

# TABLE OF CONTENTS

## BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE MINUTES

May 9, 2017 – COMBINED AGENDA/REGULAR MEETING

(Click on the page number to go directly to that page)

CALL TO ORDER .....	3
ROLL CALL .....	3
EXECUTIVE SESSION – RESOLUTION #2017-0206.....	3
AMEND AGENDA.....	3
BROOKS BETZ - SOMERSET HILLS HISTORICAL SOCIETY - PRESENTATION OF MOCK UP OF BERNARDS TOWNSHIP CHARTER TO THE TOWNSHIP COMMITTEE.....	4
PUBLIC COMMENT.....	4
TOWNSHIP COMMITTEE/STAFF COMMENTS.....	4
FIRE & RESCUE APPOINTMENTS.....	4
<i>RESOLUTION #2017-0230 - APPOINTMENT TO MEMBERSHIP IN TOWNSHIP OF BERNARDS VOLUNTEER     CATHERINE LUU – FULL MEMBER.....</i>	4
UNFINISHED BUSINESS.....	4
<i>BUDGET PRESENTATION &amp; PUBLIC HEARING .....</i>	4
<i>RESOLUTION #2017-0211 - ADOPTION OF 2017 MUNICIPAL BUDGET AND GOLF UTILITY BUDGET.....</i>	4
<i>ORDINANCE #2365 - ACCEPTING A DETENTION BASIN, DRAINAGE &amp; ACCESS EASEMENT ON PROPERTY     LOCATED AT 8000 FELLOWSHIP ROAD, BLOCK 9301, LOT 33, FROM FELLOWSHIP SENIOR LIVING, INC. TO THE     TOWNSHIP OF BERNARDS – PUBLIC HEARING .....</i>	5
NEW BUSINESS.....	6
CONSENT AGENDA .....	6
<i>Approval of Minutes: 04/11/2017.....</i>	6
<i>04/11/2017 – Executive Session.....</i>	6
<i>Resolution #2017-0207 - Approval of the Bill List Dated 05/09/2017.....</i>	6
<i>Resolution #2017-0208 - Proclamation for Building Safety Month May 2017.....</i>	6
<i>Resolution #2017-0209 - Personnel Appointment, Louis Matty – Crossing Guard – Police         Department.....</i>	7
<i>Resolution #2017-0210 - Approval of Special Event Permit for Paramount Multisport aka Pace         Race, Inc. – Hills Kids Triathlon – June 11, 2017.....</i>	7
<i>Resolution #2017-0212 - Commendation on the Occasion of Your Retirement, Gail Bell.....</i>	7
<i>Resolution #2017-0213 - Personnel Appointment, Mark Fentress – Crossing Guard – Police         Department.....</i>	8
<i>Resolution #2017-0217 - Approval of Special Event Permit for Community Hope, Inc. – 15th Annual         Flag Day 5K and 1 Mile Walk – June 8, 2017(Rain-date 6/15/17).....</i>	8
<i>Resolution #2017-0219 - Award of Purchase Orders for Identified Vendor(s) – EDP Painting         Company and Main Line Pools, Inc.....</i>	8
<i>Resolution #2017-0221- Approval of Street Closing Permit for a Block Party on Stockmar Drive         (from Tuxford Terrace to Granville Drive), 06/04/2017 (Rain date 06/11/2017).....</i>	9
<i>Resolution #2017-0223 - Award of Bid for Liberty Corner Tennis Courts Improvements to Sport-         Tech Construction Corp, 410 Route 22, Brewster, NY 10509 - In the Amount of \$103,338.00.....</i>	9

<i>Resolution #2017-0224 - Authorizing the Issuance of a Limousine License to Cedars Car Service, LLC</i> .....	10
<i>Resolution #2017-0225 - Award of Contract to Sea OTT Swimming to Provide Swim Lesson Instruction at Pleasant Valley Pool</i> .....	11
<i>Resolution #2017-0226 - Approval of Special Event Permit for Bernards Township Charter Day, 05/20/2017, Including Street Closures</i> .....	12
<i>Resolution #2017-0227 - Approval of Special Event Permit for Bernards Township Health Department, Twilight Challenge 5K Run – 06/04/2017</i> .....	12
<i>Resolution #2017-0228 - Approval of Special Event Permit for Bernards Township Memorial Day Parade and Memorial Service – 05/29/2017</i> .....	13
<i>Resolution #2017-0229 - Personnel Appointment. Barry Van Horn – Staff Engineer – Engineering Department</i> .....	13
<i>RESOLUTION #2017-0218- REJECTION OF BIDS FOR SPRING VALLEY BOULEVARD TRAFFIC CALMING AT ACKEN ROAD</i> .....	13
<i>RESOLUTION #2017-0220 - RESOLUTION IN SUPPORT OF SPENDING PLAN AMENDMENT - A RESOLUTION REQUESTING THAT THE N.J. DEPARTMENT OF COMMUNITY AFFAIRS (“DCA”) REVIEW AND APPROVE THE BERNARDS TOWNSHIP’S AMENDMENT TO AFFORDABLE HOUSING TRUST FUND SPENDING PLAN TO PROVIDE FOR THE PAYMENT OF \$750,000.00 TOWARDS THE COSTS OF CONSTRUCTION OF FORTY-NINE (49) UNITS OF PERMANENT SUPPORTIVE HOUSING FOR VETERANS AND ONE (1) MANAGEMENT UNIT ON THE SITE OWNED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND SUBJECT TO AN ENHANCED USE LEASE WITH THE PROJECT SPONSOR, VBV II, LLC</i> .....	14
<i>ORDINANCE #2366 - AN ORDINANCE OF THE TOWNSHIP OF BERNARDS APPROPRIATING \$2,237,400.00 FOR VARIOUS CAPITAL IMPROVEMENTS – INTRODUCTION</i> .....	15
<i>ORDINANCE #2367- ACCEPTING A STREAM BUFFER CONSERVATION EASEMENT ON PROPERTY LOCATED AT 55 LYONS PLACE; BLOCK 5801, LOT 13, FROM JOSHUA AND RACHEL KALAFER TO THE TOWNSHIP OF BERNARDS - INTRODUCTION</i> .....	16
<i>MAYOR APPOINTMENTS TO THE SHADE TREE COMMISSION &amp; LIBRARY BOARD</i> .....	16
<b>EXECUTIVE SESSION – (CONTINUED FROM EARLIER SESSION IF NEEDED)</b> .....	16
<b>ADJOURNMENT</b> .....	17

## CALL TO ORDER

The mayor called the meeting to order at 7:32 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, Gaziano  
Absent: Russo  
Also Present: Administrator McArthur, Attorney Belardo, Engineer Timko, and Municipal Clerk/Assist. Admin. Szabo

## EXECUTIVE SESSION – [Resolution #2017-0206](#)

Motion by Malay, second by Bianchi, and unanimously agreed that Resolution #2017-0206 be approved. The meeting temporarily adjourned to Executive Session at 7:34 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.

<u>Reason for Closed Session</u>	<u>Estimated Time of Disclosure or Upon Occurrence Of</u>
<input type="checkbox"/> 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. <i>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.</i> <a href="#">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.</a> <a href="#">Affordable Housing</a>	Upon conclusion of litigation.
<input checked="" type="checkbox"/> 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 <i>South Jersey Publishing</i> , 124 NJ 478. The employee(s) and nature of discussion is <a href="#">Board Appointments</a>	Upon appointment

The meeting resumed in open session at 8:00 PM.

## AMEND AGENDA

Motion by Carpenter, second by Bianchi and unanimously agreed that Resolution #2017-0231 recognizing Eagle Scouts be added to the Consent Agenda; and that mayoral appointments to the Shade Tree Commission and Library Board be added under New Business

## **BROOKS BETZ - SOMERSET HILLS HISTORICAL SOCIETY - PRESENTATION OF MOCK UP OF BERNARDS TOWNSHIP CHARTER TO THE TOWNSHIP COMMITTEE**

Mr. Betz made the presentation to the committee.

### **PUBLIC COMMENT**

The following members of the public commented on the ISBR litigation:

Cody Smith, Royal Oak Drive, Basking Ridge  
Susan Patten, Oxbow Lane, Basking Ridge  
Keri Samuels, Church Street, Liberty Corner  
Lori Quick, Church Street, Liberty Corner  
Linda Waldroff, Annin Road, Liberty Corner  
Todd Edelstein, Riverside Drive, Basking Ridge. He also commented on a cancelled meeting, and Spring Valley Blvd., and appointment of Mary Pavlini to the Sewerage Authority  
Tom Mahala, Layton Road, Basking Ridge  
Janet Asnault, Douglas Road, Far Hills  
Mr. Zhou, Georgetown Road, Basking Ridge  
Scott Ellis, Grandville Way, Basking Ridge  
Barbara Chorazkiewicz, 195 Madisonville Road, Basking Ridge  
Stella Perna, Tuxford Terrace, Basking Ridge

### **TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their recent activities.

### **FIRE & RESCUE APPOINTMENTS**

[Resolution #2017-0230](#) - *Appointment to Membership in Township of Bernards Volunteer First Aid Squad of Basking Ridge Fire Company #1 Catherine Luu – Full Member*

Motion by Malay, second by Carpenter, and unanimously agreed that Resolution #2017-0230 be approved.

**WHEREAS**, § 2-16.1 of the Revised General Ordinances of the Township of Bernards, there shall be a first aid department known as the "Township of Bernards First Aid and Emergency Department" consisting of the First Aid Squad of Basking Ridge Fire Company #1 and the Liberty Corner First Aid Squad, Inc.; and

**WHEREAS**, the First Aid Squad of Basking Ridge Fire Company #1, is recommending, Catherine Luu, for appointment as a Full member.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Catherine Luu is hereby appointed as a member of the First Aid Squad of Basking Ridge Fire Company #1 effective this date.

### **UNFINISHED BUSINESS**

[Budget Presentation & Public Hearing](#)

CFO/HR Officer Johnson and Treasurer McCarthy provided a brief review of the budget.

The mayor opened the public hearing. The following members of the public commented on the budget.

Sally Booth, Bullion Road, Basking Ridge  
Parag Dhagat, S. Finley Ave., Basking Ridge  
Ann Parsekian, Berta Place, Basking Ridge  
Todd Edelstein, Riverside Drive, Basking Ridge

[Resolution #2017-0211](#) - *Adoption of 2017 Municipal Budget and Golf Utility Budget*

Motion by Carpenter, second by Malay, that Resolution 2017-0211 be adopted.

Roll call:

Aye: Bianchi, Carpenter, Malay, Gaziano

Nay:

Abstain:  
Motion Carried.

**WHEREAS**, the Municipal Clerk of the Township of Bernards has attested that the statutory requirements found in NJSA 40:A:4-8 subsection 1.a. and 1.b. for posting a complete copy of the approved budget have been met, permitting the budget to be read by title; and

**WHEREAS**, the budget was read by title and a public hearing was held on May 9, 2017, in accordance with the law.

**BE IT RESOLVED** by the Township Committee of the Township of Bernards, County of Somerset that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$ 17,250,956.80 for Municipal Purposes, and  
\$ 2,382,202.00 for Municipal Library, and  
\$ 2,716,520.58 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

## **MUNICIPAL BUDGET**

### **SUMMARY OF REVENUES**

#### GENERAL REVENUES

Surplus Anticipated	\$ 12,500,000.00
Miscellaneous Revenues Anticipated	\$ 5,658,017.84
Receipts from Delinquent Taxes	\$ 305,000.00

AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES \$ 17,250,956.80

AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL LIBRARY \$ 2,382,202.00

**Total Revenues** **\$ 38,096,176.64**

### **SUMMARY OF APPROPRIATIONS**

#### GENERAL APPROPRIATIONS

##### Within "CAPS"

Operations Including Contingent	\$ 24,150,450.00
Deferred Charges and Statutory Expenditures—Municipal Excluded from "CAPS"	\$ 2,655,054.00
Operations – Total Operation Excluded from "CAPS"	\$ 3,500,111.57
Capital Improvements	\$ 3,752,400.00

Reserve for Uncollected Taxes \$ 4,038,161.07

**Total Appropriations** **\$ 38,096,176.64**

### **SELF-LIQUIDATING GOLF UTILITY**

GOLF GENERAL REVENUES \$ 515,486.00

GOLF GENERAL APPROPRIATIONS \$ 515,486.00

[Ordinance #2365](#) - *Accepting a Detention Basin, Drainage & Access Easement on Property Located at 8000 Fellowship Road, [Block 9301, Lot 33](#), from Fellowship Senior Living, Inc. 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 Bianchi, that Ordinance #2365 be adopted and advertised as required by law.

Roll Call:

Aye: Bianchi, Carpenter, Malay, Gaziano

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 Carpenter, that Resolutions #2017-0218 and #2017-0220 be removed from the Consent Agenda and that the remaining items be approved.

Roll Call:

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

*\*\* Begin Consent Agenda\*\**

### *Approval of Minutes: [04/11/2017](#)*

These minutes were approved for content and release.

### *04/11/2017 – Executive Session*

These minutes were approved for content only.

### *[Resolution #2017-0207](#) - Approval of the Bill List Dated 05/09/2017*

### *[Resolution #2017-0208](#) - Proclamation for Building Safety Month May 2017*

**WHEREAS**, The Township of Bernards is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster; and

**WHEREAS**, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, trades people, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

**WHEREAS**, these guardians are dedicated members of the International Code Council, a U.S. based organization, that brings together local, state and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, worship, play; and

**WHEREAS**, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the nation; these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquake; and

**WHEREAS**, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America great; and

**WHEREAS**, “Code Officials—Partners in Community Safety and Economic Growth” the theme for Building Safety Month 2017, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2017 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work,

worship and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and

**WHEREAS**, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that we do hereby proclaim the month of May 2017, as Building Safety Month.

[Resolution #2017-0209](#) - *Personnel Appointment, Louis Matty – Crossing Guard – Police Department*

**WHEREAS**, the position of Crossing Guard is a necessary function of the Police Department; and

**WHEREAS**, the Police Chief, Township Administrator, and CFO/HRO have deemed it necessary to fill this position; and

**WHEREAS**, Louis Matty has applied for and is qualified to fill said position; and

**WHEREAS**, the Police Chief, Township Administrator, and CFO/HRO recommend the appointment of Louis Matty to the position of Crossing Guard.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Louis Matty be hired as a Crossing Guard effective May 9, 2017, at an hourly rate of \$15.00. This appointment is contingent upon the successful completion of background checks per Township policy.

[Resolution #2017-0210](#) - *Approval of Special Event Permit for Paramount Multisport aka Pace Race, Inc. – Hills Kids Triathlon – June 11, 2017*

**WHEREAS**, David Misiak representing Paramount Multisport aka Pace Race, Inc., 4 Smoke Rise Lane, Bedminster, NJ 07921 “the applicant,” has requested a special event permit for their Hills Kids Triathlon on June 11, 2017 from 7am to 11am for the purpose of promoting health and fitness; 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 recommend approval; and

**WHEREAS**, the applicant will hire an off-duty officer to control traffic.

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

[Resolution #2017-0212](#) - *Commendation on the Occasion of Your Retirement, Gail Bell*

**WHEREAS**, the Township Committee of the Township of Bernards desires to convey to you an expression of its appreciation and grateful acknowledgment for the valued services rendered by you as an employee of the Township of Bernards for the past 10 years; and

**WHEREAS**, you have given generously of your time and efforts in a dignified, faithful and professional manner; and

**WHEREAS**, the Township Committee of the Township of Bernards sincerely appreciates the worthwhile contributions you have made towards the material development, communal welfare, safety and quality of life in Bernards Township; and

**WHEREAS**, on the occasion of your 10 years of service you are retiring to start the next challenging and exciting chapter of your life.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bernards that its sincere congratulations are expressed on the occasion of your retirement.

[Resolution #2017-0213 - Personnel Appointment, Mark Fentress – Crossing Guard – Police Department](#)

**WHEREAS**, the position of Crossing Guard is a necessary function of the Police Department; and

**WHEREAS**, the Police Chief, Township Administrator, and CFO/HRO have deemed it necessary to fill this position; and

**WHEREAS**, Mark Fentress has applied for and is qualified to fill said position; and

**WHEREAS**, the Police Chief, Township Administrator, and CFO/HRO recommend the appointment of Mark Fentress to the position of Crossing Guard.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Mark Fentress be hired as a Crossing Guard effective May 10, 2017, at an hourly rate of \$15.00. This appointment is contingent upon the successful completion of background checks per Township policy.

[Resolution #2017-0217 - Approval of Special Event Permit for Community Hope, Inc. – 15th Annual Flag Day 5K and 1 Mile Walk – June 8, 2017\(Rain-date 6/15/17\)](#)

**WHEREAS**, Wendy Baytan, representing Community Hope, Inc., 959 Route 46 East, Suite 402, Parsippany, NJ 07054, “the applicant,” has requested a special event permit for their 15<sup>th</sup> Annual Flag Day 5K and 1 Mile Walk on June 8, 2017, Rain-date 6/15/17, from 5pm to 9pm for the purpose of fundraising; 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 recommend approval; and

**WHEREAS**, the applicant will hire one off-duty police officer to control traffic.

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

[Resolution #2017-0219 - Award of Purchase Orders for Identified Vendor\(s\) – EDP Painting Company and Main Line Pools, 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

<b>Vendor</b>	<b>Not to Exceed</b>
EDP Painting Company	\$ 40,000.00
Main Line Pools, 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.

[Resolution #2017-0221](#) - *Approval of Street Closing Permit for a Block Party on Stockmar Drive (from Tuxford Terrace to Granville Drive), 06/04/2017 (Rain date 06/11/2017)*

**WHEREAS**, Ailsa Ferguson and Sara Garvey, hereinafter "the applicants," have applied for a street closing permit for a block party on Stockmar Drive from Tuxford Terrace to Granville Drive, on June 04, 2017 (rain date June 11, 2017) from 3:00 PM to 7:00 PM; and

**WHEREAS**, the applicants have 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 street closing permit for a Block Party be approved.

[Resolution #2017-0223](#) - *Award of Bid for Liberty Corner Tennis Courts Improvements to Sport-Tech Construction Corp, 410 Route 22, Brewster, NY 10509 - In the Amount of \$103,338.00*

**WHEREAS**, the Township of Bernards received bids on Tuesday, April 4, 2017, at 3:00 PM for Liberty Corner Tennis Courts Improvements:

BIDDERS NAME	TOTAL BID AMOUNT
Sport-Tech Construction Corp.	\$103,338.00
DiMilia, Inc.	\$107,800.00
American Tennis Courts, Inc.	\$116,455.00
Halecon, Inc.	\$122,080.00
SITA Construction Co, Inc.	\$137,750.00

**WHEREAS**, it is the combined recommendation of the Township Engineer, Parks and Recreation Director, Administrator and Purchasing Agent to award the contract to Sport-Tech Construction Corp., 410 Route 22, Brewster, NY 10509 in the amount of \$103,338.00; 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-K01 (83,338.00), Reserve for Recreation Trust line account #T-13-56-050-RPP (\$20,000.00); and

**WHEREAS**, this contract has been awarded to Sport-Tech Construction Corp., 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: Sport-Tech Construction Corp., 410 Route 22, Brewster, NY 10509 in the amount of \$103,338.00

**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 Sport-Tech Construction Corp. ("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 Liberty Corner Tennis Courts 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 completed within thirty (30) days of the Notice to Proceed.
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.

\_\_\_\_\_  
Robert Tranchida, Secretary

**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 \$ 103,338.00. Monies are available in the Capital Ordinance, #2337 line account # C-04-55-337-K01 (83,338.00) and the Reserve for Recreation Trust line account #T-13-56-050-RPP (\$20,000.00).

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson, Chief Financial Officer

Date: 5/1/2017

[Resolution #2017-0224](#) - *Authorizing the Issuance of a Limousine License to Cedars Car Service, LLC*

**WHEREAS**, Elias Abousleiman, Cedars Car Service, LLC, 149 N. Finley Avenue, Basking Ridge, NJ 07920 (the “applicant”), has applied for a Limousine License; and

**WHEREAS**, the application submitted by the applicant is in compliance with Chapter 4, Section 8 of the Revised General Ordinances of the Township of Bernards; and

**WHEREAS**, the Municipal Clerk, Police Chief and the Zoning Officer have reviewed said application and recommend approval.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that the application be approved as submitted.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that the Municipal Clerk is authorized to issue a temporary 30 day license, and upon receipt of a valid NJ Division of Motor Vehicle limousine registration from the applicant to issue the annual license.

*Resolution #2017-0225 - Award of Contract to Sea OTT Swimming to Provide Swim Lesson Instruction at Pleasant Valley Pool*

**WHEREAS**, the Township of Bernards advertised for proposals to be received on Tuesday, March 21, 2017 and April 13, 2017 for swim lessons receiving no responses: and

**WHEREAS**, the Recreation Department obtained a quote for swim lessons at a cost per participant of sixty five dollars (\$65.00) paid by each participant for the 2017 season; and

**WHEREAS**, it is the recommendation of the Director of Parks & Recreation to award a contract to Sea OTT Swimming, P.O. Box 51, Madison, NJ 07940, as follows:

**Format:** Each session will be a two week format, Mon-Thurs with Fridays reserved as a rain date. Each lesson will be 30 minutes in duration.

**Cost:** \$65 per participant paid to SeaOTT.

**Registration:** Accepted by Bernards Township. A participant list will be provided to Sea OTT prior to session start date.

**Age Requirement:** Ages 2+. Participants will register for a session time (not a level) and be broken into appropriate levels at the session.

**Class Count:** Minimum 4 participants per time slot, maximum not to exceed 24 participants.

**Instructor Ratio:** 4:1 for younger groups, 6:1 for older groups.

**Session I: June 19 – June 30**

- 9:15AM
- 10:00AM
- 6:00PM

**Session II: July 10 – July 21**

- 9:15AM
- 10:00AM
- 6:00PM

**Session III: July 24 – August 4**

- 9:15AM
- 10:00AM
- 6:00PM

**Session IV: August 7 – August 18**

- 9:15AM
- 10:00AM
- 6:00PM

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

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or ordinances to be charged are line account #7-01-28-376-276; and

**NOW BE IT RESOLVED**, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that a contract be awarded to: Sea OTT Swimming, P.O. Box 51, Madison, NJ 07940.

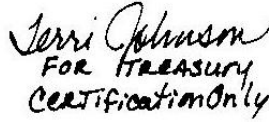
**NOW THEREFORE BE IT BE RESOLVED**, that the Purchasing Agent is hereby authorized to accept this proposal and issue a contract to: Sea OTT Swimming, P.O. Box 51, Madison, NJ 07940.

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

Jennifer Ciulla, Owner

**CFO CERTIFICATION**

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced service. Monies are available in the Pool Operating Budget; the line item appropriation or ordinance to be charged is Events/Activities Expense line account #7-01-28-376-276.



FOR TREASURY  
CERTIFICATION ONLY

Date: 5/2/2017

Terri Johnson, Chief Financial Officer

[Resolution #2017-0226](#) - Approval of Special Event Permit for Bernards Township Charter Day, 05/20/2017, Including Street Closures

**WHEREAS**, Jennifer Gander, Director, representing the Bernards Township Department of Parks & Recreation “the applicant,” has requested a special event permit for 05/20/2017, from 7:00 A.M. to 11:00 P.M. for the purpose of holding Charter Day; 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, Construction Code Official, Fire Official, Health Officer, Recreation Director, Zoning Officer, and Risk Manager have reviewed the application and recommend approval; and

**WHEREAS**, Charter Day is a township-sponsored event, and all costs for township support personnel are paid for by the township.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that the special event permit, to include the following temporary street closure, is hereby approved:

1. Temporary Street Closures –
  - a. S. Finley Avenue between Collyer Lane and West Oak Street
  - b. Henry Street
  - c. West Oak Street between S. Maple Ave. & S. Finley Avenue; and Brownlee Pl. becomes a 2-way street with access from West Oak Street.

[Resolution #2017-0227](#) - Approval of Special Event Permit for Bernards Township Health Department, Twilight Challenge 5K Run – 06/04/2017

**WHEREAS**, Kaitlin Kordusky, representing the Bernards Township Health Department, has requested a special event permit for 06/04/2017 from 3:00 PM to 8:00 PM, for the purpose of holding a Twilight Challenge 5K Run at Pleasant Valley Park; 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 recommend approval.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby approve the special event permit for the Bernards Township Health Department’s, Twilight Challenge 5K Run on 06/04/2017 from 3:00 PM to 8:00 PM at Pleasant Valley Park.

[Resolution #2017-0228](#) - Approval of Special Event Permit for Bernards Township Memorial Day Parade and Memorial Service – 05/29/2017

**WHEREAS**, Michael Barth, of the Liberty Corner Fire Company, acting in the capacity of the Bernards Township Memorial Day Parade Coordinator has submitted a special event application for the Memorial Day Parade to be held on 05/29/2017 from 8:30 AM to 11:30 AM, with the parade beginning at 9:30 AM in downtown Liberty Corner; and

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

**WHEREAS**, Somerset County has authorized the temporary closure of Church Street.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the special event permit be issued, including a temporary street closure of Church Street, from Somerville Road to Lyons/Valley Roads and other streets named in the application on file with the municipal clerk, to accommodate the parade.

[Resolution #2017-0229](#) - Personnel Appointment. Barry Van Horn – Staff Engineer – Engineering Department

**WHEREAS**, the full time Staff Engineer position was vacant due to a resignation, and

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

**WHEREAS**, Barry Van Horn has applied for and is qualified to fill said position; and

**WHEREAS**, the Township, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Barry Van Horn to full time Staff Engineer.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, that Barry Van Horn be appointed full time Staff Engineer with a hire date of Monday, June 5, 2017 at an hourly rate of \$27.00 for a 40 hour work week.

[Resolution #2017-0231](#) - Commendation on Attaining Eagle Scout Designation - Andrew R. Ingling and Cameron Mourey Roth

**WHEREAS**, the Township Committee is very pleased to recognize the outstanding personal efforts of Andrew R. Ingling and Cameron Mourey Roth in reaching the rank of Eagle Scout; and

**WHEREAS**, Andrew R. Ingling and Cameron Mourey Roth, members of Troop 351 of Patriots' Path Council, have been active scouts, demonstrating outstanding leadership within the Troop, and have contributed many service hours to their community during their years in scouting; and

**WHEREAS**, of the total national enrollment of the scouting program, only a small percentage reach this prestigious rank, which Andrew and Cameron will carry as a badge of honor.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee offers its best wishes for continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout their life.

*\*\*End Consent Agenda\*\**

[Resolution #2017-0218](#)- Rejection of Bids for Spring Valley Boulevard Traffic Calming at Acken Road  
Motion by Carpenter, second by Malay, that Resolution #2017-0218 be approved.

Roll Call:

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

**WHEREAS**, the Township of Bernards received bids on Wednesday, April 19, 2017, at 10:30 AM for Spring Valley Boulevard Traffic Calming at Acken Road:

BIDDER NAME	TOTAL BID AMOUNT
J.C. Contracting, Inc.	\$ 116,110.00

**WHEREAS**, the bid received substantially exceeds the project’s cost estimate; and

**WHEREAS**, it is the combined recommendation of the Township Engineer, Township Administrator and Purchasing Agent to reject all bids pursuant to N.J.S.A. 40A:11-13.2(a).

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that all bids be rejected and that the Purchasing Agent is authorized by the Township Committee to re-advertise.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that a copy of this resolution shall be on file, available for public inspection in the office of the Bernards Township Purchasing Agent, 1 Collyer Lane, Basking Ridge, New Jersey 07920.

*[Resolution #2017-0220](#) - Resolution In Support of [Spending Plan Amendment](#) - A Resolution Requesting that the N.J. Department of Community Affairs (“DCA”) Review and Approve the Bernards Township’s Amendment to Affordable Housing Trust Fund Spending Plan to Provide for the Payment of \$750,000.00 towards the Costs of Construction of Forty-Nine (49) Units of Permanent Supportive Housing for Veterans and One (1) Management Unit on the Site Owned by the United States Department of Veterans Affairs and Subject to an Enhanced Use Lease with the Project Sponsor, VBV II, LLC*

Motion by Malay, second by Carpenter, that Resolution #2017-0220 be approved.

Roll Call:

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

**WHEREAS**, the Township Committee of the Township of Bernards petitioned the N.J. Council on Affordable Housing (“COAH”) for substantive certification of its Housing Element and Fair Share Plan on December 30, 2008; and

**WHEREAS**, on or about May 13, 2010, the Township of Bernards received substantive certification of its Housing Element and Fair Share Plan; and

**WHEREAS**, the Township’s original Development Fee Ordinance was approved on January 11, 1995, with the most recent amendment approved on March 18, 2009; and

**WHEREAS**, the Township’s Spending Plan was approved on May 12, 2010; and

**WHEREAS**, the Township’s Spending Plan was amended December 27, 2011; and

**WHEREAS**, the Township’s Spending Plan was amended June 26, 2012; and

**WHEREAS**, the Township has received requests from an organization for Affordable Housing funds for the construction of veterans housing; and

**WHEREAS**, past construction of veteran’s housing funded from the Township Affordable Housing Trust Fund have provided affordable housing COAH credits to the Township; and

**WHEREAS**, veteran’s housing is a vital community service; and

**WHEREAS**, the Township’s proposed amendment to its Spending Plan, which is attached hereto, seeks to provide \$750,000.00 from the “Rehabilitation and New Construction Program” to underwrite new construction of forty-nine very low, low and moderate income restricted units and one (1) unrestricted unit for a management team; and

**WHEREAS**, any and all future disbursements that result from this Spending Plan Amendment are contingent on the approval and signing of an Affordable Housing Trust Fund Agreement between the Veteran’s housing developer and the Township of Bernards; and

**WHEREAS**, the Township Committee of the Township of Bernards desires to request review and approval of its Amendment to Spending Plan by the DCA pursuant to N.J.A.C. 5:96-5.4.

**NOW, THEREFORE, BE IT RESOLVED:**

1. that the Township Committee of the Township of Bernards in the County of Somerset, and the State of New Jersey hereby authorizes and adopts the Amendment to Spending Plan, in the form attached hereto, making an appropriation of \$750,000.00 from in its Affordable Housing Trust Fund “Rehabilitation and New Construction Program” to underwrite new construction of forty-nine very low, low and moderate income restricted units and one (1) unrestricted unit, subject to the approval of the DCA.
2. that the Township Committee of the Township of Bernards in the County of Somerset, and the State of New Jersey hereby requests that the DCA review and approve Bernards Township’s Amendment to Spending Plan pursuant to the requirements of N.J.A.C. 5:96-5.4, which amendment provides for the payment of \$750,000 towards the costs associated with new construction project of forty-nine very low, low and moderate income restricted units and one (1) unrestricted unit for a management team.
3. that any and all future disbursements of funds derived from this Spending Plan Amendment are contingent on the approval an Affordable Housing Trust Fund Agreement between the developer of Veteran’s housing and the Township of Bernards.

[Ordinance #2366](#) - *An Ordinance of the Township of Bernards Appropriating \$2,237,400.00 for Various Capital Improvements – Introduction*

The clerk read the ordinance by title.

Motion by Carpenter, second by Malay, that Ordinance #2366 be introduced on first reading, advertised as required by law, and scheduled for a public hearing on 05/23/2017.

Roll Call:

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

**BE IT ORDAINED** by the Township Committee of the Township of Bernards in the County of Somerset, New Jersey that the sum of \$2,237,400.00 is hereby appropriated from the Capital Improvement Fund, for the following purposes:

A	\$1,195,000.00	Engineering Improvement Projects including but not limited to Roadway Management, Sidewalk and Drainage Improvements, Pedestrian Bridges & Paths, and Pleasant Valley Park Culvert.
B	\$180,000.00	Purchase of Motor Vehicle Fleet Replacements including, but not limited to DPW Equipment Vehicles, Roadside Arm Mower, and Passenger Vehicles.
C	\$172,000.00	Facility Improvements including but not limited to Town Hall HVAC, Repairs and Improvements to the following structures: Engineering Services Building, Health Dept., Police HQ, Various Parks & Recreation Facilities, and Municipal Building.
D	\$310,000.00	DPW Projects and Equipment including but not limited to: Various Roadway Repairs, Bituminous Concrete Facility Repair; Guiderail Repair and Replacement; Repair and Retrofit Drainage; Small Equipment
E	\$33,400.00	Various Systems Improvements including Hardware and Software Upgrades, and Police Mobile Data Terminals.
F	\$10,000.00	Purchase of Various Emergency Equipment for the Basking Ridge First Aid Squad

G	\$70,000.00	Purchase of Various Emergency Equipment and Self Contained Breathing Apparatus for the Basking Ridge Fire Company
H	\$85,000.00	Purchase of Various Emergency Equipment and Self Contained Breathing Apparatus for the Liberty Corner Fire Company
I	\$90,000.00	Purchase of Various Grounds Maintenance Equipment, including but not limited to, ASV Track Machine, Groundmaster Mower, Portable Field Irrigation, and Small Equipment.
J	\$92,000.00	Parks and Recreation Facility Improvements including but not limited to Playgrounds, Tennis Courts, Parks, and Field infrastructure, equipment and lighting.

Any grant moneys received for the purposes described above hereof shall be applied to direct payment of the cost of the improvements and shall reduce the amount authorized from the capital improvement fund to the extent that such funds are so used.

The period of usefulness is five years or more. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services is on file with the Township Clerk and are available for public inspection.

**BE IT FURTHER ORDAINED**, this ordinance shall take effect immediately upon final passage and publication in accordance with law.

[Ordinance #2367- Accepting a Stream Buffer Conservation Easement on Property Located at 55 Lyons Place; Block 5801, Lot 13, from Joshua and Rachel Kalafer to the Township of Bernards - Introduction](#)  
The clerk read the ordinance by title.

Motion by Carpenter, second by Bianchi, that Ordinance #2367 be introduced on first reading, advertised as required by law, and scheduled for a public hearing on 05/23/2017.

Roll Call:

Aye: Bianchi, Carpenter, Malay, 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 Joshua and Rachel Kalafer, 55 Lyons Place, Basking Ridge, NJ, 07920, a Stream Buffer Conservation Easement on Block 5801, Lot 13, 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.

[Mayor Appointments to the Shade Tree Commission & Library Board](#)

The mayor announced her appointments:

Shade Tree

Linda Sims, A1, 5 year term, filling the unexpired term of Werner, expiring 12/31/18  
Sam Burd, A2, 5 year term, filling the unexpired term of Aiken, expiring 12/31/17

Library Board

Scott Ross, RM, 5 year term, filling the unexpired term of Galusha, expiring 12/31/17

**EXECUTIVE SESSION – (Continued from earlier session if needed)**

Not required



**ADJOURNMENT**

The meeting adjourned at 10:04 PM.

Respectfully submitted,

---

Denise Szabo  
Municipal Clerk/Assistant Administrator

---

Carolyn Gaziano  
Mayor