

**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE
MINUTES
JANUARY 2, 2018 – REORGANIZATION MEETING**
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CALL TO ORDER

The clerk called the meeting to order at 7 PM. Those assembled saluted the flag and the clerk read the Open Public Meetings Statement in accordance with the law.

OATH OF OFFICE – JOHN CARPENTER and JAMES BALDASSARE, JR.

The clerk administered the Oath of Office to Messrs. Carpenter and Baldassare.

ROLL CALL

Present: Baldassare, Bianchi, Carpenter, Gaziano, Malay
Absent:
Also Present: Administrator McArthur, Attorney Belardo, Engineer Timko, Municipal Clerk/Assistant Administrator Szabo

2017 MAYOR'S REPORT

Gaziano gave her report:

2017 was a very busy year in Bernards Township with many accomplishments. One of my new initiatives as Mayor was to showcase the diversity of the people, places and things of Bernards Township by posting one photo each day on our Township Facebook page. On the screen you will see a selection of some of my favorite of these photos from 2017. A side benefit of this project has been that it has steadily increased our communications with the public, our Facebook page followers increased from 1200 up to 1740.

In 2017 Bernards Township continued the conservative fiscal policies of controlled spending, pay as you go, avoidance of debt, and maintaining low municipal taxes. We paid off all remaining open space debt in December, making Bernards Township now entirely debt-free. Over the life of the open space tax Bernards Township has purchased and preserved 770 acres of land. Overall 20% of Bernards Township Land Mass, 3211 acres, is protected open space.

In 2017 Bernards Township continued to provide the highest levels of service while keeping municipal taxes as low as possible, with an increase in the tax rate of only .006 from 2016 to 2017; and of only .023 from 2005 to 2017. Bernards has the second lowest equalized municipal tax rate in the state of NJ of towns with populations of 7,500 or more. Construction activity is up, office vacancies are at a low 2%, and major corporations are moving employees into Bernards. The 2017 budget contained reductions in salaries and wages, health benefit premiums, and utility costs.

The Township paved 14 roads and continued maintenance and repairs on roads, sidewalks, and guardrails. We installed traffic calming measures on Spring Valley/Acken Roads and a traffic study of the intersection of Mine Brook and Canterbury Roads is underway. The Township is partnering with Somerset County on 2018 pedestrian safety initiatives on Allen Road. We made improvements to park facilities, playgrounds, the Liberty Corner tennis courts, the platform tennis courts, and began work on replacing pedestrian bridges.

The Township contributed \$750,000 from the affordable housing trust fund to Valley Brook for Veteran's Housing.

The Township purchased an ambulance for the Basking Ridge First Aid Squad and a rescue truck for the Liberty Corner Fire Company.

Bernards Township enjoys statewide recognition as a leading municipality in the Sustainable New Jersey program, attaining silver certification. We have large scale solar panel array projects on the Township's former landfill, and at the township sewerage treatment plant, which bring in revenue and produce approximately 1,150,000 kWh in excess of our total electrical usage (Twp, Street lights, BT Sewerage Authority). Our carbon footprint (electricity, natural gas, vehicle fuel) has been reduced to near zero for Bernards Township sewer and municipal operations.

In 2016 the Islamic Society of Basking Ridge (ISBR) and former Bernards Township Mayor Mohammed Ali Chaudry filed suit against the Bernards Township Planning Board and Bernards Township for religious discrimination by the planning board for its denial of a mosque in 2015. On December 31, 2016 United States District Judge Michael A. Shipp ruled that the Planning Board discriminated against the ISBR by using a different standard for determining the number of parking spaces required than the standard used for churches. In 2017 Bernards Township and the Bernards Township Planning Board

reached a settlement with ISBR with the cost to taxpayers limited to the small insurance deductible. The settlement allowed the Town to avoid the tremendous time and cost of continued litigation and the risk of a potentially huge financial jury award. We also settled a lawsuit with the United States Department of Justice keeping all of the stronger provisions of our ordinance while making only one change to satisfy the DOJ.

This year I attended and participated over 180 events including township, school and community events. Some of the highlights were:

- Presenting at the court of honor for 13 Eagle Scouts.
- Officiating 10 wedding ceremonies.
- Speaking at the school events such as the JSA Leadership Summit at Ridge High School, Participating in a panel for the US Government and Economics classes at Ridge, Attending presentations by the Ridge AP Environmental Studies Classes, and having lunch meetings with the William Annin 6th, 7th, and 8th grade student council members
- Participating in township events such as Charter Day, The Memorial Day parade, Plays in the Park, Pumpkins in the Park, and the Veterans Day Field of Honor.
- Attending groundbreaking/ribbon cutting ceremonies at Daiichi Sankyo, Bonnie Brae, and Fellowship Village.
- Celebrating Holi and Diwali with the Basking Ridge Indian Community.
- Attending dinners for Veterans with venison provided by the Bernards Township Deer Management Committee.
- Attending the opening reception for the U.S. Women's Open Golf Tournament at the USGA Headquarters.
- Attending the Mental Health Resources Fair, Scared Straight by Michael DeLeon, the Twilight Challenge, the Stigma Art Show, and Knock Out Opioids Day.
- Attending arts events and concerts at the Ross Farm and the Farmstead Arts Center.
- Marching in the Basking Ridge Presbyterian Church 300th Anniversary Parade.

This year one of my projects as Mayor was to showcase the diversity of the people of Bernards Township through a Speakers Series on Diversity, Inclusion, Immigration and Culture. Each of the five speakers; Leona Kral - Czechoslovakia, Arthur Yu - China, Nasrine Shadpoor - Iran, Rugh Klippel - Norway, Oahn Ngo Usadi - Vietnam, told their riveting stories of escape, immigration and assimilation into American culture.

In 2017 the Township Committee continued to work on the quarry redevelopment project started in 2015 by the quarry advisory council for the 180 acre quarry property. The goals and objectives for the quarry redevelopment plan include that it should:

- Result in permanent cessation of quarry operations.
- Include a usable future lake with public access; require a future lake management structure and design that minimizes Bernards Township's liability and maintenance obligations.
- Incorporate water-based recreation with safe public access to the lake.
- Yield positive fiscal impacts for Bernards Township. It should establish privately built and managed amenities that allow public use, and allow for a variety of uses that will result in a positive fiscal impact on the Township's tax base.
- Establish walkable connectivity with pedestrian links to surrounding neighborhoods.
- Be consistent with Bernards Township's Green Building and Environmental Sustainability Plan Element of the Master Plan.
- Incorporate sustainable and innovative environmentally friendly design into all aspects of development.
- Enhance habitat for native plants and wildlife.
- Improve the quality of life for Bernards Township's residents.

It is my hope that as we continue to work on this in 2018 we can develop a plan that meets these objectives and satisfies the community.

Finally, Basking Ridge's 600 year old Great White Oak Tree died in 2016 and was removed on April 24, 2017. It is said that George Washington and the Marquis de Lafayette picnicked underneath the iconic tree, the oldest known White Oak Tree in America. The story of the tree was documented by local film producer, Michael Reynolds, CBS news, the New York Times, NJ.com and others. The large pieces of wood from the tree will be made into a communion table for the Presbyterian Church, a conference table for the Township, and a cross section of the trunk will be preserved for education and to serve as a memorial to the tree's history. Since being cut down the tree's rings have been counted and it was determined that the tree

began life in the year 1398 and was 619 years old. A lead musket ball was also discovered embedded in the tree, presumably from the revolutionary war period.

The tree will live on, however, thanks to Professor Tom Ombrello of Union County College, who grew saplings from acorns collected from the great white oak. One of those saplings, now 16 years old and 25 feet tall, was donated to the Presbyterian church and planted on the north side where it will have room to grow.

I would like to thank our Township Staff for their tireless efforts this year, in particular, Bruce McArthur, Denise Szabo, Terri Johnson, Tom Timko, Dave Schley, Pat Monaco and Township Attorney John Belardo. It has been my honor and pleasure to serve as Mayor. I wish everyone a happy and healthy New Year.

Thank you.

NOMINATIONS FOR 2018 MAYOR

The clerk opened nominations for mayor.

Malay nominated Carpenter. There were no further nominations and the clerk closed nominations and cast the unanimous ballot for John Carpenter as 2018 Mayor.

OATH OF OFFICE – MAYOR

The clerk administered the Oath of Office to Mayor Carpenter.

NOMINATIONS FOR 2018 DEPUTY MAYOR

The mayor opened nominations for deputy mayor.

Gaziano nominated Malay. There were no further nominations and the mayor closed nominations. The clerk cast the unanimous ballot for John Malay as 2018 Deputy Mayor.

MAYOR'S ADDRESS

The mayor addressed the public:

Bernards Township is in great shape!

It is one of the safest and most beautiful places to live in the United States of America. The quality of life here is outstanding...

- 1. Our parks are tremendous.*
- 2. We have plentiful open space.*
- 3. Our roads are solid.*
- 4. Our police department is extraordinary.*
- 5. Our reserves are high.*
- 6. Municipal taxes are low.*

None of this is due to chance.

This Township Committee has built upon the vision of our predecessors from the 90's. Those leaders of more than 20 years ago decided to reject debt as part of Standard Operation Procedure for Bernards Township. They chose instead a Pay As You Go philosophy. Ever since, your Township Committee has embraced with fervor, the principle of Pay As You Go; and just this past fall, Bernards Township reaped the reward of that quartercentury-old decision and the commitment that followed.

I am delighted to tell you that Bernards Township is now 100% debt free! Now every tax dollar goes towards maintaining and improving our quality of life and safety here in Bernards; instead of into a bondholder's pocket.

We have some important matters to address in 2018.

Affordable Housing

The first is affordable housing. Bernards is not alone. Hundreds of other municipalities are seeking their own path through this maze. Our future affordable housing obligation is currently unknown.

Whatever the final result, I'm certain that Bernards will be home to more residents in the future. Our challenge will be to accommodate this Supreme-Court-mandated and unavoidable growth as seamlessly as possible.

Redevelopment

I know by now many of you are asking yourselves : "What about Redevelopment at the Millington Quarry?"

It is my intent to put before the committee, the question of whether we should continue to work towards redevelopment of the Millington Quarry site or not.

There will be ample notice and opportunity for comment when that happens.

Finally

I was chatting with my daughter Sarah recently about some technology (perhaps it was instantaneous Amazon Prime delivery) when she joked that it is an incredible time to be alive.

But the fact is that, in the history of mankind, there has been no better time to be alive; and I can imagine no better place to live than in Bernards Township.

We've built an incredible place here in Bernards, ...together. We've faced and met our share of challenges as well ...together.

I know that the future for Bernards is bright; and that there's nothing we can't accomplish... together!

Thank you very much.

MAYOR'S APPOINTEES

The mayor made the following appointments:

Police Subcommittee

Bruce McArthur, Administrator
John Carpenter, TC Voting Member
1 yr. terms expiring 12/31/18

Mayor's Recommendation to the Somerset County Community Development Committee

Bruce McArthur, 1 yr. term expiring 12/31/18

Environmental Commission

Michael Kelly, RM, 3 yr. term expiring 12/31/20
Andrew McNally, RM, filling unexpired 3 yr. term of Coppola, expiring 12/31/19
Nick Xu, RM, filling unexpired 3 yr. term of Pozner, expiring 12/31/18
Carol Bianchi, TC Liaison 1 yr. term expiring 12/31/18

Library Board

Mary Jane McNally, RM, 1 yr. term expiring 12/31/18
Scott Ross – 5 yr. term expiring 12/31/22
John Carpenter, RM, continuing 5 yr. term expiring 12/31/19

Local Emergency Planning and Flood Mitigation Committee

Michael Shimsky, OEM Coordinator, continuing in 3 yr. term expiring 12/31/18
Chris Hurst, Deputy OEM Coordinator

Dennis Bettler, Construction Official
Andrew Buterbaugh, Fire Official
Ron DePasquale, LCFC Representative
Lucy Forgione, Health Officer
Christopher Kyriacou, IT Director
Leslie Ludlow, LCFA Representative
Bruce McArthur, Administrator
Jane McArthur, BRFC Representative
Jack McGrath, BRFC Representative
John Neiman, BOE Representative
Thomas Timko, Engineer
John Carpenter, TC Voting Member
1 yr. terms expiring 12/31/18

Planning Board

John Coelho, RM, Class II, 1 yr. term expiring 12/31/18
John Crane, RM, Class IV, filling the unexpired 4 yr. term of Plaza, expiring 12/31/20
Kathleen Piedici, RM, Class IV, 4 yr. term expiring 12/31/21
Scott Ross, RM, Class IV, 4 yr. term expiring, 12/31/21
John Surano, RM, Class IV, filling the unexpired 4 yr. term of Axt, Expiring 12/31/18
Michael Zaidel, RM, Class IV, filling the unexpired 4 yr. term of Kleinert expiring 12/31/20
Jennifer Asay, A1, Class IV, 2 yr. term expiring 12/31/19
John Malay, RM, Mayor's Designee Class I, 1 yr. term expiring 12/31/18

Shade Tree Commission

Cindy Aiken, 5 yr. term, expiring 12/31/22
James Ferratti, DPW Advisor, 1 yr. expiring 12/31/18
Linda Sims, RM, 5 yr. term expiring 12/31/22
Derek Asay, A1, 5 yr. term expiring 12/31/22
John Malay, TC Liaison, 1 yr. term expiring 12/31/18

Recommendation to the Somerset County Solid Waste Advisory

Carolyn Gaziano, Mayor's Designee
1 yr. terms expiring 12/31/18

Zoning Board

Heather Bellows, RM, 4 yr. term expiring 12/31/21
Barbara Kleinert, A1, filling the unexpired 2 yr. term of Surano expiring 12/31/18
Zina Pozner, A2, filling the unexpired 2 yr. term of Bellows, expiring 12/31/18
James Baldassare, Jr., TC Liaison, 1 yr. term expiring 12/31/18

MAYOR'S APPOINTEES SUBJECT TO TOWNSHIP COMMITTEE CONFIRMATION

The mayor made the following appointments and asked for a motion to confirm.

Motion by Malay, second by Gaziano, to confirm the following appointments:

Roll Call:

Aye: Baldassare, Bianchi, Malay, Gaziano, Carpenter
Nay:
Abstain:

Motion carried.

Board of Health

Nick Xu, RM, 3 yr. term expiring 12/31/20

James Baldassare, Jr., RM, 3 yr. term expiring 12/31/20

Insurance Fund Committee

James Baldassare, Jr., RM, 2 yr. term expiring 12/31/19

John Carpenter, RM, 2 yr. term expiring 12/31/19

John Malay, RM, 1 yr. term expiring 12/31/18

CONSENT AGENDA

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study and a copy placed on the township website. They 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 consent agenda by township committee action and placed on the regular agenda under new business.

Motion by Malay, second by Baldassare, that the Consent Agenda be approved.

Roll Call:

Aye: Baldassare, Bianchi, Malay, Gaziano, Carpenter

Nay:

Abstain:

Motion carried.

Begin Consent Agenda

Resolution #2018-0015 – Appointment of 2018 Human Resources and Finance Sub-Committee

WHEREAS, the Township Committee deems it necessary to review and amend current Township policies, procedures and practices relating to human resources issues as well as the financial matters of the Township; and

WHEREAS, the Township Committee created the Human Resources and Finance Sub-Committee to review and make recommendations regarding Township Human Resources and Finance policies, procedures and practices; and

WHEREAS, said works with the Human Resources Officer, Chief Financial Officer and Township Administrator in their review of policies, procedures, practices and issues as deemed necessary.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, as follows:

1. The Human Resources and Finance Sub-Committee shall include the following members:
 - Two Members of the Township Committee
 - Township Administrator
 - Human Resources Officer
 - Chief Financial Officer

2. The Human Resources and Finance Sub-Committee shall bring all recommendations to the Township Committee for review and approval as deemed appropriate.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that John Carpenter and Carolyn Gaziano be and are hereby appointed as the Township Committee representatives to the 2018 Human Resources and Finance Sub-Committee.

Resolution #2018-0079 – Appointment of DPW & Engineering Subcommittee

WHEREAS, the Township Committee deems it necessary to review policies and projects relating to Township Engineering and Public Works; and

WHEREAS, the Township Committee hereby authorizes the creation of an Engineering and Public Works Sub-Committee to review and make recommendations regarding Township Engineering and Public Works Policies and Projects; and

WHEREAS, said sub-committee shall work with the Township Engineer, Director of Public Works and Township Administrator in their review of Engineering and Public Works issues, policies and projects as deemed necessary.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards as follows:

1. Engineering and Public Works Sub-Committee shall include the following members:
 - Two Members of the Township Committee
 - Township Administrator
 - Township Engineer
 - Director of Public Works
2. Engineering and Public Works Sub-Committee shall bring all recommendations to the Township Committee for review and approval as deemed appropriate.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that John Malay and Carolyn Gaziano be and are hereby appointed as the Township Committee representatives to the 2018 Engineering and Public Works Sub-Committee.

Township Committee Liaisons

Basking Ridge Fire Co. No. 1 & Rescue Squad – John Carpenter

Liberty Corner Fire Co. – John Malay

Liberty Corner First Aid – John Malay

Board of Education – James Baldassare, Jr.

Friends of the Kennedy-Martin-Stelle Farmstead – Carolyn Gaziano

1 yr. terms expiring 12/31/18

Resolution #2018-0056 - Professional Services Contract for 2018, Special Counsel Tax Appeals Awarded to Martin Allen, Esq., of the firm DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C. in the Not to Exceed Amount of \$36,000.00

WHEREAS, the Township of Bernards requires services for Special Counsel Tax Appeals; and

WHEREAS, Martin Allen, Esq., of the firm DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C., has submitted a proposal dated October 27, 2017 outlining services to the Township; 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 was 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 that funds will be made available in the 2018 Budget in Legal Other Expenses line account # 8-01-20-155-20C.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Martin Allen, Esq., of the firm of DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C., as follows:

1. The contract will encompass services as outlined in the submitted proposal dated October 27, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at the hourly rate of \$180.00 at a not to exceed amount of \$ 36,000.00.
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 deliver.
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 Dave Centrelli, Tax Assessor who will be the chief contact 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 a copy of the resolution be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

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

Martin Allen, Esq.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds will be made available for the above referenced purchase in the amount not to exceed \$36,000.00. Monies are available in the 2018 Budget in: Legal Other Expenses #8-01-20-155-20C.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson
Chief Financial Officer

Date: 12/26/2017

Resolution #2018-0036 - Awarding a Professional Services Contract for Performing Air Monitoring at the Pill Hill Landfill to Richard A. Moralle, P.E., P.L.S., P.P., C.M.E., NJ License # 25863 Senior Vice President of the firm T & M Associates in the Not to Exceed Amount of \$9,650.00

WHEREAS, the Township of Bernards requires services for professional air monitoring; and

WHEREAS, Richard A. Moralle, P.E., P.L.S., P.P., C.M.E., NJ Lic #25863 Senior Vice President of the firm T & M Associates, 11 Tindall Road, Middletown, NJ 07748 has submitted a proposal dated October 25, 2017 outlining professional air monitoring services to the Township; 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 professional services contract is not subject to the requirements of N.J.S.A 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified funds are available in the Solid Waste Collection O.E. account # 8-01-26-305-204 line item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Richard A. Moralle, P.E., P.L.S., P.P., C.M.E., NJ Lic #25863 Senior Vice President of the firm T & M Associates, 11 Tindall Road, Middletown, NJ, 07748, as follows:

1. The contract will encompass services as outlined in the submitted proposal dated October 25, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 for professional air monitoring not to exceed an amount of \$9,650.00.
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 Michael C. Mulligan, Project Coordinator, who will be the chief contact 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 a copy of the resolution 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.

Richard A. Moralle, P.E., P.L.S., P.P., C.M.E., NJ License #25863 Senior Vice President

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards, hereby certify that adequate funds will be made available in the 2018 Budget for the above referenced purchase in the not to exceed amount of \$9,650.00. Monies will be made available in the Solid Waste Collection O/E account: 8-01-26-305-204.

Date: 12/5/17

*Terri Johnson
FOR TREASURY
CERTIFICATION ONLY*

Terri Johnson, Chief Financial Officer

Resolution #2018-0039 - Awarding Professional Services Contract for 2018 Professional Surveying Services to William DiBartolo Jr., PLS, Lic. No. 24GS04331200, of the firm Mott MacDonald LLC., 412 Mount Kemble Avenue, Morristown, NJ 07960 In the Not to Exceed Amount of \$30,000.00 and Escrow and Capital Construction charges as Required in the Amount of \$20,000.00 For a Not to Exceed Amount of \$50,000.00

WHEREAS, the Township of Bernards requires services for professional surveying services; and

WHEREAS, William DiBartolo Jr., PLS, Lic. No. 24GS04331200 of the firm Mott MacDonald LLC., 412 Mount Kemble Avenue, Morristown, NJ 07960 has submitted a proposal dated November 20, 2017 outlining professional surveying services to the Township; 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 accounts: Engineering Fees & Compensation line account #8-01-20-165-204 and Inspection Fee Escrow line accounts #T-13-56-051-IFP or #T-13-56-050-IFO line item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to William DiBartolo Jr., PLS, Lic. No. 24GS04331200 of the firm Mott MacDonald, 412 Mount Kemble Avenue, Morristown, NJ 07960 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 20, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 for professional surveying services at an hourly rate of \$ 130.00 with a not to exceed an amount of \$30,000 and escrow and capital construction charges as required in the amount of \$20,000 for a total not to exceed of \$ 50,000.00
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 Thomas Timko, PE, CME, Township Engineer, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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 the 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.

Clifford S. Wilkinson, EVP, PE., NJ License # 26317

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount of \$30,000 in line account: Engineering Fees/Compensation #8-01-20-165-204 and \$20,000 in escrow accounts #T-13-56-051-IFP or #T-13-56-050-IFO for plan review and construction surveying. The total not to exceed amount for all accounts combined is \$50,000.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 12/5/2017

Terri Johnson, Chief Financial Officer

[Resolution #2018-0069](#) - Professional Services Contract for 2018, Municipal Attorney Awarded to John P. Belardo, Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP., in the Not to Exceed Amount of \$150,000.00 (Excluding Other Specified Legal Services, Matters of Litigation and Unanticipated Reimbursable Disbursements as Required)

WHEREAS, the Township of Bernards requires services for Township Attorney; 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 that funds will be made available in the 2018 Current Fund Budget – Legal Fees and Compensation, line account # 8-01-20-155-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to John P. Belardo Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP., as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 3, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at the hourly rate of \$ 200.00, not to exceed amount of \$150,000.00, excluding other specified legal services, matters of litigation and unanticipated reimbursable disbursements as required.
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 Mc Arthur, Township Administrator, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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 the resolution 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.

John P. Belardo, Esq.

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds will be made available for the above referenced purchase in the amount not to exceed \$150,000.00. Monies will be made available in the 2018 Current Fund Budget – Legal Fees and Compensation 8-01-20-155-204.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 12/28/2017

Terri Johnson, Chief Financial Officer

Resolution #2018-0080 – Professional Services Contract for Special Counsel Jonathan E. Drill, Esq. of the firm Stickel, Koenig, Sullivan & Drill, in the Not to Exceed Amount of \$ 5,000.00

WHEREAS, pursuant to N.J.S.A. 40a:9-139, in every municipality the governing body, by ordinance, shall provide for the appointment of a municipal attorney who may be designated as the corporation counsel or municipal attorney and unless otherwise provided by law the term of office of the municipal attorney shall be 1 year; and

WHEREAS, John P. Belardo of the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, was appointed Municipal Attorney for the Township of Bernards for a one year term from January 1, 2018 to December 31, 2018; and

WHEREAS, a Special Counsel may be appointed by the governing body in the event the municipal attorney is unable to represent the municipality; 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 professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2018 Current Fund Budget – Legal Fees and Compensation, line account # 8-01-20-155-204.

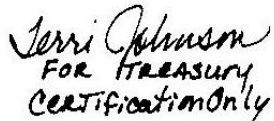
NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Jonathan E. Drill, Esq. of the firm Stickel, Koenig, Sullivan & Drill, LLC., as follows:

1. The contract term is from January 1, 2018 through December 31, 2018 at the hourly rate of \$180.00, at a not to exceed amount of \$5,000.00.
2. Billings must be rendered by the contractor within 30 days of service delivery.
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. 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 deliver.
5. 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.
6. 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.

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 the resolution 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 following all terms of this award.

Jonathan E. Drill, Esq.

CHIEF FINANCIAL OFFICER CERTIFICATION	
I, Terri Johnson, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$ 5,000.00. Monies will be made available in the 2018 Current Fund Budget – Legal Fees 8-01-20-155-204.	
Date: 12/12/17	 FOR TREASURY CERTIFICATION ONLY
	Terri Johnson Chief Financial Officer

[Resolution #2018-0052](#) - Professional Services Contract for 2018 Municipal Prosecutor Awarded to Stephen O. Davis, Esq., of the firm DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum P.C. in the Not to Exceed Amount of \$41,066.73

WHEREAS, the Township of Bernards requires services for Municipal Prosecutor; 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 that funds will be made available in the 2018 Budget for the same; line appropriation Prosecutor Operating Expenses #8-01-25-275-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Stephen O. Davis, Esq., of the firm, DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C. as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 14, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at a not to exceed amount of \$ 41,066.73.
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 Mc Arthur, Township Administrator, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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 the 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.

Stephen O. Davis, Esq.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds will be available for the above referenced purchase in the amount not to exceed \$ 41,066.73. Monies are requested in the 2018 Budget in Municipal Prosecutor OE line account #8-01-25-275-204.

Date: 12/26/2017

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Chief Financial Officer

Resolution #2018-0048 - Appointment of Alternate Prosecutors; Alternate #1, Brian Glicos, Esq., Alternate #2, Richard J. Guss, Esq., Alternate #3, William J. Willard, Esq.

WHEREAS, pursuant to N.J.S.A. 2B:25-4a, every municipal court must have at least one Municipal Prosecutor, approved and appointed by the governing body; and

WHEREAS, alternate Municipal Prosecutors should be appointed by the governing body in the event the primary prosecutor is unable to appear; and

WHEREAS, on January 2, 2018 Stephen O. Davis, Member of the Law Firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, PC., was appointed Municipal Prosecutor for the Township of Bernards for a one year term to expire December 31, 2018.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following alternate prosecutors are hereby appointed to serve in the absence of Stephen O. Davis for one year term to expire December 31, 2018.

Alternate #1: Brian Glicos, Esq.
DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.
15 Mountain Boulevard, Warren, NJ 07059-5686

Alternate #2: Richard J. Guss, Esq.
DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.
15 Mountain Boulevard, Warren, NJ 07059-5686

Alternate #3: William J. Willard, Esq.
DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.
15 Mountain Boulevard, Warren, NJ 07059-5686

Resolution #2018-0054 - Awarding Professional Services Contract for 2018 Site Inspection Services to Thomas J. Quinn, PE, CME, NJ Lic. #24GE04107200 of the firm EKA Associates, P.A., 328 Park Avenue, PO Box 208, Scotch Plains, NJ 07076 In the Not to Exceed Amount of \$15,000.00

WHEREAS, the Township of Bernards requires services for Professional Site Inspection Services; and

WHEREAS, Thomas J. Quinn, PE, CME, NJ Lic #24GE04107200 of EKA Associates, P.A., has submitted a proposal dated November 20, 2017 outlining services to the township; 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 professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, et seq and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified funds are available in the Bernards Township Trust Fund Inspection Fees-Escrow, accounts #T-13-56-051-IFP and #T-13-56-050-IFO line item appropriations or ordinances.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Thomas J. Quinn, PE, CME, NJ Lic

#24GE04107200 of the firm EKA Associates, P.A., 328 Park Avenue, PO Box 208, Scotch Plains, NJ 07076 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 22, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 for professional site inspection services at an hourly rate of \$75.00 at a not to exceed amount of \$15,000.00
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. Any modifications 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 Thomas Timko, PE, Township Engineer who will be the chief contact 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 a copy of the resolution 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 by signing this document, I am committed to follow all terms of this award.

Thomas J. Quinn, PE, CME, NJ Lic #24GE04107200

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 amount not to exceed \$15,000. Monies are collected from the developers and held in escrow accounts; Trust, Inspection Fees: T-13-56-051 IFP and T-13-56-050-IFO.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson
Chief Financial Officer

Date: 12/5/17

Resolution #2018-0058 - Professional Services Contract for 2018, Labor Counsel Awarded to Richard Flaum, Esq., of the firm of DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C. in the Not to Exceed Amount of \$25,000.00 (Excluding Matters of Litigation and Unanticipated Reimbursable Disbursements as Required)

WHEREAS, the Township of Bernards requires services for Labor Counsel; and

WHEREAS, Richard Flaum, Esq., of the firm DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C., has submitted a proposal dated November 15, 2017 outlining services to the Township; 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 was 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 that funds will be made available in the 2018 Budget in Legal, Other Expenses line account # 8-01-20-155-20B.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Richard Flaum Esq., of the firm of DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C., as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 15, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at the hourly rate of \$180.00, at a not to exceed amount of \$25,000.00.
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 deliver.
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 Terri Johnson, Human Resources Officer who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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 the resolution be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

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

Richard Flaum Esq.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds will be made available for the above referenced purchase in the amount not to exceed \$25,000.00. Monies are available in the 2018 Budget in: Legal Other Expenses 8-01-20-155-20B.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 12/26/2017

Terri Johnson
Chief Financial Officer

Resolution #2018-0050 - Professional Services Contract for 2018 Municipal Auditor Awarded to William F. Schroeder of the firm Nisivoccia LLP, Municipal Auditor, in the Not to Exceed Amount of \$20,810.00

WHEREAS, the Township of Bernards requires services for Municipal Auditor 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, William F. Schroeder of the firm Nisivoccia LLP, has submitted a proposal dated November 10, 2017 outlining services to the township; 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 was 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 that funds will be made available in the 2018 Budget line account: Pool OE, 8-01-28-376-204 (\$ 441.00), Golf Utility OE, 8-26-28-799-204 (\$1,041.00), Construction OE, 8-01-22-195-204 (\$ 662.00), Library OE, 8-01-29-390-404 (\$2,081.00), Annual Audit, 8-01-20-135-204 (\$ 16,585.00).

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to William F. Schroeder of the firm Nisivoccia LLP as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 10, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at a not to exceed amount of \$ 20,810.00.
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 Terri Johnson, Chief Financial Officer who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.


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

William F. Schroeder

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds will be made available for the above referenced purchase in the amount not to exceed \$ 20,810.00. Monies are requested in the 2018 Budget in: Pool OE, 8-01-28-376-204 (\$ 441.00), Golf Utility OE, 8-26-28-799-204 (\$1,041.00), Construction OE, 8-01-22-195-204 (\$ 662.00), Library OE, 8-01-29-390-404 (\$ 2,081.00), Annual Audit, 8-01-20-135-204 (\$ 16,585.00).



FOR TREASURY
CERTIFICATION ONLY

Date: 11/20/17

Terri Johnson, Chief Financial Officer

Resolution #2018-0053 - Professional Services Contract 2018 Public Defender Awarded to Scott C. Mitzner, Esq., of the Firm of Mitzner & Mitzner, P.A., in the Not to Exceed Amount of \$13,770.00

WHEREAS, the Township of Bernards requires services for Public Defender; and

WHEREAS, Scott C. Mitzner of the firm Mitzner & Mitzner has submitted a letter dated October 27, 2017 outlining his desire to serve as Public Defender; 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 professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2018 Budget, Public Defender OE #8-01-43-495-204 and the Public Defender Trust #T-13-56-050-PBD

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contact for Municipal Attorney be awarded to Scott C. Mitzner, Esq., Public Defender of the firm, Mitzner & Mitzner, P.A. as follows:

1. The contract will encompass services as outlined in the submitted proposal dated October 27, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at a not to exceed amount of \$ 13,770.00.
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 deliver.
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.

NOW THEREFORE BE IT FURTHER RESOLVED, that notice of this contract award be published in the official Township newspaper and a copy of the resolution be on file and available for public inspection in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

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

Scott C. Mitzner Esq.

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 amount not to exceed \$13,770.00. Monies are requested in the 2018 Budget in: Public Defender OE #8-01-43-495-204 and the Public Defender Trust #T-13-56-050-PBD.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 12/26/2017

Terri Johnson
Chief Financial Officer

[Resolution #2018-0063](#) -Professional Services Contract 2018 Alternate Public Defender Awarded to Anthony M. Rotunno, Esq., of the firm Kuchinsky & Rotunno, P.C., 5 East Main Street, Flemington, NJ 08822 - In the Not to Exceed Amount of \$2,500.00

WHEREAS, the Township of Bernards requires services of an Alternate Public Defender; and

WHEREAS, the Bernards Township Committee authorizes the following professional service contract from January 1, 2018 through December 31, 2018; and

WHEREAS, Anthony M. Rotunno, Esq., of the firm Kuchinsky & Rotunno, P.C., has submitted a resume of his credentials to the Township Committee; 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 professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2018 Public Defender O.E. Budget line account #8-01-43-495-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contact be awarded to Anthony M. Rotunno, Esq., of the firm Kuchinsky & Rotunno, P.C as follows:

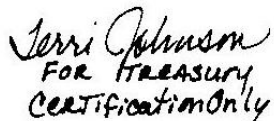
1. The contract term is from January 1, 2018 through December 31, 2018 at an hourly rate of \$165.00 in the not to exceed amount of \$ 2,500.00.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws 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. 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.
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 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.

NOW THEREFORE BE IT FURTHER RESOLVED, that notice of this contract award be published in the official Township newspaper, and a copy of the resolution be on file and available for public inspection, in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

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

 Anthony M. Rotunno, Esq.

CHIEF FINANCIAL OFFICER CERTIFICATION	
I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds will be made available for the above referenced purchase in the amount not to exceed 2,500.00. Monies are requested in the 2018 Budget in: Public Defender OE #8-01-43-495-204.	
Date: 12/26/2017	 <i>Terri Johnson</i> <i>FOR TREASURY</i> <i>CERTIFICATION ONLY</i>
Terri Johnson Chief Financial Officer	

[Resolution #2018-0081](#) - Awarding a Professional Services Contract for Commercial Tax Appraisal Services and Tax Appeal Consulting Services to Robert F. Heffernan, SRA, SCGREA, NJ Lic # RG303 of the firm Robert F. Heffernan Associates, P.O. Box 611, Oldwick, NJ 08858-0611 in the Not to Exceed Amount of \$68,475.00

WHEREAS, the Township of Bernards requires services for tax appraisal services and tax appeal consulting services; and

WHEREAS, Robert F. Heffernan, SRA, SCGREA, NJ Lic # RG303 of the firm Robert F. Heffernan Associates, has submitted a proposal dated November 17, 2017 outlining the tax assessment services to be provided to the Township; 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 was 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 that funds will be made available in the 2018 Tax Assessor Operating Budget in the Fees and Compensation line item appropriation account # 8-01-20-150-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Robert F. Heffernan, SRA, SCGREA, NJ Lic # RG303 of the firm Robert F. Heffernan Associates, P.O. Box 611, Oldwick, NJ 08858-0611 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 17, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at a cost not to exceed \$68,475.00.
3. Billings must be rendered by the contractor within 45 days of service delivery.
4. Any modification to this contract shall be requested in writing, approved by the Township Committee, 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, agreed upon, and approved by the Township Committee 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 David Centrelli, CTA, Tax Assessor, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

NOW THEREFORE BE IT FURTHER 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 the 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.

Robert F. Heffernan, SRA, SCGREA, NJ Lic # RG303, President

CHIEF FINANCIAL OFFICERS CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are requested in the 2018 operating budget for the above referenced purchase in the amount not to exceed \$ 68,475.00. Monies will be made available in the 2018 Tax Assessor O.E.; Fees and Compensation line account # 8-01-20-150-204.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 12/5/2017

Terri Johnson
Chief Financial Officer

Resolution #2018-0012- Professional Services Contract for Alternate Special Counsel Stephen O. Davis, Esq., of the firm DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C. In the Not to Exceed Amount of \$ 5,000.00

WHEREAS, pursuant to N.J.S.A. 40a:9-139, in every municipality the governing body, by ordinance, shall provide for the appointment of a municipal attorney who may be designated as the corporation counsel or municipal attorney and unless otherwise provided by law the term of office of the municipal attorney shall be 1 year; and

WHEREAS, John P. Belardo of the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, was appointed Municipal Attorney for the Township of Bernards for a one year term from January 1, 2018 to December 31, 2018; and

WHEREAS, the Bernards Township Committee adopted Resolution #2018-0080 on January 2, 2018 awarded a professional services contract to Jonathan E. Drill, Esq., as Special Counsel in the event the municipal attorney is unable to represent the municipality; 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 professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2018 Current Fund Budget – Legal Fees and Compensation, line account # 8-01-20-155-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Alternate Special Counsel Stephen O. Davis, Esq., of the firm DiFrancesco Bateman, Coley, Yospin, Kunzman, Davis, Lehrer & Flaum, P.C., 51 Mountain Boulevard, Warren, NJ 07059-5686 as follows:

1. The contract term is from January 2, 2018 through December 31, 2018 at the hourly rate of \$180.00, at a not to exceed amount of \$5,000.00.
2. Billings must be rendered by the contractor within 30 days of service delivery.
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. 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 deliver.
5. 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.
6. 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.

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 the resolution be on file and available for public inspection, in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

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

Stephen O. Davis, Esq. of the Firm DiFrancesco Bateman, Coley,
Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.,

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$ 5,000.00. Monies will be made available in the 2018 Current Fund Budget – Legal Fees 8-01-20-155-204.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 12/12/17

Terri Johnson
Chief Financial Officer

Resolution #2018-0008- Awarding a Professional Services Contract for Residential Field Inspection Services to Ernest F. Del Guercio, Jr., SCGRE, CTA, NJ Lic. # 42RG00140500 of the firm Appraisal Systems, Inc., 264 South Street, Bldg. 2 Suite 1B, Morristown, NJ 07960, In the Not to Exceed Amount of \$22,000.00

WHEREAS, the Township of Bernards requires services for residential field inspection services in accordance with our annual reassessment program; and

WHEREAS, Appraisal Systems Inc., has submitted a proposal dated November 2, 2017 outlining the field inspection services to be provided to the Township; 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 was 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 that funds will be made available in the 2018 Tax Assessor Operating Budget in the Fees and Compensation line item appropriation account # 8-01-20-150-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a contract be awarded to Ernest F. Del Guercio, Jr., SCGRE, CTA, NJ Lic # 42RG00140500 of the firm Appraisal Systems, Inc., 264 South Street, Building 2 Suite 1B, Morristown, NJ 07960 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 2, 2017.
2. The contract term is from January 1, 2018 through December 31, 2018 at a cost not to exceed \$22,000.00.
3. Billings must be rendered by the contractor within 45 days of service delivery.
4. Any modification to this contract shall be requested in writing, approved by the Township Committee, 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, agreed upon, and approved by the Township Committee 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.

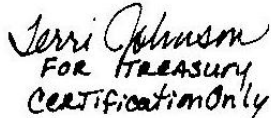
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to David Centrelli, CTA, Tax Assessor, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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.

Ernest F. Del Guercio Jr., SCGRE, CTA, NJ Lic # 42RG00140500

CHIEF FINANCIAL OFFICERS CERTIFICATION	
I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are requested in the 2018 operating budget for the above referenced purchase in the amount not to exceed \$ 22,000.00. Monies will be made available in the 2018 Tax Assessor O.E.; Fees and Compensation line account # 8-01-20-150-204.	
Date: 12/5/2017	 FOR TREASURY CERTIFICATION ONLY Terri Johnson Chief Financial Officer

Resolution #2018-0065- Acknowledgement of Fire Police Appointments By the Basking Ridge Fire Company #1 & Liberty Corner Fire Company, Inc.

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 departments for the Township of Bernards; and

WHEREAS, pursuant to N.J.S.A. 15:8-4, any duly organized volunteer fire company may provide for the appointment of certain members to perform certain police duties at fire and fire drills, for a term of office not to exceed five years from the date of appointment; and

WHEREAS, the Basking Ridge Fire Company #1 & Liberty Corner Fire Company, Inc. have appointed the following individuals as Fire-Police for 1 year terms to expire 12/31/2018.

Basking Ridge Fire Company #1	Liberty Corner Fire Company, Inc.
John Bentley	Mike Barth
James DeCoste	Mike Conley
Laurie Gazzale	Laurie Gazzale
	Fred Miller

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby acknowledge the Fire-Police appointments of the Basking Ridge Fire Company #1 & Liberty Corner Fire Company, Inc.

Resolution #2018-0042 - Suburban Municipal JIF Fund Commissioner

WHEREAS, pursuant to N.J.S.A. 40A:10-36 et seq, Bernards Township is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, pursuant to Article III.1.a. of the By-Laws of the Suburban Municipal Joint Insurance Fund, each member shall appoint one commissioner to the fund and each member shall select either a member of its governing body or one of its employees to serve in this capacity.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby appoint Bruce McArthur as the JIF Fund Commissioner, and Sean McCarthy to act as the Alternate Commissioner for one year terms to expire 12/31/2018.

Resolution #2018-0001 - Employment Practices Personnel Officer

WHEREAS, pursuant to NJSA 40A:10-36 et seq, Bernards Township is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, pursuant to the Suburban Municipal Joint Insurance Fund's 2018 Municipal Excess Liability Employment Practices Liability Program, Check List, each member shall appoint an Employment Practices Personnel Officer.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby appoint Theresa Johnson, Human Resources Officer, as the Bernards Township 2018 Employment Practices Personnel Officer.

Resolution #2018-0037 - Township Special Event Coordinators

WHEREAS, the Township of Bernards hosts special events throughout the year.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby appoint the following township coordinators:

Jennifer Gander	Charter Day Coordinator
Jennifer Gander	Labor Day Bike Race Coordinator
Jennifer Gander	Field of Honor
Jim Felter	Community Holiday Sing Coordinator
Kevin Lavery (BRFC)	Memorial Day Parade Coordinator
Kaitlin Cartoccio	Twilight Challenge Coordinator

Resolution #2018-0003 - Municipal Housing Liaison

WHEREAS, pursuant to the Revised General Ordinances of the Township of Bernards, Chapter XXI, Section 76.4, the Township Committee shall appoint each year a township official as the Municipal Housing Liaison; and

WHEREAS, the responsibilities of the municipal housing liaison shall be (1) primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households; (2) monitoring the status of all restricted units in the Township of Bernards Fair Share Plan; (3) compiling, verifying and submitting annual reports as required by COAH; (4) coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

(5) attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and

WHEREAS, said appointment does not guarantee employment or salary for the term of the appointment.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby appoint Susan Long as the 2018 Municipal Housing Liaison.

[Resolution #2018-0011](#) - Personnel Appointment, Rhonda Pisano - Deputy Municipal Clerk - Administration

WHEREAS, pursuant to N.J.S.A. 40A:9-135, the Township of Bernards has, by ordinance, created the officer of Deputy Municipal Clerk and may provide appointments thereto; and

WHEREAS, the Deputy Clerk shall assist and be under the direction of the Municipal Clerk in the performance of her duties and shall perform such other duties as may be prescribed. In the absence or temporary disability of the Municipal Clerk, the Deputy Clerk shall perform the duties of the Municipal Clerk; and

WHEREAS, the Township of Bernards has established a term of one year from January 1 in the year in which the appointment is made; and

WHEREAS, said appointment does not guarantee employment or salary for the term of the appointment; and

WHEREAS, Rhonda Pisano holds a current Registered Municipal Clerk (RMC) certification as required by amendments set forth in N.J.S.A. 40A:9-135 et. seq.; and

WHEREAS, the Municipal Clerk, Township Administrator, and Human Resources Officer recommend appointment of Rhonda Pisano to the position of Deputy Municipal Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Rhonda Pisano be appointed for a one-year term in the position of Deputy Municipal Clerk to expire December 31, 2018.

[Resolution #2018-0004](#) - PERS and PFRS Certifying Officer

WHEREAS, pursuant to N.J.A.C. 17:2-1.5 and N.J.A.C. 17:4-1.5, the governing body of a municipality must appoint by resolution a certifying officer to certify the accuracy and validity of all documents and forms sent to the New Jersey Division of Pensions and Benefits; and

WHEREAS, said appointment does not guarantee employment or salary for the term of the appointment.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Sean McCarthy is hereby appointed Certifying Officer for PFRS and PERS.

[Resolution #2018-0006](#) - Public Agency Compliance Officer

WHEREAS, pursuant to N.J.A.C. 17:27-3.5 the Township Committee shall appoint a public agency compliance officer; and

WHEREAS, said appointment does not guarantee employment or salary for the term of the appointment.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Francis Decibus be appointed Public Agency Compliance Officer for a one-year term expiring 12/31/2018.

Resolution #2018-0022 - Police – Street Crossing Guards

WHEREAS, Pursuant to N.J.S.A. 40A:9-154.1, the governing body of any municipality may appoint adult school crossing guards for terms not exceeding one year; and

WHEREAS, the Chief of Police, Township Administrator, and Human Resources Officer recommend appointment of the following individuals to the position of part-time Crossing Guard:

Todd	Edelstein	Louis	Matty
Justin	Farnham	Doris	Moore
Mark	Fentress	Patrick	Noce
Rita	Franceschetti	Sandra	Pennino-Farnham
Patricia	Fullagar	Ann	Smith
George	Habina	Mark	Solomon
Robert	Houlihan	Margaret	Struzienski
Jos	Kadamanattu	Vandana	Thaman
Carolyn	Masaitis	Donna	Wilson
George	Masaitis		

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the above individuals be appointed part-time Crossing Guards for a one year term to expire on December 31, 2018.

Resolution #2018-0023 - Police – Matrons

WHEREAS, Pursuant to N.J.S.A. 40A:14-140 the governing body of any municipality may appoint other personnel for said department or force, which includes “matrons”; and

WHEREAS, the Chief of Police, Township Administrator, and Human Resources Officer recommend appointment of the following individuals to the position of part-time Police Matron:

Michelle D’Autorio
Vivian Fentress
Kate Ferratti
Patricia Fullagar

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individuals be appointed part-time Police Matrons for a one year term to expire on December 31, 2018.

Resolution #2018-0024 - Police – Special Officer

WHEREAS, Pursuant to N.J.S.A. 40A:14-146.10 any local unit may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities permitted by local ordinances authorized by N.J.S.A. 40A:14-118 and within the conditions and limitations as may be established pursuant to the act; and

WHEREAS, the Chief of Police, Township Administrator, and Human Resources Officer recommend appointment of the following individuals to the position of Special Officer:

James Hall, Class II

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individuals be appointed as Special Officer Class II for a one year term to expire on December 31, 2018.

Resolution #2018-0009 - Fire Official

WHEREAS, Andrew Buterbaugh is serving in the statutory position of Fire Official for a one-year term to expire December 31, 2018; and

WHEREAS, said appointment does not guarantee employment or salary for the term of the appointment; and

WHEREAS, Andrew Buterbaugh has retained his Fire Official/Fire Inspector certifications required by subchapter N.J.A.C. 5:18A-4.3 et seq.; and

WHEREAS, the Township Engineer, Township Administrator, and Human Resources Officer recommend reappointment of Andrew Buterbaugh to the position of Fire Official.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Andrew Buterbaugh be reappointed for a one-year term to expire December 31, 2018.

Resolution #2018-0010 - Deputy Tax Collector

WHEREAS, pursuant to §2-6.4.1 of the Revised General Ordinances of the Township of Bernards, there shall be a Department of Finance within the Township, and within that department there shall be a Deputy Tax Collector; and

WHEREAS, Judith Bauer is currently serving in the statutory position of Deputy Tax Collector; and

WHEREAS, said appointment does not guarantee employment or salary for the term of the appointment; and

WHEREAS, the Tax Collector, Township Administrator, and Human Resources Officer recommend appointment of Judith Bauer to the position of Deputy Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Judith Bauer be appointed for a one-year term in the position of Deputy Tax Collector to expire December 31, 2018.

Agricultural Advisory Committee

Mariellen Keefe, 3 yr. term expiring 12/31/20

Anthony McCracken, Sr., Somerset County Advisor, 1 yr. term expiring 12/31/18

Tyson Mertz, 3 yr. term expiring 12/31/20

Nick Polanin, Advisor, Rutgers Cooperative Extension, 1 yr. term expiring 12/31/18

Thomas Timko, Township Advisor, 1 yr. term expiring 12/31/18

James Baldassare, Jr., TC Voting Member, 3 yr. term, expiring 12/31/20

Community Service Program

John Malay, TC Liaison

1 yr. term expiring 12/31/18

Deer Management Advisory Committee

Lieutenant Eric Geleta, Coordinator

Curtis Graham, RM

Leon Harris, RM

William Nobels, RM

Donald Rica, RM

Robert Rich, Jr., RM

Robert Vincent, RM

Carolyn Gaziano, TC Liaison

1 yr. terms expiring 12/31/18

Golf Advisory Committee

Sharon Cepeda, RM

Michael Conley, RM

Michael Conley, Jr., RM

John Gunning, RM

John Meany, RM

Peter Tobia, RM

Timothy O'Rourke, A1

Carolyn Gaziano, TC Voting Member

1 yr. terms expiring 12/31/18

Municipal Alliance

Tracy Baldassare, Police Department Representative

Amy Button, SAC Representative

Kaitlin Cartoccio, Health Department Representative

Isabel DiPalo, Student Representative

John Graves, Clergy Representative

Joan Harris, Citizen Representative

Sherrri Harris, Citizen Representative

Alexandra Timoney, Student Representative

Zoe Pettit, Citizen Representative

Cathy Phillips, Sub Abuse Representative

Mary Jane Postal, Senior Citizen Representative

Katherine Soulas, Civic Group Representative

Santosh Swapna Uradi, PTO Representative

Linda Wooldridge, Board of Education Representative

John Malay, TC Voting Member, and Chairman

1 yr. terms expiring 12/31/18

Parks, Pathways & Recreation

John Coelho, RM

Michael Conley, Jr., RM
Charles Cunion, RM
Victor Hatala, RM
Debbie King, RM
James Milito, RM
Ned Nelson, RM
Anna Scanniello, RM
David Wain, RM
Daniel Salvante, A1
Deborah Nungester, A2
John Malay, TC Liaison
1 yr. terms expiring 12/31/18

Planning Board

Carol Bianchi, Class III Member, 1 yr. term expiring 12/31/18

Pool Commission

Andrew Provence, A1, 1 year term expiring 12/31/18
Widette Fox, A2, 1 year term expiring 12/31/18
Carol Bianchi, TC Voting Member, 1 yr. term expiring 12/31/18

Sewerage Authority (effective 2/1/18)

Carol Bianchi, RM, continuing in 5 yr. term, expiring 1/31/20
John Carpenter, RM, continuing in 5 yr. term expiring, 1/31/22
Carolyn Gaziano, RM, continuing in 5 yr. term expiring 1/31/19
John Malay, RM, 5 yr. term expiring 1/31/23
Mary Pavlini, RM, continuing in 5 yr. term expiring 1/31/21

Township Committee Recommendation to the Somerset County Community Development Committee

Carol Bianchi, 1 yr. term expiring 12/31/18

Township Committee Recommendation to the Somerset County Solid Waste Advisory

John Carpenter
1 yr. term expiring 12/31/18

Township Committee Recommendation to the Somerset County Cultural and Heritage Committee

Hillary Klimek, 1 yr. term expiring 12/31/18

Township Representatives to Somerset County Wastewater Management Advisory Committee

David Schley
Thomas Timko
John Malay
1 yr. terms expiring 12/31/18

Green Team

Francis Decibus, RM
Gail Dillin, RM
Bruce McArthur, RM
Pat Monaco, RM
Ann Marie Siclare, RM
Thomas Timko, RM
John Malay, TC Voting Member
1 yr. terms expiring 12/31/18

Charter Day Committee

Jaye Barre, RM
Jennifer Gander, Coordinator
Meeta Garg, RM
Tim Manning, RM
Larry Millus, Community Service Representative
Hank Werner, Police Department Representative
Carol Bianchi, TC Voting Member
1 yr. terms expiring 12/31/18

Resolution #2018-0038 - Township Crier

WHEREAS, pursuant to Resolution #040202 adopted by the Township Committee on 5/11/04, the volunteer position of town crier was created and Hank Barre was appointed to the position; and

WHEREAS, Hank Barre has served as the Town Crier since the creation of the position.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby reappoint Hank Barre as the town crier for a one-year term to expire 12/31/2018.

Resolution #2018-0002 - Township Committee Meeting Dates

BE IT RESOLVED, by the Township Committee of the Township of Bernards that the 2018 meeting dates are scheduled as follows:

Meetings - 2nd and 4th Tuesday after the 1st Monday
Starting Time 8:00 PM unless otherwise noted; Preceded by Executive Session at 7:30 PM if Required
1 Collyer Lane, Basking Ridge, NJ 07920 - Warren Craft Meeting Room

Date	Type Meeting
01/02/18	Reorganization (*Special 7 PM Start)
01/09/18	Combined Agenda/Regular
01/23/18	Combined Agenda/Regular
02/13/18	Combined Agenda/Regular
02/27/18	Combined Agenda/Regular
03/13/18	Combined Agenda/Regular
03/27/18	Combine Agenda/Regular
04/10/18	Combined Agenda/Regular
04/24/18	Combined Agenda/Regular
05/15/18	Combined Agenda/Regular

05/29/18	Combined Agenda/Regular
06/12/18	Combined Agenda/Regular
06/26/18	Combined Agenda/Regular
07/10/18	Combined Agenda/Regular
07/24/18	Combined Agenda/Regular
08/14/18	Combined Agenda/Regular
08/28/18	Combined Agenda/Regular
09/11/18	Combined Agenda/Regular
09/25/18	Combined Agenda/Regular
10/09/18	Combined Agenda/Regular
10/23/18	Combined Agenda/Regular
11/13/18	No Meeting
11/27/18	Combined Agenda/Regular
12/11/18	Combined Agenda/Regular
12/25/18	No Meeting
01/02/19	Reorganization (*Special 7 PM Start)

Executive Sessions

Executive Sessions may precede each meeting. Executive Sessions will commence 30 minutes prior to the scheduled meeting time. Although each Executive Session will commence as an open public meeting, Executive Sessions will be used by the Township Committee solely for consideration of matters which will be discussed pursuant to N.J.S.A. 10:4-12B whereby the public is excluded. If Executive Session matters are not concluded in the 30 minutes prior to the scheduled meeting time, those discussions will resume after the open portion of the meeting concludes.

Notice of any revisions to the above schedule will be posted at the Municipal Clerk’s Office, the township website www.bernards.org, e-mailed to the newspaper, and mailed to those who have so requested and paid the required fee.

BE IT FURTHER RESOLVED, that the meeting key contained on page 2 of this resolution, and deadline date calendar, on page 3 is hereby adopted and made effective for 2018.

Resolution #2018-0025 - Developer’s Escrow Funds

BE IT RESOLVED by the Township Committee of the Township of Bernards that the fees permitted to be charged to a developer’s escrow account for the services of professionals, who are Township employees, shall be charged the following rates for Calendar Year 2018:

Township Engineer	\$ 150.00/hour
Assistant Township Engineer	\$ 85.00/hour
Township Planner	\$ 110.00/hour
Fire Official	\$ 70.00/hour
Senior Staff Engineer	\$ 65.00/hour
Staff Engineer	\$ 55.00/hour
Zoning Officer	\$ 60.00/hour
Civil Engineering Technician	\$ 45.00/hour

Resolution #2018-0014 - Designation of Official Newspapers

WHEREAS, pursuant to N.J.S.A. 40:53-1 the governing body of every municipality may designate an official newspaper or newspapers for the publication of all advertisements and notices required by law to be published by the municipality; and

WHEREAS, the Township Committee of the Township of Bernards finds and declares that the Bernardsville News of Whippany and the Courier News of Bridgewater are among the newspapers that have the greatest likelihood of reaching the residents of Bernards Township.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Bernardsville News of Whippany and the Courier News of Bridgewater are designated as the official newspapers for 2018.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that the Daily Record of Morristown and the Star Ledger of Newark are designated as newspapers which may be given notice by the clerk when the publication schedule of the Bernardsville News or Courier News does not enable it to publish advance notice of special, rescheduled, or emergency meetings.

[Resolution #2018-0043](#) - *Establishing Rules and Procedures for the Conduct of Business at Township Committee Meetings*

WHEREAS, pursuant to N.J.S.A. 40A:63-6 the Township Committee is the legislative body of the municipality and may adopt any resolution for any purpose required for the government of the municipality and possesses all the executive responsibilities of the municipality; and

WHEREAS, pursuant to § 2-1.5. of the Revised General Ordinances of the Township of Bernards the rules of procedure to be followed for the conduct of business of the Township Committee shall be provided by resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following rules shall govern the rules of procedures at all Township Committee Meetings for the year 2018:

I. AGENDAS

- A. Matters to be listed on a Township Committee agenda, must be submitted to the Municipal Clerk in electronic and hardcopy format by the deadlines established by the Municipal Clerk and affixed to the annual meeting date Resolution adopted by the Township Committee.
- B. The Municipal Clerk may request but not require that agenda items include a "Recommendation for Township Committee Action" form to be submitted with the agenda item.
- C. The proposed agenda for each meeting shall be completed by the Municipal Clerk who shall consult with the Administrator, and with the Mayor as the presiding officer of the Township Committee. The Municipal Clerk shall make the proposed agenda available to the public at least 48 hours in advance of the meeting and the agenda will posted to the Township website.
- D. The Committee may amend the agenda as the first item of business at the meeting upon the determination that a need to amend the agenda exists. A majority of committee members present, by formal vote, must agree that a need exists in order to add or remove an item for discussion.
- E. Under "Township Committee and Staff Comments" any member of the Committee, the Administrator, Municipal Clerk or Attorney may request additional matters be listed on an upcoming meeting agenda. If a majority of members of the committee, by formal vote, do not agree the items should be included in the agenda, the items shall not be listed.

- F. Executive Sessions may precede each meeting as required. Executive Sessions will commence one-half hour prior to the scheduled meeting time pursuant to Resolution #2018-0002. Although each Executive Session will commence as an open public meeting, Executive Sessions will be used by the Township Committee solely for consideration of matters which will be discussed pursuant to N.J.S.A. 10:4-12B. The public will be excluded from these Executive Session discussions. If the need exists, the Executive Session may continue after the regular order of business is concluded.
- G. Agenda Sessions may be listed as an order of business during each meeting as determined by the Municipal Clerk after consultation with the Mayor. Agenda sessions will be limited to discussion of public business. Formal action on the matter(s) discussed may be added to the same or subsequent agendas by majority vote of the committee.
- H. The agenda for all meetings shall be as follows:
 - 1. Call to Order
 - 2. Pledge of Allegiance
 - 3. Reading of the Open Public Meetings Statement
 - 4. Roll Call
 - 5. Executive Session (if required)
 - 6. Agenda Session (if required)
 - 7. Reports
 - 8. Correspondence
 - 9. Public Comment
 - 10. Township Committee and Staff Comments
 - 11. Fire & Rescue Appointments
 - 12. Unfinished Business
 - 13. Consent Agenda (to include approval of minutes and payment of bills)
 - 14. New Business
 - 15. Executive Session (if required)
 - 16. Adjournment

II. CONDUCT AT MEETINGS

- A. The Mayor when present shall conduct all meetings.
- B. The Deputy Mayor shall conduct the meeting when the Mayor is absent.
- C. If the Mayor and Deputy Mayor are both absent, the Municipal Clerk shall call the meeting to order and conduct the nomination and election of a Temporary Chairperson. The Temporary Chairperson shall conduct the meeting, but shall have no powers beyond those necessary to conduct the meeting.
- D. A majority of the whole number of members of the Township Committee shall constitute a quorum, and no ordinance shall be adopted by the Township Committee without the affirmative vote of a majority of all the members of the Township Committee.
- E. If a Township Committee member fails to attend a meeting or attends but leaves prior to the conclusion of the meeting, the member can ask the Township Committee to excuse the absence at that meeting or at the immediate next meeting following. The Township Committee shall excuse the member if a majority of the members at the meeting determine that the absence was caused by legitimate illness, and may in its discretion excuse the member if the reason for the absences is for disqualification, or any other legitimate reason.
- F. If a quorum is not present 1/2 hour after the appointed time for any meeting, the presiding officer or the Municipal Clerk may declare the meeting adjourned.
- G. While the Township Committee is in session, the members thereof shall preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the

- proceedings or the peace of the Township Committee nor disturb any member while speaking, or refuse to obey the order of the Township Committee or its presiding officer.
- H. The Chief of Police or such member of the Police Department as he may designate, may be designated as the Sergeant-at-Arms of Township Committee meetings. He shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Township Committee Meetings.
 - I. The Township Attorney shall be the Parliamentarian.
 - J. Meetings shall be conducted in accordance with these Regulations and Robert's Rules of Order for items not covered in these Regulations.
 - K. The Municipal Clerk shall read all Ordinances, by title only, before introduction and adoption.
 - L. The items listed within the consent agenda portion of the meeting will have been previously referred to the Township Committee for reading and study, and a copy placed on the bulletin board on the township website. These items 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 under New Business.
 - M. No New Business shall be entertained after 10:30 P.M. without an affirmative vote of a majority of the members present, for all meetings.
 - N. No meeting shall continue beyond 11:30 P.M. without the affirmative vote of the majority of members present.
 - O. Any member of the public desiring to address the Committee shall first seek recognition by the Mayor or presiding officer and upon recognition, shall proceed to the floor and give his or her name and address. Statements shall be limited to five minutes. This rule may be waived by the mayor. Persons making public comment may not yield their time to another speaker, and each individual is limited to speaking once during a particular public comment period.
 - P. Remarks shall be confined to the order of business prescribed by this section:
 - 1) Ordinances. Pursuant to NJSA 40:49-2b, any Township resident and all persons interested shall be given an opportunity to be heard concerning the ordinance during that public hearing. The opportunity to be heard shall include the right to ask pertinent questions concerning the ordinance by any resident of the municipality or any other person directly affected by the ordinance.
 - 2) Under the heading of "Public Comment" only a resident may address the Committee on any matter over which the Committee has jurisdiction. Non-residents may only address the Committee on any matter directly impacting that non-resident.
 - Q. Any person(s) making personal, defamatory or profane remarks or who willfully utters loud, threatening or abusive language or engages in any disorderly conduct which disturbs or disrupts the orderly conduct of any meeting shall be called to order by the presiding officer. If such conduct continues, the presiding officer of the Township Committee, at his discretion, may order such person removed from that meeting and/or arrested.

III. VOTING

- A. Once a quorum of the Township Committee is present (which is at least three members), an affirmative vote of the majority of members present is required to approve all actions, except for approval of minutes which shall require a majority of the eligible members present, ordinances as further defined in 2.D above, or where otherwise provided by law.
- B. Given that a governing body member has a public duty to vote unless there exists a conflict of interest or other disqualifying event, a governing body member who abstains without providing a reason for the abstention, shall have his vote counted with the majority. If a township committee member is not qualified to vote because of a conflict of interest or

other disqualifying event, that committee member shall not abstain from the vote, but, rather, that committee member shall not be eligible to vote, shall leave the meeting room during the discussion of the matter and his vote shall not count with the majority vote.

- C. If the committee is evenly split in a decision, no majority exists with whom an abstaining member can be said to vote and accordingly, absententions shall not be assigned to either voting block. A tie vote shall be deemed a defeated motion.
- D. All motions shall require a second. In the absence of a second, the motion shall be deemed defeated.

IV. MINUTES

- A. The minutes of each meeting shall be taken by the Municipal Clerk.
- B. The Municipal Clerk shall preserve approved minutes as a permanent record and the official authoritative record of the committee proceedings. Approved open session minutes will also be posted on the Township Website.
- C. The Municipal Clerk shall have available a draft copy of the executive and open session minutes, three days after the meeting.
- D. Open Session minutes shall be listed for approval and released by the Township Committee at the next subsequent meeting
- E. Executive Session minutes shall be approved in open session; provided, however, that any discussion concerning the contents of the minutes, prior to approval, shall be conducted in executive session.
 - 1) The Municipal Clerk shall forward copies of all executive session minutes still held in confidentiality to the Township Attorney during the months of June and December of each year. The Township Attorney shall review these minutes, determining which, if any can be released to the public in whole or in part without jeopardizing the need for confidentiality, and advise the Municipal Clerk. The Municipal Clerk shall present a resolution to the Township Committee for adoption releasing the executive session minutes, in whole or in part, as approved for release by the Township Attorney. Those executive session minutes to be released shall be designated by subject matter. Upon adoption of the resolution, those minutes or portions of minutes approved for release shall be placed in the minute books of the Township Committee and available for public inspection.
 - 2) If a member of the public requests from the Municipal Clerk access to executive session minutes not yet released to the public as set forth above, the requestor shall submit an Open Public Records Request (OPRA) to the Municipal Clerk. The Municipal Clerk shall consult with the Township Attorney on the subject matter as requested. The Township Attorney shall advise the Municipal Clerk if the minutes, or portion of the minutes, can be released. If approved for release by the Township Attorney, a resolution memorializing the release of said minutes, or portion of minutes, shall be presented to the Township Committee for adoption at their next regularly scheduled meeting.

V. VIDEO STREAMING AND PUBLIC BROADCASTING

- A. All meetings, other than executive session, shall be recorded and video-streamed live on the township website and broadcasted on local PEG Channels. The Municipal Clerk, Director of Technology, and the person conducting the meeting shall authenticate recordings to the extent possible. Failure to do so does not invalidate any actions by the governing body.
- B. Archived video-streaming of the meetings will be available approximately 48 hours after the meeting over the township website.

C. Recordings of the meeting will be maintained in accordance with the State of NJ Department of the Treasury Records Manual and associated retention schedules.

VI. VIDEOTAPING OF MEETINGS

The Township Committee recognizes the right of persons to videotape meetings provided that the persons videotaping the meetings do so in a manner that is respectful, unobtrusive and not disruptive to the meeting and those attending the meeting. The Township Clerk will thus designate a fixed and defined area that is suitable to persons that desire to videotape meetings.

Resolution #2018-0028 - Temporary Appropriations for Operating Purposes

WHEREAS, 40A:4-19 Local Budget Act provides that where any contracts, commitments of payments are to be made prior to the final adoption of the 2018 budget, temporary appropriations be made for the purposes and amounts required in the manner and time herein provided:

WHEREAS, the date of this resolution is within the first thirty days of 2018; and

WHEREAS, the total appropriations in the 2017 budget less appropriations for capital improvement fund, debt service, emergencies and relief of the poor (public assistance) are as follows:

General.....\$ 34,216,561.29

WHEREAS, 26.25% of the total appropriations in the 2017 budget less appropriations for capital improvement fund, debt service, emergencies and relief of the poor (public assistance) in said 2017 budget are as follows:

General.....\$ 8,981,847.34

NOW, THEREFORE, BE IT RESOLVED by the Township of Bernards in the County of Somerset, that temporary operating appropriations totaling \$ 8,981,847.34 be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for her records.

Resolution #2018-0029 - Emergency Temporary Appropriations, Capital Improvement Fund

WHEREAS, an emergent condition has arisen with respect to inadequate funds provided in the temporary budget for the funding of the Capital Improvement Fund, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions for Capital Purposes adopted in the year 2018 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$1,500,000.00.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations beand the same are hereby made for Capital Improvement Fund in the amount of \$1,500,000.00.
2. That said emergency temporary appropriation will be provided for in the 2018 budget.
3. That one certified copy of this resolution be filed with Director of the Division of Local Government Services.

Resolution #2018-0019 - Authorizing the Assessor to File Corrective Appeals and Counterclaims

WHEREAS, the Township Committee of the Township of Bernards, Somerset County, New Jersey, has been informed by the Tax Assessor of the Township of Bernards that from time to time errors are made in computing tax assessments; and

WHEREAS, the Tax Assessor of the Township of Bernards has requested the Township Committee to authorize him to request the Township Special Tax Counsel to file corrective appeals of such errors with the Somerset County Board of Taxation and the Tax Court of the State of New Jersey; and

WHEREAS, the Tax Assessor of the Township of Bernards has requested the Township Committee to authorize Special Tax Counsel to file, in cases of increases, decreases, or counter-claims as he deems necessary, with the Somerset County Board of Taxation and the Tax Court of the State of New Jersey; and

WHEREAS, the Tax Assessor of the Township of Bernards is called upon to defend tax appeals filed with the Somerset County Board of Taxation and the Tax Court of the State of New Jersey and to agree to stipulations of appeals.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee that the Tax Assessor of the Township of Bernards is hereby authorized to request Special Tax Counsel to file corrective appeals with the Somerset County Board of Taxation and the Tax Court of the State of New Jersey in defense of appeals filed with said Board and Court and for the Tax Assessor and Special Counsel to sign stipulations of settlement on behalf of the Township of Bernards which the Assessor feels are proper and in the best interest of the municipality; and

BE IT FURTHER RESOLVED by the Township Committee that the Tax Assessor of the Township of Bernards be and is hereby authorized to file counter claims through the Special Tax Counsel in cases of increase with the Somerset County Board of Taxation and the Tax Court of the State of New Jersey, as he deems necessary.

Resolution #2018-0031 - Temporary Appropriations, Golf Utility Operating Fund

WHEREAS, N.J.S.A. 40A:4-19 Local Budget Act provides that where any contracts, commitments of payments are to be made prior to the final adoption of the 2018 budget, temporary appropriations be made for the purposes and amounts required in the manner and time herein provided:

WHEREAS, the date of this resolution is within the first thirty days of 2018, and

WHEREAS, the total appropriations in the 2017 golf utility budget less appropriations for capital improvement fund and debt are as follows:

General.....\$ 515,486.00

WHEREAS, 26.25% of the total appropriations in the 2017 budget less appropriations for capital improvement fund and debt service in said 2017 budget are as follows:

General.....\$ 135,315.08

NOW, THEREFORE, BE IT RESOLVED by the Township of Bernards in the County of Somerset, that temporary operating appropriations totaling \$ 135,315.08 be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

Resolution #2018-0032 - Authorized Signatures on Township Checks

BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following Township officials are hereby authorized to sign checks or withdrawal slips where a combination of two principal signatures is required. One signature must either be the Mayor, Deputy Mayor, or Finance Chairman. The other signature must be either the Chief Financial Officer or the Administrator, and that the Chief Financial Officer or Administrator are authorized to sign checks or withdrawal slips where one principal signature is required; and

BE IT FURTHER RESOLVED that the Chief Financial Officer, Treasurer or Administrator be authorized to sign checks to transfer monies between Township accounts.

Resolution #2018-0033 - Acceptance of Cash Mgmt. Plan

BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, that for the year 2018, the plan here following shall serve as the Cash Management Plan and Policy for the Township of Bernards.

BE IT FURTHER RESOLVED, that the Chief Financial Officer and the Administrator are directed to use this cash management plan as a guide in depositing and investing the Township's funds.

Cash Management Plan of the Township of Bernards
in the County of Somerset, New Jersey

I. Statement of Purposes.

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Township of Bernards, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. Cash Management Policy

Objectives: The priority of investing policies shall be, in order of descending importance: security, liquidity and yield.

A. Security: The safety of principal is the foremost objective of the cash management plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk.

- i. Credit Risk: Credit Risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:
 - a. Limiting investments to the safest types of securities
 - b. Pre-qualifying the financial institutions, broker/dealers, intermediaries and advisors with which an entity will do business.

- c. Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- B. Interest Rate Risk: Interest Rate Risk is the risk that the market value of the securities in the portfolio will fall due to changes in general interest rates. Interest Rate Risk may be mitigated by:
 1. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and
 2. By investing operating funds primarily in shorter-term securities.
- C. Liquidity: The investment portfolio must remain sufficiently liquid to meet all cash requirements of the Township. The portfolio should be structured so that the securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).
- D. Yield: The investment portfolio must be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objective described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. The Chief Financial Officer shall carefully evaluate any investment offering above market yields. Securities shall not be sold prior to maturity with the following exceptions:
 1. A declining credit security could be sold early to minimize the loss of principal.
 2. A security swap would improve the quality, yield, or target duration in the portfolio.
 3. Liquidity needs of the local unit require that the security be sold.

III. Identification of Funds and Accounts to be Covered by the Plan.

The Plan is intended to cover the deposit and/or investment of all Bernards Township funds and accounts.

IV. Designation of Officials of the Township Authorized to Make Deposits and Investments under the Plan.

The Chief Financial Officer, Treasurer, and the Administrator of the Township (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Township are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of the Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

V. Designation of Depositories.

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any

certificates of Deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

- A. All eligible and qualified banks and trust companies in the State of New Jersey and the State of New Jersey Cash Management Fund and the New Jersey Asset & Rebate Management Program be and are hereby designated as depositories for the Township of Bernards for the year 2018.
- B. Prior to the deposit of any municipal funds in the depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered under the Governmental Unit Deposit Protection Act (R.S. 17:9-41).

VI. Authorized Investments.

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- A. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- B. Government money market mutual funds;
- C. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
 - a. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- D. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of Treasury for investment of Local Units;
- E. Local government investment pools;
- F. Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c. 281 (c. 52:18A-90.4); or
- G. Agreements for the repurchase of fully collateralized securities if:
 - 1. The underlying securities are permitted investments pursuant to paragraphs (A) and (C) of this subsection a;
 - 2. The custody of collateral is transferred to a third party;
 - 3. The maturity of the agreement is not more than 30 days;
 - 4. The underlying securities are purchased through a public depository as defined in section 1 of p.l. 1970, c.236 (c.17:9-41); and
 - 5. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An Investment company or investment trust:

- 1. Which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.T. sec. 270.2a-7.

2. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
3. Which has:
 - a. Attained the highest ranking of the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - b. Retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1940," 15 U.S.C. sec. 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

1. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
2. Which is rated in the highest category by a nationally recognized statistical rating organization;
3. Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
4. Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
5. Which does not permit investments to instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
6. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c. 9 (C.49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

Any official involved in the designation of depositories or in the authorization for investments as permitted pursuant to section 8 of P.L. 1977, c.396 (c.40A:5-15.1), or any combination of the preceding or the selection of an entity seeking to sell an investment to the local unit who has a material business or personal relationship with that organization shall disclose that relationship to the governing body of the local unit and to the Local Finance Board or a county or municipal ethics board as appropriate.

VII. Safekeeping Custody Payment and Acknowledgment of Receipt of Plan.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Township, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Township or by a third party custodian prior to or upon the release of the Township's funds.

To assure that all parties with whom the Township deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official (s).

VIII. Reporting Requirements.

On the twentieth day of each month during which this Plan is in effect, the Designated Official (s) referred to in Section III hereof shall supply to the governing body of the Township a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Township as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Township.

IX. Term of Plan.

This Plan shall be in effect from January 1, 2018 to December 31, 2018. Attached to this Plan is a resolution of the governing body of the Township approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Township Committee, the Designated Official(s) is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

[Resolution #2018-0034](#) - Authorization for Payroll Cash Advance

BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the Chief Financial Officer be empowered to place up to a \$550,000 advance in the Payroll Account.

[Resolution #2018-0035](#) - *Authorizing Returned Funds Fee and Certified Funds for Returned Funds*

WHEREAS, there have been instances where the Township has been in receipt of payments which have been returned from the bank as unpaid; and

WHEREAS, N.J.S.A. 40:5-18 provides for a \$20.00 maximum service charge on funds returned for any reason; and

WHEREAS, to ensure replacement funds are redeemable for payment, the Tax Collector and Chief Financial Officer recommend that funds returned from the bank be replaced with a certified check, cash or money order.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Bernards establish a service charge of \$20.00 per item returned for any reason and to provide that any funds that are returned from the bank be replaced with certified check, cash or money order.

[Resolution #2018-0018](#) - *Policy on Tax Refunds*

WHEREAS, upon receipt of their property tax assessment notice required under N.J.S.A. 54:4-38.1 on or before May 1st each year, taxpayers have the responsibility to review their assessment records and assure their accuracy; and

WHEREAS, there are administrative remedies available to taxpayers for tax relief under Title 54:3-21, which provides for the filing of an appeal on or before April 1 of each year and May 1 of each year for districts having state approved reassessments or revaluations, or 45 days from the bulk mailing of assessed values, pursuant to Chapter 75; and

WHEREAS, taxpayers are to pursue all channels available to them by statute, including such review of records, assessor corrections of data, and the filing of an appeal to the County Tax Board or to the State of New Jersey on or before April 1 of each year, or on or before May 1 of each year when there is a state approved reassessment; and

WHEREAS, Statutes further provide for a Correction of Error Application to be filed with the State of New Jersey should a clerical error be identified following the appeal deadline; and

WHEREAS, based on the broad and extensive administrative remedies provided through the Statutes, including notification of values 45 days prior to an appeal, there is no need for additional consideration for a tax refund request outside the authorities of said administrative remedies.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Township of Bernards, County of Somerset and State of New Jersey, that the governing body and staff will hereby and heretofore adhere to administrative remedies for tax appeals within the authorities and guidelines of the State of New Jersey statutes.

[Resolution #2018-0016](#) - *Emergency Management Promulgation Statement*

WHEREAS, the Emergency Management Operations Basic Plan has been developed to maximize the resources and personnel available during times of emergencies. When the decision is made to activate the Emergency Operations Center as a result of a severe emergency, all resources and personnel will come under the direct control of the Emergency Management Coordinator; and

WHEREAS, Emergency Operation Center personnel will coordinate all emergency equipment and personnel, both from within the township and any external units required as a result of Mutual Aid

agreements. The emergency forces will continue to operate under the control of the Emergency Management Coordinator until such time the emergency has been declared over; and

WHEREAS, cooperation between all responding units will be required to obtain the highest level of service possible, and at the same time minimizing the threat of danger to property and life once the emergency has occurred. Additionally, the Township Office of Emergency management will continue to be active during normal times to reduce the threat from technological hazards; and

WHEREAS, the Emergency Management Operations Basic Plan will be reviewed at least once each year. Call out rosters will be updated as changes occur in the field and are reported to the Emergency Operation Center.

NOW THEREFORE BE IT RESOLVED, the Township Committee of the Township of Bernards approves this Emergency Management Operations Basic Plan and hereby promulgates it as the authoritative document for emergency operations in this municipality.

[Resolution #2018-0017](#) - *Tax Grace Period & Interest on Delinquent Taxes*

WHEREAS, N.J.S.A. 54:4-66 provides that taxes shall be payable in quarterly installments due on February 1st, May 1st, August 1st and November 1st, after which dates, if unpaid, shall become delinquent; and that a period of ten calendar days grace for the payment of taxes following said date be fixed and established; and

WHEREAS, if the tenth calendar day of the month on which the installment becomes payable falls on a weekend, the next business day will be deemed the last day to make payment without interest; and

WHEREAS, the tax collector, their office or the Township of Bernards cannot take responsibility on the method(s) or timing of the delivery of payments to the office of the Tax Collector. The tax collector shall follow all guidelines and statutes in the collection and delivery of said payments to the banking institution delegated by the Township within the specified time frame as stated in NJSA 40A:5-15.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bernards that if payment is not made by the tenth calendar day of the month on which the installment becomes payable, an interest charge of 8% per annum will be assessed on the first \$1,500 of the delinquency and 18% per annum on any amount in excess of \$1,500 to be calculated from the date the tax was payable until the date of actual payment; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a taxpayer who has a delinquency in excess of \$10,000, who fails to pay that delinquency prior to the end of a calendar year will be charged a penalty of 6% of the amount of the delinquency plus interest calculated to December 31st.

[Resolution #2018-0046](#) - *Establishing Protocol and Structure for the Year 2018 for Relationship between Township Administrator and Township Committee*

WHEREAS, pursuant to N.J.S.A. 40A:63-7 the Township Committee is a legislative body of the municipality and may adopt any resolution for any purpose required for the government of the municipality and possesses all the executive responsibilities of the municipality; and

WHEREAS, pursuant to N.J.S.A. 40A:63-7, the Township Committee may, by ordinance, delegate all or a portion of the executive responsibility of the municipality to an administrator who shall be appointed pursuant to N.J.S.A. 40A:9-136; and

WHEREAS, the Township of Bernards pursuant to Section 2-3 of the Revised General Ordinances of the Township of Bernards has created the position of Township Administrator and delegated the day-to-day demands of the administrative and governmental affairs of the Township to the Township Administrator since the affairs upon the time of the Township Committee had grown to the extent that it had become increasingly difficult to devote adequate time to the proper discharge of such duties; and

WHEREAS, pursuant to Section 2-3.1 proper regard for the public interest and economical and efficient administration of the Township business required the creation of the position of Township Administrator to furnish to the Township Committee necessary assistance in the prompt, day-to-day, management of the administrative affairs of the Township Committee, coordination of the activities of the various departments within the municipality, and assistance in planning and supervising the execution of the Township Committee work in those areas where a continuous and sustained effort is required; and

WHEREAS, Section 2-3.8 sets forth the duties and responsibilities of the Township Administrator which, include among other things, but are not limited to: (a) coordination of operations, activities and administration of the departments, divisions, offices, and agencies of the Township Government; (b) exchanging and disseminating information and generally advising and consulting with the Township Committee; (c) the responsibility to execute ordinances and resolutions of the Township, subject to the direction of the Township Committee, and to delegate to any department head such of his powers as he may deem necessary for efficient administration; (d) establishing and maintaining effective personnel practices and maintaining appropriate records of all employees, and carrying out all policies established by the Township Committee; (e) performing such other duties as may be required by ordinance, resolution or direction of the Township Committee; and (f) carrying out all policies established by the Township Committee; and

WHEREAS, the Township Committee desires for the calendar year 2018 to establish a protocol and structure to the relationship between the Township Administrator and Township Committee to ensure that the purposes, goals and duties aforementioned that are the responsibility of the Township Administrator are properly and efficiently implemented to maximize the resources of the Township administrative staff and to the benefit of the citizenry of Bernards Township.

NOW, THEREFORE, BE IT RESOLVED, that the following rules shall govern the relationship for 2018 between the Township Administrator and Township Committee:

1. After the Township Committee has by majority vote adopted or denied an ordinance, resolution, project or policy, all analysis, questions, memoranda, and inquiry by individual Township Committee members to Township employees and staff concerning the action by the Township Committee with respect to the aforesaid ordinance, resolution, policy, or project will be prohibited. All further inquiries or requests for information concerning the decisions will be directed to the Township Administrator who will decide whether to allocate employee and staff resources to respond to the request or inquiry. Alternatively, in his discretion, the Township Administrator will decide whether the individual inquiry or request should be brought to the attention of the Township Committee for further review and direction.
2. As Section 2-3.8 mandates that the Township Administrator is under the supervision and control of the Township Committee and not individual Township Committee members, all written communications directed to the Township Administrator by individual Township Committee members will be circulated to all Township Committee members for review and input. All verbal orders or directives received by the Township Administrator which

he deems of a policy nature or project focus will, in the discretion of the Township Administrator, be brought to the attention of the Township Committee for further discussion.

3. As the Township Administrator is responsible, pursuant to Section 2-3.8, to effectuate all ordinances, resolutions and policies established by the Township Committee, and is also responsible for the determination of the manner and method by which such ordinances, policies are to be implemented, individual Township Committee members will not contact or otherwise interfere with the ability of Township employees and staff in performance of the directives of the Township Administrator in implementing ordinances, resolutions policies established by the Township Committee.
4. It is the intention of this Resolution that the individual members of the Township Committee shall deal exclusively with the employees and staff through the Township Administrator and shall not give orders to any subordinate of the Township Administrator either publicly or privately.

Resolution #2018-0078 - Giving the CFO Authority to Approve Payment of Bills Due to Township Committee Meeting Cancellation or Lack of Quorum

WHEREAS, the annual meeting schedule of the Township Committee adopted pursuant to Resolution #2018-0002, sets meetings for the 2nd and 4th Tuesdays after the 1st Monday of each month (twice a month); and

WHEREAS, at each scheduled meeting, the Township Committee is presented with a resolution authorizing payment of bills; and

WHEREAS, occasionally a meeting must be cancelled due to scheduling conflicts or lack of quorum of the Township Committee; and

WHEREAS, the CFO advises that failure to pay certain bills will result in delinquencies on township accounts; and

WHEREAS, the CFO recommends that the township committee give her the authority to approve payment of bills to avoid delinquencies on township accounts.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby authorize Terri Johnson, CFO, or her designee, to audit the bills scheduled for payment when there is a cancellation of a township committee meeting, and give her the authority to approve payment; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that the payment of bills authorized by Terri Johnson be memorialized in a resolution to be adopted by the Township Committee at the next regularly scheduled meeting.

Resolution #2018-0026 - Approval of Bill List 01/02/18

BE IT RESOLVED, that the bill list dated 01/02/2018 be audited, and if found correct, be paid.

114365	01/02/18	C0037	CLERK'S PETTY CASH	100.00	1340
114366	01/02/18	E0007	ENGINEERING PETTY CASH	100.00	1340
114367	01/02/18	H0004	HEALTH DEPARTMENT PETTY CASH	100.00	1340
114368	01/02/18	L0005	LIBRARY PETTY CASH	300.00	1340
114369	01/02/18	P0006	POLICE PETTY CASH	400.00	1340
114370	01/02/18	R0006	RECREATION PETTY CASH	100.00	1340
114371	01/02/18	R0281	RECREATION PETTY CASH CHECKING	500.00	1340

Checking Account Totals Paid Void Amount Paid Amount Void

Checks:	8	0	7,406,080.75	0.00
Direct Deposit:	0	0	0.00	0.00

Total:	8	0	7,406,080.75	0.00

-----Report Totals Paid Void Amount Paid Amount Void

Checks:	8	0	7,406,080.75	0.00
Direct Deposit:	0	0	0.00	0.00

Total:	8	0	7,406,080.75	0.00

CURRENT FUND 8-01 7,406,080.75 0.00 0.00 7,406,080.75

Total Of All Funds: 7,406,080.75 0.00 0.00 7,406,080.75

[Resolution #2018-0066](#) - *Bernards Township Personnel Policies and Procedures Updated and Adopted for 2018 ([Appointed Officials and Volunteers Handbook](#); [Employee Handbook](#))*****

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

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

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that the following Handbooks of Personnel Policies and Procedures attached hereto are hereby updated and adopted for 2018: 1) Employee Handbook, and 2) Elected Officials, Appointed Officials and Volunteers Handbook; and

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

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

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

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

[Resolution #2018-0044](#) - *Renewing Authorization to New Jersey American Water Company to Provide Public Fire Protection Service to the Township of Bernards through Private Fire Hydrants for the Year 2018*

WHEREAS, the New Jersey American Water Company, Inc. is a regulated public utility corporation of the State of New Jersey presently in possession of municipal consent as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to provide water service within the Township of Bernards; and

WHEREAS, the Township of Bernards desires that New Jersey American Water Company, Inc. own, operate and maintain fire hydrants on and along such roads, streets and places within the Township of Bernards at locations to be designated by the Township of Bernards; and

WHEREAS, it is deemed to be in the best interest of the citizens of the Township of Bernards that New Jersey American Water Company be authorized to add to the number of public fire protection hydrants within the Township; and

WHEREAS, N.J.S.A. 40A:11-5(1)(f) permits a municipality to contract with a public utility, without bidding, for products or services in accordance with tariffs and schedules of charges filed with the Board of Public Utilities.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards as follows:

1. The governing body of the Township of Bernards hereby authorizes New Jersey American Water Company to provide public fire protection service to the Township through the private fire hydrants listed on Schedule A hereto and located in the Township.
2. The Township of Bernards hereby agrees to pay to New Jersey-American Water Company, the appropriate public fire protection service charge for the private fire hydrants described on Schedule A hereto. The Township recognizes that public fire protection service charges will be rendered by New Jersey American Water Company pursuant to the terms and provisions of its tariff on file with the New Jersey Board of Regulatory Commissioners, which tariff may be amended from time to time.
3. The term of the contract shall begin on the date that this resolution is adopted, and continue until an extension is granted or for twelve (12) months, whichever is sooner. The municipality may, by resolution, extend the contract for successive terms, each having a duration of twelve (12) months.
4. The clerk shall send a copy of this resolution, upon adoption, to the New Jersey American Water Company.
5. To the extent that any part or parts of this resolution are repealed or otherwise modified or voided by statute or case law, the remaining sections of this resolution shall remain in full force and effect.

SCHEDULE A

Association/Development	Number of Hydrants
Amherst Mews	9
Countryside	3
Crown Court	3
Hamilton Crest	5
Hamilton Ridge	6
Hamilton Woods	12
Kenworthy Court	1
Lord Stirling Village	3
Lyons Estates	2
Maple Run	6
Patriot Hill	12
Patriot Mews	5
Society Hill I	11
Society Hill II	8
Spring Ridge Madison Village	11
Spring Ridge Master Association	4
St. Andrews	2
The Barons	10
The Ridge	2
The Cedars	22
Whispering Woods	1

Resolution #2018-0013- Waiver Payments for Eligible Employees that Opt-Out of the State of New Jersey, Division of Pensions and Benefits, State Health Benefits Plan

WHEREAS, Bernards Township participates in the Health Program provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.); and

WHEREAS, Bernards Township has elected to participate in the State Health Benefits Program (SHBP) as adopted by Resolution #050459, voted on 11/29/05; and

WHEREAS the State Health Benefits Program, in accordance with Chapter 92, P.L. 2007 and Chapter 2, P.L. 2010 allows the Township to make waiver payments to eligible employees that opt-out of the State Health Benefits Program; and

WHEREAS, the Township Administrator and the Human Resources Officer recommend the following waiver payments for Eligible Employees that provide proof of medical coverage that is not provided by the SHBP:

Single	\$1,000.00
Member/Spouse	\$2,400.00
Parent/Child	\$2,400.00
Family	\$3,600.00

These payments will be spread over 24 pays and disbursed through the regular payroll process.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Township will offer to eligible employees the waiver payments for opting out of the State Health Benefit Program.

[Resolution #2018-0087](#) - *Renewal of Membership in the Suburban Municipal Joint Insurance Fund*

WHEREAS, Bernards Township is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Township of Bernards agrees to renew its membership in the Suburban Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund, for a three year period beginning January 1, 2018 and ending at 12:01 am January 1, 2021.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Suburban Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

End Consent Agenda

PUBLIC COMMENT

None.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members commented on their recent activities and exchanged best wishes for the New Year.

ADJOURNMENT

By unanimous consent, the meeting adjourned at 7:30 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

John Carpenter
Mayor