordingly.

Regional Cooperation - We pledge to reach out to administrators of our neighboring municipalities concerning land-use decisions, and to take into consideration regional impacts when making land-use decisions.

Transportation Choices - We have created a Complete Streets policy at our meeting on November 18, 2013. Specific items in this policy include:

- Defining roadways that enable safe and convenient access for all users, including motorists, pedestrians, bicyclists, children, seniors, persons with physical challenges, movers of commercial goods, and users of public transportation.
- This policy supports the goals of our Master Plan.
- Design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation modes and not to preclude the provision of future improvements

Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.

Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in the downtown and town center areas.

Housing Options - We pledge, through the use of our zoning and revenue generating power, to foster a diverse mix of housing types and locations, including single- and multi-family, for sale and rental options to meet the needs of all people at a range of income levels.

Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

Adopted May 14, 2014

Erica Edwards, Mayor

Attest:

Rebecca Newman, Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors:

SCHEDULED**RESOLUTION 2014-99**

DOC ID: 1547

Resolution Providing for the Issuance and Sale of Not to Exceed \$2,250,000 Aggregate Principal Amount of General Obligation Refunding Bonds (The "Refunding Bonds") of the Borough of Flemington, in the County of Hunterdon, State of New Jersey (The "Borough"), Authorized by a Refunding Bond Ordinance Heretofore Finally Adopted by the Borough Common Council on May 12, 2014, to Refund Certain Bonds of the Borough, and Providing for the Form and Other Details with Respect to the Sale and Issuance of Said Refunding Bonds

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough") issued (i) \$2,870,000 aggregate principal amount of General Obligation Bonds, Series 2002 on May 24, 2002, \$605,000 of which are currently outstanding and maturing on or after January 15, 2012, and which bonds are subject to redemption, at the option of the Borough, in whole or in part on any date on or after January 15, 2011 at a redemption price equal to 100% of the par amount to be redeemed (the "2002 Refunded Bonds"), (ii) \$2,500,000 aggregate principal amount of General Obligation Bonds, consisting of \$1,750,000 General Improvement Bonds, Series 2004, \$990,000 of which are currently outstanding and maturing on or after January 15, 2014, and which bonds are subject to redemption, at the option of the Borough, in whole or in part on any date on or after January 15, 2013 at a redemption price equal to 100% of the par amount to be redeemed (the "2004 Refunded General Improvement Bonds"), and (iii) \$750,000 aggregate principal amount of Water Utility Bonds, Series 2004, \$440,000 of which are currently outstanding and maturing on or after January 15, 2014, and which bonds are subject to redemption, at the option of the Borough, in whole or in part on any date on or after January 15, 2013 at a redemption price equal to 100% of the par amount to be redeemed (the "2004 Refunded Water Utility Bonds", and together with the 2002 Refunded Bonds and 2004 Refunded General Improvement Bonds, the "Refunded Bonds"); and

WHEREAS, the Borough has determined that it is in the best interests of the Borough to currently refund all or a portion of the Refunded Bonds through the issuance of 2014 general obligation refunding bonds (the "Refunding Bonds"); and

WHEREAS, the Borough has determined to achieve debt service savings through the issuance by the Borough of its refunding bonds in an aggregate principal amount not to exceed \$2,250,000, as provided in a refunding bond ordinance entitled,

"REFUNDING BOND ORDINANCE OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING 2002 AND 2004 BONDS OF THE BOROUGH AND (II) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR", finally adopted by the Borough Common Council of the Borough on May 12, 2014 (the "Ordinance"); and

WHEREAS, it is desirable and necessary for the Borough to issue the Refunding Bonds pursuant to the Ordinance, in the aggregate principal amount not to exceed \$2,250,000, a portion of the sale proceeds of which shall be used to defease or refund, as applicable, the Refunded Bonds, and it is deemed advisable and in the best interests of the Borough to provide for the sale, form, maturity dates and other matters in connection with such authorization, sale, issuance and delivery of the Refunding Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. Authority for Resolution. Pursuant to the provisions of the Local Bond Law, the Borough Common Council of the Borough has heretofore adopted the Ordinance, which authorized the issuance of negotiable Refunding Bonds in the aggregate principal amount not to exceed \$2,250,000, and the Borough Common Council of the Borough hereby determines to issue, pursuant to the Ordinance, Refunding Bonds of the Borough in the original aggregate principal amount not to exceed \$2,250,000 as described below in Section 2.

Section 2. Authorization of Refunding Bonds. In accordance with the Local Bond Law, and for the purpose of providing funds to (i) achieve debt service savings by defeasing or refunding, as applicable, the principal amount of the Refunded Bonds, including the payment of the redemption premium thereon, as applicable, and the interest accrued and to accrue thereon to the date fixed for redemption, and (ii) pay the allocable portion of the costs of issuance relating to the Refunding Bonds, including printing, advertising, underwriting, accounting, financial, legal services and rating agency fees, all as more fully set forth in the Ordinance, there shall be issued refunding bonds of the Borough, consisting of two series, in the aggregate principal amount not to exceed \$2,250,000 and same shall be designated "General Obligation Refunding Bonds, Series 2014" (or such other year designation as may be appropriate when the Refunding Bonds are issued) and shall consist of General Improvement Refunding Bonds and Water Utility Refunding Bonds. Said Bonds shall be respectively designated, as applicable for each issue, "General Improvement Refunding Bonds, Series 2014" and "Water Utility Refunding Bonds, Series 2014" (collectively, the "Refunding Bonds").

Section 3. Details of Refunding Bonds. The Refunding Bonds shall be payable with respect to principal and interest in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, shall be issued in fully registered book-entry only form, without coupons, payable to a Securities Depository (as hereinafter defined) or registered assigns, and in the denomination of \$5,000 or any integral multiple thereof (except that any amount maturing in one year in excess of the largest principal amount thereof equaling a multiple of \$5,000 or any integral multiple thereof, shall be in denominations of \$1,000 or any integral multiple thereof), and shall be issued substantially in the form as provided in this Resolution, with such omissions, insertions and variations as are properly required. The Refunding Bonds shall be dated, and shall bear interest from their date of issuance, as shall be determined by the Chief Financial Officer in consultation with Wilentz, Goldman & Spitzer, P.A., Bond Counsel ("Bond Counsel"), William M. Colantano, Jr., CPA, PSA, RMA, the Auditor of the Borough (the "Auditor"), and such date shall be the Issue Date with respect to the Refunding Bonds. The General Improvement Refunding Bonds shall be numbered consecutively from "GI-1" upwards. The Water Utility Refunding Bonds shall be numbered consecutively from "WU-1" upwards.

The Refunding Bonds shall mature in each of the years and shall bear interest at the respective rates of interest per annum from the their date of delivery until such Refunding Bonds shall be paid or discharged as shall be set forth in the Bond Purchase Agreement to be dated the date of the sale and award of the Refunding Bonds by and between the Borough and the hereinafter defined Underwriter (the "Bond Purchase Agreement"). The principal maturities of the Refunding Bonds shall not extend beyond the applicable principal maturity dates of the Refunded Bonds, and the interest rates on the Refunding Bonds shall not exceed such interest rates as shall be necessary for the Refunding Bonds transaction to achieve the minimum net present value savings required by the Local Finance Board with the Division of Local Government Services, New Jersey Department of Community Affairs.

Interest on the Refunding Bonds shall be payable as shall be determined by the Chief Financial Officer, Bond Counsel and the Auditor to the Borough (as hereinafter defined) and as shall be set forth in the Bond Purchase Agreement (each an "Interest Payment Date") in each year until maturity, by wire transfer of the Borough or a duly appointed Paying Agent (the "Paying Agent") to the registered owners thereof whose names appear on the registration books of the Borough maintained by the Borough or a duly appointed Paying Agent fifteen (15) days preceding each Interest Payment Date (the "Record Date"), at their respective addresses as shown in the registration books of the Borough or other duly appointed Paying Agent.

Section 4. Redemption. The Refunding Bonds shall not be subject to redemption prior to their stated maturities.

Section 5. Payment of Refunding Bonds. The principal of the Refunding Bonds, when due, shall be payable upon presentation and surrender thereof at the Borough's Municipal Building, 38 Park Avenue, Flemington, New Jersey or the principal corporate trust office of any duly appointed Paying Agent.

Section 6. Execution of Refunding Bonds. Each series of the Refunding Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor and the Chief Financial Officer of the Borough and the seal of the Borough shall be affixed, imprinted or reproduced thereon and attested by the manual signature of the Clerk of the Borough. If any officer whose signature appears on the Refunding Bonds ceases to hold office before the delivery of the Refunding Bonds, his or her signature shall nevertheless be valid and sufficient for all purposes. In addition, any Refunding Bond may bear the signature of, or may be signed by, such persons as at the actual time of the signing of such Refunding Bond shall be the proper officers to sign such Refunding Bond although at the date of such Refunding Bond such persons may not have been officers.

Section 7. Registration of Refunding Bonds. The Borough or any Paying Agent shall also maintain and keep books for the registration and transfer of the Refunding Bonds. The Paying Agent shall also act as agent for the Borough for the transfer or exchange of any of the Refunding Bonds.

Section 8. Form of Refunding Bonds. Subject to the provisions of this Resolution, the Refunding Bonds shall be in substantially the form as set forth in Exhibit A-1 and Exhibit A-2 attached hereto, with such omissions, insertions, endorsements and variations as may be required by the circumstances and be required or permitted by this Resolution or the Ordinance or as may be consistent with this Resolution and the Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto or as may necessary for the Borough to market the Refunding Bonds in accordance with the requirements of DTC, upon advice of Bond Counsel to the Borough.

Section 9. Book-Entry System. (a) The Refunding Bonds shall be initially issued in book-entry form in the form of one certificate for the aggregate principal amount of each series of Refunding Bonds maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, Jersey City, New Jersey ("DTC"), which is hereby appointed as securities depository ("Securities Depository") for the Refunding Bonds. Except as provided in Section 9(c) hereof, all of the outstanding Refunding Bonds shall be registered in the name of and held by Cede & Co., as registered owner and nominee for DTC.

(b) As long as DTC or its nominee, Cede & Co., is the registered owner of the Refunding Bonds, payments of the principal of and interest on the Refunding Bonds

will be made by the Borough or a Paying Agent directly to DTC or its nominee, Cede & Co. which will credit payments of principal of and interest on the Refunding Bonds to the participants of DTC as listed on the records of DTC as of the Record Dates, which participants will in turn credit such payments to the beneficial owners of the Refunding Bonds. During any period in which DTC (or any successor thereto) shall act as Securities Depository for the Refunding Bonds, the Borough or any Paying Agent shall have no responsibility or obligation to broker-dealers, banks or other financial institutions ("Participants") from time to time for which DTC holds Refunding Bonds as Securities Depository, or to any person on behalf of which a Participant holds an interest in the Refunding Bonds. Without limiting the immediately preceding sentence, the Borough or any Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Refunding Bonds, (ii) the delivery to any Participant or any other person, other than a registered owner of the Refunding Bonds, as shown in the registration records kept by the Borough or any Paying Agent, of any notice with respect to the Refunding Bonds, except as otherwise specifically provided herein, or (iii) the payment to any Participant or any other person, other than a registered owner of the Refunding Bonds, as shown in the registration records kept by the Borough or any Paying Agent, of any amount with respect to principal of and interest on the Refunding Bonds. The Borough or any Paying Agent may treat and consider the person in whose name each Refunding Bond is registered in the registration records kept by the Borough or any Paying Agent as the absolute owner of such Refunding Bond for the purpose of payment of principal of and interest with respect to such Refunding Bond, for other matters with respect to such Refunding Bond, for the purpose of registering transfers with respect to such Refunding Bond, and for all other purposes whatsoever. The Borough or any Paying Agent shall pay all principal of and interest on the Refunding Bonds only to or upon the order of the respective registered owners thereof, as shown in the registration records kept by the Borough or any Paying Agent, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Borough's obligations with respect to payment of principal of and interest on the Refunding Bonds to the extent of the sum or sums so paid. No person other than a registered owner of the Refunding Bonds, as shown in the registration records kept by the Borough or any Paying Agent, shall receive a certificate Refunding Bond evidencing the obligation of the Borough to make payments of principal of and interest pursuant hereto. Upon delivery by DTC to the Borough or any Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the word "Cede & Co." shall refer to such new nominee of DTC.

(c) (i) DTC may determine to discontinue providing its services with respect to the Refunding Bonds at any time by giving notice to the Borough and any Paying Agent and discharging its responsibilities with respect thereto under applicable law.

(ii) The Borough, in its sole discretion and without the consent of any other person, may terminate the services of DTC with respect to the Refunding Bonds if the Borough determines that:

(A) DTC is unable to discharge its responsibilities with respect to the Refunding Bonds, or

(B) A continuation of the requirement that all of the outstanding Refunding Bonds be registered in the registration records kept by the Borough or any Paying Agent in the name of Cede & Co., or any other nominee of DTC, is not in the best interest of the beneficial owners of the Refunding Bonds.

(iii) Upon termination of the services of DTC with respect to the Refunding Bonds pursuant to the subsection 9(c)(ii)(B) hereof, or upon the discontinuance or termination of the services of DTC with respect to the Refunding Bonds pursuant to subsection 9(c)(i) or subsection 9(c)(ii)(A) hereof after which no substitute Securities Depository willing to undertake the functions of DTC hereunder can be found which, in the opinion of the Borough, is willing and able to undertake such functions upon reasonable and customary terms, the Borough is obligated to deliver Refunding Bond certificates to the beneficial owners of the Refunding Bonds and the Refunding Bonds shall no longer be restricted to being registered in the registration records kept by the Borough or any Paying Agent in the name of Cede & Co., as nominee of DTC, but may be registered in whatever name or names registered owners transferring or exchanging Refunding Bonds shall designate.

(d) The Borough and any Paying Agent shall endeavor to cooperate with DTC or any successor or new depository named pursuant to this Section 9 in effectuating payment of the principal of and interest on the Refunding Bonds by arranging for payment in such a manner that funds representing such payments are available to the Securities Depository on the date they are due.

Section 10. Application of Proceeds of Refunding Bonds. (a) From the proceeds of the sale of the Refunding Bonds, the following amounts shall simultaneously with the issuance of such Refunding Bonds (or as soon as practicable thereafter) be paid by the Borough as follows:

(1) To the payees designated by the Mayor and/or Chief Financial Officer of the Borough, amounts representing the costs of issuance for the Refunding Bonds;

(2) To the Borough, an amount, if any, representing accrued interest on the Refunding Bonds from the Issue Date to the date of delivery thereof and payment therefor, such amount to be used for the payment of interest on the Refunding Bonds as the same shall become due and payable on the first Interest Payment Date; and

(3) To the Escrow Agent, if any (appointed pursuant to Section 10(c) hereof), an amount to be held in trust by the Escrow Agent to accomplish the redemption and/or payment at maturity of all or a portion of the Refunded Bonds.

(b) The Chief Financial Officer of the Borough is hereby authorized and directed, in consultation with Bond Counsel and the Auditor, to negotiate and approve an Escrow Deposit Agreement by and between the Borough and the Escrow Agent (the "Escrow Deposit Agreement") to be selected by the Chief Financial Officer, in consultation with Bond Counsel and the Auditor, providing for the portion of the proceeds of the sale of the Refunding Bonds described in Section 10(a)(3) hereof (the "Refunding Proceeds") to be deposited in an escrow fund to be held by the Escrow Agent in trust to, among other things, (i) pay at maturity and/or currently or advance refund, as applicable, all or a portion of the Refunded Bonds, (ii) pay interest on all or a portion of the Refunded Bonds until the applicable date fixed for maturity and/or redemption, (iii) pay the applicable redemption premium on the principal amount of certain Refunded Bonds on the date fixed for redemption. The Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver the Escrow Deposit Agreement on behalf of the Borough. Any moneys in such fund may be invested as provided in the Local Bond Law and other applicable law and any moneys in excess of the amounts required for such purpose may be used for any lawful purpose of the Borough.

(c) The Chief Financial Officer is hereby authorized and directed, in consultation with Bond Counsel and the Auditor to negotiate and appoint an escrow agent to accomplish the Refunding (the "Escrow Agent") to the extent such escrow agent is required or desirable to accomplish the Refunding. The portion of the proceeds of the sale of the Refunding Bonds described in Section 10(a)(3) hereof (the "Refunding Proceeds") shall be deposited in a separate fund to be held by the Borough or the Escrow Agent, as applicable, in trust to accomplish the Refunding. Any moneys in such fund may be invested as provided in N.J.S.A. • 40A:2-60, and any moneys in excess of the amounts required for such purpose may be used for any lawful purpose of the Borough.

(d) Pending disbursement for the purposes thereof, the portion of the proceeds of the sale of the Refunding Bonds not constituting Refunding Proceeds may be invested to the extent permitted by law.

Section 11. Verification Agent. The Chief Financial Officer is hereby authorized and directed to select a verification agent (the "Verification Agent"), if required, in consultation with Bond Counsel and the Auditor with respect to the Refunded Bonds. The Verification Agent shall prepare the verification report required to verify the sufficiency of the escrowed monies to refund the Refunded Bonds.

Section 12. Award of Refunding Bonds. NW Capital Markets Inc., Hoboken, New Jersey is hereby appointed Underwriter (the "Underwriter") for the

Refunding Bonds. The Mayor and the Chief Financial Officer of the Borough are each hereby authorized and directed, in consultation with Bond Counsel and the Auditor, to negotiate and approve the terms of the Bond Purchase Agreement with the Underwriter for the purchase of the Refunding Bonds, including the compensation to the Underwriter for the marketing and purchase of the Bonds. The Refunding Bonds are hereby authorized to be sold to the Underwriter in accordance with the terms of the Bond Purchase Agreement, such terms being approved by such officials and representatives of the Borough. The Mayor and/or Chief Financial Officer of the Borough are hereby authorized and directed to execute and deliver the Bond Purchase Agreement on behalf of the Borough and the Clerk of the Borough is authorized to attest such signature.

Section 13. Prior Action. All actions taken to date by the officers, employees, professionals and agents of the Borough with respect to the authorization, sale and issuance of the Refunding Bonds, including, but not limited to, submissions and applications to rating agencies and the execution and delivery of subscription forms for the purchase of United States Time Deposit Securities - State and Local Government Series, be and the same hereby are approved, ratified, adopted and confirmed, *nunc pro tunc*, and the Mayor and/or Chief Financial Officer are hereby authorized and directed to execute and deliver any such agreements, documents or submissions, and the Borough Clerk is hereby authorized and directed to attest to the signatures of the Mayor and the Chief Financial Officer and to affix the seal of the Borough on such agreements, documents or submissions.

Section 14. Official Statement. Bond Counsel and the Auditor are hereby authorized and directed to prepare the Preliminary Official Statement (the "Preliminary Official Statement") to be used in connection with the marketing of the Refunding Bonds. The distribution by the Underwriter of a Preliminary Official Statement on behalf of the Borough to be used in connection with the marketing of such Refunding Bonds by the Underwriter, is hereby approved. The Mayor and Chief Financial Officer of the Borough are hereby authorized and directed to execute and deliver a certificate to the Underwriter that "deems final" the Preliminary Official Statement in accordance with the Rule (as herein defined).

Upon the sale of the Refunding Bonds to the Underwriter, the Preliminary Official Statement shall be modified, in consultation with Bond Counsel and the Auditor, to reflect the effect of the Bond Purchase Agreement and any other revisions not inconsistent with the substance thereof deemed necessary or advisable by Bond Counsel and the Auditor; and said Preliminary Official Statement deemed "final" by the Borough in accordance with the Rule (as hereinafter defined) as so modified shall constitute the final Official Statement (the "Official Statement"). The Mayor and Chief Financial Officer of the Borough are each hereby authorized and directed on behalf of the Borough to execute and deliver said Official Statement.

Section 15. Delivery of Refunding Bonds. The Refunding Bonds, in registered form, shall, as soon as practicable, be prepared, executed and delivered in definitive form to the Underwriter at the expense of the Borough, upon payment in full of the purchase price for the Refunding Bonds.

Section 16. Actions to be Taken on Behalf of the Borough. The various officers of the Borough are hereby authorized and directed to do all matters necessary, useful, convenient or desirable to accomplish the delivery of the Refunding Bonds to the Underwriter as promptly as possible, in accordance with the provisions hereof, the execution of one or more subscriptions for the purchase of United States Government Obligations or the purchase of United States Treasury Obligations, State and Local Government Series, if applicable, and the execution of closing documentation including an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the Refunding Bonds is excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

The Underwriter, Bond Counsel and the Auditor are each hereby authorized to prepare and arrange for the printing or reproduction of the Preliminary Official Statement, the final Official Statement and the Refunding Bonds, and any such actions heretofore taken by such Underwriter, Bond Counsel and the Auditor are hereby ratified and confirmed.

The Mayor or Chief Financial Officer of the Borough are each hereby authorized to enter into (i) an agreement with DTC setting forth the respective obligations of DTC, the Borough and the Paying Agent (if any) with respect to the payment and transfer of the Refunding Bonds; (ii) an agreement with the Escrow Agent in substantially the form with such changes as may be approved by the foregoing officers of the Borough with respect to the matters described in Section 10 hereof, if any, and (iii) an agreement with a verification agent to verify the sufficiency of the escrow created by the Escrow Deposit Agreement to refund the outstanding Refunded Bonds. The Borough agrees to comply with all obligations set forth in each such agreement.

Section 17. Filing of Ordinance and Resolution. The Clerk of the Borough is hereby authorized and directed to cause certified copies of the Ordinance and this Resolution to be filed with the Local Finance Board, in the Division of Local Government Services, Department of Community Affairs, State of New Jersey and to arrange for the required endorsement thereon by the Local Finance Board in accordance with applicable law.

Section 18. Tax Covenant. The Borough hereby covenants with the holders from time to time of the Refunding Bonds that it will make no investment or other use of the proceeds of the Refunding Bonds or take any other action (or refrain from taking

such action) which would cause the Refunding Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on the Refunding Bonds not to be excludable from gross income for federal income tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of the Refunding Bonds.

The Chief Financial Officer of the Borough is further hereby authorized and directed to establish an Investment Rebate Account (the "Rebate Account") and provide for the deposit therein, for delivery to the United States Treasury of "excess investment earnings," as may from time to time be required by Section 148 of the Code, all as may be set forth in a letter or letters of instruction to the Borough submitted by Bond Counsel in connection with the Refunding Bonds.

Section 19. Authorizations. All other details or requirements of the Local Bond Law shall be determined and approved by the Chief Financial Officer of the Borough, upon consultation with Bond Counsel and the Auditor, such approval to be conclusively evidenced by his or her execution of the Refunding Bonds as provided herein.

Section 20. Pledge of Borough. The full faith and credit of the Borough are hereby pledged for the payment of the principal of and interest on the Refunding Bonds. The Refunding Bonds shall be direct obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the principal of and interest on the Refunding Bonds without limitation as to rate or amount.

Section 21. Ratings and insurance. The Chief Financial Officer of the Borough is hereby authorized and directed, upon consultation with Bond Counsel, the Underwriter and the Auditor, to submit information and financial data to municipal bond ratings agencies and municipal bond insurance companies so long as the purchase of municipal bond insurance for the Refunding Bonds is cost effective in the marketing of the Refunding Bonds to reduce the interest costs to the Borough and, if so, then to execute and deliver a commitment for municipal bond insurance (the "Commitment") with a bond insurer to insure the payment of principal of and interest on the Refunding Bonds; and is further authorized and directed to carry out the terms and conditions contained in the Commitment and to execute and deliver all documents, agreements and conditions in connection with the issuance of the Refunding Bonds and the Commitment.

Section 22. Continuing Disclosure. The Borough hereby covenants and agrees to comply with the secondary market disclosure requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended, and agrees to covenant to such compliance in a Continuing Disclosure Certificate (the "Continuing Disclosure Certificate"). In connection therewith, the Mayor and the Chief Financial Officer of the Borough, in

consultation with Bond Counsel and the Auditor, are each hereby authorized and directed to enter into and execute the Continuing Disclosure Certificate, evidencing the contractual undertaking of the Borough to comply with the requirements of the Rule and to deliver the Continuing Disclosure Agreement to the Underwriter in connection with the offer and sale of the Refunding Bonds. Notwithstanding the foregoing, failure of the Borough to comply with the Certificate shall not be considered a default on the Refunding Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance, to cause the Borough to comply with its obligations hereunder and thereunder. The Mayor of the Borough, the Chief Financial Officer of the Borough, the Clerk of the Borough or any other Borough official are each hereby authorized and directed to execute and deliver all certificates, documents and agreements in connection therewith and to file budgetary, financial and operating data on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 23. Effective Date. This Resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote on May 12, 2014:

AYES:

NAYS:

ABSTENTIONS:

ABSENTEES:

EXHIBIT A-1

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

**GENERAL IMPROVEMENT REFUNDING BOND
SERIES 2014**

NUMBER GI-

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
May 30, 2014	January 15, ____	____%	339261 ____

REGISTERED OWNER: Cede & Co.**PRINCIPAL SUM:** _____ Dollars
(\$ _____)

The BOROUGH OF FLEMINGTON in the County of Hunterdon, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, Jersey City, New Jersey ("DTC"), which will act as securities depository (the "Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond until it matures at the Rate of Interest Per Annum specified above on July 15, 2014 and semiannually thereafter on the fifteenth day of January and July (each an "Interest Payment Date") in each year until maturity. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough or a duly designated paying agent (the "Paying Agent") and will be credited to the participants of DTC as listed on the records of DTC as of the first day of July and January preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of DTC. DTC shall be responsible for maintaining the book entry system for recording the interests of its Participants and/or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The Bonds of this issue are not subject to redemption prior to their stated maturities.

This Bond is one of an authorized issue of Bonds issued pursuant to the provisions of the Local Bond Law of the State of New Jersey (N.J.S.A. 40A:2-1 et seq.), a refunding bond ordinance finally adopted by the Borough Common Council on May 12, 2014 and approved and published as required by law, entitled: "REFUNDING BOND ORDINANCE OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING 2002 AND 2004 BONDS OF THE BOROUGH AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR", and a resolution adopted by the Borough Common Council on May 12, 2014 and entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS (THE "REFUNDING BONDS") OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH"), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH ON MAY 12, 2014, TO REFUND CERTAIN BONDS OF THE BOROUGH, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS" (collectively, the "Bond Authorization Proceedings").

Unless paid from other sources, the full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

IN WITNESS WHEREOF, the Borough of Flemington, in the County of Hunterdon, State of New Jersey, has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested to by the manual signature of the Clerk of the Borough, and this Bond to be dated the Date of Original Issue as specified above.

ATTEST:

BOROUGH OF FLEMINGTON

By: _____
REBECCA NEWMAN,
Borough Clerk

By: _____
ERICA EDWARDS,
Mayor

(SEAL)

By: _____
WILLIAM J. HANCE,
Chief Financial Officer

EXHIBIT A-2

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

**WATER UTILITY REFUNDING BOND
SERIES 2014**

NUMBER WU-

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
May 30, 2014	January 15, ____	____%	339261__

REGISTERED OWNER: Cede & Co.**PRINCIPAL SUM:** _____ Dollars
(\$ _____)

The BOROUGH OF FLEMINGTON in the County of Hunterdon, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, Jersey City, New Jersey ("DTC"), which will act as securities depository (the "Securities Depository"), on the Maturity Date specified above, the Principal Sum specified above, and to pay interest on such sum from the Date of Original Issue of this Bond until it matures at the Rate of Interest Per Annum specified above on July 15, 2014 and semiannually thereafter on the fifteenth day of January and July (each an "Interest Payment Date") in each year until maturity. Principal of and interest on this Bond will be paid to the Securities Depository by the Borough or a duly designated paying agent (the "Paying Agent") and will be credited to the participants of DTC as listed on the records of DTC as of the first day of July and January preceding each Interest Payment Date (the "Record Dates" for such payments).

This Bond is not transferable as to principal or interest except to an authorized nominee of DTC. DTC shall be responsible for maintaining the book entry system for recording the interests of its Participants and/or the transfers of the interests among its Participants. The Participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The Bonds of this issue are not subject to redemption prior to their stated maturities.

This Bond is one of an authorized issue of Bonds issued pursuant to the provisions of the Local Bond Law of the State of New Jersey (N.J.S.A. 40A:2-1 et seq.), a refunding bond ordinance finally adopted by the Borough Common Council on May 12, 2014 and approved and published as required by law, entitled: "REFUNDING BOND ORDINANCE OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING 2002 AND 2004 BONDS OF THE BOROUGH AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR", and a resolution adopted by the Borough Common Council on May 12, 2014 and entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS (THE "REFUNDING BONDS") OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH"), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH ON MAY 12, 2014, TO REFUND CERTAIN BONDS OF THE BOROUGH, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS" (collectively, the "Bond Authorization Proceedings").

Unless paid from other sources, the full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, and that the issue of Bonds of which this is one, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

CERTIFICATE

I, REBECCA NEWMAN, Borough Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,250,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS (THE "REFUNDING BONDS") OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (THE "BOROUGH"), AUTHORIZED BY A REFUNDING BOND ORDINANCE HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH ON MAY 12, 2014, TO REFUND CERTAIN BONDS OF THE BOROUGH, AND PROVIDING FOR THE FORM AND OTHER DETAILS WITH RESPECT TO THE SALE AND ISSUANCE OF SAID REFUNDING BONDS", is a copy of a resolution which was duly adopted by the Borough Common Council at a meeting of the Borough Common Council duly called and held on May 12, 2014 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this ____ day of _____, 2014.

REBECCA NEWMAN,
Borough Clerk

(SEAL)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1524

TABLED

ORDINANCE 2014-4

**Second Reading: an Ordinance to Remove a Restriction on
the Location of Outdoor Dining Areas in the Downtown
Business District (Section 2620.F.2.E)**

HISTORY:

04/16/14

Governing Body

INTRODUCED

Next: 05/12/14

2620 DOWNTOWN BUSINESS (DB) DISTRICT

A. **Purpose.** The purpose of the Downtown Business (DB) District is to provide for mixed uses in the traditional business and governmental center of the Borough and is a transitional area between the Downtown Business (DB) Zone and the Village Artisan Shopping (VAS) Zone.

(Ord. No. 2012-15)

B. **Permitted Principal Uses.** In the Downtown Business II Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described.

Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Apartment(s) on second and upper floors of principal structures.
2. Paint, glass and wallpaper sales and service (523).
3. Hardware store (525).
4. Lawn and garden center (5261).
5. Variety store (533).
6. General merchandise store (539).
7. Grocery store (541).
8. Meat and fish markets, including frozen food purveyors (542).
9. Fruit and vegetable market (543).
10. Candy, nut and confectionery store (544).
11. Dairy products sales (545).
12. Retail bakery (546).
13. Other food stores (549).
14. Apparel and accessories store (56).
15. Furniture and accessories store (57).
16. Restaurants, excluding fast food restaurants (581).
17. Drug and proprietary stores (591).

18. Second hand shops (593):
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
20. Opticians and optical goods (5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
22. Offices for finance, insurance, and real estate services (60-65, 67).
23. Photographic and portrait studio (7221).
24. Beauty (7231) and barber (7241) shops.
25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
27. Legal services (8111).
28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).
29. Medical and dental offices (801, 802, 803, 804).
30. Municipal use.
31. Coin operated laundries, etc. (7215).
32. Miscellaneous repair (762-764).
33. Dance studios (791).
34. Travel agencies (4724).
35. Florists (5992).
36. Optical goods stores (5995).

- 37. Individual and family services (8322).
- 38. Farmer's market. (Ord. No. 2012-01)
- 39. Commercial agriculture. (Ord. No. 2012-01)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

- 1. Outdoor dining.
- 2. Outdoor display.
- 3. Off-street parking.
- 4. Private garages used in conjunction with the principal use(s).
- 5. Fences and walls.
- 6. Signs, § 2631.
- 7. Storage and maintenance buildings.
- 8. Solar facilities. (Ord. No. 2012-01)
- 9. Community gardening. (Ord. No. 2012-01)

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:

- 1. Bed and breakfast accommodation conforming to the following criteria:
 - a. No more than 6 guest rooms or suites shall be permitted.
 - b. No expansion of the existing dwelling shall be permitted.
 - c. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.
 - d. No parking shall be permitted in the front yard.
 - e. Only guests of the facility and their invitees shall be served food and drink on the premises.

Attachment: 2620-04142014115041 (2014-4 : Outdoor Dining - Section 2620)

- f. No cooking facilities shall be permitted in guest rooms or suites.
- g. There shall be a maximum residency limitation on all guests of 30 days.
- 2. Public and private non-profit day school meeting the following criteria:
 - a. The minimum lot size shall be 3 acres.
 - b. The minimum lot frontage shall be 150 feet.
 - c. No building shall be located within 50 feet of a lot line.
 - d. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
 - e. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
- 3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.
- E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB Districts:

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Non-Municipal Use Accessory Buildings(3)	7,000 sf	45'	100'	25'(1)	0'	50'	40'(2)	.75
Municipal	2,000 sf	20'	50'	NP	5'	15'	30'	18'
					5'	5'	45'	.80

NP = Not Permitted.
 (1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
 (2) - Or 3 stories, whichever is less.
 (3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. No. 2012-01)

- F. Additional Regulations for Retail and Service Uses.
 - 1. All equipment stored on the site shall be placed within an enclosed building.
 - 2. Outdoor Dining. Outdoor dining shall conform to the following requirements:

Attachment: 2620-04142014115041 (2014-4 : Outdoor Dining - Section 2620)

a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.

b. All outdoor dining areas shall allow at least 8 feet of passage between tables and chairs and the curb.

c. All outdoor dining areas shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

e. Outdoor dining areas may only be located ~~in front of~~ adjacent to the building in which the restaurant operates.

f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.

g. No food or drink shall be prepared in the outdoor dining area.

h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.

i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.

j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.

3. Outdoor Display. Outdoor displays shall conform to the following requirements:

a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.

b. All displays shall allow at least 5 feet of passage between the display and the curb.

c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.

d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

- e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - f. Displays shall not extend more than 4 feet from the facade of the building.
 - g. The only merchandise which may be displayed is the merchandise sold by the business.
 - h. No display may exceed 6 feet in height.
 - i. Displays shall be maintained in an orderly fashion and shall not create a hazard.
 - j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
 - k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this Ordinance or other rule or regulation.
4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.
5. There shall be no drive-in or drive-thru facilities allowed for any purpose.

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman

Initiator: Rebecca Newman

Sponsors:

DOC ID: 1527

TABLED**ORDINANCE 2014-5**

**Second Reading: an Ordinance to Remove a Restriction on
the Location of Outdoor Dining Areas in the Village and
Artisan Shopping District (Section 2623.F.2.E)****HISTORY:**

04/16/14

Governing Body

INTRODUCED

Next: 05/12/14

2623 VILLAGE ARTISAN SHOPPING (VAS) DISTRICT

A. Purpose. The purpose of the Village Artisan Shopping (VAS) District is to include the majority of the destination oriented retail outlet shopping in Flemington. This district is highway oriented but is designed to encourage walking from store to store once the destination has been reached. It contrasts with the more pedestrian oriented outlet shopping in the Downtown Business district and the more highway oriented shopping in the Highway Retail zone. The district is also intended for artisans who sell or produce arts and crafts and offer instruction (subject to terms of conditional use for manufacturing). An overall site plan may be submitted for a village shopping center, indicating buildings, driveways, loading and parking areas, lighting, landscape, provisions for storm drainage and signs. Once approved, modification may be made to the plan as a minor site plan to the Planning Board, if there is no effect on external circulation, lighting, drainage, landscaping or signs.

B. Permitted Principal Uses. In the Village Artisan Shopping Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their National American Industry Classification System (NAICS) number. (Ord. No. 2012-15)

The following establishments or uses shall be permitted:

***Editor's Note:** SIC Codes provided.

1. Paint, glass and wallpaper sales and service (SIC 523).
2. Hardware store (SIC 525).
3. Lawn and garden center (SIC 5261).
4. Variety store (SIC 533).
5. General merchandise store (SIC 539).
6. Grocery store (SIC 541).
7. Meat and fish markets, including frozen food purveyors (SIC 542).
8. Fruit and vegetable market (SIC 543).
9. Candy, nut and confectionery store (SIC 544).
10. Dairy products sales (SIC 545).
11. Retail bakery (SIC 546).
12. Other food stores (SIC 549).

13. Department stores (SIC 531).
14. Apparel and accessories store (SIC 56).
15. Furniture and accessories store (SIC 57).
16. Restaurants (SIC 581).
17. Drug and proprietary stores (SIC 591).
18. Second hand shops (SIC 593).
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (SIC 594).
20. Opticians and optical goods (SIC 5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (SIC 5999).
22. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (SIC 7699).
23. Physical fitness centers (SIC 7991).
24. Municipal use.
25. Places of worship.
26. Child day care services (SIC 8351).
27. Miscellaneous repair (SIC 762-764).
28. Dance studios (SIC 791).
29. Wood kitchen cabinets (SIC 2434).
30. Jewelry manufacturing (SIC 3911).
31. Optical goods stores (SIC 5995).
32. Plumbing, heating and air-conditioning contracting (SIC 1711), however, no outside storage is permitted.

- 33. Finance, insurance, etc. (SIC 60-65, 67)
- 34. Photographic studios, beauty and barber shops (SIC 7221, 7231, 7241, 7251).
- 35. Farmer's market. (Ord. No. 2012-01)
- 36. Commercial agriculture. (Ord. No. 2012-01)
- 37. Artisan studios. (Ord. No. 2012-15)
- 38. Learning center. (Ord. No. 2012-15)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

- 1. Outdoor dining.
- 2. Outdoor display.
- 3. Off-street parking.
- 4. Private garages for commercial vehicles used in conjunction with the principal use, excepting public works garages or yards.
- 5. Fences and walls.
- 6. Signs, § 2631.
- 7. Storage and maintenance buildings.
- 8. Kiosks, if located surrounded by building of the village stores and not visible to any residential stores.
- 9. Solar facilities. (Ord. No. 2012-01)
- 10. Community gardening. (Ord. No. 2012-01)

D. Conditional Uses Permitted. Subject to the following conditions:

- 1. Bed and breakfast. (Ord. No. 2011-10; Ord. No. 2012-15)
 - a. No more than 6 guest rooms or suites shall be permitted.
 - b. No expansion of the existing dwelling shall be permitted.

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

- c. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.
 - d. No parking shall be permitted in the front yard.
 - e. Only guests of the facility and their invitees shall be served food and drink on the premises.
 - f. No cooking facilities shall be permitted in guest rooms or suites.
 - g. There shall be a maximum residency limitation on all guests of 30 days.
2. Corporate offices conforming to the following criteria. (Ord. No. 2011-10; Ord. No. 2012-15)
- a. Properties shall front on Route 12 with direct access to the State highway.
 - b. Corporate offices may be permitted only if they constitute at least 7,500 square feet of an existing building.
 - c. Corporate offices include companies who are engaged in business, service, education, industry or finance, including professions such as accounting, law or medicine or related fields. Such offices may include ancillary services for office workers such as a restaurant, coffee shop or newspaper stand.
 - d. Floor area ratio shall not exceed 0.25.
 - e. Minimum lot area shall be 40,000 square feet.
 - f. Parking shall comply with § 2629 Parking.
 - g. Signs shall comply with § 2631 Signs.
3. Artisan manufacturing. (Ord. No. 2012-15)
- a. Minimum setback from any residential use or residential zone shall be 30 feet.
 - b. Such uses may only be located on Fulper Street, Central Avenue and Stangle Road.
 - c. Any noxious odors or fumes, or hazardous chemical substances shall be properly vented or contained as warranted.
 - d. Parking shall comply with § 2629 Parking.

e. Signs shall comply with § 2631 Signs.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to the VAS District.

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Retail, Service and Office Uses	65,000 sf	150'	200'	35'	15'	50'	35'(1)	.80(2)
Accessory Building(3)				NP	15'	30'	18'	
Municipal	2,000 sf	20'	50'	25'	5'	10'	45'	.80

NP = Not Permitted.

- (1) - Or 2 1/2 stories, whichever is less. The height may be increased to 50 feet or 4 stories, whichever is less, when the building is greater than 200 feet from a residential district.
- (2) - Maximum lot coverage may be increased to .82 if additional landscaped areas are provided with trees, shrubs and proper ground cover treatment.
- (3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. No. 2011-17; Ord. No. 2012-01)

F. Additional Regulations for Office Retail and Service Uses.

- 1. All equipment stored on the site shall be placed within an enclosed building.
- 2. Outdoor Dining. Outdoor dining shall conform to the following requirements:
 - a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - b. All outdoor dining areas shall allow at least 8 feet of passage between tables and chairs and the curb.
 - c. All outdoor dining areas shall allow at least 6 feet of unobstructed access to building entrances and exits.
 - d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - e. Outdoor dining areas may only be located ~~in front of~~ adjacent to the building in which the restaurant operates.
 - f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

- g. No food or drink shall be prepared in the outdoor dining area.
 - h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.
 - i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.
 - j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this Ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.
3. Outdoor Display. Outdoor displays shall conform to the following requirements:
- a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
 - b. All displays shall allow at least 5 feet of passage between the display and the curb.
 - c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.
 - d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - f. Displays shall not extend more than 4 feet from the facade of the building.
 - g. The only merchandise which may be displayed is the merchandise sold by the business.
 - h. No display may exceed 6 feet in height.
 - i. Displays shall be maintained in an orderly fashion and shall not create a hazard.
 - j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
 - k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this Ordinance or other rule or regulation.
4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be

construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.

Attachment: 2623-04142014115148 (2014-5 : Outdoor Dining - Village and Artisan Shopping District)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors:

TABLED**ORDINANCE 2014-6**

DOC ID: 1526

**Second Reading: an Ordinance to Remove a Restriction on
the Location of Outdoor Dining Areas in Transition
Commercial District (Section 2618.E.3.E)****HISTORY:**

04/16/14 Governing Body

INTRODUCED

Next: 05/12/14

2618 TRANSITION COMMERCIAL (TC) DISTRICT

A. Purpose. The purpose of the Transition Commercial (TC) District is to provide areas for more intensive commercial uses commonly with a wholesale component or outdoor storage which were developed in proximity to rail lines or highways.

B. Permitted Principal Uses. In the Transition Commercial Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Plumbing, heating and air-conditioning contracting (1711), however, no outside storage is permitted.
2. Painting and paperhanging contracting (172).
3. Electrical contracting (173).
4. Paint, glass and wallpaper sales and service (523).
5. Hardware store (525).
6. Lawn and garden center (5261).
7. Variety store (533).
8. General merchandise store (539).
9. Grocery store (541).
10. Meat and fish markets, including frozen food purveyors (542).
11. Fruit and vegetable market (543).
12. Candy, nut and confectionery store (544).
13. Dairy products sales (545).
14. Retail bakery (546).
15. Other food stores (549).
16. Apparel and accessories store (56).
17. Furniture and accessories store (57).

Attachment: 2618-04142014115129 (2014-6 : Outdoor Dining Transitional Commercial District)

18. Restaurants, excluding fast food restaurants (581).
19. Drug and proprietary stores (591).
20. Second hand shops (593).
21. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
22. Opticians and optical goods (5995).
23. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
24. Offices for finance, insurance, and real estate services (60-65, 67).
25. Dry cleaners (7212), dry cleaning plant excepting rug cleaning (7216), laundry services excluding coin-operated services (7219).
26. Photographic and portrait studio (7221).
27. Beauty (7231) and barber (7241) shops.
28. Shoe repair and shoeshine services (7251).
29. Tax return preparation (7291), babysitting bureaus, bartering services, buyer's clubs, clothing and costume rental excluding industrial laundering and linen supply, vending machine operators, dating service, debt and diet counseling, hair replacement or removal, tanning salon, shopping services for individuals, locksmith, and other similar personal services (7299).
30. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
31. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile (motor vehicle) repair (7699).
32. Physical fitness facility (7991).
33. Legal services (8111).
34. Child day care services (8351)

- 35. Medical and dental offices (801, 802, 803, 804).
- 36. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
- 37. Municipal use.
- 38. Paperbound containers and boxes (265).
- 39. Miscellaneous Repair (762-764).
- 40. Dance studios (791).
- 41. Metalworking machinery (354).
- 42. Electrical apparatus and equipment (5063).
- 43. Florists (5992).
- 44. Optical goods stores (5995).
- 45. Individual and family services (8322).
- 46. Labor organizations (8631).
- 47. Sales offices only for wholesale machinery.
- 48. Community gardening. (Ord. No. 2012-10)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

- 1. Outdoor dining.
- 2. Outdoor display.
- 3. Off-street parking.
- 4. Private garages for commercial vehicles used in conjunction with the principal use.
- 5. Fences and walls.
- 6. Signs, § 2631.
- 7. Storage and maintenance buildings.

Attachment: 2618-04142014115129 (2014-6 : Outdoor Dining Transitional Commerical District)

- 8. Solar facilities. (Ord. No. 2012-01)
- 9. Community gardening. (Ord. No. 2012-01)

D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TC Districts:

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio	Floor Area Ratio
Retail and Service Use	20,000 sf	100'	175'	25'	15'(1)	50'	35'(2)	.70	.22
Accessory Building(3)				NP	15'	30'	18'	inclusive	
Municipal	2,000 sf	20'	50'	5'	5'	5'		35'	.25

NP = Not Permitted.

- (1) - Minimum side yard shall increase to 35 feet where adjacent to a residential use.
- (2) - Or 2 stories, whichever is less.
- (3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. 2012-01)

E. Additional Regulations for Retail and Service Uses.

- (1) Outdoor storage of materials shall be permitted in side or rear yards only. Such storage shall be screened from the view of adjacent uses and any public street by a combination of fencing, walls and landscaping in accordance with the standards of §1632.
- (2) All equipment stored on the site shall be placed within an enclosed building.
- (3) Outdoor Dining. Outdoor dining shall conform to the following requirements:
 - a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - b. All outdoor dining areas shall allow at least 8 feet of passage between tables and chairs and the curb.
 - c. All outdoor dining areas shall allow at least 6 feet of unobstructed access to building entrances and exits.
 - d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.

Attachment: 2618-04142014115129 (2014-6 : Outdoor Dining Transitional Commercial District)

- e. Outdoor dining areas may only be located ~~in front of~~ adjacent to the building in which the restaurant operates.
- f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.
- g. No food or drink shall be prepared in the outdoor dining area.
- h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.
- i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.
- j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this Ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.
4. Outdoor Display. Outdoor displays shall conform to the following requirements:
- a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
- b. All displays shall allow at least 5 feet of passage between the display and the curb.
- c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.
- d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
- e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
- f. Displays shall not extend more than 4 feet from the facade of the building.
- g. The only merchandise which may be displayed is the merchandise sold by the business.
- h. No display may exceed 6 feet in height.
- i. Displays shall be maintained in an orderly fashion and shall not create a hazard.
- j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.

k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors:

TABLED**ORDINANCE 2014-7**

DOC ID: 1525

**Second Reading: an Ordinance to Remove a Restriction on
the Location of Outdoor Dining Areas in the Downtown
Business II District (Section 2621.F.2.E)****HISTORY:**

04/16/14 Governing Body

INTRODUCED**Next: 05/12/14**

2621 DOWNTOWN II BUSINESS (DBII) DISTRICT

A. Purpose. The purpose of the Downtown Business II (DBII) District is to provide for mixed uses in the traditional business and governmental center of the Borough and is a transitional area between the Downtown Business (DB) zone and the Village Artisan Shopping (VAS) Zone. (Ord. No. 2012-15)

B. Permitted Principal Uses. In the Downtown Business II Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except as herein described. Commercial uses shall be defined in accordance with their SIC Code number where shown with a number in parentheses (thus). The following establishments or uses shall be permitted:

1. Apartment(s) on second and upper floors of principal structures.
2. Paint, glass and wallpaper sales and service (523).
3. Hardware store (525).
4. Lawn and garden center (5261).
5. Variety store (533).
6. General merchandise store (539).
7. Grocery store (541).
8. Meat and fish markets, including frozen food purveyors (542).
9. Fruit and vegetable market (543).
10. Candy, nut and confectionery store (544).
11. Dairy products sales (545).
12. Retail bakery (546).
13. Other food stores (549).
14. Apparel and accessories store (56).
15. Furniture and accessories store (57).
16. Restaurants, excluding fast food restaurants (581).
17. Drug and proprietary stores (591).

Attachment: 2621-04152014093848 (2014-7 : Outdoor Dining- Section 2621)

18. Second hand shops (593).
19. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
20. Opticians and optical goods (5995).
21. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
22. Offices for finance, insurance, and real estate services (60-65, 67).
23. Photographic and portrait studio (7221).
24. Beauty (7231) and barber (7241) shops.
25. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).
26. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).
27. Legal services (8111).
28. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile repair (7699).
29. Medical and dental offices (801, 802, 803, 804).
30. Municipal use.
31. Coin operated laundries, etc. (7215).
32. Miscellaneous repair (762-764).
33. Dance studios (791).
34. Travel agencies (4724).
35. Florists (5992).
36. Optical goods stores (5995).

37. Individual and family services (8322).
38. Funeral home and crematorium (7261) with a minimum lot area of 1 acre.
39. Farmer's market. (Ord. No. 2012-01)
40. Commercial agriculture. (Ord. No. 2012-01)

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

1. Outdoor dining.
2. Outdoor display.
3. Off-street parking.
4. Private garages used in conjunction with the principal use(s).
5. Fences and walls.
6. Signs, § 2631.
7. Storage and maintenance buildings.
8. Solar facilities. (Ord. No. 2012-01)
9. Community gardening. (Ord. No. 2012-01)

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board:

1. Bed and breakfast accommodation conforming to the following criteria:
 - a. No more than 6 guest rooms or suites shall be permitted.
 - b. No expansion of the existing dwelling shall be permitted.
 - c. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty subject to the approval of the Board Attorney that establishes a right to the use of the off-tract parking is secured.
 - d. No parking shall be permitted in the front yard.

- e. Only guests of the facility and their invitees shall be served food and drink on the premises.
- f. No cooking facilities shall be permitted in guest rooms or suites.
- g. There shall be a maximum residency limitation on all guests of 30 days.
- 2. Public and private nonprofit day school meeting the following criteria:
 - a. The minimum lot size shall be 3 acres.
 - b. The minimum lot frontage shall be 150 feet.
 - c. No building shall be located within 50 feet of a lot line.
 - d. Parking lots shall be properly screened and shall be a minimum of 25 feet from surrounding properties and public roads.
 - e. Outdoor athletic fields shall be oriented to minimize adverse impacts on neighboring residential uses from noise, lighting, and entrances.
- 3. Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all DB II Districts:

Principal Use and Accessory Buildings	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height	Max. Imperv. Surface Ratio
Non-Municipal Use Accessory Buildings(3)	7,000 sf	45'	100'	25'(1)	0'	50'	40'(2)	.75
Municipal	2,000 sf	20'	50'	5'	5'	5'	45'	.80

NP = Not Permitted.
 (1) - The front yard depth may be reduced to the average of the setbacks from the streetline of existing buildings on both sides of the proposed building. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
 (2) - Or 3 stories, whichever is less.
 (3) - Properties must also meet standards for particular accessory buildings, structures and uses, including but not limited to solar facilities, in Chapter XXVI.

(Ord. No. 2012-01)

- F. Additional Regulations for Retail and Service Uses.
 - 1. All equipment stored on the site shall be placed within an enclosed building.

Attachment: 2621-04152014093848 (2014-7 : Outdoor Dining- Section 2621)

2. Outdoor Dining. Outdoor dining shall conform to the following requirements:
 - a. The location of each outdoor dining area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the outdoor dining area.
 - b. All outdoor dining areas shall allow at least 4 feet of passage between tables and chairs and the curb.
 - c. All outdoor areas shall allow at least 4 feet of unobstructed access to building entrances and exits.
 - d. No outdoor dining area shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - e. Outdoor dining areas may only be located ~~in front of~~ adjacent to the building in which the restaurant operates.
 - f. Food and drink served in outdoor dining areas shall be the same as served in the restaurant.
 - g. No food or drink shall be prepared in the outdoor dining area.
 - h. Tables and chairs shall be placed and maintained in an orderly fashion and shall not create a hazard.
 - i. Tables and chairs may be left out overnight, but other accessories shall be removed when the establishment is closed.
 - j. Nothing herein shall be construed to authorize outdoor dining areas for uses prohibited by the landowner or by this Ordinance or other rule or regulation. Nothing herein shall be construed to vary, alter, or amend any rule or regulation relating to the sale and consumption of alcoholic beverages.
3. Outdoor Display. Outdoor displays shall conform to the following requirements:
 - a. The location of each display area shall first be reviewed and approved by the Zoning Officer for conformance with the provisions of this section. Upon satisfactory review, a zoning permit or other suitable document shall be issued by the Zoning Officer for the display area.
 - b. All displays shall allow at least 5 feet of passage between the display and the curb.
 - c. All displays shall allow at least 6 feet of unobstructed access to building entrances and exits.

- d. No display shall be located in front of any driveway, parking lot entrance, alley, or other vehicular thoroughfare nor impede adequate sight distance for motorists.
 - e. Displays may only be located adjacent to or in front of the building in which the business displaying wares is located.
 - f. Displays shall not extend more than 4 feet from the facade of the building.
 - g. The only merchandise which may be displayed is the merchandise sold by the business.
 - h. No display may exceed 6 feet in height.
 - i. Displays shall be maintained in an orderly fashion and shall not create a hazard.
 - j. Displays may only be shown during daylight hours and when the business is otherwise open to the public.
 - k. Nothing herein shall be construed to authorize outdoor displays for uses prohibited by the landowner or by this ordinance or other rule or regulation.
4. There shall be no retail sales activities open to the public for the purpose of selling any goods or services in any basement, cellar, or attic, provided that nothing in this section shall be construed to prohibit the use of such areas for storage or the basement or cellar for public restrooms.
5. There shall be no drive-in or drive-thru facilities allowed for any purpose.

Attachment: 2621-04152014093848 (2014-7 : Outdoor Dining- Section 2621)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors:

TABLED**ORDINANCE 2014-8**

DOC ID: 1523

**Second Reading: an Ordinance Adding a Condition for the
Placement of Banners Across Main Street (Section
2361.A.1.C.4)****HISTORY:**

04/16/14

Governing Body

INTRODUCED

Next: 05/12/14

Ordinance 2014~~3~~-XXX

This is an ordinance to revise the borough's policy for the placement of temporary banners.

This ordinance replaces the Borough of Flemington Land Use Ordinance, Section 2631, Paragraph A.1.c.iv, with the following language:

Section 2631, Paragraph A.1.c.iv: Temporary Banners

The zoning officer shall issue a permit for a banner that meets the following conditions, unless he refers the request to Borough Council:

- ~~For all locations other than across Main Street as provided below, the banner shall promote a one-time event, such as a grand opening, holiday sale, or fund raising event, and will be used hung for no more than 14 days~~
 - ~~will be used (1) at the standard location across Main Street between the Historic Courthouse and the Union Hotel or (2) at the location of the business or entity requesting the banner or the location of the event being advertised and up to three additional locations in the borough, providing that the requesting party provides written permission from the owner of any location where the banner is to be placed other than its his or her own property, where the banner is to be placed~~
 - ~~if the banner is being hung across Main Street between the Historic Courthouse and the Union Hotel, it the banner shall be hung for no more than 14 days for a one-time event that promotes the general economic development of Flemington, including but not limited to holiday parades or fireworks, car shows, craft fairs, or restaurant week, car shows, or a community-sponsored event, and not any individual commercial business, nonprofit entity or person, or any it shall not promote a social, religious, or political event or interests of a non-commercial nature. agenda.~~
- No banner shall be hung anywhere else across Main Street.

Requests for other banners shall be submitted to Borough Council for approval.

The zoning officer at his sole discretion may refer a banner request that meets the conditions listed above to Council for approval regarding concerns of colors, size, public safety, frequency of placement, or other concerns.

Attachment: BANNER-04142014115002 (2014-8 : Banners)

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 05/12/14 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Robin Hughes
Initiator: Rebecca Newman
Sponsors:**TABLED****ORDINANCE 2014-10**

DOC ID: 1491

Second Reading: an Ordinance Amending Chapter III Police Regulations by Adding Section 3-27 Establishing the Licensing of Towing Operators in the Borough of Flemington and Towing Storage Fees Along with Requirements

Be it ordained by the mayor and council of the Borough of Flemington, in the County Hunterdon County and the State of New Jersey.

Section 1. Title. This section will be known as the “Towing Ordinance of the Borough Of Flemington.”

Section 2. Purpose and Scope.

- . The purpose of the section is to establish towing and storage fees schedules for towing motor vehicles that are Police Impounded, damaged in accident and disabled.
- . This ordinance shall apply to all companies that will be licensed to provide towing and storage for motor vehicles.
- . In order to protect persons who operate motor vehicles inside the Borough, to ensure the proper licensing, storage, availability and other controls over person and companies licensed to provide a rotating towing service.

Section 3. Application for Towing License.

Any company interested in towing for the Borough of Flemington shall pick up an application from Police Headquarters. All companies shall submit the application for a towing license and return it to the Chief of Police or his designee. This application will consist of name of the company or trade name, business owner information such as name, business address, contact phone numbers, size of storage lot, security features and location where customer will come and claim stored vehicles. Also storage lots must be zoned in accordance to the borough for storage of vehicle and equipment. Company will also provide a service twenty-four hours a day basis each day of the year. Photos of all the equipment and storage facilities will be forwarded with the application. Complete listing of the insurance policies, carriers and agents the owner would place into effect upon license approval. A statement that the towing company / owner indemnify and hold harmless the Borough in the event that any claim or recovery is made against the

Borough arising out of the towing and storage of vehicles. Upon completion of the

Application and investigation of the application the Chief of Police or his designee will forward a copy of the application to the Borough of Flemington Council along with a letter of recommendation for approval or disapproval of the license with the reasons if any. Once found to be approved a payment for the towing license for a fee of one-hundred-fifty (\$150.00) dollars will be made to the Borough and a license will be issued to the applicant. Along with that the applicant will placed at the end of the towing list. All licenses shall expire on December 31 annually. The license is nontransferable or assignable.

Section 4. Insurance.

- . Garage keeper's policy. A garage keeper's liability policy in the minimum amount of \$100,00 for each vehicle damaged on a separate claim.
- . Garage liability policy. A garage liability policy covering the applicant's business, equipment and vehicles in the minimum amount of \$ 500,000 for any one person injured or killed, and a minimum of \$ 1,000,000 for more than one person killer or injured in any accident and an additional \$ 100,00 for any damage arising from injury or destruction to property, and/or a combined single limit of \$ 1,000,000. In addition to each policy containing an endorsement showing the Borough as additionally insured, such policy shall also provide an endorsement entitling the Borough to 30 days prior written notice to the Chief of Police or his designee in the event of any change to coverage under the policy, or in the event of the cancellation of the policy.
- . Worker's compensation policy. A workers' compensation policy covering all of the applicant's employees and operators, containing statutory coverage including liability coverage of at least \$ 100,000 for each accident per person, \$ 500,000 policy aggregate limit per disease, and \$ 100,000 for each disease per person.

Section 5. Standards of Operator Performance.

All operators of the licensed towing company who have entered into contracts with the Borough shall be obligated to comply with the following duties.

- . Remove and tow to the designated storage facility all vehicles directed the Borough of Flemington to be removed and towed because such vehicles are designated as abandoned, illegally parked, disabled, involved in an accident, or to be impounded.
- . Store such vehicles in a fenced in lot with motion lights or a lot with security cameras and motion lights and move such vehicles as directed by Borough of Flemington.
- . Provide twenty-four hour, seven-days a week service to the Borough during the terms of the contract

- . Respond promptly to all requests for towing service. In any event, the wrecker shall respond and be present at the location for service in 15 minutes of receipt of notice of the towing requirement between the hours of 7:00am and 7:00pm (daytime), and within 25 minutes of receipt of notice between the hours of 7:01pm and 6:59am (nighttime). In the event a wrecker does not arrive at the call for service within the above time periods, the police officer on scene shall have the right to have the next company on the rotation called to the location who will then have the right to perform the service. The original company contacted shall have no right to payment from any party.
- . Clean up all broken glass, debris and fluid spill at the scene of accidents, which work may be billed to the vehicle owner.
- . Furnish additional towing equipment and services during storm periods of snow emergencies, traffic emergencies and natural disasters.
- . Records of all vehicles towed by the Borough of Flemington along with a report of personal property found with the vehicle and an accounting of all monies received for fees for towing. The Chief of Police or his designee shall have access upon request to any and all invoices and records required.
- . In all of the wrecker's dealings with the public, the wrecker operator/owner shall act in a professional manor, courteous at all times and respectful to the public, as well as representative of the Borough.
- . The wrecker, not driven, must tow all vehicles from their location.
- . The towing company must have a permanent place of business.
- . The towing company shall also accept payment in either cash or a valid major credit card.

Section 6. Towing and Storage rate schedule.

The Chief of Police or his designee shall recommend to the Borough Council rate schedules for storage of vehicles at the wreckers storage location approved by the Borough of Flemington. Each year the towing and storage rates will be provided to the towing company along with the license.

Section 7. Solicitation.

No towing company, whether license or unlicensed by the Borough, shall respond to the scene of an accident or emergency for the purposes of towing a vehicle unless specifically notified by the Borough of Flemington or the individual involved in the accident or emergency. As long as the officer on scene deems it's safe to wait for another company requested by the owner of the

vehicle. The duty wrecker, to allow traffic to continue will only remove vehicles blocking traffic as a result of accidents or emergencies. Vendor will also not assign calls to other towing companies to complete a service call.

Section 8. Light Duty Requirements.

Vendor must present for service one truck, consisting of one flatbed, which meet the following minimum requirements:

- 10,000 lbs. GVWR minimum commercially manufactured
- Dual rear wheels
- 3,000 lbs minimum wheel lift capacity
- 8,000 lbs minimum winch capacity
- Vehicle manufacture serial plate must be legible for inspection
- 3/8" x 100' winch cable
- (2) Safety chains 3/8" x 10" with a minimum of grade 7
- Wheel lift safety straps
- Motorcycle towing equipment
- Amber Emergency lights (with a valid permit from the State of New Jersey)
- Two work lights rear facing
- Jumper box
- Flashlight, Fire extinguisher, first aid kit one box Traffic Triangles
- 5 gallon US dot approved gas can
- Lug wrench / jack
- Broom & shovel speedy dry
- Traffic Vest min class 2 ANSI 1999 or above
- 17' or longer hydraulically operated 8,000 lbs bed
- (2) Tire Skates and (4) point tie down straps
- ~~Must meet Federal DOT requirements under section CFR 392~~
- ~~Meeting Federal DOT inspections under CFR 392~~

Must comply with all laws of the State of New Jersey and all federal laws, including but not limited to the inspection requirements set forth in 49 C.F.R. 396 and other applicable regulations of the United States Department of Transportation ("US DOT") and the Federal Motor Carrier Safety Administration ("FMCSA") set forth at 49 C.F.R. 105, et seq.

Section 9. Heavy Duty Requirements.

Heavy Duty / Service vendors shall tow any vehicle that is over 10,000 lbs GVWR.

- (2) 33,000 lbs. GVWR minimum commercially manufactured chassis, hydraulic with a boom and under reach
- Air brakes
- One truck with a minimum towing capacity of 80,000 lbs
- 5/8" x 200' cable
- (2) Safety chains ½ x 8' alloy
- (4) Winching chains ½ x 8' alloy
- (4) Chain Binders
- (2) Recovery Straps 6" x 20' or longer
- Axle lift safety straps or equivalent retention device
- (2) 12 ton Snatch Blocks
- Amber lights (with a valid permit from the State of New Jersey)
- Two work lights rear facing
- Assortment of wood blocks and boards
- Assortment of tools
- Tow light bar or magnetic tow lights
- Hydraulic bottle jack
- Flashlight, Fire extinguisher and first aid kit
- Broom & Shovel
- (1) Air cushion recovery system with air pump, lifting capacity of 100,000 lbs.
- Semi-tractor with fifth wheel or wrecker with fifth wheel attachment
- ~~Must meet Federal DOT requirements under section CFR 392~~
- ~~Meeting Federal DOT inspections under CFR 392~~

Must comply with all laws of the State of New Jersey and all federal laws, including but not limited to the inspection requirements set forth in 49 C.F.R. 396 and other applicable regulations of the United States Department of Transportation ("US DOT") and the Federal Motor Carrier Safety Administration ("FMCSA") set forth at 49 C.F.R. 105, et seq.

Section 10. Rotation / Limits.

The Chief of Police or his designee is authorized to establish a system of rotation for the assignment of the licensed and contracted towers. The rotation shall be established on a nondiscriminatory and nonexclusionary basis. Only licensed towing companies will be added to the list after the license and the investigation and inspection of vehicles and storage facility are complete. The Chief of Police or his designee will authorize additional towing companies as deemed needed to the rotation.

Section 11. Suspensions / Terminations / Appeals.

The Chief of Police or his designee are empowered to take the following actions:

- Vendors may be removed or suspended from the towing list for three failures to respond in a timely basis, failure to demonstrate the skills necessary to perform towing and recovery in a safe, prompt and efficient manner, or excessive, unresolved customer complaints.
- Termination may occur if the application is fraudulent, the owner's insurance is canceled, or if there is evidence indicating a pattern of consumers fraud or and serious violation as determined by the Borough of Flemington or the Chief of Police or his designee.
- Vendor should be able to appeal any disciplinary actions against them to the Chief of Police or his designee. If not satisfied with the Chief of Police or his designee an appeal will be made with the Borough of Flemington.
- Any equipment violations by State, US DOT or FMCSA will be suspended until all violations are corrected.

Section 12. Inspections.

- Applicant shall submit to inspection of storage facility and vehicles.
- Vendors shall submit to at least one annual inspection
- Inspections shall include records of tows, employees and proof of insurance.
- Random inspections

Section 13. Fees

The regulations and fee schedules of individual towers shall be available to the public during normal business hours of the municipality.

Light Duty Towing Fees

- Light Duty Towing Under 10,000 lbs GVW Monday -Friday 8am-5pm
- \$90.00 hook up and \$4.00 loaded mile.
- Light Duty Towing Under 10,000lbs GVW Nights Weekends and Holidays
- \$105.00 hook up and \$4.00 loaded mile.
- Light Duty Recovery of a vehicle will be \$150.00 per hr minimum of 2 hrs.

Light Duty Storage Fees

- Outside Secured storage \$30.00 per 24 hr period
- Inside Secured storage \$50.00 per 24 hr period

Medium and Heavy Duty Towing Fees

- Medium Duty Towing 10,000-25,999 lbs GVW Monday - Friday 8am-5pm
- \$200.00 hook up and \$7.00 loaded mile.
- Medium Duty Towing 10,000-25,999 lbs GVW Nights Weekends and Holidays
- \$250.00 hook up and \$7.00 loaded mile.
- Heavy Duty Towing 26,000-80,000 lbs GVW Monday - Friday 8am-5pm
- \$250.00 hook up and \$8.00 loaded mile.
- Heavy Duty Towing 26,000-80,000 lbs GVW Nights Weekends and Holidays
- \$300.00 hook up and \$8.00 loaded mile.
- Hourly rate for medium and heavy duty to be set by each towing company and be provided to the Chief of Police or his designee minimum of 2 hrs per recovery
 - Does not include removing axles, drive shafts, air lines or any other required equipment to transport the vehicle, addition charges will apply
- - **Medium and Heavy Duty Storage Fees**
 - Tractor or Straight truck Outside Storage \$60.00 per 24 hr period.
 - Tractor and trailer Outside Storage \$80.00 per 24 hr period.

HISTORY:

04/28/14

Governing Body

INTRODUCED

Next: 05/12/14