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Resolution #2016-0321 - Authorization for Tax Refund, B6101, Lot 6

Resolution #2016-0322 - Approval of Street Closing Permit for Block Party East Allen Street between North Maple Avenue and North Finley Avenue 09/03/2016


Resolution #2016-0324 - Acceptance of Grant and Insertion of Revenue Item Into the 2016 Budget $5,000 for the Somerset County Youth Services Grant-2016 for the Purpose of Funding the RAAD Youth Leadership and the Girls on Track Program

Resolution #2016-0325 - Award of Bid Renewal for Hosted VOIP PBX Communications Awarded to XTel Communications, 401 Route 73 North, Bldg 10, Ste 106, Marlton, NJ 08053

Resolution #2016-0326 - Approval of Developer’s Agreement, 370 North Maple Ave., Block 801 Lot 4, 5 & 6

Resolution #2016-0327 - Approval of Developer’s Agreement, 145 Mount Airy Road, Block 2301 Lot 23

Resolution #2016-0330 - Change Order #2 – Increase of $ 20,000.00, Authorizing Continuing Award of Contract for Legal Services, Special Counsel Herold Law, P.A. with Respect to ISBR and M. Chaudry v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”) for a New Not to Exceed Amount of $55,000.00

EXECUTIVE SESSION - RESOLUTION #2016-0305 (CONTINUATION OF EARLIER SESSION IF REQUIRED)

ADJOURNMENT
CALL TO ORDER
The mayor called the meeting to order at 7:30 PM. 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, Municipal Clerk/Asst. Admin. Szabo

EXECUTIVE SESSION - Resolution #2016-0305
Motion by Russo, second by Gaziano, and unanimously agreed that Resolution #2016-0305 be adopted and the meeting temporarily adjourned to executive session at 7:32 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.

Reason for Closed Session

☑ 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. Upon conclusion of

The meeting resumed in open session at 8 PM.

REPORTS
Report of the Bernards Township Quarry Advisory Counsel
• Resolution #2015-0430 - Appointment of a Quarry Advisory Council Pursuant to NJSA 40A:63-7d, adopted on 12/15/15, consisting of Mayor Carol Bianchi, Township Committee member John Malay, Township Planner David Schley, Township Engineer, Tom Timko, Township Administrator, Bruce McArthur.
Since 12/15/15, the QAC met 7 times which included some meetings with various representatives of Shopoff Realty Investments, the contract purchaser of the Millington Quarry.

Discussions involved the status of remediation of the Millington Quarry; the status of Shopoff’s purchase of the Millington Quarry; whether the QAC representatives would be open to discussing at a public meeting alternative plans for developing the Quarry. Shopoff proposed a mixture of uses to include residential, commercial, and a variety of open spaces, a lake, and trails for public use.

The QAC recommends discussing at a public meeting a Draft Resolution to send the matter to the Planning Board to recommend whether the Millington Quarry site should be designated as an area in need of redevelopment. This process will provide an opportunity to explore the best possible development of the Millington Quarry site with public input. A designation as an “area in need of development” would provide the Township Committee and Planning Board more flexibility and control over a development plan. Both the property owner and contract purchaser have stated that they do not object to this process.

The mayor introduced, Anthony Sblendorio, advisor to Shopoff, who presented conceptual plans. The committee supported the resolution which will be listed on the 8/9/16 Township Committee agenda for formal action.

CORRESPONDENCE

07/07/2016 Letter from the Board of Chosen Freeholders of the County of Somerset New Jersey – New Jersey Monthly’s list of Top 100 Towns

The committee acknowledged the communication naming Bernards Township in the top 100 towns in New Jersey.

PUBLIC COMMENT

Bill Allen, 44 Holmesbrook Road, and Alice Smyth, 57 Shannon Hill Road, supported the approach the committee is taking concerning MQI’s development. Ann Babineau, attorney for Shopoff commented on the process.

Michael Kelly, Chairman of Environmental Commission, welcomes the opportunity for the Environmental Commission to participate in the redevelopment process.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

FIRE & RESCUE APPOINTMENT

Resolution #2016-0329 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc. Jonah Lee, Full Member Alexander Huang, Full Member

Motion by Malay, second by Gaziano, and unanimously agreed that Resolution #2016-0329 be approved.

WHEREAS, pursuant to §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 the following individuals for appointment:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>MEMBERSHIP STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jonah Lee</td>
<td>56 Dryden Road, Basking Ridge, NJ 07920</td>
<td>Full</td>
</tr>
<tr>
<td>Alexander Huang</td>
<td>10 Rachel Court, Basking Ridge, NJ 07920</td>
<td>Full</td>
</tr>
</tbody>
</table>

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individuals are hereby appointed as members of the Liberty Corner First Aid Squad, Inc. effective this date.
UNFINISHED BUSINESS

Ordinance #2346 - Accepting a Stream Buffer Conservation Easement on Property Located at 35 Old Farm Road, Block 304, Lot 2, from Mary Louise Clarke and Sheldon Clarke to the Township of Bernards
– 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 Malay, second by Carpenter, that Ordinance #2346 be adopted and advertised as required by law.

Roll Call:
Aye: Carpenter, Gaziano, Russo, Malay, 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 Malay, second by Gaziano, that Approval of Minutes and Resolution #2016-0307 be removed from the Consent Agenda and that the remaining items be approved.

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

**Begin Consent Agenda**

Resolution #2016-0306 - Approval of the Bill List Dated 07/26/2016

BE IT RESOLVED, that the bill list dated 7/26/2016 be audited, and if found correct, be paid.
Ave. to accommodate the event and Somerset County has approved the request; and

6:00 A.M. to 2:00 P.M. for the purpose of holding Fall Kick Off Sunday; and

Ridge, NJ, “the applicant,” has requested a special event permit and temporary street closing for 09/11/2016 from

Resolution #2016-0308 - Approval of Special Event Permit and Temporary Street Closing Basking Ridge Presbyterian Church Fall Kick Off Sunday, 09/11/2016

WHEREAS, Janet Bentley, representing the Basking Ridge Presbyterian Church at 1 East Oak Street, Basking Ridge, NJ, “the applicant,” has requested a special event permit and temporary street closing for 09/11/2016 from 6:00 A.M. to 2:00 P.M. for the purpose of holding Fall Kick Off Sunday; and

WHEREAS, the applicant has requested that East Oak Street be temporarily closed between Maple Ave. and Finley Ave. to accommodate the event and Somerset County has approved the request; and

TOWNSHIP COMMITTEE MINUTES
07/26/2016
Page 7 of 15
WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

WHEREAS, the Municipal Clerk, Police Chief and Recreation Director have reviewed the application and recommend approval.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the special event permit be approved.

Resolution #2016-0309 - Approval of Request Block Party on Penwood Road, 09/10/2016 (rain date 09/11/2016)
WHEREAS, Heejeong Kim, hereinafter “the applicant,” has requested permission to close 3 Penwood Road to 43 Penwood Road on September 10, 2016 (rain date September 11, 2016) from 12 Noon to 7:00 PM for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and recommend approval.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved.

Resolution #2016-0310 - Approval of Block Party Permit for Grove Road, 09/10/16, Raindate 09/11/16
WHEREAS, James Testa, 15 Grove Road, Basking Ridge, NJ, hereinafter “the applicant,” has requested permission to close Grove Road on 09/10/16, rain date 09/11/16, from Noon to 7:00 PM for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and recommend approval.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the request be approved.

Resolution #2016-0312 - Approval of Special Event Permit National MS Society, Bike MS – 09/17/2016 & 09/18/2016
WHEREAS, Brian Hurwitz, representing the National MS Society “the applicant,” 1480 U.S. Highway 9 North, Suite 301, Woodbridge, NJ 07095 has requested a special event permit for 09/17/2016 & 09/18/2016 from 8:00 AM to 5:00 PM for the purpose of holding the “Bike MS” Ride passing through certain streets in Bernards Township; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

WHEREAS, the Municipal Clerk, Police Chief, and Recreation Director have reviewed the application and find it complete; and

WHEREAS, no off-duty police officers are required for this event.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve this special event.
Resolution #2016-0313 - Approval of Special Event Permit Fellowship Village Family Fun Day – 09/10/2016

WHEREAS, Mary Meier, Director of Community Relations, representing Fellowship Village “the applicant,” 8000 Fellowship Road, Basking Ridge, NJ 07920, has requested a special event permit for September 10, 2016 from 8:00 AM to 4:00 PM for the purpose of holding a Family Fun Day at their site, with Amusement Ride “special event”; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et seq.; and

WHEREAS, the Municipal Clerk, Police Chief, Health Officer, Fire Official, and Parks and Recreation Director have reviewed the application and find it complete; and

WHEREAS, the applicant will hire one off-duty police officer for this event.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve the special event application and amusement ride.

Resolution #2016-0317 - Award of Purchase Orders for Identified Vendor – Rudco Products, Inc., Stryker Sales Corp.

WHEREAS, The Township Committee of Bernards has adopted Ordinance # 1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

WHEREAS, pursuant to the ordinance window contracts determined to exceed $17,500.00 and within the bid threshold of $40,000.00 requires governing body approval; and

WHEREAS, the purchasing agent has determined that the value of the vendor(s) listed below will exceed $17,500.00 in purchases; and

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Not to Exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rudco Products, Inc</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Stryker Sales Corp</td>
<td>$40,000.00</td>
</tr>
</tbody>
</table>

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendor listed above to maintain continuity and facilitate the ordering process through December 31, 2016.

Resolution #2016-0318 - Award of Bid, for One (1) 2017 International Model 7600 6 X 4 Chassis With a Dump Body, Spreader & Snow Plow (Or Equal) to Brown’s Hunterdon International LLC, P.O. Box 98, 963 Rt. 173, Bloomsbury, NJ 08804, In the Amount of $234,185.00

WHEREAS, the Township received bids on Wednesday, July 13, 2016 at 10:30 A.M. for One (1) 2017 International Model 7600 6 X 4 Chassis with a Dump Body, Spreader & Snow Plow (Or Equal);

<table>
<thead>
<tr>
<th>BIDDERS NAME</th>
<th>UNIT COST</th>
<th>Option #1</th>
<th>TOTAL BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brown’s Hunterdon</td>
<td>$226,505.00</td>
<td>$7,680.00</td>
<td>$234,185.00</td>
</tr>
</tbody>
</table>
WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator, and Purchasing Agent to award a contract to the lowest responsible bidder, Brown’s Hunterdon International LLC, P.O. Box 98, 963 Rt. 173, Bloomsbury, NJ 08804; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations to be charged is Capital Ordinance #2337, line account #C-04-55-337-B01 ($230,000.00) and Capital Ordinance #2312, line account #C-04-55-312-D05 ($4,185.00); and

WHEREAS, this contract has been awarded to Brown’s Hunterdon International LLC, P.O. Box 98, 963 Rt. 173, Bloomsbury, NJ 08804, 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: Brown’s Hunterdon International LLC, P.O. Box 98, 963 Rt. 173, Bloomsbury, NJ 08804 in the amount of $234,185.00.

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.

____________________________________________________
Todd E. Brown, CEO

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 $234,185.00. Monies are available in Capital Ordinance #2337, line account #C-04-55-337-B01 ($230,000.00) and Capital Ordinance #2312, line account #C-04-55-312-D05 ($4,185.00).

Date: 7/18/2016

Terri Johnson, Chief Financial Officer


WHEREAS, the Township received bids on Wednesday, July 13, 2016 at 11:00 A.M. for: 2016-2019 Disposal Services – Bulky Waste

The Bid Summary as follows:

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>Cost Per Ton 2016-2017</th>
<th>Cost Per Ton 2017-2018</th>
<th>Cost Per Ton 2018-2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.W.S. Transfer Systems of NJ, Inc.</td>
<td>$68.00</td>
<td>$69.00</td>
<td>$70.00</td>
</tr>
<tr>
<td>Waste Management of New Jersey, Inc.</td>
<td>$73.00</td>
<td>$74.50</td>
<td>$76.00</td>
</tr>
</tbody>
</table>

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award a contract to the low bidder, I.W.S. Transfer Systems of NJ Inc., 300 Frank W. Burr Blvd., Suite 39, Teaneck, NJ 07666; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations to be charged is 6-01-32-465-233, 7-01-32-465-233, 8-01-32-465-233 and 9-01-32-465-233 (pending Township Committee budget year approval); and

WHEREAS, this contract has been awarded to I.W.S. Transfer Systems of NJ Inc., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq."

WHEREAS, as provided by Local Public Contract Law 40A:11-15, this contract is for one (1) year with an option for renewal for two (2) additional one year (1) year periods providing that funds are appropriated in the respective operating budgets for the expenditure and performance is satisfactory.
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township ("Owner") and I.W.S. Transfer Systems of NJ., ("Contractor") shall contain:

1. 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.
2. This contract shall, for all-purpose 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 for a not to exceed the total bid amount as specified 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 A.
7. The Township may terminate this contract if contractor does not fulfill its obligations as set forth in the Bid Specification, upon thirty days written notice via certified mail.
9. To the extent the terms of the resolution are inconsistent with the contract, the terms of the contract shall govern.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a contract and purchase order to: I.W.S. Transfer Systems of NJ Inc., 300 Frank W. Burr Blvd., Suite 39, Teaneck, NJ 07666.

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

____________________________________________________
Ronald Bergamini, CEO

RESOLUTION #2016-0321 - Authorization for Tax Refund, B6101, Lot 6

WHEREAS, the following tax overpayment exists because the property has been subdivided and no longer exists on our rolls; and

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Quarter &amp; Year</th>
<th>Amount</th>
<th>Issue Refund To</th>
</tr>
</thead>
<tbody>
<tr>
<td>6101/6</td>
<td>3Q16</td>
<td>$3,535.02</td>
<td>D R Horton Inc</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8 Neshaminy Interplex</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Suite 115</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Trevose PA 19053</td>
</tr>
</tbody>
</table>

WHEREAS, the tax collector is recommending a refund be issued.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby approve and authorize this refund.
Resolution #2016-0322 - Approval of Street Closing Permit for Block Party East Allen Street between North Maple Avenue and North Finley Avenue 09/03/2016

WHEREAS, Margaret Milton, 20 North Maple Avenue, Basking Ridge, hereinafter “the applicant,” has requested permission to close East Allen Street between North Maple Avenue and North Finley Avenue on 09/03/2016 from 4 PM to 7 PM for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and find it complete, having no objections to the temporary street closure.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved.


WHEREAS, Nicholas Serrano, Jonathon Tiongko, Michael Scarrone, and Casimir Allen-Hunter, employees of Power Home Remodeling Group, 485 US Route 1 South, Iselin, NJ 08830 have applied for Solicitor’s Licenses for the license period of 07/01/2016 to 12/31/2016, effective 07/26/2016, for the purpose of providing door-to-door estimates for windows, siding and roofing; and

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

WHEREAS, the Municipal Clerk, the Chief of Police 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 are approved as submitted.

Resolution #2016-0324 - Acceptance of Grant and Insertion of Revenue Item Into the 2016 Budget $5,000 for the Somerset County Youth Services Grant-2016 for the Purpose of Funding the RAAD Youth Leadership and the Girls on Track Program

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a notice of an award of $5,000.00 for the Somerset County Youth Services Grant-2016 for the purpose of funding the RAAD Youth Leadership and the Girls on Track Programs, and wishes to amend its 2016 budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
Public and Private Revenues Offset with Appropriations:
Somerset County Youth Services Grant-2016

BE IT FURTHER RESOLVED that a like sum of $5,000.00 total be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from “CAPS”
Public and Private Appropriations Offset by Revenues:
BE IT FURTHER RESOLVED that the Chief Financial Officer will electronically submit this resolution to the Director of Local Government Services.

Resolution #2016-0325 - Award of Bid Renewal for Hosted VOIP PBX Communications Awarded to XTel Communications, 401 Route 73 North, Bldg 10, Ste 106, Marlton, NJ 08053
WHEREAS, the Township of Bernards received four (4) bids on June 16, 2015 at 3:00 PM for Hosted VOIP PBX; and
WHEREAS, XTel Communications, has satisfactorily performed such services in 2015-16; and
WHEREAS, this is the second year of a five year contract; and
WHEREAS, it is a combined recommendation of the IT Director, Township Administrator and Purchasing Agent that a renewal for the second year of the initial bid be awarded to XTel Communications, 401 Route 73 North, Bldg 10, Ste 106, Marlton, NJ.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to XTel Communications, 401 Route 73 North, Bldg 10, Ste 106, Marlton, NJ.

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

____________________________________________________
Elizabeth Sorino, Executive Vice President

Resolution #2016-0326 - Approval of Developer’s Agreement, 370 North Maple Ave., Block 801 Lot 4, 5 & 6
WHEREAS, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer’s Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate, and
WHEREAS, the Developer’s Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and
WHEREAS, there shall be executed a Developer’s Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in “Appendix C” of the Revised Land Use Ordinance of the Township of Bernards; and
WHEREAS, a developer must use the pre-printed form which is available from the Township Engineering Department; and
WHEREAS, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and
WHEREAS, The Silverman Group has submitted a Developer’s Agreement with respect to 370 North Maple Avenue pursuant to preliminary approval by the Planning Board dated January 6, 2016; and final approval dated January 6, 2016; and
WHEREAS, the Township Engineer and Township Attorney have approved the Developer’s Agreement;

NOW THEREFORE BE IT RESOLVED, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid developer’s agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.
Resolution #2016-0327 - Approval of Developer’s Agreement, 145 Mount Airy Road, Block 2301 Lot 23
WHEREAS, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer’s Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate, and

WHEREAS, the Developer’s Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

WHEREAS, there shall be executed a Developer’s Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in “Appendix C” of the Revised Land Use Ordinance of the Township of Bernards; and

WHEREAS, a developer must use the pre-printed form which is available from the Township Engineering Department; and

WHEREAS, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

WHEREAS, The Church of Our Lady of Perpetual Help has submitted a Developer’s Agreement with respect to 145 Mount Airy Road pursuant to preliminary approval by the Planning Board dated June 2, 2015; and final approval dated June 2, 2015; and

WHEREAS, the Township Engineer and Township Attorney have approved the Developer’s Agreement;

NOW THEREFORE BE IT RESOLVED, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid developer’s agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

Resolution #2016-0330 - Change Order #2 – Increase of $ 20,000.00, Authorizing Continuing Award of Contract for Legal Services, Special Counsel Herold Law, P.A. with Respect to ISBR and M. Chaudry v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”) for a New Not to Exceed Amount of $55,000.00
WHEREAS, the Bernards Township Committee adopted Resolution #2016-0239 on May 10, 2016 awarded a professional services contract in the amount of $17,500.00 to Special Counsel, Michael Faul, Jr., of the firm Herold Law, with Respect to ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”); and

WHEREAS, the Bernards Township Committee adopted Resolution #2016-0293 on June 28, 2016 awarding change order # 2 in the amount of $17,500.00 in the amount not to exceed $ 35,000.00 to Special Counsel, Michael Faul, Jr., of the firm Herold Law, with Respect to ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”); and

WHEREAS, there exists a continuing need for retention of Special Counsel in connection with the Suburban Municipal JIF and MEL Coverage regard ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice Investigation (“USDOJ”); and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2016 Current Fund Budget – Legal Fees and Compensation, line account #6-01-20-155-20A.

NOW, THEREFORE BE IT RESOLVED, by the Bernards Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a change order to; Herold Law, P.A., in the amount of $ 20,000.00 for a new not to exceed amount of $ 55,000.00.

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

____________________________________________________
Craig S. Provorny, President
CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced change order in the amount of $20,000.00. Monies are available in the 2016 Current Fund Budget – Legal Expenses; Litigation, line account #6-01-20-155-20A for a new not to exceed amount of $55,000.00.

Date: 7/21/2016

Terri Johnson, Chief Financial Officer

**End Consent Agenda**

Motion by Malay, second by Carpenter, and unanimously agreed (except for Russo’s abstaining) that the Minutes be approved as follows:

Approval of Minutes:

07/12/2016 Meeting Open Session & 07/12/2016 Special Meeting Open Session – for content and release

These minutes were approved for content and release.

07/12/2016 Executive Session & 07/12/2016 Special Meeting Closed Session – for content only

Resolution #2016-0307 - Personnel Appointment, Eric Geleta, Lieutenant – Police Department

Motion by Malay, second by Gaziano, and unanimously agreed to approve Resolution #2016-0307.

WHEREAS, a full time Lieutenant position became available due to a retirement; and

WHEREAS, the Police Chief, Township Administrator and Chief Financial Officer/Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, Sergeant Eric Geleta has applied for and is qualified to fill said position; and

WHEREAS, the Police Chief, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Sergeant Eric Geleta to full time Lieutenant.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Sergeant Eric Geleta be appointed full time Lieutenant effective August 1, 2016 at an annualized salary of $137,470.23.

EXECUTIVE SESSION - Resolution #2016-0305 (Continuation of Earlier Session if Required)

Not required.

ADJOURNMENT

By unanimous consent, the meeting adjourned at 8:55 PM.

Respectfully submitted,

______________________________
Denise Szabo
Municipal Clerk/Assistant Administrator

______________________________
Carol Bianchi
Mayor