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BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE MINUTES

January 10, 2017 – COMBINED AGENDA/REGULAR MEETING

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CALL TO ORDER

The mayor called the meeting to order at 7:31 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Bianchi , Carpenter, Malay, Russo, Gaziano

Absent:

Also Present: Administrator McArthur, Attorney Belardo, Engineer Timko, and Municipal Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION – [RESOLUTION #2017-0083](#)

Motion by Russo, second by Carpenter, and unanimously agreed that Resolution #2017-0083 be approved. The meeting temporarily adjourned to Executive Session at 7:31 PM. Note that executive session discussions were continued after the open session of the meeting concluded.

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.

- 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.*

Litigation: ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508.

Upon
Conclusion
of
Litigation

- Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.
Planning Board Appointment

Upon
appointment

The meeting resumed in open session at 8:00 PM and stood in recess until 8:02 PM.

PUBLIC COMMENT

George Stafford of the NJ Highlands Coalition asked the committee to adopt resolutions concerning open space and the state water plan.

Nick Xu, 30 Battalion Drive, Basking Ridge, commented on the ISBR litigation

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their activities.

FIRE & RESCUE APPOINTMENT

None.

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 Carpenter, that the Consent Agenda be approved.

Roll Call:

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

Approval of Minutes: [12/27/2016 – Open Session](#) and [01/03/2017 – Open Session](#);

These minutes were approved for content and release.

12/27/2016 – Executive Session

These minutes were approved for content only.

[Resolution #2017-0084](#) - Approval of the Bill List Dated 01/10/2017

BE IT RESOLVED, that the bill list dated 01/17/2017 be audited, and if found correct, be paid.

January 10, 2017
12:38 PM

TOWNSHIP OF BERNARDS
Check Register By Check Date

Page No: 1

-----Range of Checking Accts: CASH -
CHECKING to CASH - CHECKING Range of Check Dates: 01/10/17 to 01/10/17
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit:
Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CASH - CHECKING CURRENT CHECKING					
110432	01/10/17	70128 HEROLD LAW	6,390.72		1286
110433	01/10/17	A0041 STEWART & STEVENSON POWER/ADDA	2,546.81		1286
110434	01/10/17	A0162 ACME DIESEL ELECTRIC, INC.	2,179.92		1286
110435	01/10/17	A0168 ALLIED OIL COMPANY, LLC	8,666.92		1286
110436	01/10/17	A0174 ALL SPORTS STADIUM, LLC	3,623.92		1286
110437	01/10/17	A0249 APPLIED CONCEPTS, INC.	2,707.50		1286
110438	01/10/17	A0250 AMBASSADOR MEDICAL SERVICES	48.00		1286
110439	01/10/17	A0295 AUDIO EDITIONS	328.46		1286
110440	01/10/17	A0607 AZMO MECHANICAL, INC	6,749.05		1286
110441	01/10/17	A0611 AMERICAN WEAR, INC	866.88		1286
110442	01/10/17	A0622 ATLANTIC INFRARED	115.91		1286
110443	01/10/17	B0001 BAKER & TAYLOR, INC.	1,319.36		1286
110444	01/10/17	B0026 BERNARDS TOWNSHIP CURRENT	0.00	01/10/17 VOID	0
110445	01/10/17	B0026 BERNARDS TOWNSHIP CURRENT	11,263.85		1286
110446	01/10/17	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	520,593.84		1286
110447	01/10/17	B0070 BASKING RIDGE CARPET CLEANING	260.00		1286
110448	01/10/17	B0203 DIFRANCESCO, BATEMAN, COLEY, YOSP	4,616.39		1286
110449	01/10/17	B0581 BUY WISE AUTO PARTS	2,203.90		1286
110450	01/10/17	C0024 COURIER NEWS	71.38		1286
110451	01/10/17	C0482 CABLEVISION OF RARITAN VALLEY	178.72		1286
110452	01/10/17	C0636 CENTER POINT LARGE PRINT	95.08		1286
110453	01/10/17	C0697 BB&T/CPS	98.34		1286
110454	01/10/17	C0706 COOPER BROTHERS TIRE CO INC	226.00		1286
110455	01/10/17	D0380 DRIVERS TIRE & SERVICE CENTER	453.83		1286
110456	01/10/17	D0628 DCRP	179.56		1286
110457	01/10/17	D0740 DOVER BRAKE & CLUTCH	555.22		1286
110458	01/10/17	E0002 EDMUNDS & ASSOCIATES	17,130.49		1286
110459	01/10/17	E0262 EMBROIDME - RARITAN	30.00		1286
110460	01/10/17	E0282 EHS INNOVATORS, LLC	1,525.00		1286
110461	01/10/17	E0283 ELI TAYLOR SHOP	860.00		1286
110462	01/10/17	F0047 FULLERTON FORD	674.51		1286
110463	01/10/17	F0158 FLEMINGTON DEPARTMENT STORE	399.95		1286
110464	01/10/17	F0201 FRANK RYMON & SONS, INC.	4,975.00		1286
110465	01/10/17	F0326 FX AUTOMOTIVE LLC	430.80		1286
110466	01/10/17	F0342 FIRST ROOTS MUSIC	100.00		1286
110467	01/10/17	G0098 JCP&L	95.29		1286
110468	01/10/17	G0106 GFOA OF NJ	270.00		1286
110469	01/10/17	G0133 GARDEN STATE LABORATORIES, INC	110.00		1286

110470	01/10/17	G0201	GENERAL CODE LLC	1,195.00	1286
110471	01/10/17	G0326	GARDEN STATE MESSENGER INC.	839.00	1286
110472	01/10/17	G0333	BEDMINSTER CAR WASH	52.95	1286
110473	01/10/17	G0497	GARTH, LORI	150.00	1286
110474	01/10/17	H0375	HICKS PAVING, LLC	60.00	1286
110475	01/10/17	H0383	HESS, BRIAN & JESSICA	720.00	1286
110476	01/10/17	I0146	INGERSOLL RAND	793.25	1286
110477	01/10/17	I0152	IWS TRANSFER SYSTEMS OF NJ	2,022.32	1286
110478	01/10/17	J0093	JOHNNY ON THE SPOT	130.00	1286
110479	01/10/17	K0036	KONICA MINOLTA BUSINESS	332.85	1286
110480	01/10/17	K0252	KOHLER WASTE SERVICES, INC.	125.00	1286
110481	01/10/17	K0259	KONICA MINOLTA PREMIER FINANCE	122.00	1286
110482	01/10/17	K0259	KONICA MINOLTA PREMIER FINANCE	167.07	1286
110483	01/10/17	K0297	KONICA MINOLTA PREMIER FINANCE	151.34	1286
110484	01/10/17	L0181	LAND'S END, INC.	270.70	1286
110485	01/10/17	L0226	LEOPOLD, PHIL	90.00	1286
110486	01/10/17	M0006	MGL PRINTING SOLUTIONS	536.20	1286
110487	01/10/17	M0010	MOBILE LAWNMOWER SERVICE, INC.	729.29	1286
110488	01/10/17	M0288	M & M WELDING AND STEEL	75.00	1286
110489	01/10/17	M0428	MIKE'S TOWING & RECOVERY, INC.	820.00	1286
110490	01/10/17	M0498	MP OVERHEAD DOORS	230.00	1286
110491	01/10/17	M0511	MOTOROLA SOLUTIONS, INC.	4,498.45	1286
110492	01/10/17	M0518	KONICA MINOLTA BUSINESS SOL.	168.06	1286
110493	01/10/17	M0518	KONICA MINOLTA BUSINESS SOL.	648.00	1286
110494	01/10/17	M0830	MOTT MACDONALD	12,180.00	1286
110495	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	179.46	1286
110496	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	244.02	1286
110497	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	319.04	1286
110498	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	124.03	1286
110499	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	244.02	1286
110500	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	257.35	1286
110501	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	15.50	1286
110502	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	15.50	1286
110503	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	22.17	1286
110504	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	48.83	1286
110505	01/10/17	N0006	NEW JERSEY AMERICAN WATER CO.	144.03	1286
110506	01/10/17	N0017	NJ STATE LEAGUE OF MUNICIPAL.	110.00	1286
110507	01/10/17	N0023	TREASURER, STATE OF NEW JERSEY	21,474.00	1286
110508	01/10/17	N0032	NJ STATE DEPT HEALTH/SR SVCS	267.00	1286
110509	01/10/17	N0102	NJ MOTOR VEHICLE COMMISSION	2.00	1286
110510	01/10/17	N0102	NJ MOTOR VEHICLE COMMISSION	2.00	1286
110511	01/10/17	N0121	NACCHO	205.00	1286
110512	01/10/17	N0187	NJ ENVIRONMENTAL HEALTH ASSOC	650.00	1286
110513	01/10/17	N0415	NATIONAL FUEL OIL INC	6,975.34	1286
110514	01/10/17	N0440	NORRIS, DR. MICHAEL	175.00	1286
110515	01/10/17	N0449	NISIVOCCIA & CO, LLP	10,000.00	1286
110516	01/10/17	O0021	OFFICE DEPOT	1,217.91	1286
110517	01/10/17	O0105	O.C.A. BENEFIT SERVICES, LLC	608.90	1286
110518	01/10/17	P0014	PUBLIC SERVICE ELEC. & GAS CO	3,047.95	1286
110519	01/10/17	P0046	RESERVE ACCOUNT	1,354.35	1286
110520	01/10/17	P0377	PRINCETON HYDRO, LLC	886.20	1286
110521	01/10/17	P0602	PRAXAIR DISTRIBUTION, INC	164.29	1286
110522	01/10/17	Q0002	CINTAS CORP. - #062	287.80	1286
110523	01/10/17	R0004	RECORDED BOOKS INC.	168.84	1286
110524	01/10/17	R0005	RECORDER PUBLISHING CO., INC	24.99	1286
110525	01/10/17	R0393	RESEARCH&DESIGN LANDSCAPE LLC	5,074.00	1286
110526	01/10/17	S0016	STORR TRACTOR COMPANY	9.57	1286
110527	01/10/17	S0185	SUBURBAN JOINT INSURANCE FUND	185,064.87	1286
110528	01/10/17	S0305	SUPERGLASS WINDSHIELD REPAIR	90.00	1286
110529	01/10/17	S0437	SPORTS FIELD MANAGERS ASSOC NJ	60.00	1286
110530	01/10/17	S0443	STAPLES ADVANTAGE	340.27	1286
110531	01/10/17	S0691	SUPERIOR DISTRIBUTORS	278.58	1286
110532	01/10/17	T0003	ENVIROTEST LABORATORIES, INC.	1,870.00	1286
110533	01/10/17	T0019	TRAP ROCK INDUSTRIES, LLC	185.85	1286
110534	01/10/17	T0029	TCTA OF NJ	100.00	1286
110535	01/10/17	T0037	TJ'S SPORTWIDE TROPHY & AWARDS	40.00	1286
110536	01/10/17	T0066	CENGAGE LEARNING CREDIT SVCS	75.37	1286
110537	01/10/17	T0101	TRIANGLE COMMUNICATIONS	1,990.05	1286
110538	01/10/17	T0284	BROADWAY INBOUND	7,929.00	1286
110539	01/10/17	T0338	TMDE CALIBRATION LABS, INC.	352.00	1286
110540	01/10/17	T0372	TLO, LLC	116.50	1286
110541	01/10/17	U0090	UNUM LIFE INSURANCE COMPANY	410.59	1286
110542	01/10/17	V0037	VILLAGE SUPERMARKET, INC.	251.48	1286
110543	01/10/17	V0056	VERIZON WIRELESS	229.41	1286
110544	01/10/17	V0058	VERIZON	1,287.87	1286
110545	01/10/17	V0146	VERIZON	21,398.08	1286
110546	01/10/17	V0177	VERIZON	387.55	1286
110547	01/10/17	V0185	VERIZON NETWORK FLEET	454.80	1286
110548	01/10/17	W0016	WARRENVILLE TRUE VALUE	24.85	1286
110549	01/10/17	W0030	WORLD BOOK, INC	550.00	1286
110550	01/10/17	W0339	W.B. MASON	5.52	1286

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	118	1	907,858.81	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	118	1	907,858.81	0.00
Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	118	1	907,858.81	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	118	1	907,858.81	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	6-01	595,627.40	0.00	0.00	595,627.40
GOLF COURSE UTILITY	6-26	95.29	0.00	0.00	95.29
Year Total:		595,722.69	0.00	0.00	595,722.69
CURRENT FUND	7-01	250,286.93	0.00	0.00	250,286.93
DOG FUND	7-12	476.28	0.00	0.00	476.28
GOLF COURSE UTILITY	7-26	720.00	0.00	0.00	720.00
Year Total:		251,483.21	0.00	0.00	251,483.21
CAPITAL FUND	C-04	9,473.45	0.00	0.00	9,473.45
PUBLIC GRANTS	G-02	480.88	0.00	0.00	480.88
TRUST FUNDS	T-13	50,698.58	0.00	0.00	50,698.58
Total Of All Funds:		907,858.81	0.00	0.00	907,858.81

Resolution #2017-0085 - Personnel Appointment, Pasquale Monaco, Superintendent of Public Works/Assistant Administrator

WHEREAS, succession planning has been a critical directive of the Township Committee and the current Township Administrator has recommended that additional personnel assist with the implementation of policies, decisions, and projects under his direction, pursuant to Ordinance #2355; and

WHEREAS, the Township Administrator has determined that a second Assistant Administrator be appointed to assist with special projects and become integrated with all aspects of Township operations, in addition to their current full time duties; and

WHEREAS, the Township Administrator and CFO/Human Resources Officer recommend Pasquale Monaco, Superintendent of Public Works, be appointed to assume the additional duties of an Assistant Township Administrator; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Pasquale Monaco be named an Assistant Township Administrator effective January 10, 2017 at an annual salary of \$7,500.

Resolution #2017-0090 - Personnel Appointment, Promotion of Captain Michael Shimsky to Deputy Chief of Police and Approval of a Memorandum of Understanding Between the Deputy Chief of Police Michael Shimsky and the Township of Bernards Police Department

WHEREAS, the full time position of Deputy Chief of Police was created as a component of succession planning to effectively assist in leading the Township's law enforcement staff for the Police Department; and

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

WHEREAS, Captain Michael Shimsky has applied for, has demonstrated highly effective performance in his role as Captain, and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Human Resources Officer recommend appointment of Captain Shimsky to full time Deputy Chief of Police; and

WHEREAS, the Township wants to enter into a Memorandum of Understanding with Deputy Chief Shimsky to commemorate certain benefits and memorialize his Sick Leave Upon Retirement benefit, ensuring clarification of Deputy Chief Shimsky's eligibility and the terms of this benefit; and to codify his other rights, benefits, and programs applicable as defined in the Township of Bernards Employee Handbook; and

WHEREAS, based on the formula established in the Memorandum of Understanding, the maximum Sick Leave Pay Upon Retirement for Deputy Chief Shimsky is \$98,127.59. The parties understand that this is the maximum formulaic amount due upon the 7/1/2015 capping of the benefit per the PBA contract. This amount may be reduced or eliminated by the use of sick leave as specified in the Memorandum of Understanding; and

WHEREAS, said Memorandum of Understanding will remain on file with the Municipal Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Captain Michael Shimsky be appointed full time Deputy Chief of Police effective January 11, 2017, at an annualized base salary of \$152,940 and approves the Memorandum of Understanding and authorizes the Mayor and Municipal Clerk to execute the Memorandum of Understanding with Michael Shimsky, Deputy Chief of Police.

[Resolution #2017-0089](#) - *Personnel Appointment, Deputy Chief of Police Michael Shimsky Office of Emergency Management (OEM) Coordinator*

WHEREAS, the Township has determined that a liaison from the Police Department is desired for the Office of Emergency Management; and

WHEREAS, Deputy Chief Michael Shimsky has served in Emergency Management since 2000 and successfully filled the role of OEM Coordinator since 2006; and

WHEREAS, effective January 11, 2017, the incumbent, Captain Michael Shimsky, is being promoted to the position of Deputy Chief of Police, thus requiring an update to his appointment and the compensation for his additional duties; and

WHEREAS, the Township Administrator and Human Resources Official recommend the additional compensation of Deputy Chief of Police Mike Shimsky for his role as the OEM Coordinator.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Deputy Police Chief Michael Shimsky be compensated for his role as the OEM Coordinator, for an annual stipend of \$8,000.00.

[Resolution #2017-0087](#) - *Interlocal Services Agreement for the Provision of 2017 Somerset County Recycling Pickup to the Township of Bernards*

WHEREAS, the Township of Bernards requires recycling pickup; and

WHEREAS, the County of Somerset has indicated a willingness to provide recycling pickup pursuant to and on the terms set forth herein and in a contract dated December 20, 2016; and

WHEREAS, N.J.S.A. 40:48-5 authorizes a municipality to contract with any public or private entity for the provision of any service which the municipality itself could provide directly; and

WHEREAS, N.J.S.A. 40:8A-1, et. seq. the Interlocal Services Act, provides the mechanism for making such contract between public agencies; and

WHEREAS, the County of Somerset already has in place a recycling pickup program.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the County of Somerset, to implement recycling pickup, subject to the terms and provisions set forth below and in a contract dated December 20, 2016.

THIS AGREEMENT, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the County of Somerset for recycling pickup for the calendar year 2017 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

The rate remains at \$23.85 per household. The number of households will be adjusted on a quarterly basis, when and if appropriate.

TREASURER'S 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 amount of \$23.85 per household. Monies will be made available after Budget Adoption, and subsequently transferred to Trust Fund – Reserve for Recycling. Note: Amount budgeted for curbside recycling is annually transferred to the Bernards Township Trust Fund after budget adoption. These funds are earmarked exclusively for Recycling Expenditures.

Date:

Terri Johnson, Chief Financial Officer

[Resolution #2017-0088](#) - *Resolution Authorizing the Donation of Gasoline and/or Diesel Fuel to the Basking Ridge Fire Company No. 1 and First Aid Squad, Liberty Corner Fire Company and Liberty Corner First Aid Squad*

WHEREAS, on 2/12/13 a Commodity Resale System resolution was passed which included the resale of Gasoline and Diesel Fuel to the Basking Ridge Fire Company No. 1 and First Aid Squad, Liberty Corner Fire Company and Liberty Corner First Aid Squad; and

WHEREAS, the Township Committee of the Township of Bernards greatly appreciates the service provided by the all volunteer fire and first aid squads; and

WHEREAS, the Township Committee of the Township of Bernards desires to further aid the fiscal operation of volunteer emergency services by donating gasoline and/or diesel fuel from the municipal pumps to be used in emergency service vehicles through December 31, 2017.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the 2017 annual maximum value of donated gasoline and/or diesel fuel will be as follows:

1. Basking Ridge Fire Company No. 1 - \$5,000
2. Basking Ridge First Aid Squad - \$2,500
3. Liberty Corner Fire Company - \$5,000
4. Liberty Corner First Aid Squad - \$2,500

[Resolution #2017-0091](#)- *Acceptance of the Construction Official's 2016 Annual Report*

WHEREAS, pursuant to §12-1.4. of the Revised General Ordinances of the Township of Bernards, the Construction Official shall, with the advice of the subcode officials, prepare and submit to the Township Committee biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act; and

WHEREAS, the 2016 annual report has been submitted as required.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following 2016 Annual Report of the Construction Official be accepted as submitted.

Pursuant to township ordinance, I respectfully submit this annual activity report for 2016.

Applications received and reviewed	2605
Permits issued	2302
Permit updates issued	300
Additions	63
Alterations	2444
New residential unit permits	14
Residential demolition permits	4
Certificates of Occupancy issued	81
Certificates of Approval issued	2000
Inspections conducted	7208

Penalties Collected	\$ 5,400.00
Revenue	1,302,799.17
Expenditures	\$668,417.17

	2012	2013	2014	2015	2016
Applications	2530	3028	2596	2399	2605
Permit Issued	2172	2747	2330	2113	2302
Permit Updates	265	281	239	297	300
Additions	57	57	47	75	63
Alterations	2195	2609	2341	2234	2444
New Residential Unit Permits	14	10	13	14	14
Residential Demolitions	6	6	8	4	4
Certificates of Occupancy	85	73	77	81	81
Certificates of Approval	1798	2349	2226	2048	2000
Inspections	7230	8762	7460	7088	7208
Penalties revenue	\$12,450.00	\$11,750.00	\$18,650.00	\$4,400.00	\$5,400.00
Revenues	\$807,237.72	\$860,729.97	\$783,089.35	\$791,411.46	\$1,302,799.17
Expenditures	\$707,485.48	\$633,490.00	\$643,380.00	\$649,764.13	\$668,417.17

[Resolution #2017-0092](#) - Resolution to Correct Hourly Rate Professional Services Contract for 2017 - Municipal Attorney to \$ 185.00 per hour Awarded to John P. Belardo, Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP

WHEREAS, the Bernards Township Committee adopted Resolution #2017-0069 on January 3, 2017 awarded a professional services contract to John P. Belardo, Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP., at an hourly rate of \$ 180.00 in the not to exceed amount of \$150,000.00 (Excluding Other Specified Legal Services, Matters of Litigation and Unanticipated Reimbursable Disbursements as Required); and

WHEREAS, the hourly rate of \$ 180.00 was inadvertently misrepresented; and

WHEREAS, Bernards Township Committee desires to amend the hourly rate from \$ 180.00 an hour to \$ 185.00 per hour in the not to exceed amount of \$150,000.00 (Excluding Other Specified Legal Services, Matters of Litigation and Unanticipated Reimbursable Disbursements as Required).

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; John P. Belardo, Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP.,

\$ 185.00 per hour in the not to exceed amount of \$150,000.00 (Excluding Other Specified Legal Services, Matters of Litigation and Unanticipated Reimbursable Disbursements as Required)

[Resolution #2017-0093](#) - Award of Purchase Orders for Identified Vendor(s) Edmunds & Associates, Inc., Garden State Highway Products, Inc., Morris Automated Information Network, Inc. (MAIN), Office Depot, Inc., Perth Amboy Springs Works, Inc., Sal's Auto Body, Inc., Sealmaster Products Services, Storr Tractor Company, Inc., Visiting Nurse Association of Somerset Hills, Warrenville Hardware, Inc., and Weldon Materials, 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

Vendor	Not to Exceed	Vendor	Not to Exceed
Edmunds & Associates, Inc.	\$ 40,000.00	Sealmaster Products Services	\$ 40,000.00
Garden State Highway Products, Inc.	\$ 40,000.00	Storr Tractor Company, Inc.	\$ 40,000.00
Morris Automated Information Network, Inc. (MAIN)	\$ 40,000.00	Visiting Nurse Association of Somerset Hills	\$ 40,000.00
Office Depot, Inc.	\$ 40,000.00	Warrenville Hardware, Inc.	\$ 40,000.00
Perth Amboy Springs Works, Inc	\$ 40,000.00	Weldon Materials, Inc.	\$ 40,000.00
Sal's Auto Body, Inc.	\$ 40,000.00		

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, 2017.

End Consent Agenda

[Ordinance #2357](#) - *An Ordinance of the Township of Bernards to set Calendar Year 2017 Appropriation Limits and to Establish a Cap Bank per N.J.S.A. 40A: 4-45.14 – Introduction*

The clerk read the ordinance by title. Motion by Malay, second by Russo that Ordinance #2357 be introduced on first reading, advertised as required by law and scheduled for a public hearing on 01/24/2017.

Roll Call:

Aye: Bianchi, Carpenter, Malay, Russo, Gaziano

Nay:

Abstain:

Motion carried

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its Calendar Year 2017 Budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

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

WHEREAS, the Township Committee of the Township of Bernards in the County of Somerset finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.0 % increase in the budget for said year, amounting to \$794,556.96 in excess of the .5 % (\$132,426.16) increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and may be necessary; and

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

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Bernards shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, may be increased up to 3.5 %, amounting to no more than \$926,983.12, and that the CY 2017 municipal budget for the Township of Bernards be approved and adopted in accordance with this ordinance; and

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

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

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

[Ordinance #2358](#) - *Accepting a Stream Buffer Conservation Easement on Property Located at [102 Atlas Road, Block 5701, Lot 27](#), from Michael Alvarez and Parisa Hakimzadeh to the Township of Bernards – Introduction*

The clerk read the ordinance by title. Motion by Malay, second by Russo that Ordinance #2358 be introduced on first reading, advertised as required by law and scheduled for a public hearing on 01/24/2017.

Roll Call:

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

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Michael Alvarez and Parisa Hakimzadeh, 102 Atlas Road, Basking Ridge, NJ, 07920, a Stream Buffer Conservation Easement on Block 5701, Lot 27, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

EXECUTIVE SESSION – [Resolution #2017-0083](#)

At 8:14 PM the committee resumed executive session discussions authorized under resolution #2017-0083.

ADJOURNMENT

The meeting resumed in open session at 8:45 PM and immediately adjourned.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Carolyn Gaziano
Mayor