

**TOWNSHIP OF CLINTON
REGULAR COUNCIL MEETING
MARCH 22, 2023**

Mayor Mullay calls the meeting to order at 7:03 p.m. announcing that all laws governing the Open Public Meetings Act have been met and adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Act. A copy of the agenda for this meeting was sent to the Hunterdon County Democrat, posted on the bulletin board on March 20, 2023, and was made available to the public for download on the Township's website prior to the meeting.

SALUTE TO THE FLAG

ATTENDANCE

Attendance of the meeting tonight was taken by Township Attorney, Trishka Cecil.

Councilman Glaser	Present
Councilman Kochanowski	Present
Councilwoman Switlyk	Present
Council President Strauss	Absent
Mayor Mullay	Present

Also in Attendance:

Trishka Cecil, Township Attorney
William Close, Acting Administrator

COMMENTS FROM THE PUBLIC FOR ITEMS LISTED ON THE AGENDA ONLY

Mike Lamberger, Clinton Township Resident, handed out a map of the Riverbend neighborhood/ development with concerns to growth and development in the area. The cut-through traffic has increased at Moebus Place and is a safety concern for families with kids. About 90% of the neighborhood is in favor of closing Moebus. The mayor mentioned that they are working with the Township Engineer and NJDOT on the closing of Moebus Place.

Spencer Richardson, Clinton Township Resident, mentioned that he grew up in the area and expressed concern with the growth within the Township and in surrounding areas. Councilman Glaser noted that 42% of the Township is preserved and or Open Space. The mayor spoke about the Township's affordable housing obligation.

Craig Naylor, Clinton Township Resident, asked questions about Open Space and farmland within the Township and new affordable housing units being built.

Chris Bettanousen, Clinton Township Resident, asked about the status of the warehouse behind his home. It was mentioned that the project is in the Town of Clinton.

CONSENT AGENDA:

All items listed with an asterisk "*" are considered to be routine by the Township Mayor and Council and will be enacted by a single motion. There will not be separate discussion of these items unless requested by the Mayor, a Council member or citizen, in which event the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

A **MOTION** was made by Councilman Kochanowski, seconded by Councilwoman Switlyk, and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

APPROVAL OF MINUTES:

* Regular Session October 26, 2022

REPORTS:

Councilman Glaser gave an update on the budget and thanked the C.F.O. and the administration for their work.

Councilman Kochanowski reported that the North Hunterdon High School graduation is set for June 14th.

Councilwoman Switlyk reported on the 1st meeting regarding Windy Acres. There is a scheduled bird outing on May 13th. The Open Space meeting is scheduled for tomorrow and there will be a presentation on Disc Golf. Green Team update with the "Pollinator Garden".

Mayor Mullay announced that the playground upgrade at Bundt Park was added last week. The Summer Recreation Camp registration is open, and 160 campers have signed up already. Community Day is scheduled for May 29th. Pickle Ball classes have 100 residents signed up and with that, an additional instructor will be hired. There are new hires on the agenda tonight for the Administration office.

RESOLUTIONS (LISTED UNDER "NEW BUSINESS")

ORDINANCE(S) FOR CONSIDERATION (LISTED UNDER "NEW BUSINESS")

NEW BUSINESS

*1 Resolution authorizing the refund of a premium refund for Block 82.13 Lot 57.1602

The following resolution was offered for consideration:

RESOLUTION #55-2023

AUTHORIZING THE RETURN OF PREMIUM REFUNDS ON LIEN REDEMPTIONS

WHEREAS, liens on properties located in the Township of Clinton have been redeemed; and

WHEREAS, Tax Collector, Patricia Centofanti requests Mayor and Council approve the premium refunds required.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Clinton as follows:

Checks shall be issued for the properties listed below, such checks representing premium refunds on tax liens.

<u>Block</u>	<u>Lot</u>	<u>Certificate</u>	<u>Vendor</u>	<u>Premium</u>
82.13	57.1602 c1602	2022-007	Bala Partners LLC	2100.00
			PO Box 303	
			Pottersville, NJ 07979	
			TOTAL	\$2,100.00

*2 Governing Body certification of compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964."

The following resolution was offered for consideration:

RESOLUTION #56-2023

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S

"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Clinton, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

*3. Resolution authorizing Self-Examination of the 2023 Municipal budget

The following resolution was offered for consideration:

RESOLUTION #57-2023

SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Township of Clinton* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Township of Clinton* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. other reserves and non-disbursement items
- f. Any inclusions of amounts required for school

purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will

permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

4. Resolution authorizing the hiring of a seasonal Confidential Administrative Office Clerk to the Administrator for the Township of Clinton

The following resolution was offered for consideration:

RESOLUTION #58-2023

AUTHORIZING THE HIRING OF A SEASONAL CONFIDENTIAL ADMINISTRATIVE OFFICE CLERK TO THE ADMINISTRATOR FOR THE TOWNSHIP OF CLINTON

WHEREAS, due to an opening for additional clerical support in the Administrator's office, there exists a need for a new employee, and

WHEREAS, the position of a seasonal Confidential Administrative Office Clerk to the Administrator was advertised; and

WHEREAS, Noemi Galdamez has expressed interest to fill this position; and

WHEREAS, the Administrator has interviewed Ms. Galdamez and reviewed her qualifications to fill this position and has determined that she is the best candidate for the position and recommends her for employment; and

NOW THEREFORE, BE IT RESOLVED, Noemi Galdamez is hereby hired as a seasonal Confidential Administrative Office Clerk under the following terms and conditions:

1. Effective March 7, 2023, Ms. Galdamez is hereby hired to fill the non-exempt position of a seasonal Confidential Administrative Office Clerk to the Township Administrator for the Township of Clinton under the following terms and conditions:

2. Ms. Galdamez's is hired at a salary stated in the hire offer letter.
3. This resolution shall take effect immediately.

A **MOTION** was made by Councilwoman Switlyk to adopt the resolution, seconded by Councilman Glaser, and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mulla	Yes

Motion carried.

5. Resolution authorizing the hiring and appointment of a Confidential Administrative Assistant to the Administrator and Clerk for the Township of Clinton.

The following resolution was offered for consideration:

RESOLUTION #59-2023

AUTHORIZING THE HIRING AND APPOINTMENT OF LINDSAY HELLER, CONFIDENTIAL ADMINISTRATIVE ASSISTANT TO THE ADMINISTRATOR AND CLERK FOR THE TOWNSHIP OF CLINTON

WHEREAS, there exists a vacancy in the position of Administrative Assistant to the Administrator and Clerk; and

WHEREAS, Lindsay Heller has expressed interest to fill this position; and

WHEREAS, the Administrator has interviewed Ms. Heller and reviewed her qualifications to fill this position and has determined that she is the best candidate for the position and recommends her for employment; and

WHEREAS, a conditional offer of employment was extended to Ms. Heller, subject to the approval of this body; and

WHEREAS the Mayor and Council support the Administrator's recommendation and therefore wish to approve her employment with the Township:

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey as follows:

Effective March 27, 2023, Lindsay Heller is hereby hired on a full-time basis and appointed to fill the non-exempt position of Confidential Administrative Assistant to the Township Administrator and Township Clerk for the Township of Clinton under the following terms and conditions:

1. Ms. Heller’s start date shall be March 27, 2023.
2. Ms. Heller is hired at a salary stated in the hire offer with all benefits afforded full-time Township employees as outlined in the Township’s Personnel Policies and Procedures.
3. This resolution shall take effect immediately.

A **MOTION** was made by Mayor Mullay to adopt the resolution, seconded by Councilman Glaser, and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

6. Resolution canceling unspent grant balances.

The following resolution was offered for consideration:

RESOLUTION #60-2023

Resolution Canceling Unspent Grant Balance

WHEREAS, Grants appear on the Grant Balance Sheet of the Township of Clinton with balance remaining, either funded or unfunded, for projects that are deemed to have been completed, and;

WHEREAS, these grants are able and eligible to be cancelled as outlined in the schedule below.

NOW, THEREFORE BE IT RESOLVED that the grants receivable and appropriated grant listed below are hereby cancelled by a 2/3 vote of the full Governing Body

Grant Year	Description	Grants Receivable	Appropriated Grants
2022	Body Worn Camera	\$180.00	\$180.00
2022	Click it or Ticket.	\$41.75	\$41.75
2022	Drive Sober or Get Pulled Over	\$0.03	\$0.03

A **MOTION** was made by Councilman Glaser to adopt the resolution, seconded by Councilman Kochanowski, and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

7. Payment of Bills

A **MOTION** was made by Councilman Glaser to approve the payment of bills, seconded by Councilman Kochanowski, and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

8. An Ordinance to Exceed the Municipal Budget appropriation limits and to establish a CAP Bank (N.J.S.A. 40A:4-45.14). Calendar Year 2023.

ORDINANCE NO. 1180-2023

CALENDAR YEAR 2023

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Clinton in the County Hunterdon finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council of the Township of Clinton hereby determines that a 3.5% increase in the budget for said year, amounting to \$ 101,752.47 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council of the Township of Clinton hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Clinton, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Clinton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$356,133.62 and that the CY 2023 municipal budget for the Township of Clinton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A **MOTION** was made by Councilman Glaser to introduce the ordinance, seconded by Councilwoman Switlyk, to introduce the ordinance and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

The Public Hearing will be on April 26, 2023.

9. An Ordinance of the Township of Clinton in Hunterdon County, New Jersey Amending Part 2, "General Legislation" of the "Code of the Township of Clinton" to establish permitting and other requirements for special events

ORDINANCE NO. 1181-2023

AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY AMENDING PART 2, "GENERAL LEGISLATION" OF THE "CODE OF THE TOWNSHIP OF CLINTON" TO ESTABLISH PERMITTING AND OTHER REQUIREMENTS FOR SPECIAL EVENTS

WHEREAS, from time-to-time private individuals or organizations in the Township of Clinton ("Township") host commercial or fundraising events to which the general public is invited, including events such as concerts, races, parades, block parties, etc.; and

WHEREAS, such events are currently unregulated; and

WHEREAS, such events can impact public roads and adjacent properties; and

WHEREAS, the Mayor and Council find that it is in the best interests of the Township's residents and the general public to establish permitting and other requirements for special events, in order to protect the public health, safety and welfare of the community;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey as follows:

Section 1. Township Code amended to add permitting and other requirements for special events. Part 2, "General Legislation" of the "Code of the Township of Clinton" ("Code" or "Township Code") is hereby amended by adding thereto a new chapter entitled "Special Events", which shall read as follows:

Chapter ____
SPECIAL EVENTS

§ ____-1. **Purpose and Intent.** The purpose and intent of this chapter is to clarify when and where “special events” as defined herein may be held within the Township of Clinton, and to establish a review process to ensure that the public health, safety, and welfare will be protected, and all necessary permits obtained.

§ ____-2. **Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

SPECIAL EVENT

- (1) Any type commercial or fund-raising event, *e.g.*, concert, race, parade, walkathon, fair, carnival, festival, celebration, balloon festival, bicycle race, running event, show, or other similar special event in or upon any public grounds or private property, park or road of the Township; and/or
- (2) Any event that is likely to involve or require the expenditure of Township resources in the form of the Police Department, Fire Department, Department of Public Works, Recreation Department, Building Department and/or Emergency Medical Services; and/or
- (3) Any event that involves the closing of a public street; the blocking or restriction of access to public property; the sale of merchandise, food, or beverages on public property or on private property where otherwise prohibited by ordinance; the installation of a stage, band shell, trailer, van, portable building, grandstand, or bleachers on public property, or on private property where otherwise prohibited by ordinance; the placement of portable toilets on public property or on private property where otherwise prohibited by ordinance; or the placement of temporary “no parking” signs on a public right-of-way.

§ ____-3. **Permit required, exemptions.**

- A. Special Event Permit. No person or organization shall hold any type of special event as defined herein without first obtaining a special event permit from the Township Clerk in accordance with §__-4 below.
- B. Exemptions. The following shall be exempt from the requirements of this chapter:
 - (1) Events or activities conducted by a governmental agency acting within the scope of its functions.
 - (2) Events sponsored by the Township of Clinton.
 - (3) Events sponsored by the Clinton Township School District, the North Hunterdon-Voorhees Regional High School District, the Hunterdon County Vocational School District, and/or any volunteer emergency services company of the Township of Clinton, provided that:
 - a. The event or activity will take place solely on the entity’s own property, and
 - b. The event or activity will not involve the closure or obstruction of any public roads or public property.
 - (4) Non-commercial private parties, celebrations, gatherings and other events, provided that:
 - a. They are conducted by invitation only;
 - b. They are not open to the public;
 - c. They are conducted on privately-owned lands by the owner thereof; and

- d. They do not involve the anticipated closure or obstruction of any public roads or public property.

§ ____-4. **Application.**

- A. Application form. A person or organization seeking the issuance of a special event permit shall file an application with the Township Clerk on forms provided by the Clerk.
- B. Filing deadline. Any application for a special event permit shall be filed at least 45 days prior to the scheduled date of the event, except that the Township Clerk and Chief of Police, for good cause shown, shall have the discretion to accept an application that is filed less than 45 days prior to the event.
- C. Application fee.
 - (1) The application fee for a special event permit shall be \$100.00. This fee is nonrefundable and shall be used to reimburse the Township for its administrative costs in processing the application.
 - (2) The above fee shall be reduced by 50 percent if:
 - a. The event is being sponsored by a verified nonprofit organization as defined by the statutes of the State of New Jersey or Section 501(C)(3) of the Internal Revenue Code; or
 - b. The event is a private event for the residents of a specific block or neighborhood, is not open to the general public, and will not involve the closure of more than one public street.
- D. Other charges. In addition to the nonrefundable application fee, permittees shall be responsible for any costs established pursuant to § ____-5C below.
- E. Contents. The application for a special event permit at a minimum shall contain the following information:
 - (1) The name, address, telephone number and email address of the person requesting the permit.
 - (2) The name, address, telephone number and email address of the person, persons, corporation, or association sponsoring the activity.
 - (3) The name, address, telephone number and email address of the person or persons overseeing the special event and responsible for the conduct thereof, including a mobile telephone number where that person may be reached during the event.
 - (4) The location of the event for which the permit is sought.
 - (5) A detailed description of the proposed event and a sketch showing the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners, and rest room facilities, more commonly referred to as a "footprint."
 - (6) The date(s) and hours for which the permit is sought, including any "rain" dates, if applicable.
 - (7) Whether any music or other entertainment will be provided, either live or recorded, whether the music or other entertainment will be amplified, whether it will be conducted indoors or outdoors, the hours during which it will be conducted, and what types of sound attenuation measures will be employed, if any.
 - (8) Whether any food or beverages (alcoholic or non-alcoholic) will be served.
 - (9) Whether any police or emergency services will be required.

- (10) The purpose of the event, the estimated number of persons to participate and otherwise attend, and the plans for parking of all vehicles.
- (11) Complete details as to how the applicant intends to provide for security and traffic control (subject to review and recommendation of the Chief of Police).
- (12) Whether an admission fee will be charged.
- (13) The number and location of any sanitary facilities that will be provided, if applicable.
- (14) The provisions that will be made for trash and recycling.
- (15) The method of notifying participants of the terms and conditions of the special event.
- (16) An acknowledgment that if the permit is issued, the applicant will: a) be bound by all applicable Township ordinances, rules and regulations; and b) be liable for all loss, damage or injury sustained by any person, for whatever reason, which might occur during the special event due to the negligence of those organizers, persons, corporations or associations.
- (17) Such other information as the Chief of Police may deem necessary in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

§ ____-5. Issuance procedures and standards.

- A. Procedure. Upon the filing of a complete application and payment of the application fee, the Township Clerk shall promptly transmit the application to the Chief of Police, who shall review the application for compliance with the standards and criteria below. In conducting this review, the Chief shall also obtain the input of the Zoning Officer, Construction Code Official, Fire Official, Public Works Director, and any other staff member or official as may be necessary or applicable to determine compliance with the requirements of this chapter.
- B. Standards and requirements.
 - (1) When considering whether to approve a special event permit application, the Chief of Police shall take the following into consideration, based on his or her own judgment and the recommendations of other applicable Township officials:
 - a. The proposed event's impact on the public health, public safety and general welfare of the public.
 - b. The impact of the proposed event on the public's enjoyment of the Township's amenities, if applicable.
 - c. The impact of the proposed special event on the Township's resources and/or services.
 - d. Whether or not the proposed event will unreasonably interfere with the public's use of the streets and sidewalks and private properties and can be conducted in a safe manner.
 - e. Whether or not the proposed event will conflict with another proposed or scheduled special event, including events sponsored by the Township of Clinton, the Clinton Township Board of Education, and/or emergency volunteer services of the Township of Clinton in such a fashion that the Township's Police Department and/or other

departments would have insufficient resources to adequately provide for the public safety of the community.

- f. Whether or not there will be a sufficient number of ambulances, emergency service and fire-fighting equipment and the attendant personnel designated for the special event, and the conduct of the event will require the diversion of such a quantity of ambulances, emergency service, fire-fighting equipment or related personnel as to prevent normal ambulance, emergency, or fire-fighting service for the rest of the Township during the event. The applicant will consult with and comply with any recommendations of the chiefs of all applicable fire companies and emergency service organizations with primary responsibility for serving the portion of the Township in which the event will be taking place.
 - g. Whether or not the special event will have an adverse impact on the health, safety or welfare of the neighborhood or the Township.
 - h. Whether or not adequate parking will be provided.
 - i. Whether or not adequate sanitary facilities will be provided.
 - j. The Chief of Police shall not consider the content of the speech, actions or event in reaching her or his decision on whether to grant the permit or to incorporate any conditions, unless the Township Attorney first determines that such conditions meet a strict scrutiny test in conformance with the United States Constitution and the Constitution of the State of New Jersey and there is a compelling public interest in imposing such stipulations.
- (2) Limitation on number of events. Not more than 5 days of special events may be held on a property during a single calendar year.
 - (3) Outstanding violations, fines and penalties. A permit shall be denied if there are any outstanding zoning, construction or fire code violations against the property on which the event will be taking place, including unpaid fines or penalties assessed for such violations, or if there are unpaid taxes for the property in question.

C. Conditions.

- (1) Any permit issued under this chapter may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes in the date, time, duration or number of participants as requested by the applicant. Additional conditions may include, but not be limited to:
 - a. Conditions for the applicant's provision of refuse collection receptacles and portable restrooms for attendees.
 - b. If the special event will be taking place in a residential area, requirements for providing notice to adjacent residents of the special event.
 - c. Sound attenuation measures if the event will include amplified music.
- (2) For the purposes of public safety and welfare, the Chief of Police may order the temporary closing of streets and/or the temporary prohibition of parking

along same during the event and shall direct the posting of proper warning signs in connection with said event, as provided by law.

- (3) Additionally, if the Chief of Police indicates that additional police officers shall be made available for the purpose of preserving the public health, safety and welfare during the course of the event, the permittee shall deposit in advance of the holding of the event a sum of money to be determined by the chief to pay in full for all police services which the chief deems necessary in connection with the event, which shall be based on the extra-duty rate then in effect. After the conclusion of the event, if additional costs are incurred for the purpose of providing police protection, the holder of the permit shall be required to pay to the municipality the additional funds within fourteen days of notification by the municipality as to the exact figure due. In the event that the sum of money so deposited in advance exceeds the funds needed to pay for actual police protection, the municipality shall refund any excess deposit within fourteen days after the holding of the event.
- D. Post-event cleanup. Any special event permit granted pursuant to this chapter shall contain a guarantee from the applicant that the areas used for the special event shall be cleaned up as soon after the conclusion of the special event as is reasonably possible. This cleanup shall include, but not be limited to, such items as refreshments, signage and any litter or debris generated from the special event.
- E. Compliance; liability. The permittee shall be bound by all applicable Township ordinances, rules, and regulations; shall be liable for all loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued; and shall be responsible for all additional costs incurred in the event that, as a result of this activity, additional resources are needed, such as but not limited to manpower and/or equipment.
- F. Insurance and indemnification. The permittee shall agree, in writing, to indemnify and hold harmless the Township, its servants, agents and employees, for any and all claims caused by or arising out of the activity covered in the permit. Further, the holder of the permit shall present to the Chief of Police an insurance policy in a form acceptable to the Chief which will provide for indemnification as aforementioned.
- G. Other permits or outside approvals. The issuance of a permit pursuant to this chapter shall not excuse the applicant from securing all other approvals or permits that may be required from any other governmental agency having jurisdiction over the event, including, but not limited to, the Township Construction Official, Township Fire Official, Hunterdon County Board of Health, New Jersey Division of Alcoholic Beverage Control, and New Jersey Department of Environmental Protection.

§ _____-6. Approval or denial; notice; right to appeal.

- A. The Township shall approve or deny the application for a special event permit no later than 14 days after the filing thereof and shall, within such time, notify the applicant of its action and, in the event of a denial of the permit, the reasons for the denial.
- B. Any applicant aggrieved by the denial of a special events permit shall have the right to appeal the denial to the Township Mayor and Council. Such appeal shall

be submitted in writing within three days after notice of denial. The Mayor and Council shall act upon the appeal as soon as practicable after receiving notice of the appeal. Alternatively, the applicant may seek redress in a court of competent jurisdiction and the failure to appeal to the Mayor and Council shall in no way affect the ability to seek redress in court.

§ ____-7. Revocation of permit.

The Chief of Police shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

§ ____-8. Violations, Penalties.

Any person or organization found to be in violation of the requirements of this chapter shall, in addition to revocation of any permit issued, be subject to the penalties set forth in §1-17 of this Code.

§ ____-9. Enforcement.

- A. The Chief of Police and other authorized personnel shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapters.
- B. The Chief of Police and other authorized personnel shall have the authority to eject from the special event area any person or person acting in violation of this chapter.
- C. The Chief of Police and any other authorized personnel shall have the authority to seize and confiscate any property, thing, or device used in violation of this chapter.

Section 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

Section 3. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 4. Effective Date. In accordance with N.J.S.A. 40:69A-181, this ordinance shall take effect 20 days after final passage.

A **MOTION** was made by Councilman Kochanowski, seconded by Councilman Kochanowski, to introduce the ordinance and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

The Public Hearing will be on April 26, 2023.

10. Introduction of the 2023 Municipal Budget

A **MOTION** was made by Councilman Glaser to introduce the budget, seconded by Councilman Kochanowski, and a roll call of the following was recorded:

Councilman Glaser	Yes
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Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

The mayor gave an overview of the municipal budget and Councilman Glaser reviewed the budget process and final totals. The C.F.O. and the Administrator were thanked for their efforts.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

There was no public comment.


ADJOURNMENT

A **MOTION** was made by Councilman Glaser, seconded by Councilman Kochanowski, at 8:05 pm and a roll call of the following was recorded:

Councilman Glaser	Yes
Councilman Kochanowski	Yes
Councilwoman Switlyk	Yes
Mayor Mullay	Yes

Motion carried.

Respectfully submitted,


Lindsay Heller
Acting Township Clerk

Approved by the Mayor and Council: February 14, 2024

