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Resolution #2016-0382 - Change Order #3 – Increase of $65,000.00 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 $120,000.00 ........................................................................................................ 12

Resolution #2016-0383 - Personnel Appointment, John Whitmore – Building Maintenance Working Foreman - Department of Public Works ....................................................................................... 13

Resolution #2016-0384 - Award of Change Order #1 - Professional Services Contract for Professional Engineering Services for Design, Bid and Construction Phase Services for the Standby Power Generator in the Municipal Building to Mott MacDonald, 111 Wood Avenue South, Iselin, NJ, 08830, for an Additional Amount of $7,830.16 for a New Not to Exceed Amount of $28,330.16 .............................................................................................................. 13

Resolution #2016-0385 - Bernards Township Personnel Policies and Procedures Updated and Adopted for 2016 ............................................................................................................................................. 13

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Resolution #2016-0387 - Third Amendment to Lease Agreement for a Final Term Expiring September 30, 2017, with New Cingular Wireless PCS, LLC formerly known as Cellular Telephone Company for Lattice Tower at Municipal Complex ........................................................................................................................................... 14

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Resolution #2016-0392 - Authorizing and Approving Purchase of Computer Equipment from New Jersey State Cooperative Contract (WSCA) #M7000, #M0003 and Middlesex Regional Educational Services Commission Cooperative Contract #15/16-11 to CDW Government LLC., 230 N Milwaukee Ave, Vernon Hills, IL 60061-9740 in the Amount Not to Exceed $80,000.00 .............................................................................................................................................. 17

Ordinance #2348 - An Ordinance to Replace in Entirety Chapter 18 “Streets, Sidewalks and Sanitation,” Section 4 “Snow Emergencies” of the Revised General Ordinances of the Township of Bernards – Introduction .............................................................................................................................................. 17

Ordinance #2349 - Accepting a Detention Basin, Drainage & Access Easement on Property Located at 15 Hill Top Road, Block 3302, Lot 9, from Victoria A. Costa and Erin J. Weber to the Township of Bernards – Introduction .............................................................................................................................................. 19

Executive Session - Resolution #2016-0371 ........................................................................................................................................................................................................................................................................................................................................ 19

Adjournment ........................................................................................................................................................................................................................................................................................................................................ 20
CALL TO ORDER
The mayor called the meeting to order at 8 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, Engineer Timko, Attorney Belardo, Municipal Clerk/Assist. Admin. Szabo

PUBLIC COMMENT
Ahmadi Muslims Tariq Sharif, and Muneeb Kahn of 21 Wellington Drive, addressed the committee on the "True Islam" campaign.

TOWNSHIP COMMITTEE/STAFF COMMENTS
Committee and staff members reported on recent activities.

FIRE & RESCUE APPOINTMENT
Resolution #2016-0389 - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 Richard Bloom, Full Member
Motion by Gaziano, second by Malay, and unanimously agreed that Resolution #2016-0389 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 Basking Ridge Fire Company #1 is recommending, Richard Bloom, 46 Liberty Road, Bernardsville NJ, for appointment as a Full member.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Richard Bloom is hereby appointed as a Full Member of the Basking Ridge Fire Company #1 effective this date.

UNFINISHED BUSINESS
Ordinance #2347 - Accepting a Stream Buffer Conservation Easement on Property Located at 38 Gerard Avenue, Block 5602, Lot 2, from John L. Marshall and Etta J. Marshall to the Township of Bernards – Public Hearing
The clerk read the ordinance by title and the mayor open the public hearing. There were no comments and the hearing was closed.

Motion by Malay, second by Gaziano, that Ordinance #2347 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 the Consent Agenda be approved.
Approval of Minutes: 08/23/2016 – Open Session

These minutes were approved for content and release.

08/23/2016 – Executive Session

These minutes were approved for content only.

Resolution #2016-0372 - Approval of the Bill List Dated 09/13/2016

BE IT RESOLVED, that the bill list dated 9/13/2016 be audited, and if found correct, be paid.

TOWNSHIP COMMITTEE MINUTES

September 13, 2016

Page 4 of 20

09/13/2016

Page No: 1

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 09/13/16 to 09/13/16

Reports Formatted: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Aye: Carpenter, Gaziano, Russo, Malay, Bianchi

Nay:

Abstain:

Motion carried.

**Begin Consent Agenda**

Roll Call:

Aye: Carpenter, Gaziano, Russo, Malay, Bianchi

Nay:

Abstain:

Motion carried.
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Resolution #2016-0374 - Award of Change Order #1 for Municipal Building Standby Power Improvements to Power With Prestige Inc., 40 Swartswood Road, Newton, NJ 07860, Decrease of $6,500.00 (4.12%)

WHEREAS, the Department of Public Works requests the following change order be authorized by the Township Committee:

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<td>$157,800.00 (RA2015-0368)</td>
<td>$6,500.00 (4.12%)</td>
<td>$151,300.00</td>
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**TOTAL CO #1**

$6,500.00 (4.12%) $151,300.00
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 change order to: Power With Prestige, 40 Swartswood Road, Newton, NJ 07860 in the amount of $6,500.00 for a new total award of $151,300.00.

**Resolution #2016-0373 - Award of Change Order #2 for Standby Generator Procurement to Manor II Electric, Inc., 3 Ardsley Court, Holmdel, NJ 07733, Decrease of $300.00 (.33%)**

WHEREAS, the Township Committee authorized Resolution #2016-0214 dated May 10, 2016 awarding Change Order #1 in an additional amount of $2,147.44 due to an additional crane required to install the new generator on the concrete pad;

<table>
<thead>
<tr>
<th>Vendor</th>
<th>CO</th>
<th>Original Award</th>
<th>Amount of Increase</th>
<th>New Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manor II Electric</td>
<td>CO1</td>
<td>$87,800.00 (RA# 2013-0349)</td>
<td>$2147.44 (2.44%)</td>
<td>$89,947.44</td>
</tr>
</tbody>
</table>

**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 change order to: Manor II Electric, Inc., 3 Ardsley Court, Holmdel, NJ 07733 in the amount of $ 300.00 for a new total amount of $89,647.44.**

**Resolution #2016-0375 - Change Order #1 - Authorizing Payment from the Township Affordable Housing Trust Fund in the Amount of $5,000.00 to Katrina Campbell, Esq., in the Attorney Trust Account of Lavery, Selvaggi, Abromitis & Cohen, P.C. for Joint Vicinage 13 Defense Costs in the Matter of the Mt. Laurel Declaratory Judgment Actions Filed in Hunterdon, Somerset and Warren Counties, State of New Jersey, Pursuant to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) Superior Court of Hunterdon, Somerset and Warren Counties (the “Litigation”) for a New Not to Exceed Amount of $6,500.00**

WHEREAS, the Township Committee of the Township of Bernards, Somerset County, New Jersey, that the Purchasing Agent is hereby authorized to issue a change order to: Manor II Electric, Inc., 3 Ardsley Court, Holmdel, NJ 07733 in the amount of $ 300.00 for a new total amount of $89,647.44.

<table>
<thead>
<tr>
<th>Vendor</th>
<th>CO</th>
<th>Previous New Total</th>
<th>Amount of Decrease</th>
<th>New Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manor II Electric</td>
<td>CO2</td>
<td>$89,947.44 (RA # 2016-0214)</td>
<td>$300.00 (.33%)</td>
<td>$89,647.44</td>
</tr>
</tbody>
</table>

and

WHEREAS, the Department of Public Works requests the following change order be authorized by the Township Committee;

<table>
<thead>
<tr>
<th>Vendor</th>
<th>CO</th>
<th>Previous New Total</th>
<th>Amount of Decrease</th>
<th>New Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manor II Electric</td>
<td>CO3</td>
<td>$89,947.44 (RA # 2016-0214)</td>
<td>$300.00 (.33%)</td>
<td>$89,647.44</td>
</tr>
</tbody>
</table>

and

WHEREAS, the Chief Financial Officer is directed to credit line account #G-02-25-EAI-214.

**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 change order to: Manor II Electric, Inc., 3 Ardsley Court, Holmdel, NJ 07733 in the amount of $ 300.00 for a new total amount of $89,647.44.**

WHEREAS, the Township of Bernards entered into a Municipal Shared Services Defense Agreement (“MSSDA”) with other members of the Vicinage 13 municipal group (the “Vicinage 13 Municipal Group Members”) for the purpose as set forth therein, which included retaining common experts in the Declaratory Judgment action that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the Vicinage 13 Municipal Group Members have been asked to execute a First Amendment to the MSSDA (the “First Amendment”), a copy of which is annexed hereto, and to contribute an additional $5,000.00 for the purposes of, among other things, (i) preparing for and representing the interests of the Vicinage 13 Municipal Group Members in fair share litigation, and (ii) collectively retaining expert witnesses as more fully set forth in the First Amendment; and

WHEREAS, the Township Committee of the Township of Bernards believes that it is in the best interests of the residents of Bernards Township to execute the First Amendment and to contribute an additional $5,000.00 in order to most efficiently defend the interests of the Vicinage 13 Municipal Group Members, including Bernards Township.
NOW, THEREFORE, BE IT RESOLVED, by the Township of Bernards, in the County of Somerset, State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized to execute the attached First Amendment to the MSSDA, and to forward the executed copy of the First Amendment to John Belardo, Esq., together with a certified copy of this Resolution.

2. The payment of an additional $5,000.00 from the Bernards Township Affordable Housing Trust Fund for the purposes set forth in the First Amendment is hereby authorized. The $5,000.00 payment shall be forwarded to Katrine Campbell, Esq. for deposit in the Attorney Trust Account of Lavery, Selvaggi, Abromitis and Cohen, P.C.

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 for an additional amount of $6,500.00 and a new not to exceed amount of $12,500.00. Monies are available in the Affordable Housing Trust account #T-13-56-055-COA.

Date: 9/7/16

Terri Johnson, Chief Financial Officer

Resolution #2016-0376 - Award of Bid for 2016 Sidewalk Improvements to Diamond Construction, 35 Beaverson Blvd., Suite 12C, Brick, NJ 08723, in the Amount of $44,410.00

WHEREAS, the Township of Bernards received bids on Wednesday, August 17, 2016 at 10:30 AM, for 2016 Sidewalk Improvements:

<table>
<thead>
<tr>
<th>BIDDERS NAME</th>
<th>TOTAL BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIAMOND CONSTRUCTION</td>
<td>$44,410.00*</td>
</tr>
<tr>
<td>M SKY CONSTRUCTION CORP</td>
<td>$44,425.00</td>
</tr>
<tr>
<td>AL NETO CONTRACTORS, INC.</td>
<td>$47,575.00</td>
</tr>
<tr>
<td>AA BERMS, LLC</td>
<td>$49,644.75</td>
</tr>
<tr>
<td>A&amp;A CURBING, INC.</td>
<td>$59,200.00</td>
</tr>
<tr>
<td>QUALITY 1ST CONTRACTING, INC.</td>
<td>$71,750.00</td>
</tr>
<tr>
<td>ONE TEN RESTORATION, INC.</td>
<td>$225,450.00</td>
</tr>
</tbody>
</table>

*Represents corrected bid amount due to arithmetic error in bid total

WHEREAS, it is the combined recommendation of the Township Engineer, Administrator and Purchasing Agent to award the contract to Diamond Construction, 35 Beaverson Blvd, Suite 12C, Brick, NJ 08723, in the amount of $44,410.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2337 line account # C-04-55-337-A02; and

WHEREAS, this contract has been awarded to Diamond Construction, 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: Diamond Construction, 35 Beaverson Blvd, Suite 12C, Brick, NJ 08723, in the amount of $44,410.00.

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 Diamond Construction, (“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 2016 Sidewalk Improvements.

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 five (5) days written notice via certified mail.

8. The work contemplated under the Contract shall be started within fourteen (14) days of notice and completed within three (3) days of start for a particular location.

9. The Contractor shall commence the work not later than ten (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 ten (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.

John Kovacs, President

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**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 $44,410.00. Monies are available in the Capital Ordinance, #2337, line item account # C-04-55-337-A02.

Date: 8/29/2016

Terri Johnson, Chief Financial Officer

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**Resolution #2016-0377 - To Affirm Bernards Township’s Commitment to Civil Rights, Non-Discrimination and Non-Harassment with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public that Come Into Contact with Municipal Employees, Officials and Volunteers**

WHEREAS, the Township of Bernards is committed to creating an environment where all individuals are treated with respect and dignity and in a manner consistent with all applicable civil rights laws and regulations; and

WHEREAS, it is the policy of Bernards Township to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Township Committee of the Township of Bernards has determined that certain policies and procedures need to be established to ensure compliance with this commitment; and
WHEREAS, the policies and procedures regarding this commitment are contained in the Handbooks of the Township of Bernards, as amended from time to time and which are applicable to Employees, Elected Officials and Appointed Officials and Volunteers; and

WHEREAS, the above referenced Handbooks are posted on the Bernards Township website so that employees, volunteers, officials and the public are aware of these policies and procedures and of the Township of Bernards’ commitment to the implementation and the enforcement of this commitment.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that no official, appointees, employees, prospective employees, volunteers, independent contractors and members of the public that come into contact with municipal employees, officials and volunteers of the Township of Bernards shall engage, either directly or indirectly, in any act including the failure to act that constitutes discrimination, harassment or a violation of any person’s constitutional rights while such official, employee, appointee or volunteer is engaged in or acting on behalf of the Township of Bernards’ business or using the facilities or property of the Township of Bernards.

Resolution #2016-0378 - Authorization for Tax Refund, Block 6203, Lot 12
WHEREAS, a tax overpayment exists because the property owner overpaid the third quarter 2016 taxes; and

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 the following refund.

<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>6203/12</td>
<td>3Q16</td>
<td>201.65</td>
<td>Stephanus &amp; S Getman Juwana 150 Thackeray Dr Basking Ridge NJ 07920</td>
</tr>
</tbody>
</table>

Resolution #2016-0379 - Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of Renewing a Lease Agreement with Dance New Jersey for Executive Offices
WHEREAS, the Township of Bernards owns the real property identified as Block 185, Lot 20.03, consisting of approximately 4.397± acres, and located along King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the “Property”); and

WHEREAS, the Property contains an “English Barn,” “Farm House,” “Wagon House,” “Cow Shed,” and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. (“Friends”) entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the “Lease”), which was thereafter amended to increase the term of the Lease; and

WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and

WHEREAS, by email dated August 29, 2016, the Friends requested approval to permit a renewed lease agreement with Dance New Jersey for Use of Space Solely as Executive Offices

WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the
Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Dance NJ for a 1 year period of October 1, 2016; through October 1, 2017; and

BE IT FURTHER RESOLVED that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

Resolution #2016-0380 - Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Gretchen Thomas Solely as a Studio for Writing and Art Production

WHEREAS, the Township of Bernards owns the real property identified as Block 185, Lot 20.03, consisting of approximately 4.397± acres, and located along King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the “Property”); and

WHEREAS, the Property contains an “English Barn,” “Farm House,” Wagon House,” “Cow Shed,” and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. (“Friends”) entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the “Lease”), which was thereafter amended to increase the term of the Lease; and

WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and

WHEREAS, by email dated November 6, 2015, the Friends requested approval to permit a renewed lease agreement with Dance New Jersey for Use of Space Solely as Executive Offices

WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Gretchen Thomas for a 3 month period of October 1, 2016; through January 1, 2017; and

BE IT FURTHER RESOLVED that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

Resolution #2016-0381 - Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Margaret Fanning Solely as a Studio for Art Production

WHEREAS, the Township of Bernards owns the real property identified as Block 185, Lot 20.03, consisting of approximately 4.397± acres, and located along King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the “Property”); and

WHEREAS, the Property contains an “English Barn,” “Farm House,” Wagon House,” “Cow Shed,” and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. (“Friends”) entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the “Lease”), which was thereafter amended to increase the term of the Lease; and

WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and
WHEREAS, by email dated November 6, 2015, the Friends requested approval to permit a renewed lease agreement with Dance New Jersey for Use of Space Solely as Executive Offices

WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Margaret Fanning for a 3 month period of October 1, 2016; through January 1, 2017; and

BE IT FURTHER RESOLVED that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

Resolution #2016-0382 - Change Order #3 – Increase of $65,000.00 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 $120,000.00

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 #1 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, the Bernards Township Committee adopted Resolution #2016-0330 on July 26, 2016 awarding change order #2 in the amount of $20,000.00 in the amount not to exceed $55,000.00 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 will be made 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 $65,000.00 for a new not to exceed amount of $120,000.00.

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 $65,000.00. 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 $120,000.00.
Resolution #2016-0383 - Personnel Appointment, John Whitmore – Building Maintenance Working Foreman - Department of Public Works

WHEREAS, the full time position of Building Maintenance Working Foreman became available due to a promotion within the Public Works Department; and

WHEREAS, the Director of Public Works, Township Administrator, and CFO/HRO have deemed it necessary to fill this position; and

WHEREAS, John Whitmore has applied for and is qualified to fill said position; and

WHEREAS, the Director of Public Works, Township Administrator, and CFO/HRO recommend appointment of John Whitmore to full time Building Maintenance Working Foreman; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that John Whitmore be appointed full time Building Maintenance Working Foreman effective September 19, 2016 at an hourly rate of $36.52 for a 40-hour workweek.

Resolution #2016-0384 - Award of Change Order #1 - Professional Services Contract for Professional Engineering Services for Design, Bid and Construction Phase Services for the Standby Power Generator in the Municipal Building to Mott MacDonald, 111 Wood Avenue South, Iselin, NJ, 08830, for an Additional Amount of $7,830.16 for a New Not to Exceed Amount of $28,330.16

WHEREAS, the Bernards Township Committee adopted Resolution #2015-0269 on July 1, 2015, awarded a professional services contract in the amount of $ 20,500 to Mott MacDonald for Professional Engineering Services for Design, Bid and Construction Phase Services for the Standby Power Generator in the Municipal Building; and

WHEREAS, Mott MacDonald submitted a fee increase related to the construction phase services in connection with additional services provided to the Township that were unforeseen at the time of the proposal; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget or the line item appropriation, line account #G-02-25-EAI-214 for $6,500.00 and C-04-55-238-A01 for $1,330.16.

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 change order to Mott MacDonald, 111 Wood Avenue South, Iselin, NJ, 08830 in the amount of $7,830.16 for a new total amount of $28,330.16.

CFO CERTIFICATION
I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced change order in the amount of $7,830.00 for a new not to exceed amount of $28,330.16. Monies are available in line accounts #G-02-25-EAI-214 for $6,500.00 and C-04-55-238-A01 for $1,330.16.

Resolution #2016-0385 - Bernards Township Personnel Policies and Procedures Updated and Adopted for 2016

WHEREAS, it is the policy of the Township of Bernards to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the ADA Amendments Act of 2008, the Family and Medical Leave Act, the
Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Workers’ Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), the New Jersey Security and Financial Empowerment Act and the Open Public Meetings Act; and

WHEREAS, the Bernards Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees, prospective employees, officials, volunteers and vendors and contractors are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that the following Handbooks of Personnel Policies and Procedures attached hereto are hereby updated and adopted for 2016: 1) Employee Handbook, and 2) Elected Officials, Appointed Officials and Volunteers Handbook.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bernards that these personnel policies and procedures shall apply to all municipality officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective negotiations agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bernards that the Employee and Officials and Volunteers handbooks are intended to provide guidelines covering public service by municipality workers and does not serve as a contract. The provisions of these handbooks may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bernards that, to the maximum extent permitted by law, employment practices for the municipality shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bernards that the Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Human Resource Officer shall assist the Township Administrator in the implementation of the policies and procedures in this manual, as directed by Township Committee action.

Resolution #2016-0386 - Personnel Appointment, Travis Untamo – Laborer – Department of Public Works
WHEREAS, a full time Laborer position became available due to a vacancy; and

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

WHEREAS, Travis Untamo has applied for and is qualified to fill said position; and

WHEREAS, the Director of Public Works, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Travis Untamo to full time Laborer.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Travis Untamo be appointed full time Laborer with a hire date of Monday, September 19, 2016 at an hourly rate of $15.09 for a 40 hour work week. This offer of employment is contingent upon the results of pre-employment screening as per Township policy.

Resolution #2016-0387 - Third Amendment to Lease Agreement for a Final Term Expiring September 30, 2017, with New Cingular Wireless PCS, LLC formerly known as Cellular Telephone Company for Lattice Tower at Municipal Complex
WHEREAS, this Third Amendment to Lease Agreement (“Third Amendment”) dated as of the later date below is by and between the Township of Bernards, a Municipal Corporation of the State of New Jersey, having a mailing address at 1 Collyer Lane, Basking Ridge, New Jersey 07920 (hereinafter referred to as “Landlord”) and New Cingular Wireless PCS, LLC, successor by merger to Cellular Telephone Company, having a mailing address at 575 Morosgo Drive NE, Atlanta, GA 30324 (hereinafter referred to as “Tenant”).
WHEREAS, Landlord and Tenant (or their predecessors in interest) entered into a Lease Agreement dated March 27, 1990, as amended by Amendment to Lease Agreement dated February 12, 1991, (and Second Amendment to Lease Agreement dated November 1, 1995, hereinafter, collectively, the "Lease"), whereby Landlord leased to Tenant certain Premises, therein described, that are a portion of the Property located at Collyer Lane, Basking Ridge, New Jersey 07920; and

WHEREAS, the term of the Lease expired on March 31, 2015, and Landlord acknowledges that Tenant has been occupying the Premises on a month-to-month basis and Landlord has accepted Rent during such month-to-month basis from Tenant and the parties mutually desire to renew the Lease, memorialize such renewal period and modify the Lease in certain other respects, all on the terms and conditions contained herein; and

WHEREAS, Landlord and Tenant desire to extend the term of the Lease a final time; and

WHEREAS, Upon expiration of the Lease, Tenant agrees to immediately remove any and all equipment brought onto the Premises by Tenant or its predecessors, and Tenant will vacate the Premises; and

WHEREAS, Landlord and Tenant, in their mutual interest, further wish to amend the Lease as set forth below.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. Term. (a) The term of the Lease shall be amended to provide that the Lease has a final term of twelve (12) months ("Final Term"), commencing on October 1, 2016, ("Final Term Commencement Date"). Hereafter, the defined term “Term” shall include the Final Term. Landlord agrees and acknowledges that except that as such permitted use or other rights may be amended herein, Tenant may continue to use and exercise its rights under the Lease as permitted prior to and during the Final Term.

(b) Landlord and Tenant agree that the Final Term expires on September 30, 2017, without the possibility of renewal. Upon expiration of the Lease, Tenant agrees to immediately remove any and all equipment brought onto the Premises by Tenant or its predecessors, and Tenant will vacate the Premises.

2. Rent. Commencing on October 1, 2016, the Rent payable under the Lease shall be two thousand six hundred fifty seven and 95/100 dollars ($2,657.95) per month.

Resolution #2016-0388 - Renaming Pleasant Valley Park Field #2 as Tobin Heath Field and the Scheduling the Dedication Thereof on September 23, 2016

WHEREAS, Tobin Heath grew up in Bernards Township, and discovered the sport of soccer as a youth in the Township; and

WHEREAS, Tobin Heath developed her soccer skills to a high level, and before her graduation from Ridge High School had helped her teams to victories in the U-15 National Club Championship, the New Jersey High School Group III Championship (undefeated), was named NJ High School Player of the Year, and was named to her first National Team; and

WHEREAS, Tobin Heath became a First Team All-American at the University of North Carolina, and helped the Tar Heels win three NCAA Women’s National Championships; and

WHEREAS, as a the youngest member of the United States Women’s National Team (USWNT), Ms. Heath brought an Olympic Gold Medal home from Beijing in 2008; and

WHEREAS, Tobin Heath was an integral part of the USWNT in 2012, and brought home a second Olympic Gold Medal, this time from London; and

WHEREAS, as a professional, Tobin has played in Europe, and is currently a member of the National Women’s Soccer League’s (NWSL) Portland Thorns where she helped her team win the league’s first championship in 2013; and
WHEREAS, Tobin Heath scored the final goal in the USWNT’s 2015 FIFA World Cup victory in Vancouver Canada, leading to a White House visit, a NYC “Canyon of Heroes” Ticker-tape parade, and a Sports Illustrated Cover; and

WHEREAS, despite incredible success on soccer fields all over the world, Tobin Heath still focuses on team success and teammate support, finding joy and faith in everyday life, being a loyal friend to many, loving her family, and being a role model and providing inspiration to many girls and young women; and

WHEREAS, Bernards Township is extremely proud to be Tobin’s hometown and wishes to rename Pleasant Valley Park Field #2 as “Tobin Heath Field” in her honor.

NOW THEREFORE, BE IT RESOLVED BY the Township Committee that Pleasant Valley Park Field #2 will now and forever be known as Tobin Heath Field, and that a dedication event be held on September 23rd, 2016 to celebrate our hometown inspiration, Tobin Heath.

Resolution #2016-0390 - Award of Purchase Orders for Identified Vendor, Edmunds & Associates Inc.
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>
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<tr>
<td>Edmunds &amp; Associates, Inc.</td>
<td>$ 40,000.00</td>
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</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; and

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.

WHEREAS, the Township has determined that a liaison from the Police Department is desired for the Deer Management Advisory Committee; and

WHEREAS, Sergeant Eric Geleta has successfully filled the role of Wildlife Management Official/Deer Management Committee Advisor since 2011, would like to continue in this capacity and is endorsed by the Chief of Police to continue to fill this role; and

WHEREAS, effective August 1, 2016, the incumbent, Sergeant Eric Geleta, is being promoted to the position of Lieutenant, thus requiring an update to his advisory appointment and the Memorandum of Agreement; and

WHEREAS, the appointment and agreement has since been negotiated with the PBA; and
WHEREAS, the Township Administrator, Chief of Police and Human Resources Official recommend the appointment of Lieutenant Eric Geleta to the position of Wildlife Management Official/Deer Management Committee Advisor, Part-Time.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Lieutenant Eric Geleta be appointed as the Wildlife Management Official/Deer Management Committee Advisor, Part-Time, effective August 1, 2016, for a not to exceed amount of $6,000.00 per year, to be paid in the 1st payroll of June. This is a non-pensionable stipend, beginning with the first payroll in June of 2017.

Resolution #2016-0392 - Authorizing and Approving Purchase of Computer Equipment from New Jersey State Cooperative Contract (WSCA) #M7000, #M0003 and Middlesex Regional Educational Services Commission Cooperative Contract # 15/16-11 to CDW Government LLC., 230 N Milwaukee Ave, Vernon Hills, IL 60061-9740 in the Amount Not to Exceed $80,000.00

WHEREAS, the Township of Bernards wishes to purchase computer equipment from N. J. State Cooperative Contract (WSCA) #M7000, M0003 and Middlesex Regional Educational Services Commission Cooperative Contract 15/16-11; and

WHEREAS, the Township of Bernards wishes to purchase computer equipment from N. J. State Division of Purchase and Property and Middlesex Regional Educational Services Commission Cooperative awarded a contract to CDW Government LLC., 230 N Milwaukee Ave., Vernon Hills, IL 60061-9740, 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 IT Director and the Purchasing Agent to purchase computer equipment from N. J. State Contract (WSCA) #M7000, #M0003 and Middlesex Regional Educational Services Commission Cooperative Contract # 15/16-11.

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 CDW Government LLC., 230 N Milwaukee Ave., Vernon Hills, IL 60061-9740, through December 31, 2016.

**End Consent Agenda**

Ordinance #2348 - An Ordinance to Replace in Entirety Chapter 18 “Streets, Sidewalks and Sanitation,” Section 4 “Snow Emergencies” of the Revised General Ordinances of the Township of Bernards – Introduction

The clerk read the ordinance by title. Motion by Malay, second by Carpenter, that Ordinance #2348 be introduced on first reading, advertised as required by law, with a public hearing on 09/27/2016.

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

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 18 “Street, Sidewalks and Sanitation,” Section 4 “Snow Emergencies,” of the Revised General Ordinances of the Township of Bernards is hereby replaced in entirety:

§18-4.1. Definitions
a. “Snow” shall mean precipitation depositing any accumulation on the streets, such as snow, sleet, hail, slush and ice.
b. “Snow Emergency” shall mean that street conditions are hazardous and dangerous to vehicular and pedestrian traffic due to snow event as defined in this section.
c. “Vehicles” shall mean all self-propelled motorized vehicles using township streets.
§18-4.2. Declaration of Snow Emergency
A snow emergency shall automatically be in effect upon snow accumulation on streets. Snow is defined in Definitions Section 18-4.1. This shall constitute a formal declaration of a snow emergency and therefore employ the provisions in this section.

§18-4.3. Restrictions on Use of Streets and Sidewalks
a. No parking on snow-covered streets; exceptions; snow parking violations and penalties.
   1. It is the purpose and intent of this section, in the interests of public safety and the general welfare of the Township, to facilitate snow removal from curb to curb on public streets of the Township as efficiently and expeditiously as possible after a snowfall.
   2. No person shall park a vehicle upon either side of any public street or allow any portion of a vehicle to extend into the roadway or obstruct any sidewalk or bikeway at any time when snow has covered the roadway sufficient to obscure road markings.
   3. The above parking prohibition shall remain in effect for a period of 12 hours after the snow has ceased, subject to extension by the Township Administrator in the event snow has not been completely cleared. Any extension shall be posted on the Township website.
   4. The Township shall erect and maintain regulatory and warning signs in accordance with N.J.S.A. 39:4-138 at major street entrances to the Township for motor vehicles. Signs for exempt streets shall be posted. Notice of said parking prohibition shall be deemed adequate by the placement of said signs and when posted on the Township website.

§18-4.4. Depositing Snow or Ice on Streets or Sidewalks Prohibited
At no time, whether a state of snow emergency has been declared or not, shall any person deposit snow or ice on a public street or sidewalk or cause same to be so deposited.

§18-4.5. Snow Removal on Primary and Secondary Sidewalk Routes by the Township
a. The Bernards Township Department of Public Works provides snow clearing on primary and secondary routes as delineated on the map entitled “Bernards Township School Routes and Snow Removal.” The Township committee may, as necessary, update the map by resolution.
   b. While it is the intent for the Township to facilitate the sidewalk snow clearing as soon as possible, it is the nature of the Township’s operation that these many miles of sidewalks take time and may need to be re-cleared due to the snow push back by roadway plowing. As such, any placement of snow on driveways during our sidewalk clearing operation shall not be the responsibility of the Township to clear.

§18-4.6. Private Improvements or Structures within the Right-of-Way
a. Any manmade improvements such as sports equipment including but not limited to (basketball nets, hockey goals), ornamental light posts, mailboxes, ornamental landscaping, ornamental walls, placed in the right-of-way that are damaged by Bernards Township personnel during Department of Public Works snow removal operations shall neither be reimbursable nor the responsibility of the Township.

§18-4.7. No Parking during General Emergency
a. Upon the declaration of a general emergency, there shall be no parking upon streets or parts of streets where temporary emergency no-parking signs are displayed. The Chief of Police, or in his absence the ranking police officer, is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic.
   b. Notification attempt that the emergency no-parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§18-4.8. Removal of Vehicles
a. Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage, which may result from such removal, before regaining possession of the vehicle.

§18-4.9. Enforcement
Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of $100 for the first offense, and a fine not to exceed $500 for each offense thereafter occurring within 6 months of the previous offense. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition.

Severability
Each section of this ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

The ordinance is effective upon passage. It will be published in accordance with NJSA 40:49-2d.

Ordinance #2349 - Accepting a Detention Basin, Drainage & Access Easement on Property Located at 15 Hill Top Road, Block 3302, Lot 9, from Victoria A. Costa and Erin J. Weber to the Township of Bernards – Introduction

The clerk read the ordinance by title. Motion by Malay, second by Carpenter, that Ordinance #2348 be introduced on first reading, advertised as required by law, with a public hearing on 09/27/2016.

Roll Call:
Aye: Carpenter, Gaziano, Russo, Malay, 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:

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.

EXECUTIVE SESSION - Resolution #2016-0371
Motion by Carpenter, second by Malay, and unanimously agreed that Resolution #2016-0371 be adopted.

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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<th>Reason for Closed Session</th>
<th>Estimated Time of Disclosure or Upon Occurrence Of</th>
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<tr>
<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. Attorney Client Privilege &amp; Contract Negotiations – Insurance Coverage regarding 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation) Litigation – 3:33-AV-0001 ISBR v. Bernards Township (including NJDOJ and Attorney General’s Investigation).</td>
<td>Upon conclusion of litigation.</td>
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At 8:25 PM the meeting temporarily adjourned to executive session.

**ADJOURNMENT**

The meeting resumed in open session at 8:59 PM and immediately adjourned.

Respectfully submitted,

_________________________________
Denise Szabo
Municipal Clerk/Assistant Administrator

Carol Bianchi
Mayor