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**FEBRUARY 9, 2016 – COMBINED AGENDA/REGULAR MEETING**  
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EXECUTIVE SESSION (CONTINUED FROM EARLIER SESSION IF REQUIRED) .................................................. 16

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CALL TO ORDER
The mayor called the meeting to order at 7:30 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL
Present: Carpenter, Gaziano, Malay, Russo, Bianchi
Absent: 
Also Present: Administrator McArthur, Attorney Belardo, Engineer Timko, and Municipal Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION – Resolution #2016-0096
Motion by Malay, second by Russo, and unanimously agreed that Resolution #2016-0096 be approved and the meeting temporarily adjourned to Executive Session at 7:31 PM.

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the regular meeting of the Township Committee will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Township Committee will go into closed session for the following reason(s) as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Township Committee hereby declares that the discussion of subject(s) may be made public at a time when the Township Attorney advises the Township Committee that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Township Committee, hereby declares that the public is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

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<td>Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township’s position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.</td>
<td>Upon conclusion of litigation.</td>
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<td>Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public’s interest and the employee’s privacy rights under South Jersey Publishing, 124 NJ 478.</td>
<td>Upon appointment.</td>
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The meeting resumed in open session at 8 PM.

AMEND AGENDA
Motion by Malay, second by Russo, and unanimously agreed to add Resolutions #2016-0125 to the agenda.
REPORTS

Snow Operations Report - Pat Monaco, Director of Public Works

Monaco provided a snow operations report, with emphasis on the recent blizzard.

The Township Infrastructure which needs to be addressed during a snow event which includes:

- 113 miles of roads (350 lane miles)
- 31 miles of primary and secondary sidewalks/bikeways out of 81 miles total
- Town Hall
- PVP Park
- Police Department Building
- War Memorial Park
- Police Annex (Hills)
- Southard Park
- Health Department Building
- Harry Dunham Park
- Engineering DPW Building
- Mountain Park
- Library
- Rebel Hill Park
- Sons of Liberty Park
- Community & Teen Center Buildings
- Community Service Building
- Basking Ridge First Aid & Fire
- Grounds Garage
- Liberty Corner Fire
- Brick Academy
- Liberty Corner First Aid
- Farmstead
- Lyons Train Station
- Basking Ridge Train Station
- Stonehouse Road Commuter Lot
- South Maple Ave Municipal Parking
- South Maple Ave. Municipal Parking (across from Library)
- Ridge High School
- William Annin School
- Oak Street School
- Cedar Hill School
- Liberty Corner School
- Mt. Prospect School

Current DPW Staffing Levels:
- Prior to 2008 38 personnel
- Fully Staffed 2016 32 personnel
- Actual Staffing * 28 personnel

Difficulties Encountered in the Recent Blizzard of January 22-25, 2016, presented several challenges as there were 30” of snow and 50 mph winds in Bernards; this was just 4 from the all time record storm in 1899. This historic snow event cost the township almost $300,000.

- Blizzard conditions created near zero visibility thereby preventing periodic snow removal as accumulations increased
- High snow amounts rendered small contractor, as well as, small DPW vehicles ineffective
- Resident vehicles parked on roadways during the storm created additional issues
- Loaders and backhoes necessary in sections of the Hills due to snow amount and steep grades
- County Roads were addressed by large trucks on a delay which made for tough travel during the snow storm
- Upon clearing County roads, large windrows were placed across Twp intersections adding additional strain on resources
- Individual communications during the storm and 911 calls to County dispatch placed strain on the system.
- Intersection sight lines called in by PD
- Contractors varied performance, worst areas in the Hills and Spring Valley Blvd. added approx. 100 lane miles and 60 cul-de-sacs to in-house crews
- Large snow piles necessitated loading and removing snow from schools, municipal lots, facilities and train stations
- Large snow amount contributed to 12+ days of sidewalk clearing by our Grounds crews

Recommendations:
- Incorporate Snow complaints into our GEO Portal later this year. This would allow for residents to report issues via web and have it on file for DPW to address and provide response (Committee supported)
- Set up DPW Administrative personnel with remote access to man phones and GEO–Client ) (Committee supported)
- Contractor looking to modify plows for this contingency (Committee Supported)
– Exploring Snow Operation GPS System (Committee Supported)
– Currently we used 3 loaders in the storm, retain oldest loader to provide additional resources (backup) as was the case in this storm (Committee Supported)
– Increase the number of large plow trucks, size of plows and snow blowers (Budget dependent, Committee Supported)
– Revise ordinance restricting parking vehicles during snow operations so that PD can administer more effectively (Committee support restrictions on roadways; an ordinance will be drafted for future consideration.)
– Request resolution placing responsibility on residents to maintain sidewalks along their frontage, so as to free up resources that can be redeployed to roads clearing (With the exception of Russo, the majority of the Committee did not support citing that it would not be an equitable burden as not all streets have sidewalks, and a financial or physical hardship to some residents)

Resolution #2016-0121 - Acknowledgement of 2015 Historical Society Annual Report
Motion by Malay, second by Russo, and unanimously agreed that Resolution #2016-0121 be approved.

WHEREAS, pursuant to Ordinance #994, on January 12, 1990 the Township of Bernards and the Historical Society of Somerset Hills entered into a 50 year lease agreement for lease of the township-owned Brick Academy located at 15 West Oak Street, Block 73, Lot 10, Basking Ridge; and

WHEREAS, pursuant to said agreement and N.J.S.A. 40A:12-14c, the Historical Society of Somerset Hills must submit an annual report to the Township setting out the use to which the building was put during the preceding year, the activities of the Society undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax exempt status of the Society pursuant to both State and Federal law; and

WHEREAS, the 2015 annual report has been submitted as required.

WHEREAS, the Executive Summary follows:

The primary objective of The Historical Society of the Somerset Hills (THSSH) in 2015 was to create cultural opportunities and enrichment for the local community by providing programs and initiatives that inform, educate and foster interest in local history.

Highlights for 2015:
• Charter Day – Bernards Township THSSH’s table attracted a great number of local residents who were provided with information about our organization’s mission, as well as a listing of volunteer opportunities to support the community.
• 1770’s Lord Stirling Festival – Somerset County Park Commission Brick Academy artifacts and information on display encouraged visitors to inquire about the history of the town, and allowed our trustees to interact with people from our local community, as well as from various other New Jersey regions.
• Weekend Journey through the Past – Somerset County Cultural & Heritage Commission The Brick Academy was opened to the public during this weekend. Close to 100 visitors from our local community, as well as from various other regions in New Jersey, including Essex, Morris and Union counties, were permitted to tour the museum and schoolroom, while interacting with our trustees, and learning about the unique history of our area.
• Fundraisers – Holiday House Tour 413 visitors from all over northern NJ toured six residences of historic significance and architectural distinction within the Somerset Hills.
• Local Organization Collaborations USGA – THSSH reached out to the USGA to mutually share our facilities for meetings and programs Jacobus Vanderveer House, Boudinot-Southard-Ross Estate, Farmstead Arts Center, USGA – THSSH worked with these organizations to jointly promote activities in the local newspaper Basking Ridge Garden Club (BRGC) – The BRGC decorated the Brick Academy for the holiday season, and had their hand-made topiaries available during the Holiday House Tour
• Education Programs – Bernards Township Elementary Schools and the Museum of Early Trades and Crafts (METC) sent over 200 children, chaperones and teachers to visit the Brick Academy.
• Speaker Programs – Four professional speaker programs were offered to members and the general public.
• Historic Restoration and Preservation – Four major projects are underway: Brick Academy roofing; Peapack Lime Kilns; Lyons Railroad Station Building and Canopy; Dunster Squibb
• Research – Over 30 unique research requests were honored.
• Website and Social Media – 25,000 people visited the website, with an almost even split of male and female, and over 27% connecting via mobile devices.

**NOW, THEREFORE BE IT RESOLVED.** by the Township Committee of the Township of Bernards that 2015 Annual Report of the Historical Society of Somerset Hills, on file with the Municipal Clerk, be acknowledged as submitted.

**Resolution #2016-0120 - Acceptance of Bernards Township Shade Tree Commission Application for Tree City USA Recertification 2015 Annual Report and Accomplishments**

Motion by Malay, second by Russo, and unanimously agreed that Resolution #2016-0120 be approved.

**WHEREAS,** pursuant to § 2-17.4b. of the Revised General Ordinances of the Township of Bernards, the Shade Tree Commission shall make an annual report to the Township Committee; and

**WHEREAS,** the Shade Tree Commission is submitting a report pursuant to this requirement.

**NOW, THEREFORE BE IT RESOLVED,** by the Township Committee of the Township of Bernards, that the report on file with the Municipal Clerk be accepted.

**AGENDA PORTION OF MEETING**

Nothing listed.

**CORRESPONDENCE**

None listed.

**PUBLIC COMMENT**

Todd Edelstein, Riverside Drive, commented on snow operations.

John Crane, Decker Street, expressed objection to any ordinance requiring snow removal on sidewalks by residents.

**TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their activities.

**FIRE & RESCUE APPOINTMENT**

**Resolution #2016-0124 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc. Amanda Cox - Full Member**

Motion by Malay, second by Gaziano, and unanimously agreed that Resolution #2016-0124 be approved.

**WHEREAS,** § 2-16.1 of the Revised General Ordinances of the Township of Bernards, there shall be a first aid department known as the "Township of Bernards First Aid and Emergency Department" consisting of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad, Inc.; and

**WHEREAS,** the Liberty Corner First Aid Squad, Inc., is recommending, Amanda Cox, 164 Bernards Drive, Basking Ridge, NJ 07920 for appointment as a Full member.

**NOW THEREFORE BE IT RESOLVED,** by the Township Committee of the Township of Bernards that Amanda Cox is hereby appointed as a full member of the Liberty Corner First Aid Squad, Inc. effective this date.

**Resolution #2016-0127 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner Fire Company, Inc., Brandon Falzon, Full Member**

Motion by Malay, second by Russo, and unanimously agreed that Resolution #2016-0127 be approved.

**WHEREAS,** pursuant to §2-14.1 of the Revised General Ordinances of the Township of Bernards, the volunteer fire department consisting of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company, Inc., are hereby made the fire department for the Township of Bernards; and
WHEREAS, the Liberty Corner Fire Company is recommending Brandon Falzon, 119 Woods End Drive, Basking Ridge, NJ, for appointment as a Full member.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Brandon Falzon is hereby appointed as a Full Member of the Liberty Corner Fire Company effective this date.

UNFINISHED BUSINESS

Ordinance #2331 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 3 “Building and Housing,” Section 1 “State Uniform Construction Code Enforcing Agency,” Subsection 1 “Construction Fee Schedule” and Subsection 2 “Construction Records Clearance Required – Public Hearing”

The clerk read the ordinance by title and the mayor opened the public hearing. There were no comments and the hearing was closed.

Motion by Gaziano, second by Malay, that Ordinance #2331 be adopted and advertised as required by law.

Roll Call:
Aye: Carpenter, Gaziano, Malay, Russo, Bianchi
Nay:
Abstain:
Motion carried.

Ordinance #2332 - An Ordinance of the Township of Bernards to set Calendar Year 2016 Appropriation Limits and to Establish a Cap Bank per N.J.S.A. 40A: 4-45.14 – Public Hearing

The clerk read the ordinance by title and the mayor opened the public hearing. There were no comments and the hearing was closed.

Motion by Gaziano, second by Russo, that Ordinance #2332 be adopted and advertised as required by law.

Roll Call:
Aye: Carpenter, Gaziano, Malay, Russo, Bianchi
Nay:
Abstain:
Motion carried

NEW BUSINESS

Consent Agenda

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, linked to the posted agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

Motion by Carpenter, second by Malay, that the Consent Agenda be approved.

Roll Call:
Aye: Carpenter, Gaziano, Russo, Malay, Bianchi
Nay:
Abstain:
Motion carried.

**Begin Consent Agenda**

Approval of Minutes: 01/26/2016 Meeting Open Session,

These minutes were approved for content and release.

Resolution #2016-0110- Approval of the Bill List Dated 02/09/2016

BE IT RESOLVED, that the bill list dated 02/09/2016 be audited, and if found correct, be paid.
Resolution #2016-0111 - Authorizing a Waiver of Section 3-9.1 the Revised General Ordinances of the Township Concerning Construction Noise For Somerset County for Milling and Paving of Stonehouse Road, a Portion of Lyons Road, and a Portion of King George Road

WHEREAS, the Somerset County Engineering Department has requested a waiver of Section 3-9.1 of the Revised General Ordinances of the Township for the milling and paving of Stonehouse Road from Lyons Road to Valley Road, Lyons Road from Stonehouse Road to Quincy Road, and King George Road from Route 78 to County Bridge #H1113 (Dead River) in Bernards Township; working hours to be from 8:30 pm to 5:30 am, weekdays, during the Spring 2016, for approximately 5 nights (weather permitting), for the following reasons:

- The work can be completed in less time at night due to less traffic which reduces traffic delays
- Safety for the public and the construction crews is enhanced with less traffic and pedestrians in the area
- Milled sections of road will be paved the same night to progress the work quickly

TOWNSHIP COMMITTEE MINUTES
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WHEREAS, the Township Committee was satisfied that it would be beneficial to the residents and business in the area to grant the request.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request is hereby granted.

Resolution #2016-0112 - Authorizing Submission of a Grant Application to the Somerset County Board of Chosen Freeholders for a Grant Entitled 2016 Application for Funding Municipal Alliances for the Purpose of Providing Funding for the Bernards Township Municipal Alliance

WHEREAS, the Municipal Alliance Coordinator is recommending the Township Committee approve a grant application to the Bernards Township for a grant entitled “2016 Application for Funding Municipal Alliance”, which would provide $19,038.04 for the purpose of funding the township program, project, or facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

WHEREAS, the grant application requires a 75% match of $14,278.53 in in-kind services and a 25% cash match of $4,759.51 to be provided by Bernards Township with funds being available in Account: 2016 Budget Request – Outside CAP Township Grant Match as certified below by the Chief Financial Officer; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that is does hereby authorize submission of a grant application to the Somerset Board of Chosen Freeholders for a grant entitled “2016 Application for Funding Municipal Alliances” for the purpose of funding the township program, project, or facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that Kaitlin Kordusky of the Bernards Township Health Department will serve as the project manager for this grant application; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that the Mayor, Project Manager, and Clerk are hereby authorized to sign the grant on behalf of the township.

CHIEF FINANCIAL OFFICER CERTIFICATION
I, Terri Johnson, CFO of the Township of Bernards, hereby certify that adequate funds are available for the above referenced grant match in the in-kind amount of $14,278.53 and cash match amount of $4,759.51.  Monies are available in: 2016 Budget Request – Outside CAP Township Grant Match and the Municipal Alliance Trust Fund Acct

Date: 1/21/2016

Terri Johnson, CFO

Resolution #2016-0113 - Personnel Appointment, Christina Garcia – Deputy Court Administrator – Municipal Court

WHEREAS, the full time position of Deputy Court Administrator has become available due to resignation; and

WHEREAS, the Municipal Judge, Municipal Court Administrator, Township Administrator, and CFO/HRO have deemed it necessary to fill this position; and

WHEREAS, selection for the Deputy Court Administrator position is subject to the Recruitment Process as set forth in Rule 1:34-3, which was adopted by the Supreme Court of New Jersey effective September 13, 2011; and

WHEREAS, the Township of Bernards has complied with the Recruitment Process through joint participation of the municipality and the judiciary; and

WHEREAS, Christina Garcia has applied for, is qualified to fill said position, and has been selected for appointment by the Municipal Judge, Township Administrator, CFO/HRO, the Bernards Township Municipal Court Administrator and the Municipal Division Manager; and
WHEREAS, Ms. Garcia has been approved by the Vicinage Assignment Judge as the candidate of choice for the Bernards Township Deputy Court Administrator position.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Christina Garcia be appointed full-time Deputy Court Administrator on February 17, 2016 at an hourly rate of $24.52. Ms. Garcia may be eligible for a salary adjustment upon the successful completion of her Initial Employment Period. This offer of employment is contingent upon the results of pre-employment screening as per Township policy.

Resolution #2016-0114 - Personnel Appointment, Municipal Judge – Donald P. Bogosian

WHEREAS, the position of Judge is a statutory position, per N.J.S. 2B:12-4; and

WHEREAS, Donald Bogosian has performed the duties of Municipal Court Judge for Bernards Township since March 20, 2007; and

WHEREAS, Donald Bogosian’s current appointment as Municipal Court Judge expires on March 20, 2016; and

WHEREAS, the Township Administrator and Chief Financial Officer/Human Resources Officer recommend re-appointment of Donald Bogosian to the position of Municipal Court Judge.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Donald Bogosian be appointed Municipal Court Judge for a three year term, effective March 20, 2016, expiring March 20, 2019, at a salary of $47,858.40 per year.

Resolution #2016-0115 - Awarding Professional Services Contract to Design HVAC Upgrade at Bernards Township Library Lower Level Program Rooms Awarded to Mitul Patel, PE., NJ Lic # 4852600 of the firm KeRi Engineering PC In the Not to Exceed Amount of $8,500.00 (To Include Reimbursable Expenses as Required)

WHEREAS, the Township of Bernards requires professional engineering services for the design of HVAC improvements in the Bernards Township Library lower level program rooms; and

WHEREAS, Mitul Patel, PE, NJ Lic # 4852600 of the firm KeRi Engineering, 730 Boulevard, Suite 15A, Kenilworth, NJ 07033 has submitted a feasibility study dated December 14, 2015 and a design proposal dated January 19, 2016 outlining professional engineering services to be provided to the Township; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, this professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, et seq and Section 2-34 of the “Township Ordinances” as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified funds are available in the Building Maintenance Projects item appropriation or ordinance account #6-01-LI-R0I-C05.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Mitul Patel, PE., NJ Lic # 4852600 of the firm KeRi Engineering, 730 Boulevard, Suite 15A, Kenilworth, NJ 07033, as follows:

1. The contract will encompass services as outlined in the submitted feasibility study (Option 2) dated December 14, 2015 and the proposal dated January 19, 2016.
2. The contract term is from February 9, 2016 through June 1, 2016 for professional services not to exceed an amount of $8,500.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.

7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.

8. The contractor shall report directly to Ruth Lufkin, Library Director, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that a copy of this resolution be published in the official township newspaper, and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

I agree to the terms as stated in the Resolution and by signing this document I, am committed to follow all terms of this award.

Mitul Patel, PE, NJ Lic # 4852600, Principal

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $8,500.00. Monies are available in the Library Reserve, Building Maintenance Projects line account #6-01-LI-R01-C05.

Date: 01/26/2016

Terri Johnson, Chief Financial Officer

Resolution #2016-0116 - Recognizing March 12, 2016 as Suddenly Sleepy Saturday, A Day for Narcolepsy Awareness

WHEREAS, Narcolepsy is a chronic neurological disorder caused by the brain’s inability to regulate sleep-wake cycles; and

WHEREAS, Narcolepsy affects an estimated 1 in every 2,000 Americans; and

WHEREAS, Narcolepsy is an under-recognized and under diagnosed condition; and

WHEREAS, the symptoms of narcolepsy, especially when undiagnosed, can lead to accidents, injuries, and problems with learning, and working; and

WHEREAS, Narcolepsy affects people neurologically, socially, and emotionally; and

WHEREAS, Narcolepsy affects people of all ages, with onset typically between the ages of 15 and 25; and

WHEREAS, Narcolepsy Network is a national organization, based in North Kingstown, RI, created to promote awareness of the disease and support for those who suffer from narcolepsy.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards that we do here recognize Saturday, March 12, 2016 to be Suddenly Sleepy Saturday, A Day for Narcolepsy Awareness.

Resolution #2016-0117 - Adoption of the Liberty Corner First Aid Squad (LCFAS), 2016 By-Laws, and Acknowledgement of 2016 Membership Roster

WHEREAS, pursuant to SECTION 2-16. of the Revised General Ordinances of the Township of Bernards there shall be First Aid and Emergency Department known as the "Township of Bernards First Aid and Emergency Department made up of the First Aid Squad of the Basking Ridge Fire Company No. 1 and the Liberty Corner First Aid Squad, Inc.; and
WHEREAS, the rules and regulations now and hereafter adopted by the Township Committee, as the same may be amended or supplemented, for the regulation and control of the Department and the personnel thereof are hereby made the rules and regulations of the Township First Aid and Emergency Department; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards as follows:

1. The LCFAS 2016 By-Laws are adopted as submitted.
2. The LCFAS 2016 Roster of members is acknowledged as submitted.

Resolution #2016-0119 - Issuance of Solicitor Licenses 5 Brothers Treats, LLC – James Walsh, Linda Walsh, Elisha Walsh, Jonah Walsh License Period 01/01/2016 - 06/30/2016
WHEREAS, James Walsh, Linda Walsh, Elisha, Walsh and Jonah Walsh of 5 Brothers Treats, LLC, 80 Morristown Road, PMB 344, Bernardsville, NJ 07924 have applied for Solicitor Licenses for the license period 01/01/2016 to 06/30/2016, effective 02/09/2016, for the purposes of selling ice cream from a truck; and

WHEREAS, pursuant to Chapter 4, Section 2 of the Revised General Ordinances of the Township of Bernards, applicants have provided required documentation and paid the applicable fee; and

WHEREAS, the Municipal Clerk, the Chief of Police, the Health Officer, and the Zoning Officer have reviewed said applications and found them complete.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards the applications be approved as submitted.

Resolution #2016-0122 - Authorizing Acceptance of Funds from Sub-grant Award #FY15-EMPG-EMAA-1802 of the Federal Fiscal Year 2015 Emergency Management Agency Assistance Program Funding - $7,000.00
WHEREAS, the Township of Bernards, Office of Emergency Management has been awarded an Emergency Management Agency Assistance Sub-grant (“EMAA”) from the New Jersey State Police, Office of Emergency Management Agency, available for successful applicants and funded through the FY2015 Emergency Management Performance Grant for the dates of July 1, 2015 through June 30, 2016; and

WHEREAS, the Sub-grant, consisting of a total amount of $14,000, including $7,000 Federal Award and $7,000 Local Matching Funds, which the Bernards Township Office of Emergency Management will satisfy through the Office of Emergency Management’s approved budget for salaries and wages; and

NOW THEREFORE BE IT RESOLVED, that the Township Of Bernards shall accept the award of the FY15 Emergency Management Agency Assistance Sub-grant Program in the amount of $7,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Bernards Township Administrator/Chief Financial Officer Director of Emergency Management are authorized to sign the appropriate Sub-grant award documents with the New Jersey State Police, Office of Emergency Management and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and

NOW THEREFORE BE IT FINALLY RESOLVED, that the Township Clerk forward two copies of this resolution to the New Jersey State Police, Office of Emergency Management.

Resolution #2016-0123 - Award of Bid for Library Space Reorganization Project to Fine Wall Corporation, 1404 Oak Tree Road, Suite #204, Iselin, NJ 08830, In the Amount of $203,550.00
WHEREAS, the Township of Bernards received eight (8) bids on January 20, 2016, at 10:30 AM for the Library Space Reorganization Project:

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<thead>
<tr>
<th>BIDDERS NAME</th>
<th>TOTAL BID AMOUNT</th>
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WHEREAS, it is the combined recommendation of the Library Director, Administrator and Purchasing Agent to award the contract to Fine Wall Corporation, 1404 Oak Tree Road, Suite #204, Iselin, NJ 08830, in the amount of $203,550.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; line account # 6-01-LI-R01-D02 ($59,216.52) and #6-01-LI-R02-003 ($144,333.48).

WHEREAS, this contract has been awarded to Fine Wall Corporation, through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Fine Wall Corporation, 1404 Oak Tree Road, Suite #204, Iselin, NJ 08830, in the amount of $203,550.00.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township ("Owner") and Fine Wall Corporation, ("Contractor") shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Library Space Reorganization Project.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between February 9, 2016 and June 8, 2016.
9. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of $500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.
I agree to the terms as stated in this Resolution and by signing this document, as I am committed to follow all terms of this award.

____________________________________________________
Umakant N. Shah, Vice President

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $203,550. Monies are available in the Space Reorganization-Construction line account #6-01-LI-R01-D02 ($59,216.52) and Library Bequest line account #6-01-LI-R02-003 ($144,333.48).

Date: 2/2/2016
Terri Johnson, Chief Financial Officer

Resolution #2016-0126 - Authorizing Purchasing from NJ State Contract T-0083 (A80914) for Gasoline Awarded to Allied Oil Company In the Amount Not to Exceed $580,000

WHEREAS, the Township of Bernards wishes to continue to purchase petroleum products from the lowest responsible bidder under the New Jersey State Cooperative Agreements and Somerset County Co-Op Pricing System; and

WHEREAS, the New Jersey State Cooperative Agreements and Somerset County Co-Op Pricing System awarded a contract to Allied Oil, LLC, t/a Allied Oil Company, 25 Old Camplain Road, Hillsborough, NJ 08844 for petroleum products; and

WHEREAS, the Chief Financial Officer has certified that funds are requested in the 2016 budget for the $300,000.00 and the line item appropriation to be charged is 6-01-31-430-G01. The balance of the award will be paid by organizations participating in our Interlocal Agreements; and

WHEREAS, the Township is authorized to make purchases through cooperative and state contracts pursuant to N.J.S.A. 40A:11-10 and –12; and

WHEREAS, it is the recommendation of the Director of Public Works and the Purchasing Agent to purchase these petroleum products through the New Jersey State Cooperative Agreement and Somerset County Co-Op Pricing System.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to Allied Oil, LLC, t/a Allied Oil Company, 25 Old Camplain Road, Hillsborough, NJ 08844 through December 31, 2016.

Date: 2/3/2016
Terri Johnson, Chief Financial Officer

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Katherine Soulas be appointed the Civic Group Representative to the Municipal Alliance, for a 1 year term expiring 12/31/2016.

**End Consent Agenda**
Resolution #2016-0125 - Appointment of to the Municipal Alliance, Katherine Soulas
Motion by Malay, second by Russo, and unanimously agreed that Resolution #2016-0125 be approved.

WHEREAS, a vacancy exists on the Municipal Alliance; and

WHEREAS, Katherine Soulas, applied for and is qualified to fill the vacant position.

Ordinance #2333 (Map) - Accepting a Wetlands Conservation Easement on Property Located at 139 Riverside Drive, Block 3201, Lot 17, from Gavin Schiraldo and Bridget Schiraldo to the Township of Bernards – Introduction
The clerk read the ordinance by title. Motion by Malay, second by Gaziano that Ordinance #2333 be introduced on first reading, advertised as required by law and scheduled for a public hearing on 02/23/2016.

Roll Call:
Aye: Carpenter, Gaziano, Malay, Russo, Bianchi
Nay:   
Abstain: 
Motion carried

BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Gavin Schiraldo and Bridget Schiraldo, 139 Riverside Drive, Basking Ridge, NJ, 07920, a Wetlands Conservation Easement on Block 3201, Lot 17, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

Mayoral Appointment to the Library Board - Alyson Galusha, Regular Member filling the unexpired 5 year term of Genirs expiring 12/31/17
The mayor announced the following appointment:

EXECUTIVE SESSION (continued from earlier session if required)
Not required.

ADJOURNMENT
By unanimous consent, the meeting adjourned at 8:57 PM.

Respectfully submitted,

___________________________________________________________________________
Denise Szabo
Municipal Clerk/Assistant Administrator

___________________________________________________________________________
Carol Bianchi
Mayor