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**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE
MINUTES**

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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. (Note that this was a combined meeting of the Township Committee and Planning Board. The actions of the Planning Board taken in open session are recorded in a separate set of minutes of the Board.)

ROLL CALL

Present: Bianchi, Carpenter (by phone), Malay (by phone during open session; in person during Executive Session), Russo (by phone), Gaziano
Absent:
Also Present: Attorney Belardo, Administrator McArthur, Engineer Timko, Acting Clerk Cynthia Keifer

AMEND AGENDA

Motion by Bianchi, second by Malay, and unanimously agreed that the agenda be amended to add Resolution #2017-0245

RESOLUTION #2017-0245 - Appointment of Cynthia Kiefer to Acting Municipal Clerk for the 05/23/17 Township Committee Meeting

Motion by Bianchi, second by Malay, and unanimously agreed that Resolution #2017-0245 be approved

WHEREAS, the need has arisen to appoint an acting Municipal Clerk due to the absence of the Municipal Clerk and the Deputy Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bernards that Cynthia Kiefer is hereby appointed Acting Municipal Clerk for purposes of attendance and transcription of minutes for the 05/23/2017 Township Committee meeting.

EXECUTIVE SESSION – Resolution #2017-0232

Motion by Bianchi, second by Malay, and unanimously agreed that Resolution #0232 be approved. The meeting temporarily adjourned to Executive Session at 7:36 PM.

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

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

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

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

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

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

Reason for Closed Session

Estimated Time of Disclosure or Upon Occurrence Of

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.*

- Affordable Housing
- 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.

- Board Appointments.

Upon appointment.

The meeting resumed in open session at 8:26 PM.

AMEND AGENDA

Motion by Gaziano, second by Bianchi, and unanimously agreed that Resolutions #2017-0246 and #2017-0247 be added to the agenda under New Business, item C.

PUBLIC COMMENT

The following members addressed the committee.

Rob Walton, JCP&L rep.

The following commented on ISBR/USDOJ litigation:

Cody Smith, Royal Oak Drive
Rafia Bhore, Ramapo Drive
Lorrie Quick, 114 Church Street
Cindy Decorges, Far Hills
Mike Macchiarola, Mine Brook Road
Paul Zubulake, Church Street
Linda Waldruff, Annin Road
Mike Barth, Annin Road
Nick Zu, Battalion Drive
Christopher Quick, Church Street
James Rickey, West Oak Street
Linda Arnold, Church Street
Keri Samuels, Church Street
Parag Dhagat, South Finley Avenue
Frank Zhao, Alder Place
Valerie Whyte, Woodward Lane
Tarun Sethi, Somerville Road

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their activities

FIRE & RESCUE APPOINTMENTS

[Resolution #2017-0239](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner Fire Company, Inc - Max Smith, Full Member

Motion by Bianchi, second by Russo, and unanimously agreed that Resolution #2017-0239 be approved.

WHEREAS, pursuant to §2-14.1 of the Revised General Ordinances of the Township of Bernards, the volunteer fire department consisting of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company, Inc., are hereby made the fire department for the Township of Bernards; and

WHEREAS, the **Liberty Corner Fire Company** is recommending, Max Smith, 17 Long Road Basking Ridge, NJ, for appointment as a Full member.

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

UNFINISHED BUSINESS

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

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

Motion by Bianchi, second by Russo, that Ordinance #2366 be adopted and advertised as required by law.

Roll Call:

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

[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 – Public Hearing*

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

Motion by Bianchi, second by Carpenter, that Ordinance #2367 be adopted and advertised as required by law.

Roll Call:

Aye: Bianchi, Carpenter, Malay, Russo, 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 Russo, second by Bianchi, that approval of the minutes be removed from the Consent Agenda, and that the balance of items be approved.

Roll Call:

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

*** Begin Consent Agenda***

[Resolution #2017-0233](#) - *Approval of the Bill List Dated 05/23/2017*

BE IT RESOLVED, that the bill list dated 05/23/2017 be audited, and if found correct, be paid.

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 05/23/17 to 05/23/17
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					
111859	05/23/17	70128 HEROLD LAW	3,459.96		1297
111860	05/23/17	A0028 AMERICAN PUBLIC WORKS ASSN.	700.00		1297
111861	05/23/17	A0126 AFLAC NEW YORK	347.48		1297
111862	05/23/17	A0168 ALLIED OIL COMPANY, LLC	9,085.33		1297
111863	05/23/17	A0174 ALL SPORTS STADIUM, LLC	255.00		1297
111864	05/23/17	A0237 ACCUCUT SYSTEMS	53.00		1297
111865	05/23/17	A0338 AFLAC	550.92		1297
111866	05/23/17	A0398 STERLING BACKCHECK	331.54		1297
111867	05/23/17	A0419 ARCO STEEL COMPANY	1,900.00		1297
111868	05/23/17	A0425 ATLANTIC TACTICAL	519.66		1297
111869	05/23/17	A0619 ASCH, NOLAN	350.00		1297
111870	05/23/17	A0621 A FRIERI MACHING & TOOL INC	450.00		1297
111871	05/23/17	B0001 BAKER & TAYLOR, INC.	8,163.97		1297
111872	05/23/17	B0014 BREWER ASSOCIATES	101.99		1297
111873	05/23/17	B0015 BRODART COMPANY	150.40		1297
111874	05/23/17	B0026 BERNARDS TOWNSHIP CURRENT	0.00	05/23/17 VOID	0
111875	05/23/17	B0026 BERNARDS TOWNSHIP CURRENT	16,483.32		1297
111876	05/23/17	B0029 BERNARDS TWP BD OF EDUCATION	6,884,250.72	05/23/17 VOID	(Reason: WRONG AMOUNT)
111877	05/23/17	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	551,368.44		1297
111878	05/23/17	B0038 BERNARDS TOWNSHIP (COURT)	166.02		1297
111879	05/23/17	B0044 BASKING RIDGE ANIMAL HOSPITAL	2,049.65		1297
111880	05/23/17	B0098 BERNARDS TOWNSHIP (RECREATION)	1,139.84		1297
111881	05/23/17	B0135 BROWN'S HUNTERDON MACK	478.69		1297
111882	05/23/17	B0203 DIFRANCESCO, BATEMAN, COLEY, YOSP	3,355.13		1297
111883	05/23/17	B0633 BEST CLEANING BUILDING SERVICE	4,400.00		1297
111884	05/23/17	C0008 CHILDREN'S PRESS	445.20		1297
111885	05/23/17	C0037 CLERK'S PETTY CASH	60.00		1297
111886	05/23/17	C0293 COUNTY OF ESSEX	2,918.00		1297
111887	05/23/17	C0345 COURIER NEWS SUBSCRIPTIONS	432.47		1297
111888	05/23/17	C0482 CABLEVISION OF RARITAN VALLEY	34.95		1297
111889	05/23/17	C0636 CENTER POINT LARGE PRINT	95.08		1297
111890	05/23/17	C0733 CASINO PIER	2,125.00		1297
111891	05/23/17	D0017 DEPOSITORY TRUST COMPANY	18,200.00		1297
111892	05/23/17	D0020 DELTA DENTAL OF NJ	12,903.19		1297
111893	05/23/17	D0033 DEMCO, INC	99.46		1297
111894	05/23/17	D0041 STICKEL, KOENIG, SULLIVAN&DRILL	2,686.25		1297
111895	05/23/17	D0309 DAILY RECORD - SUBSCRIPTIONS	307.30		1297
111896	05/23/17	D0319 DRAEGER SAFETY DIAGNOSTICS, INC	179.00		1297
111897	05/23/17	D0339 DEER CARCASS REMOVAL SVC, LLC	1,836.80		1297
111898	05/23/17	D0380 DRIVERS TIRE & SERVICE CENTER	578.60		1297
111899	05/23/17	D0699 DANIEL W. LINCOLN, R.A.	3,444.20		1297
111900	05/23/17	D0740 DOVER BRAKE & CLUTCH	3,195.89		1297
111901	05/23/17	D0754 DC EXPRESS	629.50		1297
111902	05/23/17	D0759 DISCOUNT PLAYGROUND SUPPLY, INC	1,629.37		1297
111903	05/23/17	E0231 EKA ASSOCIATES, P.A.	540.00		1297
111904	05/23/17	F0289 FIREFIGHTER ONE	1,777.68		1297
111905	05/23/17	F0298 FWDSL & ASSOCIATES LP	1,779.96		1297
111906	05/23/17	G0032 GM FENCE	120.28		1297
111907	05/23/17	G0066 GRAINGER INC	318.12		1297
111908	05/23/17	G0098 JCP&L	12,327.15		1297
111909	05/23/17	G0202 GRASS ROOTS TURF PRODUCTS, INC	1,354.47		1297
111910	05/23/17	G0425 GLOBAL INDUSTRIES, INC.	9,032.76		1297
111911	05/23/17	G0461 GLOBAL AUTO MALL	12.51		1297
111912	05/23/17	G0497 GARTH, LORI	75.00		1297
111913	05/23/17	H0029 HUMPHREYS PEST CONTROL, INC.	75.00		1297
111914	05/23/17	H0123 HERTRICH FLEET SERVICES INC.	17,400.00		1297
111915	05/23/17	H0246 HOME DEPOT CREDIT SERVICES	627.58		1297
111916	05/23/17	H0312 HEFFERNAN, ROBERT F	5,706.25		1297
111917	05/23/17	H0387 HOUGH, CHRISTINE	130.00		1297
111918	05/23/17	I0067 INDUSTRIAL RUBBER COMPANY	462.02		1297
111919	05/23/17	I0128 INNOVATIVE DOCUMENT IMAGING	298.33		1297
111920	05/23/17	J0123 JERSEY PAPER PLUS (JCP PAPER)	1,119.80		1297
111921	05/23/17	K0039 KOBESKY, GREGG S.	309.80		1297
111922	05/23/17	K0203 KESSELMAYER, JEAN	375.00		1297
111923	05/23/17	K0205 KASPROWICZ, CLEMENTINE	35.00		1297
111924	05/23/17	K0259 KONICA MINOLTA PREMIER FINANCE	167.07		1297
111925	05/23/17	K0274 KELLER & KIRKPATRICK, INC	4,295.00		1297
111926	05/23/17	L0067 LIBERTY SCIENCE CENTER	5,289.50		1297
111927	05/23/17	M0027 GAMETIME C/O MARTURANO REC	22,705.00		1297
111928	05/23/17	M0279 MITZNER, SCOTT C.	1,125.00		1297
111929	05/23/17	M0441 MAIN LINE COMMERCIAL POOLS, INC	4,477.23		1297
111930	05/23/17	M0493 MCELROY, DEUTSCH, MULVANEY &	10,912.63		1297
111931	05/23/17	M0518 KONICA MINOLTA BUSINESS SOL.	252.51		1297
111932	05/23/17	M0537 MAPLEWOOD AWNING & SHADE CO.	670.00		1297
111933	05/23/17	M0840 MORAN, BRIAN & CARLY	200.00		1297
111934	05/23/17	N0006 NEW JERSEY AMERICAN WATER CO.	105.30		1297
111935	05/23/17	N0006 NEW JERSEY AMERICAN WATER CO.	79.76		1297
111936	05/23/17	N0006 NEW JERSEY AMERICAN WATER CO.	37,478.10		1297
111937	05/23/17	N0006 NEW JERSEY AMERICAN WATER CO.	179.46		1297
111938	05/23/17	N0006 NEW JERSEY AMERICAN WATER CO.	319.04		1297
111939	05/23/17	N0006 NEW JERSEY AMERICAN WATER CO.	38.76		1297

111940	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	38.76	1297
111941	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	210.53	1297
111942	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	203.88	1297
111943	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	28.81	1297
111944	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	22.15	1297
111945	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	168.54	1297
111946	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	195.15	1297
111947	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	157.30	1297
111948	05/23/17	N0006	NEW JERSEY AMERICAN WATER CO.	263.76	1297
111949	05/23/17	N0030	NJ STATE ASSN.-CHIEFS/POLICE	909.00	1297
111950	05/23/17	N0053	NJ UNEMPLOYMENT COMP. FUND	23,547.99	1297
111951	05/23/17	N0139	NORTHEAST FLUID POWER CO, INC	11,742.00	1297
111952	05/23/17	N0297	NORTHERN SAFETY CO., INC.	1,468.56	1297
111953	05/23/17	N0395	TREASURER, STATE OF NJ	35.00	1297
111954	05/23/17	N0419	NIXON, PAMELA	115.00	1297
111955	05/23/17	N0441	NEW JERSEY LINE-X	489.00	1297
111956	05/23/17	N0459	NV5, INC.	660.00	1297
111957	05/23/17	O0003	ORIENTAL TRADING COMPANY, INC.	278.83	1297
111958	05/23/17	O0021	OFFICE DEPOT	1,290.48	1297
111959	05/23/17	O0046	ALLEGRA MARKETING, PRINT&MAIL	98.06	1297
111960	05/23/17	O0102	OCLC, INC	187.38	1297
111968	05/23/17	P0214	PAVLOSKY, TRISH	205.00	1298
111969	05/23/17	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1298
111970	05/23/17	P0546	PETER RUBINETTI PRIVATE DISP	1,871.40	1298
111971	05/23/17	P0550	PANGARO, JOSEPH J.	474.30	1298
111972	05/23/17	R0005	RECORDER PUBLISHING CO., INC	50.00	1298
111973	05/23/17	R0006	RECREATION PETTY CASH	100.00	1298
111974	05/23/17	R0010	REIDER ASSOCIATES	410.00	1298
111975	05/23/17	R0019	RECREONICS, INC.	1,948.05	1298
111976	05/23/17	R0023	RICHIES TIRE SERVICE, INC.	3,645.54	1298
111977	05/23/17	R0031	ROCKWOOD CORPORATION	220.00	1298
111978	05/23/17	R0045	RUTGERS - THE STATE UNIVERSITY	235.00	1298
111979	05/23/17	R0050	ROTO-ROOTER	1,150.00	1298
111980	05/23/17	R0281	RECREATION PETTY CASH CHECKING	500.00	1298
111981	05/23/17	S0016	STORR TRACTOR COMPANY	2,235.00	1298
111982	05/23/17	S0056	ROBERT WOOD JOHNSON UNIVERSITY	296.00	1298
111983	05/23/17	S0062	STAR LEDGER	88.35	1298
111984	05/23/17	S0101	STICKEL,KOENIG,SULLIVAN&DRILL	245.00	1298
111985	05/23/17	S0202	SUBURBAN PROPANE	445.43	1298
111986	05/23/17	S0418	NJSOPHE PROGRAMS	110.00	1298
111987	05/23/17	S0443	STAPLES ADVANTAGE	1,593.32	1298
111988	05/23/17	S0526	SPATIAL DATA LOGIC	1,500.00	1298
111989	05/23/17	S0604	SMITH TRACTOR & EQUIPMENT, INC	78.26	1298
111990	05/23/17	S0875	SUNLIGHT GENERAL CAPITAL	219.12	1298
111991	05/23/17	S0896	SAFARILAND	124.99	1298
111992	05/23/17	S0913	SHEDLOCK CAR CARE	1,485.00	1298
111993	05/23/17	S0952	SALSBURY INDUSTRIES	2,177.51	1298
111994	05/23/17	S0967	SINGHVI, SAPNA	240.00	1298
111995	05/23/17	S0968	SAMUEL, SUNDARI	190.00	1298
111996	05/23/17	T0003	ENVIROTEST LABORATORIES, INC.	2,275.00	1298
111997	05/23/17	T0066	CENGAGE LEARNING CREDIT SVCS	173.48	1298
111998	05/23/17	T0074	TREASURER - STATE OF N.J.	350.00	1298
111999	05/23/17	T0101	TRIANGLE COMMUNICATIONS	167.50	1298
112000	05/23/17	T0367	TRITEC COMMUNICATIONS, INC	175.00	1298
112001	05/23/17	T0378	THE GUARDIAN LIFE INS CO OF AM	83.88	1298
112002	05/23/17	T0386	TIMETRAK SYSTEMS INC	1,710.00	1298
112003	05/23/17	T0402	TOWER AS CUST EBURY	2,644.94	1298
112004	05/23/17	U0057	UNCOMMON USA, INC.	219.00	1298
112005	05/23/17	U0090	UNUM LIFE INSURANCE COMPANY	410.59	1298
112006	05/23/17	U0113	UHRIG, ROBERT & TARA	365.00	1298
112007	05/23/17	V0020	VILLAGE OFFICE SUPPLY	536.00	1298
112008	05/23/17	V0037	VILLAGE SUPERMARKET, INC.	75.74	1298
112009	05/23/17	V0056	VERIZON WIRELESS	1,269.82	1298
112010	05/23/17	V0058	VERIZON	432.88	1298
112011	05/23/17	V0059	VERIZON CABS	206.06	1298
112012	05/23/17	V0084	VERIZON	283.30	1298
112013	05/23/17	V0186	FISHER AND SON COMPANY, INC	4,500.00	1298
112014	05/23/17	W0016	WARRENVILLE TRUE VALUE	4.83	1298
112015	05/23/17	W0056	WELDON CONCRETE CO.	513.45	1298
112016	05/23/17	W0074	WELSH'S MOTOR SALES, INC.	1,055.09	1298
112017	05/23/17	W0259	VENTURA, MIESOWITZ, KEOUGH &	7,045.50	1298
112018	05/23/17	W0287	WOYCE, KEVIN	95.00	1298
112019	05/23/17	W0325	WERNER, ALBERT	48.32	1298
112020	05/23/17	W0347	EDWARD WACKS & ASSOCIATES, LLC	486.70	1298
112021	05/23/17	W0349	WILSON, ELIZABETH & STANLEY	365.00	1298
112022	05/23/17	X0003	XEROX CORPORATION	596.64	1298
112023	05/23/17	X0005	XTEL COMMUNICATION	1,746.83	1298
112024	05/23/17	B0029	BERNARDS TWP BD OF EDUCATION	6,884,250.20	1299

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	157	2	7,775,884.87	6,884,250.72
Direct Deposit:	0	0	0.00	0.00
Total:	157	2	7,775,884.87	6,884,250.72

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	157	2	7,775,884.87	6,884,250.72
Direct Deposit:	0	0	0.00	0.00
Total:	157	2	7,775,884.87	6,884,250.72

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total

CURRENT FUND	6-01	4,119.96	0.00	0.00	4,119.96
CURRENT FUND	7-01	7,615,318.55	0.00	0.00	7,615,318.55
DOG FUND	7-12	2,322.47	0.00	0.00	2,322.47
GOLF COURSE UTILITY	7-26	26,241.48	0.00	0.00	26,241.48
	Year Total:	7,643,882.50	0.00	0.00	7,643,882.50
CAPITAL FUND	C-04	31,530.10	0.00	0.00	31,530.10
PUBLIC GRANTS	G-02	3,444.20	0.00	0.00	3,444.20
TRUST FUNDS	T-13	76,993.36	0.00	0.00	76,993.36
PROJECT ESCROW		15,914.75	0.00	0.00	15,914.75
	Total Of All Funds:	7,775,884.87	0.00	0.00	7,775,884.87

[Resolution #2017-0234](#) - 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 Renewal Agreement with Deborah Lavine to Use Space Solely as a Studio for Art Production and Other Permitted Artistic Uses

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 May 6, 2017, the Friends requested approval to permit a lease renewal agreement with Deborah Lavine for use of space solely as for art production and other permitted Artistic Uses; and

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 renewal agreement with Deborah Lavine for a 1 year period of June 1, 2017 to June 1, 2018; 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 #2017-0235](#) - Personnel Appointment, Kalyann Moore – Administrative Assistant II – Public Works Department

WHEREAS, the full time Administrative Assistant position will become vacant due to a retirement; and

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

WHEREAS, Kalyann Moore has applied for and is qualified to fill said position; and

WHEREAS, the Public Works Director, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Kalynn Moore to full time Administrative Assistant.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Kalynn Moore be appointed full time Administrative Assistant with a hire date of Monday, June 5, 2017 at an hourly rate of \$22.11 for a 40 hour work week.

[Resolution #2017-0236](#) - Award of Change Order #1 – Awarding Time Extension and Increase of Professional Services Contract for the Pedestrian Bridge at Lafayette Lane to Kelly-Ann Kimiecik, PE, NJ Lic. No. 24GE03964900 of the firm Keller & Kirkpatrick, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ, 07950-3409 for an additional amount of \$10,500 - For a New Not to Exceed Amount of \$ 88,500

WHEREAS, the Bernards Township Committee adopted Resolution #2016-0288 on June 28, 2016 in the amount of \$78,000 to Keller & Kirkpatrick, Inc., for Professional Structural Engineering Services for the replacement of the Lafayette Bridge and to prepare required DEP permit applications, bid documents, and construction management services; and

WHEREAS, Kelly-Ann Kimiecik, PE, Lic. No. 24GE03964900 of the firm Keller & Kirkpatrick, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ, 07950-3409 has submitted a proposal dated April 25, 2017 outlining tasks beyond those set forth in the original proposal as such work is required to advance the project including HPO application and redesign of the abutments; and

WHEREAS, the Chief Financial Officer has certified funds are available in account name, Pedestrian Bridge Improvements, line account #C-04-55-337-A06 line item appropriation or ordinance.

BE IT RESOLVED, by the Bernards Township Committee that the contract for professional structural engineering services be extended to June 27, 2018; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Bernards Township Committee that the Purchasing Agent is hereby authorized to issue a change order to Kelly-Ann Kimiecik, PE, NJ Lic. No. 24GE03964900 of the firm Keller & Kirkpatrick, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ, 07950-3409 increasing the original contract amount from \$78,000 to a new not-to-exceed amount of \$88,500.

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

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

Kelly-Ann Kimiecik, PE, NJ Lic. No. 24GE03964900

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$88,500.00. Monies are available in the 2016 Capital Budget, Ordinance #2337, Pedestrian Bridge Improvements line account #C-04-55-337-A06.

Date: May 10, 2017

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Chief Financial Officer

[Resolution #2017-0237](#) - Authorization of Renewal of 2017-2018 Liquor Licenses: 3B, LLC; Dello Russo Enterprises, Inc.; NJ National Golf Club, LLC; NMI Beverage, LLC;

WHEREAS, applications have been made to the Township Committee of the Township of Bernards, County of Somerset, for renewals of 2017-2018 Liquor Licenses; and

WHEREAS, the Municipal Clerk reports the applications are complete in all respects, and is in receipt of the necessary fees and tax clearance certificates; and

WHEREAS, there were no objections to the renewal applications either written or in person; and

WHEREAS, the applicants are qualified to be licensed, and the Police Department has reviewed the source of all funds, or any additional financing obtained in the previous license term for use in the licensed business. The Police Department has thoroughly investigated the applicants and has submitted a memorandum of approval.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards approves renewal of the following liquor licenses for the license year 2017-2018:

License No	Owner	Street Location
1802-33-004-006	3B, LLC t/a Vine Restaurant	95 Morristown Road Basking Ridge, NJ 07920
1802-33-007-003	Dello Russo Enterprises, Inc. t/a Café Rustica, Inc.	3188 Valley Road Basking Ridge, NJ 07920
1802-33-011-003	NJ National Golf Club, LLC t/a Red Oak Grille & NJ National Golf Club	579 Allen Road Basking Ridge, NJ 07290
1802-36-008-002	NMI Beverage, LLC t/a Dolce Basking Ridge	300 N. Maple Avenue Basking Ridge, NJ 07920

[Resolution #2017-0238](#) - Approval of Special Event Permit Basking Ridge Church Tri-centennial Parade and Celebration – 06/10/2017

WHEREAS, Bill Emmitt, representing Basking Ridge Presbyterian Church, 1 East Oak Street, Basking Ridge, NJ “the applicant,” has requested a special event permit for the Basking Ridge Church Community Tri-Centennial Parade and Celebration on June 10, 2017 from 1:00 PM to 6:00 PM, with a parade start of 2:00 PM; 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, Risk Manager and Recreation Director have reviewed the application and recommend approval; and

WHEREAS, Somerset County has authorized the temporary closure of Finley Avenue at Ridge High School and Craig Street and at East Oak Street between Finley Avenue and Maple Avenue; and

WHEREAS, the applicant has submitted a staged road re-opening plan to open closed roadways once the parade has passed; and

WHEREAS, the applicant will hire two off-duty police officers to assist with to control traffic.

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

[Resolution #2017-0240](#) - Award of Bid for 2017 Road Improvements to P&A Construction, Inc., P.O. Box 28, Colonia, NJ 07067 - In the Amount of \$1,120,294.50

WHEREAS, the Township of Bernards received bids on Tuesday, May 9, 2017, at 2:00 PM for 2017 Road Improvements:

BIDDERS NAME	TOTAL BID AMOUNT (BASE + ALT B)
--------------	---------------------------------

P&A Construction, Inc.	\$1,120,294.50*
AJM Contractors, Inc.	\$1,249,264.30
Top Line Construction Corp.	\$1,306,880.74
DLS Contracting, Inc.	\$1,379,465.25
Your Way Construction, Inc.	\$1,469,472.80

**represents corrected total based upon unit price given in bid proposal*

WHEREAS, the Township bid the project with two asphalt mix options which were bid identically and the project is being awarded in the total amount of base bid plus Alternate B; and

WHEREAS, it is the combined recommendation of the Township Engineer, Administrator and Purchasing Agent to award the contract to P&A Construction, Inc., P.O. Box 28, Colonia, NJ 07067 in the amount of \$1,120,294.50; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2363 line account # C-04-55-363-A01; and

WHEREAS, this contract has been awarded to P&A Construction, Inc., 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: P&A Construction, Inc., P.O. Box 28, Colonia, NJ 07067 in the amount of \$1,120,294.50.

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 P&A Construction, Inc., ("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 2017 Road 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 ninety (90) 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.

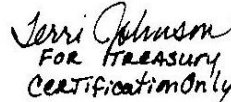
I agree to the terms as stated in this Resolution and by signing this document, as I am committed to follow all terms of this award.

Francisco A. Pinho, III, President

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$ 1,120,294.50. Monies are available in the Capital Ordinance, #2363, line item account # C-04-55-363.A01.

Date: 5/15/2017



Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Chief Financial Officer

[Resolution #2017-0241](#) - Awarding Professional Services Contract for preparation of the Millington Quarry Redevelopment Plan, 135 Stonehouse Road, Block 6001, Lot 6, to David, Banisch, PP, NJ LIC # 33L100556500 of the firm Banisch Associates Inc. in the Not to Exceed Amount of \$20,000.00

WHEREAS, the Township of Bernards requires professional planning services for preparation of the Millington Quarry Redevelopment Plan, 135 Stonehouse Road, Block 6001, Lot 6 ; and

WHEREAS, David Banisch, PP, NJ LIC # 33L100556500 of the firm Banisch Associates Inc. has submitted a proposal dated May 8, 2017 to provide professional planning services for preparation of the Millington Quarry Redevelopment Plan 135 Stonehouse Road, Block 6001, Lot 6; and

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

WHEREAS, this contract is awarded without public advertisement as defined in N.J.S.A. 19:44A-20-7 and pursuant to the provisions of N.J.S.A. 19:44A-20-4; and

WHEREAS, the Chief Financial Officer has certified funds are available in the Township Committee Other Expenses line item appropriation, account #7-01-20-110-204; and

WHEREAS, the property's contract purchaser, Shopoff Developers shall provide escrow funds to be held in trust by Bernards Township, against which charges billed by Banisch and Associates related to a redevelopment plan will be charged and reimbursed to the Current Account budget line item 7-01-20-110-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to David Banisch, PP, NJ LIC # 33L100556500 of the firm Banisch Associates Inc:

1. The contract will encompass services as outlined in the submitted proposal dated May 8, 2017.
2. The contract term is from May 23, 2017 through May, 22, 2018 for professional services not to exceed an amount of \$20,000.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.

7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Bruce McArthur, Township Administrator, and/or Township Planner David Schley who will be the chief contacts for the Township of Bernards on this project.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that notice of this contract award be published in the official Township newspaper and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

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

David Banisch, PP, NJ LIC # 33L100556500

CHIEF FINANCIAL OFFICER 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 \$20,000.00. Monies are available in the 2017 Current Fund, Township Committee Other Expenses, account #7-01-20-110-204. Valid charges from Banisch and Associates to this appropriation line will be reimbursed from the escrow account established by Shopoff Developers.

Date: May 15, 2017

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Chief Financial Officer

End Consent Agenda

Approval of Minutes:

05/09/2017 & 05/10/2017 Open Sessions

Russo abstained from 5/09/2017 minutes. By unanimous consent, the minutes were approved for content and release.

05/09/2017 & 05/10/2017 Executive Session

Russo abstained from 5/09/2017 minutes. By unanimous consent, the minutes were approved for content only.

Ordinance #2368 - Accepting a Wetlands Conservation Easement on Property Located at 49 Woodstone Road, Block 2903, Lot 8, from Susan Stocker Ward to the Township of Bernards – Introduction –

The acting clerk read the ordinance by title.

Motion by Bianchi, second by Russo, that Ordinance #2368 be introduced on first reading, advertised as required by law, and schedule for a public hearing on 06/13/2017.

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 Susan Stocker Ward, 49 Woodstone Road, Basking Ridge, NJ, 07920, a Wetlands Conservation Easement on Block 2903, Lot 8, 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.

RESOLUTION #2017-0246 - *Approval of Settlement Agreement The Islamic Society of Basking Ridge et al. v. Township of Bernards, et al. Case No. 16 iv. 1369 (MAS) (LHG) "the Action"*
Motion by Bianchi, second by Russo, that Resolution #2017-0246 be approved.

Roll Call:

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

WHEREAS, the Action is presently pending; and

WHEREAS, the Township Committee has decided to settle the Action in accordance with the terms of the Settlement Agreement to be on file with the office of the Township Clerk once fully executed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Clerk are authorized to execute and sign the Settlement Agreement.

RESOLUTION #2017-0247 - *Approval of Settlement Agreement United States v. Township of Bernards and Bernards Township Planning Board, New Jersey, (D.N.J.), 16-CV-08700 (MAS) "the Action"*
Motion by Bianchi, second by Russo, that Resolution #2017-0247 be approved.

Roll Call:

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

WHEREAS, the Action is presently pending; and

WHEREAS, the Township Committee has decided to settle the Action in accordance with the terms of the Settlement Agreement to be on file with the office of the Township Clerk once fully executed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Clerk are authorized to execute and sign the Settlement Agreement.

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

Not required.

ADJOURNMENT

The meeting resumed in open session at 9:31 PM and by unanimous consent immediately adjourned.

Respectfully submitted,

Cynthia Keifer/Acting Municipal Clerk

Carolyn Gaziano
Mayor