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FEBRUARY 13, 2018 – COMBINED AGENDA/REGULAR MEETING
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CALL TO ORDER
The mayor called the meeting to order at 7:31 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL
Present: Baldassare, Bianchi, Gaziano, Malay, Carpenter
Absent:
Also Present: Administrator McArthur, Attorney Belardo, Engineer Timko, and Deputy Municipal Clerk Pisano

EXECUTIVE SESSION – Resolution #2018-0122
Motion by Gaziano, second by Malay and unanimously agreed that Resolution #2018-0122 be amended to include Attorney Client Privilege; Verizon BR LLC Liquor License, and that the amended resolution be approved. The meeting temporarily adjourned to Executive Session at 7:32 PM.

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

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

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

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

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

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

Reason for Closed Session

☑ Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township’s position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.

Attorney Client Privilege Dolce/Verizon Liquor License
Attorney Client Privilege Lafayette Lane Bridge
Litigation - Affordable Housing Far Hills

Estimated Time of Disclosure or Upon Occurrence Of

Upon conclusion of litigation

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

PUBLIC COMMENT
Lisa Winter, 507 N Maple Ave, and Richard Huckins, 67 Woodstone, commented on participation in the Somerset County open space preservation survey.

Janet Ashnault, 309 Douglas Rd, commented on the Far Hills affordable housing proposal.

TOWNSHIP COMMITTEE MINUTES
02/13/2018
Page 3 of 25
CORRESPONDENCE
2018-01-19 Letter from Somerset County Regarding a Study for the Valley Road Bridge Over the Passaic River
The committee acknowledged receipt of letter and ensuing study.

REPORTS
Infrastructure Plan – DPW Supervisor/Asst. Administrator Pat Monaco
DPW Supervisor/Asst. Administrator Monaco reviewed the infrastructure study conducted of the township and the methodology used. Current infrastructure includes; roadways, equipment, emergency services, and buildings. Challenges were highlighted, such as shorter life cycles of roads due to composite standards, and the magnitude and management of assets discussed. A long term budget analysis was provided.

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Preliminary 2018 Budget Review - CFO/HR Officer Terri Johnson
CFO/HR Officer Johnson provided a preliminary 2018 budget review. This is the first budget in recent years that transfers focus from open space to infrastructure projects that had been put off for the last few years. Highlights included plans to maintain aging infrastructure, preserve current service levels, have a zero municipal tax impact on residents, and ensure the Township’s long term fiscal health. Johnson also stated that the Township’s budget will be reviewed by the state this year as this is a requirement every three years.

AGENDA SESSION
Update on Affordable Housing
Belardo provided a comprehensive overview of the affordable housing regulations, applicable court rulings, the current status of where Bernards Township stands, and what is permissible to discuss in public at this point in time. Settlement discussions have taken place with the two interveners and action will be taken if and when the best option for Bernards Township is offered and accepted. The Township is waiting to receive its affordable housing obligation number for the 1999-2025 time period from Judge Miller.

The mayor opened the floor for public comment or questions regarding affordable housing and the following people commented:

- Joe Esposito, 22 High Hill Ct.
- Steve Chaikin, 97 Haas Rd.
- Richard Huckins, 67 Woodstone Dr.
- Rita Zarabara, 155 Thackeray Dr.

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

FIRE & RESCUE APPOINTMENT
Resolution #2018-0133 - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 and First Aid Squad of Basking Ridge Fire Company #1 Jillian Carney, Junior Member and First Aid Squad of the Basking Ridge Fire Company #1 Lucas McCluskey, Junior Member
Motion by Bianchi, second by Baldassare, and unanimously agreed that Resolution #2018-0133 be approved.

WHEREAS, pursuant to §2-14.1 of the Revised General Ordinances of the Township of Bernards, the volunteer fire department consisting of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company, Inc. are hereby made the fire departments for the Township of Bernards; and
WHEREAS, pursuant to § 2-16.1 of the Revised General Ordinances of the Township of Bernards, there shall be a first aid department known as the "Township of Bernards First Aid and Emergency Department" consisting of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad, Inc.; and

WHEREAS, the Basking Ridge Fire Co. #1 and First Aid Squad of the Basking Ridge Fire Company #1 respectively are recommending the following individuals for appointment:

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<td>Jillian Carney</td>
<td>27 Byron Drive</td>
<td>Junior</td>
<td>Basking Ridge Fire Company #1 &amp; First Aid Squad of the Basking Ridge Fire Company #1</td>
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<tr>
<td>Lucas McCluskey</td>
<td>41 Ramapo Drive</td>
<td>Junior</td>
<td>First Aid Squad of the Basking Ridge Fire Company #1</td>
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NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individuals are hereby appointed to the agency and membership status as stated above effective this date.

NEW BUSINESS

Consent Agenda
The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, linked to the posted agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

Motion by Bianchi, second by Gaziano, that Resolution #2018-0128 be removed and the remainder of the Consent Agenda be approved.

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

** Begin Consent Agenda **

Approval of Minutes
01/24/2018 Open Session
These minutes were approved for content and release.

Resolution #2018-0105- Approval of the Bill List Dated 02/13/2018
BE IT RESOLVED, that the bill list dated 02/13/2018 be audited, and if found correct, be paid.
February 13, 2018 TOWNSHIP OF BERNARDS Page No: 1
01:09 PM Check Register By Check Date

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Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 02/13/18 to 02/13/18
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CASH - CHECKING CURRENT CHECKING

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TOWNSHIP COMMITTEE MINUTES
02/13/2018
Resolution #2018-0108 - Adoption of the Liberty Corner First Aid Squad (LCFAS), 2018 By-Laws, and Acknowledgement of 2018 Membership Roster

WHEREAS, pursuant to SECTION 2-16. of the Revised General Ordinances of the Township of Bernards there shall be First Aid and Emergency Department known as the "Township of Bernards First Aid and Emergency Department made up of the First Aid Squad of the Basking Ridge Fire Company No. 1 and the Liberty Corner First Aid Squad, Inc.; and

WHEREAS, the rules and regulations now and hereafter adopted by the Township Committee, as the same may be amended or supplemented, for the regulation and control of the Department and the personnel thereof are hereby made the rules and regulations of the Township First Aid and Emergency Department; and

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

1. The LCFAS 2018 By-Laws are adopted as submitted.
2. The LCFAS 2018 Roster of members is acknowledged as submitted.

Resolution #2018-0119 - Authorizing 2017 Application for Tonnage Grant

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards hereby endorses the submission of the 2017 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Pat Monaco, Recycling Coordinator, to ensure that the application is properly filed; and
BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution #2018-0120 - Issuance of Solicitor Licenses for Myles L. Jenkins and Michael Fiechter, Royal Enterprise Solutions, Inc., for the period of 01/01/2018 – 06/30/2018
WHEREAS, Myles L. Jenkins and Michael Fiechter of Royal Enterprise Solutions, Inc., 15 Corporate Place South, Suite 150, Piscataway, NJ 08854 have applied for Solicitor’s Licenses for the license period of 01/01/2018 to 06/30/2018, effective 02/13/2018, for the purpose of door-to-door sales for Verizon FiOS; and

WHEREAS, pursuant to Chapter 4, Section 2 of the Revised General Ordinances of the Township of Bernards, the applicants have provided the required documentation and paid the applicable fees; and

WHEREAS, the Municipal Clerk, the Chief of Police, and the Zoning Officer have reviewed the said applications and found them complete.

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

Resolution #2018-0121 - Authorizing a Place-to-Place Transfer of Liquor License #1802-44-003-006, AEK Enterprises LLC
WHEREAS, Myles L. Jenkins and Michael Fiechter of Royal Enterprise Solutions, Inc., 15 Corporate Place South, Suite 150, Piscataway, NJ 08854 have applied for Solicitor’s Licenses for the license period of 01/01/2018 to 06/30/2018, effective 02/13/2018, for the purpose of door-to-door sales for Verizon FiOS; and

WHEREAS, pursuant to Chapter 4, Section 2 of the Revised General Ordinances of the Township of Bernards, the applicants have provided the required documentation and paid the applicable fees; and

WHEREAS, the Municipal Clerk, the Chief of Police, and the Zoning Officer have reviewed the said applications and found them complete.

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

Resolution #2018-0123 - Acceptance of the Friends of the Kennedy Martin-Stelle Farmstead 2017 Annual Report
WHEREAS, pursuant to Ordinance #1775 originally adopted by the Township Committee of the Township of Bernards on March 29, 2005, authorizing a lease agreement with the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. for a 4.397 acre tract known as Block 185, Lot 20.03, King George Road, Basking Ridge; and

WHEREAS, pursuant to said lease, and N.J.S.A. 40A:12-14(c) the Friends of the Kennedy Martin-Steele Farmstead, Inc., must submit an annual report to the Township setting out in detail the progress of the buildings preservation, restoration, renovations or operations and the progress of all fund-raising activities and grant applications, the proposed use for the buildings upon commencement of operation, the occupancy and utilization of the buildings during the preceding year, the activities of the Tenant undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value of cost, if any, of such activities in furtherance of such purpose and an affirmation of the continued tax exempt status of the Tenant pursuant to both State and federal law.

WHEREAS, the 2017 annual report has been submitted as required.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the 2017 Annual Report of the Friends of the Kennedy Martin-Steele Farmstead be acknowledged as submitted.

Resolution #2018-0124 - Commendation on Attaining Eagle Scout Designation Conor Mahoney, Brandon Wellington Pierson and Patrick H. Zadroga
WHEREAS, the Township Committee is very pleased to recognize the outstanding personal effort of Conor Mahoney, Brandon Wellington Pierson and Patrick H. Zadroga, in reaching the rank of Eagle Scout; and
WHEREAS, Conor, Brandon and Patrick, are members of Troop 555 of Patriots’ Path Council, and have been active scouts, demonstrating outstanding leadership within their Troop, and have contributed many service hours to their community during their years in scouting; and

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

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

Resolution #2018-0125 - Award of Contract to CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512, as the BPU Direct Install Contractor for Energy Efficient Measures for the Bernards Township Library, in the Amount of $1,325.37

WHEREAS, the State of New Jersey Board of Public Utilities awarded a contract to CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512 for the New Jersey Clean Energy Direct Install Program; and

WHEREAS, the Township of Bernards is participating in the NJ Clean Energy Direct Install Program for the Bernards Township Library of which a summary of the costs, the projected savings, and the estimated payback period of the investment is included; and

WHEREAS, the total cost of improvements totals $4,417.91 of which the Bernards Township Library contributory portion totals $1,325.37; and

WHEREAS, the BPU Energy Assessment calculations show an annual savings at $748.26 with a payback period of approximately 1.80 years on the Township funded portion; and

WHEREAS, it is the combined recommendation of the Bernards Township Library Board, Director of Public Works, Purchasing Agent, and Administrator to award this contract to: CMC Energy Services; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation or ordinance to be charged is line account #8-01-LI-R01-C05.

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the contract be awarded to CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512; and

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to: CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512 in the amount of $1,325.37.

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.

________________________________________
Anthony Tortomasi, Energy Advisor

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase. Monies are available in the Library Reserves, line account #8-01-LI-R01-C05 in the amount not to exceed $1,325.37.

Date: 1/29/2018

Terri Johnson
Chief Financial Officer
Resolution #2018-0126 - Award of Contract to CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512, as the BPU Direct Install Contractor for Energy Efficient Measures for Various Township Facilities, in the Amount of $12,286.23

WHEREAS, the State of New Jersey Board of Public Utilities awarded a contract to CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512 for the New Jersey Clean Energy Direct Install Program; and

WHEREAS, the Township of Bernards is participating in the NJ Clean Energy Direct Install Program for 5 facilities in the Township of which a summary of the costs, the projected savings, and the estimated payback period of the investment is included; and

WHEREAS, the total cost of improvements totals $40,954.10 of which the Township’s contributory portion totals $12,286.23; and

WHEREAS, the BPU Energy Assessment calculations show an annual savings at $5,304.75 with a payback period of approximately 1.18 years on the Township funded portion; and

WHEREAS, it is the combined recommendation of the Director of Public Works, Purchasing Agent and Administrator to award this contract to: CMC Energy Services; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation or Capital Ordinance #2337 line account #C-04-55-337-C03; and

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the contract be awarded to: CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to: CMC Energy Services, 1249 South River Road, Suite 103, Cranbury, NJ 08512 in the amount of $12,286.23.

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.

________________________________________
Anthony Tortomasi, Energy Advisor

CFO CERTIFICATION
I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed $12,286.23. Monies are available in the 2016 Capital Account, Buildings-Energy Improvements Capital Ordinance # 2337 line account #C-04-55-337-C03.

Date: 1/29/2018
Terri Johnson
Chief Financial Officer

Resolution #2018-0127 - Interlocal Services Agreement for the Provision of 2018 Somerset County Recycling Pickup to the Township of Bernards

WHEREAS, the Township of Bernards requires recycling pickup; and

WHEREAS, the County of Somerset has indicated a willingness to provide recycling pickup pursuant to and on the terms set forth herein and in a contract dated January 23, 2018; and

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

TOWNSHIP COMMITTEE MINUTES
02/13/2018
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WHEREAS, N.J.S.A. 40:8A-1, et. seq. the Interlocal Services Act, provides the mechanism for making such contract between public agencies; and

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the County of Somerset, to implement recycling pickup, subject to the terms and provisions set forth below and in a contract dated January 23, 2018.

THIS AGREEMENT, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the County of Somerset for recycling pickup for the calendar year 2018 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

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

CFO CERTIFICATION
I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount of $23.85 per household. Monies will be made available after Budget Adoption, and subsequently transferred to Trust Fund – Reserve for Recycling. Note: Amounted budgeted for curbside recycling is annually transferred to the Bernards Township Trust Fund after budget adoption. These funds are earmarked exclusively for Recycling Expenditures.

Date: 1/30/2018

Terri Johnson,
Chief Financial Officer

Resolution #2018-0129 - Awarding Professional Services Contract for the Pleasant Valley Park Culvert to Jon Moren, PE, License Number 24GE04697900 of the firm French & Parrello Associates, in the Not to Exceed Amount of $26,962.00

WHEREAS, the Township of Bernards requires professional engineering services; and

WHEREAS, Jon Moren, PE, License Number 24GE04697900 of the firm French & Parrello Associates, 1800 Route 34, Suite 101, Wall, NJ 07719 has submitted a proposal dated January 26, 2018 outlining professional engineering 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 account name, Pleasant Valley Park Culvert, line account #C-04-55-366-A04 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 Jon Moren, PE, License Number 24GE04697900 of the firm French & Parrello Associates, 1800 Route 34, Suite 101, Wall, NJ 07719 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated January 26, 2018.
2. The contract term is from February 13, 2018 through August 12, 2018 for professional engineering services not to exceed an amount of $26,962.00.
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 resolution be published in the official township newspaper, and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

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

________________________________________________________
Jon Moren, PE, License Number 24GE04697900

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $26,962.00. Monies are available in the 2017 Capital Ordinance #2366, line item appropriation: Pleasant Valley Park Culvert account #C-04-55-366-A04.

Date: 1/30/2018

Resolution #2018-0130 - Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Basking Ridge Fire Company No. 1

WHEREAS, the Basking Ridge Fire Company No. 1 requires vehicle maintenance and repair service; and

WHEREAS, Bernards Township has indicated a willingness to provide vehicle maintenance and repair service pursuant to and on the terms set forth herein; and

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

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

WHEREAS, Bernards Township already has in place a vehicle maintenance and repair service.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the Basking Ridge Fire Company No. 1, to supply vehicle maintenance and repair service, subject to the terms and provisions set forth below.

This agreement, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the Basking Ridge Fire Company No. 1 for vehicle maintenance and repair service through February 28, 2021 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

The Basking Ridge Fire Company No. 1 shall be billed and will remit to the Township of Bernards on a monthly basis, the cost of vehicle maintenance and repair on a time and material basis.
Resolution #2018-0131 - Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Liberty Corner First Aid

WHEREAS, the Liberty Corner First Aid requires vehicle maintenance and repair service; and

WHEREAS, Bernards Township has indicated a willingness to provide vehicle maintenance and repair service pursuant to and on the terms set forth herein; and

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

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

WHEREAS, Bernards Township already has in place a vehicle maintenance and repair service.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the Liberty Corner First Aid, to supply vehicle maintenance and repair service, subject to the terms and provisions set forth below.

This agreement, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the Liberty Corner First Aid for vehicle maintenance and repair service through February 28, 2021 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

The Liberty Corner First Aid shall be billed and will remit to the Township of Bernards on a monthly basis, the cost of vehicle maintenance and repair on a time and material basis.

Resolution #2018-0132 - Interlocal Services Agreement for the Provision of Supplying Vehicle Maintenance and Repair Service to the Liberty Corner Fire Company

WHEREAS, the Liberty Corner Fire Company requires vehicle maintenance and repair service; and

WHEREAS, Bernards Township has indicated a willingness to provide vehicle maintenance and repair service pursuant to and on the terms set forth herein; and

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

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

WHEREAS, Bernards Township already has in place a vehicle maintenance and repair service.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following agreement shall be entered into between the Township of Bernards and the Liberty Corner Fire Company, to supply vehicle maintenance and repair service, subject to the terms and provisions set forth below.

This agreement, sets forth the specific provision for the Interlocal Services Agreement between the Township of Bernards and the Liberty Corner Fire Company for vehicle maintenance and repair service through February 28, 2021 in accordance with N.J.S.A. 40:48-2, N.J.S.A. 40:8A-1 et. seq., the Interlocal Services Act, as follows:

The Liberty Corner Fire Company shall be billed and will remit to the Township of Bernards on a monthly basis, the cost of vehicle maintenance and repair on a time and material basis.

Resolution #2018-0134 - Authorizing a Memorandum of Understanding between the Somerset County Prosecutor’s Office and the Township of Bernards for Participation in the Fire Investigation Unit Specifically Naming Andrew Buterbaugh, and Mark Sylvester as the Participating Officials and Authorizing the Administrator to Execute Said Memorandum of Agreement for the Time Period of 2/14/2018-2/13/2019

WHEREAS, for efficiency purposes and comprehensive investigation of arsons and other major crimes in the County of Somerset, the Somerset County Prosecutor has created the Somerset County Fire Investigation Unit; and
WHEREAS, the purpose of the Memorandum of Understanding is delineate the goals and responsibilities of the Fire Investigation Unit maximizing inter-agency cooperation in investigative endeavors involving fires; and

WHEREAS, the Points of Understanding are listed in the Memorandum of Understanding and have been reviewed by the Fire Official and is acceptable.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bernards, in the County of Somerset, State of New Jersey hereby authorizes a Memorandum of Understanding between the Somerset County Prosecutor’s Office and the Township of Bernards for participation in the Fire Investigation Unit specifically naming Andrew Buterbaugh and Mark Sylvester as the participating members and authorizes the Administrator to execute said agreement for the Time Period of 2/14/2018-2/13/2019.

Resolution #2018-0135 - Personnel Appointment, William Hannis – Library Assistant – Adult Circulation – Bernards Township Library

WHEREAS, the part time Library Assistant – Adult Circulation position became available due to a retirement; and

WHEREAS, the Library Director, Library Board and Chief Financial Officer/Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, William Hannis has applied for and is qualified to fill said position; and

WHEREAS, the Library Director, Library Board and Chief Financial Officer/Human Resources Officer recommend the appointment of William Hannis to part time Library Assistant - Adult Circulation.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that William Hannis be appointed part time Library Assistant - Adult Circulation with a hire date of Wednesday, February 14, 2018 at an hourly rate of $14.50 for an average of 17 hours per week.

Resolution #2018-0136 - Personnel Appointment, Sapna Singhvi – Library Assistant – Adult Circulation – Bernards Township Library

WHEREAS, the part time Library Assistant – Adult Circulation position became available due to a retirement; and

WHEREAS, the Library Director, Library Board and Chief Financial Officer/Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, Sapna Singhvi has applied for and is qualified to fill said position; and

WHEREAS, the Library Director, Library Board and Chief Financial Officer/Human Resources Officer recommend appointment of Sapna Singhvi to part time Library Assistant - Adult Circulation.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Sapna Singhvi be appointed part time Library Assistant - Adult Circulation with a hire date of Wednesday, February 14, 2018 at an hourly rate of $14.50 for an average of 17 hours per week.

Resolution #2018-0137 - Approval of Maintenance Surety and Return of Improvement Performance Bond for Winter Subdivision-Walden Place

WHEREAS, the Engineer of the Township of Bernards, Somerset County, New Jersey, 07920, has received the following Maintenance Surety:

Name of Applicant: D.R. Horton, Inc.
Address: Eight Neshaminy Interplex, Suite 115, Trevose, PA 19053
Maintenance Surety: # 160676758
Dated: 10/02/2017
Insurance Company: Liberty Mutual Insurance Company
Address: 200 Clarendon St., Boston, MA 02116
Amount: $104,904.18

WHEREAS, the aforesaid applicant is requesting return of their Improvement Performance Bond:
Name of Applicant: D.R. Horton, Inc.
Address: Eight Neshaminy Interplex, Suite 115, Trevose, PA 19053
Performance Bond #: 16063056
Insurance Company: Liberty Mutual Insurance Company
Address: 2055 Sugarloaf Circle, Duluth, GA 30097
Amount: $188,892.32 (Reduction)  Cash Portion: $20,988.04 (Reduction)

WHEREAS, the Township Engineer, after inspection, advises that the site has now been completed in compliance
with Township regulations and recommends return of the Improvement Performance Bond to the applicant, and

WHEREAS, the Township Attorney has approved the Maintenance Surety as to its form and sufficiency.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the
Maintenance Surety is hereby approved, and effective upon passage of this resolution for a two year period; and

NOW, THEREFORE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards
that the aforesaid Improvement Performance Bond be released to the above named applicant.

Resolution #2018-0138 - Award of Purchase Orders for Identified Vendor – Acme Diesel Electric, Inc., Visiting Nurse Association of Somerset Hills
WHEREAS, the Township Committee of Bernards has adopted Ordinance #1854 “Known as Pay to Play” and P. L.
2004, Chapter 19; and

WHEREAS, pursuant to the ordinance window contracts determined to exceed $17,500.00 and within the bid
threshold of $40,000.00 requires governing body approval; and

WHEREAS, the purchasing agent has determined that the value of the vendor(s) listed below will exceed
$17,500.00 in purchases; and

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Not to Exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acme Diesel Electric, Inc.</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Visiting Nurse Association of Somerset Hills</td>
<td>$ 40,000.00</td>
</tr>
</tbody>
</table>

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in
compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any
reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year,
and that the contract will prohibit the principals of said companies from making ANY contributions through the term
of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit
any business entity or professional that procures goods, services or contracts from the Township without the formal
bid process from making “any” contribution whatsoever in the prior calendar year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset
County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendor listed
above to maintain continuity and facilitate the ordering process through December 31, 2018.

Resolution #2018-0139 - Bernards Township is Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2213 to Hannah Evelyn, 3610 Balsam Way Block 9001, Lot 36.04 in the Amount of $15,000
WHEREAS, Hannah Evelyn, single (the “Homeowner”) is the contract purchaser of property designated as Lot
36.04 in Block 9001 (formerly identified as Lot 36.10 in Block 9001) on the Tax Map of the Township of Bernards
in the County of Somerset, State of New Jersey, commonly known as 3610 Balsam Way (the “Property”); and

WHEREAS, the Homeowner seeks monetary assistance in the form of a forgivable grant through the Bernards
Township Housing Down Payment Affordability Assistance Program for the purpose of buying an Affordable Unit; and
WHEREAS, the Township has an authorized down payment affordability assistance program pursuant to Ordinance #2213, Section 21.85.3d.; and

WHEREAS, the maximum amount of any Township grant shall not exceed $15,000 and the Township shall not award more than two grants per calendar year; and

WHEREAS, the terms of the forgivable, interest free grant consist of the requirement that the Homeowner continue to own and occupy the Property as a primary residence for a five (5) year period or repay the grant in full; upon sale of the Affordable Unit; and

WHEREAS, based on the requirements of Ordinance #2213, the Homeowner has met the obligations for and is entitled to a Fifteen Thousand ($15,000) grant (the “Grant”).

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the Grant provided the Homeowner executes a Repayment Note and Mortgage to the Township and recording of the same with the Somerset County Clerk.

Resolution #2018-0141 - Authorizing the Township Special Tax Attorney to Enter Into a Stipulation of Settlement Relative to the Tax Appeal Captioned 110 Allen Road LLC vs. Bernards Township, Tax Court of New Jersey, Docket No: 006072-2017

WHEREAS, 110 Allen Road LLC (“Taxpayer”), the owner of the office building located at 110 Allen Road, Block 11201, Lot 15 on the Township of Bernards Tax Assessment Maps (the “Property”), filed an appeal of their 2017 tax assessment in the Tax Court of New Jersey, Docket No: 006072-2017; and

WHEREAS, the Township Committee of the Township of Bernards has considered the aforesaid tax appeal and the recommendations of its Township Tax Assessor and Special Tax Attorney; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal was negotiated which reduces the 2017 total tax assessment from a total tax assessment of $22,195,900 to a reduced total tax assessment of $20,178,000; and

WHEREAS, the Bernards Township Assessor’s Office has inspected the property, examined the market and determined that the adjustment is warranted because of the historically large vacancy rates at, and the condition of the property as of the valuation date; and

WHEREAS, pursuant to the aforesaid settlement, Taxpayer waives interest on any refunds that are to be paid within 60 days from the date of judgment to “Brach Eichler, LLC and Allen Road LLC” and mailed to Daniel J. Pollak, Esq., Brach Eichler, LLC, 101 Eisenhower Parkway, Roseland, New Jersey 07068-1067; and

WHEREAS, the Freeze Act shall not be applicable and the assessment in 2018 has been once again set at $22,195,900; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid 2017 tax assessment on the Property to the Township of Bernards Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Bernards as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Committee will make this settlement with Taxpayer without prejudice to its dealing with any other Bernards Township taxpayers’ request for tax assessment reduction.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, as follows:

1. The Township of Bernards Tax Assessor is hereby directed to establish the allocation between land and improvements of a $2,017,900 total tax assessment reduction for the 2017 tax year for Block 11201, Lot 15, which most beneficial to the Township of Bernards and advised the Special Tax Attorney of that allocation.

2. The Special Tax Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto relative to the tax appeal of 110 Allen Road LLC, Docket No: 006072-2017, reduces the 2017
total tax assessment on Block 11201, Lot 15 from a total tax assessment of $22,195,900 to a reduced total tax assessment of $20,178,000; all at allocations made by the Tax Assessor; which further provides that the taxpayer will waive interest on any refunds so long as refunds are paid within 60 days from the date of judgment to “Brach Eichler, LLC and Allen Road LLC” and mailed to Daniel J. Pollak, Esq., Brach Eichler, LLC, 101 Eisenhower Parkway, Roseland, New Jersey 07068-1067.

3. The settlement outlined above shall be without prejudice to the Township’s dealings with any Township’s taxpayers’ request for tax assessment reductions.

Resolution #2018-0142 - Issuance of a Rotational Towing License To Mike’s Towing & Recovery, Inc., 643 East Main Street, Bridgewater, NJ For the 2 Year Period of February 13th, 2018 to February 13th, 2020

WHEREAS, Mike’s Towing & Recovery, Inc., 643 East Main Street, Bridgewater, NJ 08807 has applied for a Rotational Towing License for a two year period, February 13th, 2018 to February 13th, 2020 for the purpose of providing municipal towing services on behalf of the Township of Bernards; and

WHEREAS, pursuant to Chapter 4, Section 7 of the Revised General Ordinances of the Township of Bernards, the applicant has provided required documentation and paid the applicable fee; and

WHEREAS, the Municipal Clerk and Chief of Police have reviewed said application and found it complete and in compliance with the ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a Rotational Towing License be issued to Mike’s Towing & Recovery, Inc. for the 2 year period, February 13th, 2018 to February 13th, 2020.

Resolution #2018-0143 - Authorization for Tax Refunds

WHEREAS, a tax overpayment exists because the property owner or mortgage company erroneously prepaid for the year 2018 taxes; and

WHEREAS, the owner or mortgage company has requested from the tax collector that a refund be issued.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby approve and authorize the following refunds.

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Quarter &amp; Year</th>
<th>Amount</th>
<th>Issue Refund To</th>
</tr>
</thead>
<tbody>
<tr>
<td>3502/37/condo</td>
<td>2018</td>
<td>$2,454.93</td>
<td>Dovenmuehle Mortgage Inc. 1206 St Charles Rd Elgin IL 60120</td>
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<tr>
<td>7401/6</td>
<td>2018</td>
<td>$4,911.70</td>
<td>James J &amp; Marcella M Strutt 43 Old Coach Rd Basking Ridge NJ 07920</td>
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<tr>
<td>5701/9</td>
<td>2018</td>
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<td>Dovenmuehle Mortgage Inc. 1206 St Charles Rd Elgin IL 60120</td>
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<td>4102/19</td>
<td>2018</td>
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<td>Corelogic 3001 Hackberry Rd Irving TX 75063</td>
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<tr>
<td>6403/9</td>
<td>2018</td>
<td>$5,396.66</td>
<td>Nationstar c/o Corelogic PO Box 9225 Coppell TX 75019-9768</td>
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<td>Nationstar c/o Corelogic 3001 Hackberry Rd Irving TX 75063</td>
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<td>9001/113</td>
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<td>Wells Fargo Home Mortgage 1 Home Campus MAC X2302-04D Des Moines IA 50328</td>
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<tr>
<td>8301/11.01</td>
<td>2018</td>
<td>$5,579.15</td>
<td>Ocwen Loan Servicing LLC Tax/Escrow Dept 1661 Worthington Rd Suite #100</td>
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</tbody>
</table>
Resolution #2018-0144 - Change Order #1 – Increase of $671.44 Professional Services Contract for Special Counsel Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, LLC, for a New Not to Exceed Amount of $5,671.44

WHEREAS, the Bernards Township Committee adopted Resolution #2017-0080 on January 2, 2017 appointing Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, LLC., as Special Counsel; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Affordable Housing COAH, line account # T-13-56-055-COA.

NOW, THEREFORE BE IT RESOLVED, by the Bernards Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a change order to; Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, LLC in the amount of $671.44 for a new not to exceed amount of $5,671.44.

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

I agree to the terms as stated in the Resolution and by signing this document, I am committed to 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 amount of $ 671.44 for a new not to exceed amount of $5,671.44. Monies are available in the Affordable Housing COAH, line account # T-13-56-055-COA.

Date: 2/6/2018

Terri Johnson
Chief Financial Officer

Resolution #2018-0145 - Return of Improvement Performance Surety for Pingry Athletic Center Phase 2 & 3 Block 11601 Lots 3.01

WHEREAS, the Township Engineer of the Township of Bernards, Somerset County, New Jersey, 07920, has the following Performance Surety:

Name of Applicant: The Pingry Corporation
Address: 131 Martinsville Road
Basking Ridge, NJ 07920
Performance Surety: 800005267
Insurance Company: Atlantic Specialty Insurance Company
Address: 77 Water Street

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02/13/2018
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WHEREAS, the aforesaid applicant is requesting return of their Performance Surety; and

WHEREAS, the Township Engineer recommends return of the Performance Surety to the applicant; and

WHEREAS, no Maintenance Surety required.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the aforesaid Performance Surety be released to the above named applicant.

**End Consent Agenda**

**Resolution #2018-0128** - Award of Bid for Beechwood Road Storm Sewer to JTG Construction, Inc., 188 Jefferson Street, Suite 387, Newark, NJ 07105, in the Amount of $559,200.00

Motion by Baldassare, second by Bianchi, that Resolution #2018-0128 be approved.

Roll Call:

Aye: Baldassare, Bianchi, Gaziano, Malay, Carpenter

Nay:

Abstain:

Motion carried

WHEREAS, the Township of Bernards received bids on Wednesday, January 24, 2018, at 10:30 AM for Beechwood Road Storm Sewer:

<table>
<thead>
<tr>
<th>Bidders Name</th>
<th>Total Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>JTG Construction, Inc.</td>
<td>$559,200.00</td>
</tr>
<tr>
<td>Stilo Excavation, Inc.</td>
<td>$679,473.25</td>
</tr>
<tr>
<td>M.S.P. Construction Corp.</td>
<td>$685,140.00</td>
</tr>
<tr>
<td>Top Line Construction Corp.</td>
<td>$744,258.71</td>
</tr>
<tr>
<td>Reivax Contracting Corp.</td>
<td>$752,130.00</td>
</tr>
<tr>
<td>Your Way Construction, Inc.</td>
<td>$764,203.25</td>
</tr>
<tr>
<td>AJM Contractors, Inc.</td>
<td>$803,550.00</td>
</tr>
<tr>
<td>Lucas Construction Group, Inc.</td>
<td>$834,436.00*</td>
</tr>
<tr>
<td>Salmon Brothers, Inc.</td>
<td>$894,575.00</td>
</tr>
<tr>
<td>Sanitary Construction Company, Inc.</td>
<td>$936,830.00</td>
</tr>
<tr>
<td>Colonnelli Brothers, Inc.</td>
<td>$963,650.00</td>
</tr>
</tbody>
</table>

**represents corrected total due to arithmetic error in bid proposal**

WHEREAS, it is the combined recommendation of the Township Engineer, Administrator and Purchasing Agent to award the contract to JTG Construction, Inc., 188 Jefferson Street, Suite 387, Newark, NJ 07105, in the amount of $559,200.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2366 line account #C-04-55-366-A03; and

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: JTG Construction, Inc., 188 Jefferson Street, Suite 387, Newark, NJ 07105, in the amount of $559,200.00.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township (“Owner”) and JTG Construction, Inc. (“Contractor”) shall contain:
1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Beechwood Road Storm Sewer.

2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.

3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.

4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.

5. Billing must be rendered within 30 days of service delivery.

6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.

7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon five (5) days written notice via certified mail.

8. The work contemplated under the Contract shall be completed within ninety (90) days of the Notice to Proceed.

9. The Contractor shall commence the work not later than ten (10) calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.

10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.

11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of $500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.

12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within ten (10) days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

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

Ana Pimenta, President, JTG Construction, Inc.

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $559,200.00. Monies are available in the Capital Ordinance, #2366, line item account #C-04-55-366-A03.

Date: 1/30/2018

Terri Johnson, Chief Financial Officer

Ordinance #2377 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending the Revised General Ordinances of the Township of Bernards, Chapter 12, “Building and Housing”, Regarding Preoccupancy Records Inspections (Zoning Records Clearance) – Introduction

The deputy clerk read the ordinance by title.

Motion by Malay, second by Gaziano, that Ordinance #2377 be introduced on first reading, advertised as required by law, and schedule for a public hearing on 02/27/2018.

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

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 12, titled “Building and Housing”, Section 12-2, titled “Construction Records Clearance Required (CRC)”, § 12-2.3, titled “Preoccupancy records inspection”, of the Revised General Ordinances of the Township of Bernards shall be amended as follows (new text is underlined):

§ 12-2.3 Preoccupancy records inspection. [Ord. #1769, 12-28-2004, added]

Prior to the issuance of any such certificate for any transaction, the enforcing agency shall conduct a records inspection to ensure that there are no open construction permits or zoning permits on subject premises. Should there be open permits on subject premises, all final inspections and prior approvals shall be obtained and appropriate Uniform Construction Code certificates and zoning certificates shall be issued prior to issuance of the CRC.

Ordinance #2378 - An Ordinance of the Township of Bernards to set Calendar Year 2018 Appropriation Limits and to Establish a Cap Bank per N.J.S.A. 40A: 4-45.14 – Introduction

The deputy clerk read the ordinance by title.

Motion by Baldassare, second by Gaziano, that Ordinance #2378 be introduced on first reading, advertised as required by law, and schedule for a public hearing on 02/27/2018.

Roll Call:

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

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its Calendar Year 2018 Budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

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

WHEREAS, the Township Committee of the Township of Bernards in the County of Somerset finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 1.0 % increase in the budget for said year, amounting to $268,055.04 in excess of the 2.5 % ($670,137.60) increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and may be necessary; and

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

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of Bernards shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, may be increased up to 3.5 %, amounting to no more than $938,192.64, and that the CY 2018 municipal budget for the Township of Bernards be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

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

Ordinance #2379 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending the Code of the Township of Bernards, Chapter 21, “Revised Land Use Ordinances”, Regarding Escrow Deposits for Variance Applications – Introduction (Memo from David Schley, Township Planner)

The deputy clerk read the ordinance by title.

Motion by Malay, second by Gaziano, that Ordinance #2379 be introduced on first reading, advertised as required by law, referred to the Planning Board, and schedule for a public hearing on 03/13/2018.

Roll Call:

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

Motion carried.

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, titled “Land Development”, Table 901, titled “Application Fee and Escrow Deposit Fee Schedule”, of the Code of the Township of Bernards shall be amended as follows (new text is underlined; deletions are stricken):}

<table>
<thead>
<tr>
<th>TABLE 901</th>
<th></th>
<th>Application Fee and Escrow Deposit Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Application Fee¹</td>
<td>Escrow Deposit</td>
</tr>
<tr>
<td>1.</td>
<td>Subdivisions</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Minor</td>
<td>$300 + $50/lot</td>
</tr>
<tr>
<td>b.</td>
<td>Preliminary plat, major</td>
<td>$500 + $100/lot</td>
</tr>
<tr>
<td>c.</td>
<td>Final plat, major</td>
<td>$300 + $25/lot</td>
</tr>
<tr>
<td>2.</td>
<td>Site Plans</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Preliminary plan (residential)²</td>
<td>$500 + $25/dwelling unit</td>
</tr>
<tr>
<td>b.</td>
<td>Preliminary plan (nonresidential)³</td>
<td>$500 + $0.02/sq.ft. of building floor area + $25/acre</td>
</tr>
<tr>
<td>c.</td>
<td>Final plan (residential)</td>
<td>$300 + $10/dwelling unit</td>
</tr>
<tr>
<td>d.</td>
<td>Final plan (nonresidential)</td>
<td>$300 + $0.01/sq.ft. of building floor area + $25/acre</td>
</tr>
<tr>
<td>3.</td>
<td>Conditional Use</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Supplementary apartment</td>
<td>$150</td>
</tr>
<tr>
<td>b.</td>
<td>Other</td>
<td>$250 + $0.10/sq.ft. of conditional use building or structure</td>
</tr>
<tr>
<td>4.</td>
<td>Variances</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Appeals (N.J.S.A. 40:55D-70a)</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Single-family residential</td>
<td>$50</td>
</tr>
<tr>
<td>2.</td>
<td>Other</td>
<td>$150</td>
</tr>
<tr>
<td>b.</td>
<td>Interpretations (N.J.S.A. 40:55D-70b)</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Single-family residential</td>
<td>$50</td>
</tr>
<tr>
<td>2.</td>
<td>Other</td>
<td>$150</td>
</tr>
<tr>
<td>c.</td>
<td>Bulk variance (N.J.S.A. 40:55D-70c)</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Single-family residential</td>
<td>$100</td>
</tr>
<tr>
<td>2.</td>
<td>Other</td>
<td>$250</td>
</tr>
<tr>
<td>d.</td>
<td>Special reasons (N.J.S.A. 40:55D-70d)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$500</td>
</tr>
</tbody>
</table>

NOTES:
1. No application fee shall exceed $15,000.
2. Any nonresidential buildings in a predominantly residential site plan shall pay an escrow deposit of $0.03 per square foot of nonresidential building floor area in addition to the residential escrow deposit.
3. Any residences in a predominantly nonresidential site plan shall pay $25 per dwelling unit escrow deposit in addition to the nonresidential escrow deposit.
4. Document imaging: All documents associated with an application shall be provided to the Board in the digital format specified in Appendix A, Article VII, Digital Submission Standards. For those applicants not providing these documents in digital format, the following amounts shall be due and payable at the time of application to defray the cost of document imaging:
   (a) Subdivisions and site plans: $150.
   (b) Variances: $25.
5. Tax Map revision fee. In addition to the application fees set forth in Subparagraphs 1 and 2 above, the following amounts shall be due and payable at the time of application to defray the cost of professional services required to effect revisions to the Tax Map necessitated by the development application:
   (a) Minor subdivision plat: $75.00 per lot.
   (b) Final major subdivision plat: $50.00 per lot.
   (c) Site plan application creating condominium units (whether residential or commercial units): $50.00 per unit.
6. Amended application. Application fee shall be 1/2 of the original application fee but not to exceed $500.00. Escrow deposit shall be 1/2 of the original escrow deposit unless sufficient funds remain in the escrow account from the original application, such that the Board determines a lesser amount is adequate to cover anticipated bills.
7. Extension of preliminary approval, final approval, or variance approval. Application fee shall be 1/2 of the original application fee but not to exceed $500.00. Escrow deposit shall be 1/2 of the original escrow deposit for preliminary or final extensions, and $300 for variance extensions, unless sufficient funds remain in the escrow account from the original application.
8. Conceptual approval. In the event that the developer chooses to submit an application for conceptual approval of the development plan, 25% of the entire preliminary development plan application fee and the entire escrow amount shall be paid at the time of such submission and the remainder shall be payable at the time of the submission of a complete application for preliminary approval.
9. Waiver of fees. Charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall pay one-half (1/2) of the normal application fee. All governmental agencies of the Township of Bernards are exempt from the payment of any fee required under this chapter.
10. Variances involving subdivisions or site plans shall be accompanied by the application fee and escrow deposit in #1 and #2.
11. Additional escrow funds shall be required by the Board when the escrow balance has been depleted below the amount of the original deposit. The additional deposit shall be an amount sufficient to restore the escrow balance to the amount of the original escrow deposit unless the Board determines a lesser amount is adequate to cover anticipated bills. Whenever additional funds are required, the applicant shall be notified in writing and the additional deposit shall be remitted to the Board Secretary within ten (10) days of the date of the written notification.
12. Modification or elimination of a condition contained in a previously adopted resolution of approval. Application fee shall be $300. Escrow deposit shall be $1,000.
13. Informal review pursuant to N.J.S. 40:55D-10.1. Application fee shall be $100, which shall be a credit toward the fee for the application for development.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

Ordinance #2380 - An Ordinance Accepting Walden Place – Introduction

The deputy clerk read the ordinance by title.

Motion by Malay, second by Baldassare, that Ordinance #2380 be introduced on first reading, advertised as required by law, and schedule for a public hearing on 02/27/2018.
Roll Call:
   Aye: Baldassare, Bianchi, Gaziano, Malay, Carpenter  
   Nay:  
   Abstain:  
   Motion carried.

BE IT ORDAINED by the Township Committee of the Township of Bernards that Walden Place, dedicated to public use be hereby accepted by the Township.

Said roadway, being shown on a map entitled “Major Subdivision of Block 6101: Lots 4, 5 and 6 (Tax Map Sheet 61), Township of Bernards, Somerset County, NJ.” as prepared by Page Engineering Consultants, P.C., dated 03-30-2006, last revised 02/01/2011 and filed in the Somerset County Clerk’s Office on March 9, 2015, Book 6777, Page 1975-1976.

EXECUTIVE SESSION - Resolution #2018-0122 (continuation of earlier session if required)
At 9:54 PM the committee resumed their Executive Session discussions authorized under Resolution #2018-0122 adopted earlier in the meeting.

ADJOURNMENT
The meeting resumed in open session at 10:24 PM and by unanimous consent immediately adjourned.

Respectfully submitted,

________________________________________
Rhonda Pisano
Deputy Municipal Clerk

________________________________________
John Carpenter
Mayor