ORDINANCE NO. 2026-20

AN ORDINANCE AMENDING CHAPTER 18 (PARK AND RECREATION FACILITIES) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO CODIFY THE BEQUEST OF CLARENCE H. BODINE JR.

WHEREAS, Clarence H. Bodine, Jr. passed away on December 17, 2013 and bequeathed to the Borough an endowment of $170,788 to support free summer concerts in Court Street Park;

WHEREAS, the Borough desires codify the intention of Mr. Bodine in the municipal code of the Borough of Flemington;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, that Chapter 18 (Parks and Recreation Facilities) shall be amended as follows:

SECTION I.

Section 18-4 is hereby created in Chapter 18 of the municipal code of the Borough of Flemington and shall be entitled "Bodine Bequest" and shall read as follows:

The bequest as received by the Borough pursuant to the terms of the last will and testament of Clarence H. Bodine, Jr., shall be dispensed with according to the following terms:

a. All concerts utilizing the income generated from this bequest shall be held in Court Street Park;
b. Only income generated from the bequest may be spent to effectuate the intention of the bequest;
c. All concerts must be free to the public; however, fundraising activities may be part of an event;
d. Borough boards, commissions, committees, and services that are or have been established by Borough ordinance may apply annually for funds to support a concert in the Court Street Park under the terms of this bequest (these entities may include but are not limited to the Shade Tree Commission, the Environmental Commission, the Historic Preservation Commission, the Flemington Free Public Library, the Samuel Fleming House, the Flemington Fire Department, the Office of Emergency Management, the Flemington Community Emergency Response Team, and the Flemington Police Benevolent Association);
e. The mayor shall annually appoint two members from the Borough Council to review funding requests;
f. The Borough Council shall adopt a resolution approving any request for use of the bequeathed funds;
g. No organization can apply and receive more than 50% of the income from the fund's prior year's interest; and
h. Any income not spent annually shall roll over to the following year.

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

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

SECTION IV. This ordinance shall take effect upon adoption and publication in the manner prescribed by New Jersey general law.

I, Carla Conner, Borough Clerk, hereby certify that the Ordinance #2026-20 published herewith was introduced on first reading at a meeting of the Governing Body of the Borough of Flemington, County of Hunterdon, held October 29, 2026. The Ordinance will be further considered for final adoption after Public Hearing, at a meeting of the Governing Body to be held in the Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822, on November 9, 2026, at 7:00 p.m. Copies of this ordinance shall be made available in the Municipal Clerk's office to members of the general public who shall request same.

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Carla Conner, Borough Clerk