

TABLE OF CONTENTS

BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE MINUTES JANUARY 15, 2019 – COMBINED AGENDA/REGULAR MEETING *(Click on the page number to go directly to that page)*

CALL TO ORDER	3
ROLL CALL	3
AMEND AGENDA	3
AGENDA PORTION OF MEETING	3
<i>PRESENTATION – VALLEY ROAD BRIDGE RECONSTRUCTION.....</i>	<i>3</i>
<i>RESOLUTION #2019-0086 - AMENDING RESOLUTION #2019-0043 “ESTABLISHING RULES AND PROCEDURES FOR THE CONDUCT OF BUSINESS TOWNSHIP COMMITTEE MEETINGS” ADOPTED ON JANUARY 2, 2019.....</i>	<i>3</i>
PUBLIC COMMENT	3
CORRESPONDENCE.....	4
<i>12/18/2018 RESPONSE ACTION OUTCOME ISSUED BY JM SORGE, INC., SITE REMEDIATION PROFESSIONAL FOR MQI PROPERTY (135 STONEHOUSE ROAD, BLOCK 6001, LOT 6) INDICATING THE REMEDIATION HAS BEEN COMPLETED IN COMPLIANCE WITH THE ADMINISTRATIVE REQUIREMENTS FOR THE REMEDIATION OF CONTAMINATED SITES (N.J.A.C. 7:26C), THAT IS PROTECTIVE OF PUBLIC HEALTH, SAFETY AND THE ENVIRONMENTAL.....</i>	<i>4</i>
TOWNSHIP COMMITTEE/STAFF COMMENTS.....	4
FIRE & RESCUE APPOINTMENT	4
<i>RESOLUTION #2019-0091 - APPOINTMENT TO MEMBERSHIP IN TOWNSHIP OF BERNARDS VOLUNTEER FIRST AID SQUAD OF THE BASKING RIDGE FIRE COMPANY #1 SUJEETH KRISHNA SHANMUGAM, JUNIOR MEMBER AND CHLOE ESPOSITO, FULL MEMBER</i>	<i>4</i>
UNFINISHED BUSINESS.....	4
NEW BUSINESS	4
CONSENT AGENDA	4
<i>Approval of Minutes - 01/02/2019 Open Session and 01/07/2019 Open Session Special Meeting....</i>	<i>4</i>
<i>Resolution #2019-0075 - Authorizing an Affiliation Agreement with Safe and Sound Somerset, Somerset Hills Domestic Violence Response Team (SHDVRT).....</i>	<i>4</i>
<i>Resolution #2019-0076 - Approval of the Bill List Dated 12/11/2018.....</i>	<i>5</i>
<i>Resolution #2019-0083 - Commendation on Attaining Eagle Scout Designation: Thomas Gage Corrigan, James F. Crapser and Steven A. McInerney.....</i>	<i>9</i>
<i>Resolution #2019-0084 - Personnel Appointment, Robert DeMaio – Mechanical Inspector – Construction.....</i>	<i>9</i>
<i>Resolution #2019-0085 - In Recognition of Service to Bernards Township – Tim Opremcak.....</i>	<i>9</i>
<i>Resolution #2019-0088 - Resolution Approving the Construction of the 2018 Road Improvements of Wellington Drive, Queenberry Way, Bedford Drive, Marlborough Court, Compton Court, Crest Drive, Sun Road, Chaucer Court, Brook Ridge Drive, Parkview Avenue, Franklin Drive, Marilyn Street, Washington Avenue, Byron Drive, and Dryden Road.....</i>	<i>10</i>
<i>Resolution #2019-0089 - Return of Performance Surety for Genesis Property Management, LLC c/o RMA of New Jersey Block 11201 Lot 4.....</i>	<i>10</i>
<i>Resolution #2019-0092 - Establishment of the “Vision 2020/Planning for the Future” Task Force ...</i>	<i>10</i>
<i>Resolution #2019-0093 - Return of Performance Surety for 195 Morristown Road LLC (formerly known as 370 North Maple Avenue LLC) Block 801 Lot 4.01</i>	<i>11</i>
<i>RESOLUTION #2019-0087 - IN RECOGNITION OF SERVICE TO BERNARDS TOWNSHIP – CATHERINE SORGE....</i>	<i>11</i>

<i>RESOLUTION #2019-0094 – ESTABLISHMENT OF THE COMMUNICATIONS TASK FORCE</i>	12
<i>RESOLUTION #2019-0095 – ESTABLISHMENT OF THE AFFORDABLE HOUSING TASK FORCE</i>	13
<i>APPROVAL OF MINUTES - 12/11/2018 OPEN SESSION AND 12/11/2018 EXECUTIVE SESSION</i>	13
<i>ORDINANCE #2406 - AN ORDINANCE TO AMEND THE REVISED LAND USE ORDINANCES OF THE TOWNSHIP OF BERNARDS CHAPTER 21 “LAND USE,” SECTION 59 “INSTALLATION OF IMPROVEMENTS: GUARANTEE AGREEMENT” – INTRODUCTION</i>	14
<i>ORDINANCE #2407 - ACCEPTING A BIO-RETENTION BASIN, DRAINAGE & ACCESS EASEMENT ON PROPERTY LOCATED AT 105 CROSS ROAD; BLOCK 3501, LOT 13, FROM GARDEN STATE PROPERTY MANAGEMENT XX, LLC TO THE TOWNSHIP OF BERNARDS – INTRODUCTION</i>	22
<i>ORDINANCE #2408 - ACCEPTING AN AMENDMENT TO CONSERVATION EASEMENT, AND AN AMENDMENT TO STREAM BUFFER CONSERVATION EASEMENT ON PROPERTY LOCATED AT 295 NORTH MAPLE AVENUE (A/K/A ONE VERIZON WAY), BLOCK 804, LOTS 2.01, 3.01 & 16, FROM 295 NORTH MAPLE DST (F/K/A 295 NORTH MAPLE LLC) AND VERIZON CORPORATE SERVICES GROUP INC. TO THE TOWNSHIP OF BERNARDS – INTRODUCTION</i>	23
<i>ORDINANCE #2410 - AN ORDINANCE OF THE TOWNSHIP OF BERNARDS TO SET CALENDAR YEAR 2019 APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PER N.J.S.A. 40A: 4-45.14 – INTRODUCTION</i>	23
<i>MAYORAL APPOINTMENT TO THE ENVIRONMENTAL COMMISSION – ALICE SMIRK, RM, 3 YR. TERM EXPIRING 1/31/2021</i>	24
<i>RESOLUTION #2019-0086 - AMENDING RESOLUTION #2019-0043 “ESTABLISHING RULES AND PROCEDURES FOR THE CONDUCT OF BUSINESS TOWNSHIP COMMITTEE MEETINGS” ADOPTED ON JANUARY 2, 2019</i>	24
<i>ORDINANCE #2411 - ACCEPTING A DEED OF TEMPORARY CONSTRUCTION EASEMENT ON BLOCK 7703, LOT 24, FROM LIBERTY CORNER PROPERTIES, LLC TO THE TOWNSHIP OF BERNARDS - INTRODUCTION</i>	27
EXECUTIVE SESSION – RESOLUTION #2019-0077	28
ADJOURNMENT	28

CALL TO ORDER

The mayor called the meeting to order at 8 PM. Those assembled saluted the flag and the mayor read the Open Public Meetings Statement in accordance with the law.

ROLL CALL

Present: Baldassare, Carpenter, Esposito, Harris, Bianchi

Absent:

Also Present: Attorney Belardo, Administrator Monaco, Engineer Timko, Mun. Clerk/Assist. Admin. Szabo

AMEND AGENDA

Motion by Baldassare, second by Esposito, and unanimously agreed that Ordinance #2411 - Accepting a Deed of Temporary Construction Easement on Block 7703, Lot 24, from Liberty Corner Properties, LLC to the Township of Bernards be added to the agenda.

AGENDA PORTION OF MEETING

[Presentation – Valley Road Bridge Reconstruction](#)

Chang Chung of McCormick Taylor gave a presentation regarding the proposed bridge reconstruction. The bridge was originally constructed in 1931. Five alternatives were studied with alternative #5 being identified as the most acceptable one. Chung estimated construction would not begin until 2025. The bridge will remain open during the duration of construction. The committee was asked to adopt a resolution approving the plan at a subsequent meeting.

The mayor opened the meeting to public comment on this matter.

Christina Lepore, Holmesbrook Road

Todd Edelstein, Riverside Drive

[Resolution #2019-0086](#) - Amending Resolution #2019-0043 “Establishing Rules and Procedures for the Conduct of Business Township Committee Meetings” adopted on January 2, 2019.

The committee discussed the proposed amendments.

Baldassare and Carpenter agreed with the proposed changes except for the formalization of an additional public comment period stating that the mechanism to add an item to the agenda, including adding additional public comment periods, already exists in the rules. Harris, Esposito and Bianchi were in favor of resolution as presented.

Motion by Harris, second by Baldassare, to add the resolution to the agenda for a vote.

Roll Call:

Aye: Esposito, Harris, Bianchi

Nay: Baldassare, Carpenter

Abstain:

Motion carried.

The mayor opened the meeting to public comment on this item.

John Crane, Decker Road

Todd Edelstein, Riverside Drive

PUBLIC COMMENT

John Del Girona, commented on the tree protection ordinance

Todd Edelstein, Riverside Drive, commented on public notice and the quarry

Christina Lepore, 34 Holmesbrook Road, commented on tree removal

John Crane, Decker Street, commented on the tree protection ordinance.

CORRESPONDENCE

[12/18/2018 Response Action Outcome Issued by JM Sorge, Inc., Site Remediation Professional for MQI Property \(135 Stonehouse Road, Block 6001, Lot 6\) indicating the remediation has been completed in compliance with the Administrative Requirements for the Remediation of Contaminated Sites \(N.J.A.C. 7:26C\), that is protective of public health, safety and the environmental](#)

The committee acknowledged the correspondence.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

FIRE & RESCUE APPOINTMENT

[Resolution #2019-0091](#) - Appointment to Membership in Township of Bernards Volunteer First Aid Squad of the Basking Ridge Fire Company #1 Sujeeth Krishna Shanmugam, Junior Member and Chloe Esposito, Full Member

Motion by Esposito, second by Harris and unanimously agreed that the resolution be approved.

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 #1 and the Liberty Corner First Aid Squad, Inc.; and

WHEREAS, the First Aid Squad of the Basking Ridge Fire Company #1 is recommending, Sujeeth Krishna Shanmugam and Chloe Esposito, for appointment.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Sujeeth Krishna Shanmugam and Chloe Esposito are hereby appointed as members of the First Aid Squad of the Basking Ridge Fire Company #1 effective this date.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Consent Agenda

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

Motion by Baldassare, second by Harris, that Resolutions #2019-0087, #2019-0094 and #2019-0095 be removed from the Consent Agenda and that the balance of items be approved.

Roll Call:

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

****Begin Consent Agenda****

Approval of Minutes - [01/02/2019 Open Session and 01/07/2019 Open Session Special Meeting](#)

These minutes were approved for content and release.

[Resolution #2019-0075](#) - Authorizing an Affiliation Agreement with Safe and Sound Somerset, Somerset Hills Domestic Violence Response Team (SHDVRT)

WHEREAS, Safe and Sound Somerset, SHDVRT, is an agency established to provide participating municipalities with training and services in matters pertaining to domestic violence cases that occur within a participating municipality; and

WHEREAS, the NJ State Office of Victim-Witness Advocacy has awarded Safe and Sound Somerset, SHDVRT with grant funding to serve participating municipalities by providing services and training to volunteers and police officers in matters that pertain to domestic violence incidents that occur within participating municipalities; and

WHEREAS, the Township of Bernards wishes to be a participating municipality and receive services from the SHDVRT; and

WHEREAS, funding for these services are presently provided through a V.A.W.A. Grant (Violence Against Women Act) administered through the New Jersey Division of Law & Public Safety, Department of Criminal Justice, Office of Victim/Witness Advocacy, and granted to the Resource Center of Somerset.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby: 1) authorize the affiliation agreement with Safe and Sound Somerset, SHDVRT, 2) authorize the Mayor and Township Clerk to execute this agreement on behalf of the township.

Resolution #2019-0076 - Approval of the Bill List Dated 12/11/2018

BE IT RESOLVED, that the bill list dated 01/02/2019 be audited, and if found correct, be paid.

January 15, 2019
11:42 AM

TOWNSHIP OF BERNARDS
Check Register By Check Date

Page No: 1

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 12/27/18 and 01/15/19
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit:
Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CASH - CHECKING CURRENT CHECKING					
118499	12/27/18	90038 FORGIONE, LUCY A.	402.40		1412 Direct Deposit
118500	12/27/18	90128 SZABO, DENISE	91.48		1412 Direct Deposit
118501	12/27/18	90203 HURST, CHRISTOPHER	249.89		1412 Direct Deposit
118502	12/27/18	90239 SCHLEY, DAVID L	1,923.57		1412 Direct Deposit
118503	12/27/18	90316 MULLIGAN, MICHAEL	50.00		1412 Direct Deposit
118504	12/27/18	90361 ROSER, KRISTINA	42.49		1412 Direct Deposit
118505	12/27/18	90384 DELEON, LUISA	115.22		1412 Direct Deposit
118506	12/27/18	90507 GANDER, JENNIFER	104.29		1412 Direct Deposit
118507	12/27/18	90520 SWEENEY, MICHAEL	37.98		1412 Direct Deposit
118508	12/27/18	90563 CARTOCCIO, KAITLIN	402.40		1412 Direct Deposit
118509	12/27/18	A0044 APPROVED FIRE PROTECTION SYS	646.58		1413
118510	12/27/18	A0162 ACME DIESEL ELECTRIC, INC.	1,893.25		1413
118511	12/27/18	A0174 ALL SPORTS STADIUM, LLC	2,679.44		1413
118512	12/27/18	A0375 ARAMARK WORK APPAREL & UNIFORM	145.83		1413
118513	12/27/18	A0398 STERLING TALENT SOLUTIONS	741.00		1413
118514	12/27/18	A0548 ACCURATE DOOR & HARDWARE INC	1,776.20		1413
118515	12/27/18	A0559 ARCARI IOVINO ARCHITECTS,PC	1,070.00		1413
118516	12/27/18	A0570 ALPHA YOUTH SPORTS, INC.	1,895.00		1413
118517	12/27/18	B0001 BAKER & TAYLOR, INC.	3,001.42		1413
118518	12/27/18	B0014 BREWER ASSOCIATES	50.00		1413
118519	12/27/18	B0026 BERNARDS TOWNSHIP CURRENT	0.00	12/27/18 VOID	0
118520	12/27/18	B0026 BERNARDS TOWNSHIP CURRENT	78,677.02		1413
118521	12/27/18	B0031 BERNARDSVILLE PRINT CENTER	607.40		1413
118522	12/27/18	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	1,099,681.18		1413
118523	12/27/18	B0038 BERNARDS TOWNSHIP (COURT)	196.75		1413
118524	12/27/18	B0058 BALLY'S ATLANTIC CITY	168.00		1413
118525	12/27/18	B0076 BERNARDS TOWNSHIP TRUST FUND	2,455.00		1413
118526	12/27/18	B0098 BERNARDS TOWNSHIP (RECREATION)	395.61		1413
118527	12/27/18	B0176 BERNARDS TWP GOLF UTILITY	440.00		1413
118528	12/27/18	B0203 DIFRANCESCO,BATEMAN,COLEY,YOSP	408.74		1413
118529	12/27/18	B0311 BOBCAT OF CENTRAL JERSEY	100.00		1413
118530	12/27/18	B0388 BLACKSTONE AUDIO BOOKS	109.77		1413
118531	12/27/18	B0652 B. GARRETSON ROOFING, INC	465.00		1413
118532	12/27/18	B0690 BIBLIOTHECA LLC	63.00		1413
118533	12/27/18	B0737 BONDA, VENKATA	390.00		1413
118534	12/27/18	C0024 GANNETT NEW JERSEY NEWSPAPERS	34.40		1413
118535	12/27/18	C0028 CY DRAKE LOCKSMITHS,INC.	25.98		1413
118536	12/27/18	C0083 CDW GOVERNMENT, INC.	2,472.97		1413
118537	12/27/18	C0165 CAPOZZI, LOU	495.00		1413
118538	12/27/18	C0636 CENTER POINT LARGE PRINT	93.48		1413
118539	12/27/18	C0697 BB&T/CPS	36.96		1413
118540	12/27/18	C0712 CARE TRAK INTERNATIONAL, INC	95.00		1413
118541	12/27/18	C0799 CENTER FOR MEDICARE & MEDICAID	569.00		1413
118542	12/27/18	D0033 DEMCO, INC	376.10		1413
118543	12/27/18	D0322 DELL MARKETING, L.P.	5,836.27		1413
118544	12/27/18	D0339 DEER CARCASS REMOVAL SVC, LLC	2,818.13		1413
118545	12/27/18	D0380 DRIVERS TIRE & SERVICE CENTER	431.03		1413
118546	12/27/18	D0635 DELAMATER, JAMES	90.00		1413
118547	12/27/18	D0661 DAVID WEBER OIL CO.	1,416.80		1413
118548	12/27/18	D0740 DOVER BRAKE & CLUTCH	345.00		1413
118549	12/27/18	D0754 DC EXPRESS	703.50		1413
118550	12/27/18	D0766 DAVI, VERONICA	90.00		1413
118551	12/27/18	E0008 EBSCO SUBSCRIPTION SERVICES	5,000.00		1413
118552	12/27/18	E0224 EXCELLENT BUILDING SERVICES	6,949.00		1413
118553	12/27/18	E0296 ESkill	850.00		1413
118554	12/27/18	F0003 FOLEY, INCORPORATED	1,377.41		1413
118555	12/27/18	F0148 FAIRFIELD MAINTENANCE INC	345.00		1413
118556	12/27/18	F0158 FLEMINGTON DEPARTMENT STORE	4,170.60		1413

118557	12/27/18	F0289	FIREFIGHTER ONE	177.45	1413
118558	12/27/18	F0298	FWDSL & ASSOCIATES LP	65,764.47	1413
118559	12/27/18	F0299	FASTENAL CO.	939.54	1413
118560	12/27/18	F0370	FRANKLIN - GRIFFITH, LLC	25,655.58	1413
118561	12/27/18	F0374	FLOYD, WILLIAM	250.00	1413
118562	12/27/18	G0066	GRAINGER INC	1,006.48	1413
118563	12/27/18	G0098	JCP&L	13,488.67	1413
118564	12/27/18	G0470	GREATR SOMERSET PUB HLTH PARTR	200.00	1413
118565	12/27/18	G0596	GRIFFITH - ALLIED TRUCKING LLC	8,440.11	1413
118566	12/27/18	H0235	HOOVER TRUCK CENTERS	223.21	1413
118567	12/27/18	H0246	HOME DEPOT CREDIT SERVICES	136.72	1413
118568	12/27/18	H0365	HUGHES, IAN	25.00	1413
118569	12/27/18	I0013	INSTITUTE FOR PROF.DEVELOPMENT	125.00	1413
118570	12/27/18	I0067	INDUSTRIAL RUBBER COMPANY	73.46	1413
118571	12/27/18	I0155	IDEAL AUTO BODY	897.40	1413
118572	12/27/18	J0042	L&W SUPPLY CORP DBA	991.80	1413
118573	12/27/18	J0206	JOY AUTOMOTIVE PRODUCTS, INC	119.76	1413
118574	12/27/18	K0036	KONICA MINOLTA BUSINESS	396.92	1413
118575	12/27/18	K0059	KAYSER, JOHN P	355.00	1413
118576	12/27/18	K0334	KONICA MINOLTA BUSINESS	16.40	1413
118577	12/27/18	K0341	KONICA MINOLTA PREMIER FINANCE	98.83	1413
118578	12/27/18	L0019	LAWYERS DIARY AND MANUAL	217.50	1413
118579	12/27/18	L0116	LAWMEN SUPPLY	303.18	1413
118580	12/27/18	L0308	LANGUAGE LINE SERVICES, INC.	8.50	1413
118581	12/27/18	M0010	MOBILE LAWNMOWER SERVICE, INC.	105.70	1413
118582	12/27/18	M0015	MOORE MEDICAL, LLC	89.20	1413
118583	12/27/18	M0055	MCASC	70.00	1413
118584	12/27/18	M0062	CAVENDISH SQUARE PUBLISHING	188.08	1413
118585	12/27/18	M0342	MORTON'S MARKETING RESOURCES	485.62	1413
118586	12/27/18	M0444	MAGLOCLLEN	400.00	1413
118587	12/27/18	M0493	MCELROY, DEUTSCH, MULVANEY &	11,199.52	1413
118588	12/27/18	M0815	M & M PERROTTIS	105.00	1413
118589	12/27/18	M0830	MOTT MACDONALD	645.20	1413
118590	12/27/18	M0868	M & P RETIREMENT PLAN	253,671.00	1413
118591	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	122.26	1413
118592	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	246.70	1413
118593	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1413
118594	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	233.54	1413
118595	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	214.23	1413
118596	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	141.38	1413
118597	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1413
118598	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	875.41	1413
118599	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	141.38	1413
118600	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	14.43	1413
118601	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	107.93	1413
118602	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	79.84	1413
118603	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	42.10	1413
118604	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	42.10	1413
118605	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	179.64	1413
118606	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	279.61	1413
118607	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	71,650.81	1413
118608	12/27/18	N0006	NEW JERSEY AMERICAN WATER CO.	1,123.77	1413
118609	12/27/18	N0377	NJ BUSINESS & INDUSTRY ASSN	75.00	1413
118610	12/27/18	N0389	NJ MOTOR VEHICLE COMMISSION	60.00	1413
118611	12/27/18	N0389	NJ MOTOR VEHICLE COMMISSION	60.00	1413
118612	12/27/18	N0451	NJ ADVANCE MEDIA	82.15	1413
118613	12/27/18	O0003	ORIENTAL TRADING COMPANY, INC.	156.20	1413
118614	12/27/18	O0021	OFFICE DEPOT	1,752.25	1413
118615	12/27/18	O0068	O'BAGEL BAGELRY & DELI	954.00	1413
118616	12/27/18	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1413
118617	12/27/18	P0538	PROVIDENT LIFE & ACCIDENT	185.30	1413
118618	12/27/18	P0611	PLC TRUCKING LLC	4,000.00	1413
118619	12/27/18	P0641	PREFERRED OUTDOOR EXPERIENCE	1,228.25	1413
118620	12/27/18	P0647	PRESTIGE TITLE AGENCY, INC.	3,908.09	1413
118621	12/27/18	Q0002	CINTAS CORP. - #062	353.20	1413
118622	12/27/18	Q0026	QBE SPECIALTY INSURANCE CO	15,263.27	1413
118623	12/27/18	R0004	RECORDED BOOKS INC.	6.95	1413
118624	12/27/18	R0010	REIDER ASSOCIATES, INC.	1,900.00	1413
118625	12/27/18	R0023	RICHIES TIRE SERVICE, INC.	1,693.36	1413
118626	12/27/18	R0045	RUTGERS - THE STATE UNIVERSITY	1,233.00	1413
118627	12/27/18	R0395	R & R PUMP & CONTROL SVC, LLC	559.10	1413
118628	12/27/18	R0458	ROCHE, ED	540.00	1413
118629	12/27/18	R0490	R & H TRUCK PARTS AND SERVICE	931.58	1413
118630	12/27/18	R0493	RIDGE BAGEL & CAFE	759.06	1413
118631	12/27/18	S0016	STORR TRACTOR COMPANY	53.52	1413
118632	12/27/18	S0035	SIRCHIE FINGER PRINT LAB	164.11	1413
118633	12/27/18	S0072	SOMERSET COUNTY GOVERNING OFF.	35.00	1413
118634	12/27/18	S0081	SOCIETY FOR PUBLIC HEALTH ED	800.00	1413
118635	12/27/18	S0378	STAVOLA ASPHALT	990.54	1413
118636	12/27/18	S0443	STAPLES ADVANTAGE	355.38	1413
118637	12/27/18	S0536	SOMERSET COUNTY BUSINESS	90.00	1413
118638	12/27/18	S0691	SUPERIOR DISTRIBUTORS	293.12	1413
118639	12/27/18	S0720	SCIORTINO, RICO	90.00	1413
118640	12/27/18	S0770	SKYLANDS AREA FIRE EQUIPMENT &	18,149.27	1413
118641	12/27/18	S0936	SCHIRALDO, GAVIN	95.00	1413
118642	12/27/18	S0977	STAVOLA CONSTRUCTION MATERIALS	867.26	1413
118643	12/27/18	S0984	SHERMAN, PAUL	70.00	1413
118644	12/27/18	S0987	SCHWALB, JEFF	540.00	1413
118645	12/27/18	S1007	SPRUCE INDUSTRIES	2,251.60	1413
118646	12/27/18	S1021	SCHOLES ELECT & COMMUNICATIONS	3,200.00	1413
118647	12/27/18	T0055	T & M ASSOCIATES	281.47	1413
118648	12/27/18	T0066	CENGAGE LEARNING CREDIT SVCS	126.40	1413
118649	12/27/18	T0101	TRIANGLE COMMUNICATIONS	926.40	1413
118650	12/27/18	T0192	TURN OUT UNIFORMS INC	276.96	1413
118651	12/27/18	T0284	BROADWAY INBOUND	4,864.50	1413
118652	12/27/18	T0284	BROADWAY INBOUND	4,965.00	1413
118653	12/27/18	T0286	TOWNSHIP OF RANDOLPH	1,100.00	1413
118654	12/27/18	T0378	THE GUARDIAN LIFE INS CO OF AM	84.03	1413
118655	12/27/18	T0449	TRICON ENTERPRISES, INC	105,734.42	1413
118656	12/27/18	T0454	3 DAY BLINDS	1,388.00	1413
118657	12/27/18	U0001	UNITEMP INC.	18,665.36	1413
118658	12/27/18	V0037	VILLAGE SUPERMARKET, INC.	129.98	1413

TOWNSHIP COMMITTEE MINUTES

01/15/2019

Page 6 of 28

118659	12/27/18	V0056	VERIZON WIRELESS	1,266.81	1413
118660	12/27/18	V0058	VERIZON	297.99	1413
118661	12/27/18	V0084	VERIZON	233.30	1413
118662	12/27/18	V0124	VERIZON BUSINESS FIOS	204.99	1413
118663	12/27/18	W0097	WINNER FORD	104,025.00	1413
118664	12/27/18	W0241	W.B. MASON CO INC.	1,935.47	1413
118665	12/27/18	W0291	WEISBERG, ALAN	540.00	1413
118666	12/27/18	W0339	W.B. MASON	142.20	1413
118667	12/27/18	X0005	XTEL COMMUNICATION	450.05	1413
118668	12/27/18	X0005	XTEL COMMUNICATION	1,717.69	1413
118669	12/27/18	Y0213	YOGA ACCESSORIES LLC	599.32	1413
118681	01/15/19	90159	VOORHEES, MICHAEL	118.61	1416 Direct Deposit
118682	01/15/19	90518	LONG, SUSAN	71.40	1416 Direct Deposit
118683	01/15/19	90544	SANTORO, MICHELLE	47.97	1416 Direct Deposit
118684	01/15/19	90574	JASINA, PHILIP	68.00	1416 Direct Deposit
118685	01/15/19	90604	KIEFER, CYNTHIA	73.43	1416 Direct Deposit
118686	01/15/19	90660	MALINA, DAVID	90.00	1416 Direct Deposit
118687	01/15/19	77049	195 MORRISTOWN ROAD LLC	76,645.44	1417
118688	01/15/19	A0126	AFLAC NEW YORK	286.42	1417
118689	01/15/19	A0232	ARROW ELEVATOR, INC.	300.00	1417
118690	01/15/19	A0338	AFLAC	505.12	1417
118691	01/15/19	A0398	STERLING TALENT SOLUTIONS	150.00	1417
118692	01/15/19	A0437	AFFORDABLE HOUSING PROS OF NJ	100.00	1417
118693	01/15/19	A0471	APEX AMERICAN ELECTRICAL	11,029.43	1417
118694	01/15/19	A0548	ACCURATE DOOR & HARDWARE INC	2,569.20	1417
118695	01/15/19	A0611	AMERICAN WEAR, INC	897.52	1417
118696	01/15/19	A0623	ACCOUNTING RESEARCH &	215.00	1417
118697	01/15/19	A0638	AJM CONTRACTORS, INC	238,885.53	1417
118698	01/15/19	B0001	BAKER & TAYLOR, INC.	2,632.22	1417
118699	01/15/19	B0014	BREWER ASSOCIATES	544.50	1417
118700	01/15/19	B0026	BERNARDS TOWNSHIP CURRENT	4,814.72	1417
118701	01/15/19	B0031	BERNARDSVILLE PRINT CENTER	24.00	1417
118702	01/15/19	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	528,604.79	1417
118703	01/15/19	B0038	BERNARDS TOWNSHIP (COURT)	122.85	1417
118704	01/15/19	B0098	BERNARDS TOWNSHIP (RECREATION)	149.47	1417
118705	01/15/19	B0203	DIFRANCESCO, BATEMAN, COLEY, YOSP	3,989.21	1417
118706	01/15/19	B0388	BLACKSTONE AUDIO BOOKS	267.28	1417
118707	01/15/19	B0469	BEATLEMANIA AGAIN, LLC	500.00	1417
118708	01/15/19	B0556	BRT TECHNOLOGIES, LLC	1,750.00	1417
118709	01/15/19	B0581	BUY WISE AUTO PARTS	890.16	1417
118710	01/15/19	B0690	BIBLIOTHECA LLC	4,383.07	1417
118711	01/15/19	C0083	CDW GOVERNMENT, INC.	1,291.38	1417
118712	01/15/19	C0482	OPTIMUM	178.61	1417
118713	01/15/19	C0597	CLIFFSIDE BODY CORPORATION	750.00	1417
118714	01/15/19	C0613	CIGNA GROUP INSURANCE	1,587.22	1417
118715	01/15/19	C0636	CENTER POINT LARGE PRINT	93.48	1417
118716	01/15/19	C0697	BB&T/CPS	99.88	1417
118717	01/15/19	C0745	CLARKE CATON HINTZ	1,115.70	1417
118718	01/15/19	C0774	COLONIAL LIFE & ACC INSURANCE	1,057.10	1417
118719	01/15/19	D0005	DENVILLE LINE PAINTING INC.	2,460.46	1417
118720	01/15/19	D0033	DEMCO, INC	466.95	1417
118721	01/15/19	D0699	DANIEL W. LINCOLN, R.A.	516.88	1417
118722	01/15/19	D0740	DOVER BRAKE & CLUTCH	31.94	1417
118723	01/15/19	D0754	DC EXPRESS	648.50	1417
118724	01/15/19	D0777	DULAINE CONTRACTING, INC	400.70	1417
118725	01/15/19	E0008	EBSO SUBSCRIPTION SERVICES	1,200.00	1417
118726	01/15/19	E0231	EKA ASSOCIATES, P.A.	345.00	1417
118727	01/15/19	E0295	ELECTRO BATTERY SYSTEMS INC	200.02	1417
118728	01/15/19	F0003	FOLEY, INCORPORATED	1,386.41	1417
118729	01/15/19	F0158	FLEMINGTON DEPARTMENT STORE	100.00	1417
118730	01/15/19	F0299	FASTENAL CO.	1,329.47	1417
118731	01/15/19	F0326	FX AUTOMOTIVE LLC	234.60	1417
118732	01/15/19	F0330	FIDELITY SECURITY LIFE INS	229.24	1417
118733	01/15/19	F0375	FAIR SHARE HOUSING CENTER	15,000.00	1417
118734	01/15/19	G0066	GRAINGER INC	2,074.83	1417
118735	01/15/19	G0098	JCP&L	3,240.03	1417
118736	01/15/19	G0201	GENERAL CODE LLC	1,195.00	1417
118737	01/15/19	G0300	GOLD TYPE BUSINESS MACHINES	888.00	1417
118738	01/15/19	G0333	BEDMINSTER CAR WASH	71.40	1417
118739	01/15/19	G0497	GARTH, LORI	100.00	1417
118740	01/15/19	G0509	GREEN ROCK RECYCLING	300.00	1417
118741	01/15/19	G0515	GENESIS PROPERTY MANAGEMENT	177,910.81	1417
118742	01/15/19	G0596	GRIFFITH - ALLIED TRUCKING LLC	6,657.61	1417
118743	01/15/19	H0061	HARRAH'S RESORT ATLANTIC CITY	855.00	1417
118744	01/15/19	H0402	HANBURY, RAYMOND F , PH.D	1,000.00	1417
118745	01/15/19	I0130	INTEGRATED SYSTEMS & SERVICES	210.00	1417
118746	01/15/19	I0152	IWS TRANSFER SYSTEMS OF NJ	1,785.70	1417
118747	01/15/19	I0159	IMPERIAL DADE	907.10	1417
118748	01/15/19	J0025	MEEKER SHARKEY & HURLEY	600.00	1417
118749	01/15/19	J0093	JOHNNY ON THE SPOT, LLC	65.00	1417
118750	01/15/19	J0150	FORD OF JERSEY CITY	394.43	1417
118751	01/15/19	K0036	KONICA MINOLTA BUSINESS	332.85	1417
118752	01/15/19	K0259	KONICA MINOLTA PREMIER FINANCE	122.00	1417
118753	01/15/19	K0259	KONICA MINOLTA PREMIER FINANCE	167.07	1417
118754	01/15/19	K0274	KELLER & KIRKPATRICK, INC	3,775.00	1417
118755	01/15/19	K0297	KONICA MINOLTA PREMIER FINANCE	137.58	1417
118756	01/15/19	K0331	KONICA PREMIER FINANCE	173.46	1417
118757	01/15/19	K0334	KONICA MINOLTA BUSINESS	16.40	1417
118758	01/15/19	L0005	LIBRARY PETTY CASH	100.00	1417
118759	01/15/19	L0181	LAND'S END, INC.	79.23	1417
118760	01/15/19	L0187	LAKELAND BUS COMPANY	900.00	1417
118761	01/15/19	L0372	LIFESAVERS, INC	807.84	1417
118762	01/15/19	M0006	MGL PRINTING SOLUTIONS	563.80	1417
118763	01/15/19	M0053	MORRIS COUNTY PUBLIC SAFETY	720.00	1417
118764	01/15/19	M0061	MORRIS COUNTY HEALTH OFF ASSOC	50.00	1417
118765	01/15/19	M0292	MUNCO OF NJ	75.00	1417
118766	01/15/19	M0518	KONICA MINOLTA BUSINESS SOL.	61.53	1417
118767	01/15/19	M0518	KONICA MINOLTA BUSINESS SOL.	136.29	1417
118768	01/15/19	M0518	KONICA MINOLTA BUSINESS SOL.	31.85	1417
118769	01/15/19	M0518	KONICA MINOLTA BUSINESS SOL.	252.51	1417
118770	01/15/19	M0627	MODERN HANDLING EQUIPMENT CO	593.80	1417
118771	01/15/19	M0815	M & M PERROTTIS	105.00	1417

TOWNSHIP COMMITTEE MINUTES

01/15/2019

Page 7 of 28

118772	01/15/19	M0823	MOOSEWOOD TREE SERVICE	2,700.00	1417
118773	01/15/19	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1417
118774	01/15/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	260.00	1417
118775	01/15/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	1,944.00	1417
118776	01/15/19	N0023	TREASURER, STATE OF NEW JERSEY	13,255.00	1417
118777	01/15/19	N0032	NJ STATE DEPT HEALTH/SR SVCS	307.20	1417
118778	01/15/19	N0083	NJRPA	1,264.00	1417
118779	01/15/19	N0102	NJ MOTOR VEHICLE COMMISSION	150.00	1417
118780	01/15/19	N0187	NJ ENVIRONMENTAL HEALTH ASSOC	100.00	1417
118781	01/15/19	N0206	NORTHWEST JERSEY T.A.A.	80.00	1417
118782	01/15/19	N0296	NJASRO	350.00	1417
118783	01/15/19	N0415	NATIONAL FUEL OIL INC	8,861.12	1417
118784	01/15/19	N0419	NIXON, PAMELA	50.00	1417
118785	01/15/19	N0449	NISIVOCACCIA & CO, LLP	10,405.00	1417
118786	01/15/19	N0470	NATIONWIDE	99.22	1417
118787	01/15/19	O0021	OFFICE DEPOT	117.78	1417
118788	01/15/19	O0102	OCLC, INC	201.21	1417
118789	01/15/19	O0105	O.C.A. BENEFIT SERVICES, LLC	603.95	1417
118790	01/15/19	P0005	PITNEY BOWES, INC.	795.06	1417
118791	01/15/19	P0014	PUBLIC SERVICE ELEC. & GAS CO	7,727.34	1417
118792	01/15/19	P0046	RESERVE ACCOUNT	1,378.39	1417
118793	01/15/19	P0487	PHOTO CENTER	159.98	1417
118794	01/15/19	P0525	POWER PLACE, INC.	501.29	1417
118795	01/15/19	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1417
118796	01/15/19	P0546	PETER RUBINETTI PRIVATE DISP	1,586.00	1417
118797	01/15/19	P0592	PERMITTECHNATION	50.00	1417
118798	01/15/19	P0602	PRAXAIR DISTRIBUTION, INC	26.88	1417
118799	01/15/19	P0641	PREFERRED OUTDOOR EXPERIENCE	1,079.00	1417
118800	01/15/19	R0005	RECORDER PUBLISHING CO., INC	22.95	1417
118801	01/15/19	R0010	REIDER ASSOCIATES, INC.	3,123.90	1417
118802	01/15/19	R0023	RICHIES TIRE SERVICE, INC.	216.00	1417
118803	01/15/19	R0308	ROUTE 23 AUTO MALL	78.00	1417
118804	01/15/19	R0408	RADATA, INC	2,000.00	1417
118805	01/15/19	R0490	R & H TRUCK PARTS AND SERVICE	684.16	1417
118806	01/15/19	S0016	STORR TRACTOR COMPANY	16.17	1417
118807	01/15/19	S0035	SIRCHIE FINGER PRINT LAB	47.18	1417
118808	01/15/19	S0072	SOMERSET COUNTY GOVERNING OFF.	70.00	1417
118809	01/15/19	S0101	STICKEL, KOENIG, SULLIVAN&DRILL	4,532.91	1417
118810	01/15/19	S0185	SUBURBAN JOINT INSURANCE FUND	167,357.48	1417
118811	01/15/19	S0378	STAVOLA ASPHALT	527.86	1417
118812	01/15/19	S0443	STAPLES ADVANTAGE	94.31	1417
118813	01/15/19	S0456	STONE CENTER AT BRIDGEWATER	271.22	1417
118814	01/15/19	S0526	SPATIAL DATA LOGIC	1,500.00	1417
118815	01/15/19	S0556	SBLENDORIO, ANTHONY	1,354.00	1417
118816	01/15/19	S0628	STATE OF NEW JERSEY-HB	214,122.45	1417
118817	01/15/19	S0736	SOMERSET COUNTY	357.09	1417
118818	01/15/19	S0741	SUBURBAN CONSULTING ENGINEERS	108.75	1417
118819	01/15/19	S0875	SUNLIGHT GENERAL CAPITAL	79.28	1417
118820	01/15/19	S0948	SWANSON, HERB & SHARON	25.00	1417
118821	01/15/19	S0977	STAVOLA CONSTRUCTION MATERIALS	98.79	1417
118822	01/15/19	T0029	TCTA OF NJ	100.00	1417
118823	01/15/19	T0045	TREASURER - STATE OF N.J.	50.00	1417
118824	01/15/19	T0049	TROPICANA ATLANTIC CITY	240.00	1417
118825	01/15/19	T0066	CENGAGE LEARNING CREDIT SVCS	121.56	1417
118826	01/15/19	T0101	TRIANGLE COMMUNICATIONS	404.00	1417
118827	01/15/19	T0192	TURN OUT UNIFORMS INC	49.99	1417
118828	01/15/19	T0227	T.R.M. TRANSMISSIONS INC.	370.00	1417
118829	01/15/19	T0372	TLO, LLC	110.30	1417
118830	01/15/19	T0449	TRICON ENTERPRISES, INC	9,845.54	1417
118831	01/15/19	U0001	UNITEMP INC.	993.26	1417
118832	01/15/19	U0090	UNUM LIFE INSURANCE COMPANY	366.30	1417
118833	01/15/19	U0115	US BANK CUST ACTLIEN	3,001.13	1417
118834	01/15/19	V0020	VILLAGE OFFICE SUPPLY	582.35	1417
118835	01/15/19	V0037	VILLAGE SUPERMARKET, INC.	242.85	1417
118836	01/15/19	V0052	VERMONT SYSTEMS, INC.	8,082.00	1417
118837	01/15/19	V0056	VERIZON WIRELESS	933.30	1417
118838	01/15/19	V0058	VERIZON	2,107.20	1417
118839	01/15/19	V0084	VERIZON	1,103.60	1417
118840	01/15/19	V0124	VERIZON BUSINESS FIOS	574.98	1417
118841	01/15/19	V0177	VERIZON	449.90	1417
118842	01/15/19	V0185	VERIZON NETWORK FLEET	625.35	1417
118843	01/15/19	W0016	WARRENVILLE TRUE VALUE	668.55	1417
118844	01/15/19	W0056	WELDON CONCRETE CO.	296.64	1417
118845	01/15/19	W0074	WELSH'S MOTOR SALES, INC.	50.68	1417
118846	01/15/19	W0339	W.B. MASON	184.65	1417
118847	01/15/19	X0003	XEROX CORPORATION	80.83	1417
118848	01/15/19	X0003	XEROX CORPORATION	305.13	1417
118849	01/15/19	X0003	XEROX CORPORATION	89.00	1417
118850	01/15/19	X0003	XEROX CORPORATION	191.82	1417

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	324	0	3,610,231.12	0.00
Direct Deposit:	16	0	3,889.13	0.00
Total:	340	0	3,614,120.25	0.00

Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	8-01	1,711,119.65	0.00	0.00	1,711,119.65
DOG FUND	8-12	154.61			154.61
GOLF COURSE UTILITY	8-26	3,122.38	0.00	0.00	3,122.38
Year Total:		1,714,396.64	0.00	0.00	1,714,396.64
CURRENT FUND	9-01	744,194.65	0.00	0.00	744,194.65

DOG FUND	9-12	628.07	0.00	0.00	628.07
GOLF COURSE UTILITY	9-26	900.00	0.00	0.00	900.00
	Year Total:	745,722.72	0.00	0.00	745,722.72
CAPITAL FUND	C-04	514,109.27	0.00	0.00	514,109.27
PUBLIC GRANTS	G-02	46,563.67	0.00	0.00	46,563.67
TRUST FUNDS	T-13	334,126.50	0.00	0.00	334,126.50
PROJECT		259,201.45	0.00	0.00	259,201.45
	Total of All Funds:	3,614,120.25	0.00	0.00	3,614,120.25

Resolution #2019-0083 - Commendation on Attaining Eagle Scout Designation: Thomas Gage Corrigan, James F. Crapser and Steven A. McInerney

WHEREAS, the Township Committee is very pleased to recognize the outstanding personal effort of Thomas Gage Corrigan, James F. Crapser and Steven A. McInerney, in reaching the rank of Eagle Scout; and

WHEREAS, Thomas, James and Steven, are members of Troop 555 of Patriots' Path Council, demonstrating outstanding leadership within the Troop, contributing 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 to Thomas Gage Corrigan, James F. Crapser and Steven A. McInerney for their continued success, and congratulations for a personal achievement that will serve as a reminder of the

Resolution #2019-0084 - Personnel Appointment, Robert DeMaio – Mechanical Inspector – Construction

WHEREAS, in accordance with N.J.A.C. 5:23-4.4 (a) 8 a municipality may, in its discretion, employ a Mechanical Inspector to perform plan review and mechanical inspections, with oversight by a designated sub code official, for structures of Group R-3 or R-5; and

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

WHEREAS, Robert DeMaio is qualified to fill said position; and

WHEREAS, the Construction Official, Township Engineer, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Robert DeMaio to Mechanical Inspector.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Robert DeMaio be appointed Mechanical Inspector with an effective date of Monday, January 21, 2019.

Resolution #2019-0085 - In Recognition of Service to Bernards Township – Tim Opremcak

WHEREAS, Tim Opremcak has given innumerable hours to our local government, its democratic process, and to the citizens of Bernards Township; and

WHEREAS, Tim Opremcak has rendered inestimable services as a member of the Library Board of Trustees since 2007, serving as President in 2011, 2012, 2013 and 2014.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that in recognition of his years of faithful service, the Bernards Township Committee extends to Tim Opremcak deep appreciation and sincere gratitude on behalf of all the residents and officials of Bernards Township; and

NOW THEREFORE BE IT FURTHER RESOLVED, that this citation of his service be inscribed at length in the minutes of this Township meeting, held on the 15th day of January, in the year of Our Lord, 2019, and that a suitable copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to Tim Opremcak.

[Resolution #2019-0088](#) - Resolution Approving the Construction of the 2018 Road Improvements of Wellington Drive, Queenberry Way, Bedford Drive, Marlborough Court, Compton Court, Crest Drive, Sun Road, Chaucer Court, Brook Ridge Drive, Parkview Avenue, Franklin Drive, Marilyn Street, Washington Avenue, Byron Drive, and Dryden Road

WHEREAS, Bernards Township has completed the construction of a public improvement within Bernards Township, commonly referred to as the 2018 Road Improvements; and

WHEREAS, Bernards Township has caused the construction of the aforementioned improvement to be completed; and

WHEREAS, the governing body has reviewed the aforementioned construction and exercised its judgment and/or approved the judgments of others as represented by the plan,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Bernards hereby formally approves the project entitled “2018 Road Improvements,” dated April 27, 2018, and prepared by Thomas Timko, PE, Township Engineer, for a certain public improvement generally described as the 2018 Road Improvements, which includes the improvements of Wellington Drive, Queenberry Way, Bedford Drive, Marlborough Court, Compton Court, Crest Drive, Sun Road, Chaucer Court, Brook Ridge Drive, Parkview Avenue, Franklin Drive, Marilyn Street, Washington Avenue, Byron Drive, and Dryden Road, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file, together with one copy of the plan referred to above with a notation referring to the Resolution of Approval placed thereon, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to Bernards Township’s Joint Insurance Fund Risk Managers.

[Resolution #2019-0089](#) - Return of Performance Surety for Genesis Property Management, LLC c/o RMA of New Jersey Block 11201 Lot 4

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

Name of Applicant:	Genesis Property Management, LLC c/o RMA of New Jersey	
Address:	140 Allen Road Basking Ridge, NJ 07920	
Performance Surety:	LOC #17-02	
Bank:	Peapack - Gladstone Bank	
Address:	300 Hills Drive Bedminster, NJ 07921	
Amount:	\$1,064,350.39	Cash Portion: \$118,261.15

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.

[Resolution #2019-0092](#) - Establishment of the “Vision 2020/Planning for the Future” Task Force

WHEREAS, the Bernards Township Committee wishes to engage residents in the development of a collective vision for the future of Bernards Township by creating a Vision 2020/Planning for the Future Task Force (“Task Force”); and

WHEREAS, the Task Force shall consist of up to ten members for one-year terms expiring 12/31/19 consisting of:

1. Up to five Bernards Township Residents
2. The Bernards Township Administrator or his designee
3. The Bernards Township Director of Technology or his designee
4. The Bernards Township Municipal Clerk or her designee

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that in recognition of her years of faithful service, the Bernards Township Committee extends to the Sorge family their sincere condolences on Catherine’s passing but also their deep appreciation and gratitude on behalf of all residents and officials in Bernards Township; and

NOW THEREFORE BE IT FURTHER RESOLVED, that this citation of her service be inscribed at length in the minutes of this Township meeting, held on the 15th day of January, in the year of Our Lord, 2019, and that a suitable copy thereof, with the corporate seal of the Township thereunto affixed be provided to her family.

Resolution #2019-0094 – Establishment of the Communications Task Force

Motion by Carpenter, second by Baldassare to table to a public work section portion of an upcoming meeting for discussion.

Roll Call:

Aye: Baldassare, Carpenter
Nay: Esposito, Harris, Bianchi
Abstain:
Motion failed.

Motion by Harris, second by Esposito to approve the resolution.

Roll Call:

Aye: Esposito, Harris, Bianchi
Nay: Baldassare, Carpenter
Abstain:
Motion carried.

WHEREAS, the Bernards Township Committee wishes to engage residents in the development of a collaborative “Communication Report” to improve communications with residents and promote civic engagement by creating a Communications Task Force (“Task Force”); and

WHEREAS, the Task Force shall consist of up to eleven members for one-year terms expiring 12/31/19 consisting of:

1. Up to five Bernards Township Residents
2. The Bernards Township Administrator or his designee
3. The Bernards Township Director of Technology or his designee
4. The Bernards Township Municipal Clerk or her designee
5. The Bernards Township OEM Director or his designee
6. The Bernards Township Mayor
7. One Additional Township Committee Member

WHEREAS, the Mission and Objectives for the Task Force shall be as follows:

MISSION

To collaborate with staff in development of a “Communication Report” to the Township Committee in an effort to improve communications with residents; and to develop protocol or standards regarding disseminating of information, while developing a fiscally conservative approach to communications.

OBJECTIVES

- Promote the use of township communications (i.e. Township Website, Facebook, emergency communications, etc.)
- Identify deficiencies in the current communications platform
- Make recommendations for improvement to township communications by presenting a Communications Report to the Township Committee no later than 11/26/2019

NOW THEREFORE BE IT RESOLVED by the Township Committee of Bernards that we do hereby establish the Bernards Township Communications Task Force.

[Resolution #2019-0095 – Establishment of the Affordable Housing Task Force](#)

Motion by Carpenter, second by Baldassare to table to a public work section portion of an upcoming meeting for discussion.

Roll Call:

Aye: Baldassare, Carpenter,
Nay: Esposito, Harris, Bianchi
Abstain:
Motion failed.

Motion by Harris, second by Esposito to approve the resolution.

Roll Call:

Aye: Esposito, Harris, Bianchi
Nay: Baldassare, Carpenter
Abstain:
Motion carried.

WHEREAS, the Township Committee of the Township of Bernards recognizes the importance of complying with its constitutional obligation to provide affordable housing; and

WHEREAS, the Township Committee seeks to proactively embrace the challenge of addressing anticipated future affordable housing obligations with planning solutions that manage potentially detrimental impacts on the community, such as rapid growth; and

WHEREAS, the current Court process in which Bernards Township has addressed its Third Round affordable housing obligations will provide the Township with protection from Mount Laurel litigation until July 6, 2025; and

WHEREAS, at this time the Township's affordable housing obligation beyond July 6, 2025 has yet to be determined; and

WHEREAS, notwithstanding current uncertainties, the Township Committee wishes the Township to be in the most favorable position possible at such time when future affordable housing requirements become known; and

WHEREAS, the Township Committee wishes to appoint an Affordable Housing Task Force consisting of up to nine members for one-year terms expiring 12/31/19 including:

1. Up to five Bernards Township Residents
2. The Bernards Township Planner
3. The Bernards Township Engineer
4. The Bernards Township Mayor
5. One Additional Township Committee Member

WHEREAS, the mission of the Affordable Housing Task Force shall be to:

1. Coordinate and advocate for legislative changes to State affordable housing mandates.
2. Explore ways to comply with affordable housing obligations in the Township considering the methodologies used in the Third Round and considering costs, risks, benefits, community impacts, etc. of available options to provide affordable housing.
3. Report the findings of the Task Force, including any recommendations for ordinance changes, to the Township Committee not later than 11/26/19, which report shall be in the form of a working presentation or document which can be updated as circumstances change, and new rules or other information becomes available.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby establish the Bernards Township Affordable Housing Task Force.

Approval of Minutes - [12/11/2018 Open Session](#) and [12/11/2018 Executive Session](#)

Motion by Baldassare, second by Harris, that the open session minutes be approved for content and release and that the closed session minutes be approved for content only.

Roll Call:

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

[Ordinance #2406](#) - *An Ordinance to Amend the Revised Land Use Ordinances of the Township of Bernards Chapter 21 "Land Use," Section 59 "Installation of Improvements: Guarantee Agreement" – Introduction*

The clerk read the ordinance by title.

Motion by Baldassare, second by Esposito, that Ordinance #2406 be introduced on first reading, advertised as required by law, referred to the planning board for a report, and scheduled for a public hearing on 02/12/2019.

Roll Call:

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 21 "Land Use," Section 59 "Installation of Improvements: Guarantee Revised Land Use Ordinances of the Township of Bernards is amended. (new text is in double underline; deletions are ~~stricken~~):

§ 21-59.1 Installation of Improvements or Guaranty Prior to Grant of Final Subdivision Approval.

After preliminary subdivision approval has been granted but prior to the recording of a final subdivision plat, the applicant shall have installed under the inspection of the Township Engineer the improvements required under Section 21-60 unless the applicant has furnished to the Township a performance guaranty in an amount and in a form, approved by the Township Engineer, to assure the installation on or before a date approved by the Board of all improvements required for the whole or any section of the tract which have not already been inspected and approved by the Township Engineer.

§ 21-59.2 Installation of Improvements and Guaranty Prior to Grant of Final Site Plan Approval.

After preliminary site plan approval has been granted, and before any construction permit is issued for any building, the applicant shall install under the inspection of the Township Engineer those on-tract or on-site improvements required under Subsections 21-60.2 and 21-60.3 which are determined by the Board to have an impact on the health, safety and welfare of the Township, such as:

- a. Detention and retention facilities.
- b. Drainage structures, including those carrying off-site or off-tract stormwater runoff.
- c. Erosion and sedimentation control improvements.
- d. All landscaping in all buffers.

Prior to commencing site work, the applicant will furnish the Township with a bond for the completion of the above items a, b, c and d, including the grading and reseeding of disturbed areas. The bond shall contain a provision waiving objection to any delay in the completion of any item permitted by the Township Engineer or other Township authorities.

If the Township Engineer determines that a particular improvement, including but not limited to items a, b, c and d above, does not have to be actually installed prior to the granting of final site plan approval in order to protect the environment or the public health, safety or welfare, the applicant may furnish the Township with a performance guaranty to insure installation on or before a date approved by the Township Engineer.

§ 21-59.3 ~~Performance Guaranty Guarantees Required; Surety Release.~~

~~The performance guaranty shall be in favor of the Township in an amount equal to 120% of the estimated cost of such improvements as determined in Subsection 21-59.4 below. At least 10% of the performance guaranty shall be in the form of cash or a certified check made payable to the Township of Bernards and shall be accompanied by a cash deposit agreement in the form annexed hereto as Appendix A. Any performance bond given as part of this guaranty shall be given in the form annexed hereto as Appendix B. Developers must use the preprinted form which~~

~~is available from the Township Engineering Department. The Township Engineer may revise the preprinted form from time to time, but such revisions may not alter the substance of such forms unless authorized by an ordinance implementing the revision.~~

~~a. Before filing a final subdivision plat or recording a minor subdivision deed or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of N.J.S.A. 40:55D-65, a developer shall furnish a performance guarantee, and provide for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection.~~

~~1. The developer shall furnish a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.~~

~~A successor developer must furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit.~~

~~2. The developer shall submit an itemized cost estimate of the improvements covered by the performance guarantee in accordance with section 21-59.4, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.~~

~~b. A performance guarantee shall include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by Township ordinance or imposed as a condition of approval. At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.~~

~~c. In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the Township in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, Township Engineer, or other municipal official designated by ordinance. At no time may the Township hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the zoning officer, Township Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.~~

~~d. A developer shall furnish to the Township a "safety and stabilization guarantee," in favor of the Township. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or~~

otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

1. site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
 2. work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township's intent to claim payment under the guarantee. The Township shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.
 3. The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
 4. The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
 - i. \$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.
 5. The Township shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.
 6. The Township shall release a "safety and stabilization guarantee" upon the Township Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.
- e. The developer shall post with the Township, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.
- f. If required, the developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).
- g. The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.
- h. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.
- i. The maintenance bond shall be expressly conditioned on the repair, correction of defects, replacement or restoration of an improvement or any part thereof whenever defects arise from faulty materials, poor

workmanship or from natural causes. Maintenance shall also include the plowing of snow on streets or portions of streets not yet accepted by the Township in order that vehicular access is at all times provided to lots for which certificates of occupancy have been issued.

- j. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.
- k. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).
- l. Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate approved by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
- m. The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate approved by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section.
- n. The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate approved by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.
- o. For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount

for each such improvement, in accordance with the itemized cost estimate approved by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and “safety and stabilization guarantee” to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a “temporary certificate of occupancy guarantee” has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.

- p. If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney’s fees, may be awarded to the prevailing party.
- q. If the governing body fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer’s list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate approved by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney’s fees, may be awarded to the prevailing party.
- r. In the event that the obligor has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a “safety and stabilization guarantee,” the Township may retain cash equal to the amount of the remaining “safety and stabilization guarantee”.
- s. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
- t. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Township Engineer.
- u. The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The Township may require the developer to post the inspection fees in escrow in an amount:
1. not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and
 2. not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).
- v. For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of

the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

- w. For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.
- x. If the Township determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the Township may require the developer to deposit additional funds in escrow provided that the Township delivers to the developer a written inspection escrow deposit request, signed by the Township Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.
- y. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.
- z. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer.

§ 21-59.4 Preparation of Estimate.

An estimate of the cost of such improvements shall be prepared and submitted by the applicant's engineer to the Township Engineer for approval.

§ 21-59.5 Deadline for Completion of Improvements.

Unless otherwise permitted by the Planning Board in accordance with N.J.S.A. 40:55D-52b of the Municipal Land Use Law, all improvements required by the development plans must be installed no later than two years from the date of final approval. With the consent of the principal and any surety, the time allowed for the completion of improvements may be extended by the governing body by resolution. The Board shall have a thirty-day period in which to comment upon any proposed extension. As a condition or as part of any such extension, the amount of any performance guaranty shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation of the remaining improvements as established at the time of the passage of the resolution of extension.

§ 21-59.6 Inspections.

Upon substantial completion of all required appurtenant utility improvements and connection of same to the public system and upon completion of each of the other required improvements, the obligor (or the performance guaranty) shall notify the governing body, in writing, by certified mail addressed in care of the Township Clerk, of the completion or substantial completion of improvements and shall send a copy thereof to the Township Engineer. Thereupon the Township Engineer shall, within 10 days of notification, conduct a full inspection of the specified improvements, file a detailed report in writing with the governing body, indicating either his approval, partial approval or rejection of the inspected improvements and giving the reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth and certified.

~~§ 21-59.7 Release.~~

~~The governing body, by resolution, shall either approve, partially approve or reject the inspected improvements on the basis of the report of the Township Engineer and shall notify the obligor in writing, by certified mail, of the contents of the report and the action of the approving authority with relation thereto, not later than 65 days after~~

~~receipt of the notice from the developer of the completion or substantial completion of the improvements. Where partial approval is granted, the developer shall be released from all liability pursuant to the performance guaranty, except for 120% of the cost of the outstanding improvements or 30% of the amount of the original performance guaranty, whichever is greater, to ensure completion of all remaining improvements. Failure of the governing body to send or provide such notification to the developer within 65 days shall be deemed to constitute approval of the improvements, and the developer and surety if any, shall be released from all liability pursuant to the performance guaranty for the inspected improvements.~~

§ 21-59.~~8-7~~ Developer's Agreement.

As a condition of final approval and coincident with the furnishing of the performance guaranty by the developer, there shall be executed an agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the Board in the form set forth in Appendix C. Developers must use the preprinted form which is available from the Township Engineering department. The Township Engineer, in consultation with the Township Attorney, may revise the preprinted form from time to time, but such revisions may not alter the substance of such forms unless authorized by an ordinance implementing the revision.

§ 21-59.~~9-8~~ Requirement for As-Built Plans.

Prior to the acceptance by the Township of any improvements installed in or as part of any development, the developer shall furnish to the Township Engineer a set of as-built plans for the following, drawn on Mylar base sheets not larger than 24 inches x 36 inches.

- a. Roads (plans and profiles).
- b. Surface and stormwater drainage (plans and profiles) for facilities in roads and easements.
- c. Sanitary sewers including individual lot connections and cleanouts (plans and profiles) for facilities in roads and easements.
- d. Water mains, gas mains and underground electric, telephone and community antenna television (CATV) conduits (plans and profiles) for facilities in roads and easements.

All of the foregoing improvements and utilities may be shown on the same location plans with appropriate legends.

§ 21-59.~~10-9~~ Improvements Required for Certificate(s) of Occupancy.

- a. In the case of a subdivision, no certificate of occupancy shall be issued for any building on any lot in a development until installment of the following improvements required for such lot shall have been completed, inspected and approved by the Township Engineer:
 1. Streets, curbs and sidewalks (except the wearing course of the pavement section).
 2. Drainage facilities and grading.
 3. Sanitary facilities.
 4. All utilities.
 5. If the development plan requires that shade trees be installed within a right of way that is or is to become public, no certificate of occupancy shall be issued for any lot unless either (a) the Township Engineer has certified that all such required trees, both upon that lot and in the portion of the right of way abutting that lot, if any, have been installed or (b) the Township Engineer has certified that the planting of such trees should await the next planting season. In the case of a certification under Clause (b), the failure of the developer to install such shade trees by April 15 next following the date of the Engineer's certification shall constitute a default of the developer's obligations and shall entitle the Township to draw upon the performance guaranty for the cost of obtaining and installing such shade trees.
- b. In the case of a site plan, no certificate of occupancy shall be issued for any building unless the Township Engineer has certified that the site improvements necessary for the occupancy of the building have been completed or have been completed to the extent necessary to allow the safe occupancy of the building without inconvenience to the occupants of the building. In these cases, where other site improvements related to the development plan are incomplete, the applicant shall agree in writing to complete said improvements within 180 days and shall post a guaranty to cover completion of the improvements. In no case shall the final 10% of a residential development, including single-family and duplex units, be occupied until all site improvements have been completed. Notwithstanding the other provisions of this paragraph, if the development plan requires that shade trees be installed within a right-of-way that is or is to become public, no certificate of occupancy shall be issued for any lot unless either (a) the Township Engineer has certified that all such required trees, both upon that lot and in the portion of the right-of-way abutting that lot, if any, have been installed or (b) the Township

Engineer has certified that the planting of such trees should await the next planting season. In the case of a certification under Clause (b), the failure of the developer to install such shade trees by April 15 next following of the date of the Engineer's certification shall constitute a default of the developer's obligations and shall entitle the Township to draw upon the performance guaranty for the cost of obtaining and installing such shade trees.

§ 21-59.~~14-10~~ Approval in Sections.

Whenever final approval is obtained for a section of a development, then all of the improvements for that section shall be completed, inspected and approved by the Township Engineer before any certificate of occupancy shall be issued for any building on a lot in any succeeding section of the development.

~~§ 21-59.12 Maintenance Guaranty.~~

~~The developer's agreement shall provide for a maintenance guaranty to be posted, and the developer shall post such guaranty, with the governing body for a period of two years after final acceptance of improvements in an amount not to exceed 15% of the total cost of the improvements. No acceptance of an improvement shall become effective until such guaranty has been posted and has been reviewed and approved by the Township Engineer and Township Attorney as to its form, sufficiency and execution and until the improvement has been accepted by vote of the governing body. If an improvement performance bond is posted by a developer, it shall recite that, upon acceptance of the improvements, the bond shall then serve as a maintenance bond in the amount of 15% of the total cost of the bonded improvements. In the event that other governmental agencies or public utilities automatically will own utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the Township for such utilities or improvements. In connection with the acceptance of an improvement, the developer may submit a separate maintenance bond in the appropriate amount as a proposed substitution for a previously posted improvement performance bond. The maintenance bond shall be expressly conditioned on the repair, correction of defects, replacement or restoration of an improvement or any part thereof whenever defects arise from faulty materials, poor workmanship or from natural causes. Maintenance shall also include the plowing of snow on streets or portions of streets not yet accepted by the Township in order that vehicular access is at all times provided to lots for which certificates of occupancy have been issued.~~

§ 21-59.~~13-11~~ Letters of Credit.

A developer may furnish a performance guaranty or maintenance guaranty in the form of an irrevocable letter of credit if it:

- a. Constitutes an unconditional payment obligation of the issuer running solely to the Township of Bernards for an express initial period of time in the amount determined pursuant to this chapter;
- b. Is issued by a banking or savings institution authorized to do business in the State of New Jersey, actually doing business in the state and having at least one main office or branch office in the state;
- c. Permits the presentment of drafts at a location within the state within a forty-mile radius of the Township Municipal Building, which location may be an office of the issuer or an office of any other banking or savings institution designated by the issuer;
- d. Is for a period of time of at least one year;
- e. Permits the Township to draw upon the letter of credit if the developer fails to complete any required improvements within the time provided by the Land Development Chapter of the Revised General Ordinances of Bernards Township or by the developer's resolution of approval;
- f. Permits the Township to draw upon the letter of credit if the developer fails to furnish either another letter of credit which complies with the provisions of this section or an amendment extending the existing letter of credit for a time period consistent with Paragraph d. above at least 30 days before the expiration date of the existing letter of credit;
- g. Permits drafts in the full amount or any partial amount;
- h. Recites that a draft upon the letter of credit may be signed by any one of the following: the Township Engineer, Acting Township Engineer, Township Administrator, Assistant Administrator or any member of the Township Committee;
- i. Satisfies the requirement as to form specified in the New Jersey Uniform Commercial Code (N.J.S.A. 12A:5-101 et seq.) and in the Uniform Customs and Practice for Documentary Credits published by the International Chamber of Commerce, both as amended or revised from time to time; and
- j. Is accompanied by a statement of an officer of the bank certifying that the bank is in compliance with all applicable capital requirements of all governmental and regulatory bodies.
- k. Is approved as to form by the Township Attorney. Developers must use the preprinted form set forth in Appendix K, which is available from the Township Engineering Department. The Township Engineer, in consultation with the Township Attorney, may revise the preprinted form from time to time, but such revisions

may not alter the substance of such forms unless authorized by an ordinance implementing the revision.

§ 21-59.14-12 Failure or Expiration of Guaranty.

It shall be a violation of this chapter for a developer to fail to furnish an acceptable replacement performance guaranty or maintenance guaranty either (a) prior to the expiration of a letter of credit or other time-limited guaranty, or (b) within 30 days following the delivery of written notice from the Township that the developer's guaranty has become inadequate or unacceptable, or (c) within 30 days following the developer's otherwise learning that its guaranty has become inadequate or unacceptable. A guaranty becomes inadequate or unacceptable if the surety or other issuer files or is the subject of a petition under the Federal Bankruptcy Act, or otherwise becomes insolvent or becomes the subject of proceedings under any insolvency law, or if other circumstances arise which significantly jeopardize or impair the Township's present or future ability to promptly enforce the guaranty. It shall also be a violation of this chapter for a developer to perform work, or have work performed on its behalf, on any structure or improvement at a time when the developer is in violation of this subsection 21-59.14, and each day that any such work is performed shall be the basis for a separate violation. In addition, no certificate of occupancy or building permit shall be issued for a development at any time when a guaranty required by this chapter has expired or become inadequate or unacceptable and has not been replaced by the developer.

§ 21-59.15-13 Improvements in Public Rights-of-Way.

Any improvements in public rights-of-way or on public lands shall be subject to the requirements of section 18-3 of the Revised General Ordinances, "Requirements and Specifications for Street Openings." If the developer has posted a performance guaranty pursuant to subsection 21-59.3 above, then the total cost of completely restoring the public right-of-way or public land shall be included as a component of that performance guaranty, and the Township shall accept that performance surety required by subsection 18-3.5b.

~~§ 21-59.16 Performance Guaranty for Site Restoration.~~

~~In the event that an applicant for a major subdivision or site plan which is proposed to be constructed over a period of time in excess of one year decides to proceed with the installation or construction or required on site, off site and/or off tract improvements prior to an application for final approval, the applicant shall be required to post a performance guaranty to restore the site to a safe and sanitary condition in order to protect the interests of the public pursuant to N.J.S.A. 40:55D-39D. The amount of the guaranty shall be 15% of the estimated cost of the improvements. Restoration of the site shall take place if the applicant ceases work on the site for a period of 18 months and has been notified in writing by the Township of the intent to invoke the performance guaranty in order to begin restoration of the site. The notice of intent shall take place after 12 months of no substantial work on the site.~~

Ordinance #2407 - Accepting a Bio-Retention Basin, Drainage & Access Easement on Property Located at 105 Cross Road, Block 3501, Lot 13, from Garden State Property Management XX, LLC to the Township of Bernards – Introduction

The clerk read the ordinance by title. Motion by Baldassare, second by Esposito, that Ordinance #2407 be introduced on first reading, advertised as required by law, with a public hearing scheduled for 01/29/2019.

Roll Call:

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Garden State Property Management XX, LLC, 105 Cross Road, Basking Ridge, NJ, 07920, a Bio-Retention Basin, Drainage & Access Easement on Block 3501, Lot 13, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

[Ordinance #2408](#) - *Accepting an Amendment to Conservation Easement, and an Amendment to Stream Buffer Conservation Easement on Property Located at [295 North Maple Avenue \(a/k/a One Verizon Way\)](#), [Block 804, Lots 2.01, 3.01 & 16](#), from 295 North Maple DST (f/k/a 295 North Maple LLC) and Verizon Corporate Services Group Inc. to the Township of Bernards – Introduction*

The clerk read the ordinance by title. Motion by Baldassare, second by Harris, that Ordinance #2408 be introduced on first reading, advertised as required by law, with a public hearing scheduled for 01/29/2019.

Roll Call:

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from 295 North Maple DST (f/k/a 295 North Maple LLC), having an address at c/o Net Lease Capital Advisors, Inc., 10 Tara Boulevard, Suite 130, Nashua, New Hampshire, 03062, and Verizon Corporate Services Group Inc., having an address at One Verizon Way, Basking Ridge, New Jersey, 07920, an Amendment to Conservation Easement and an Amendment to Stream Buffer Conservation Easement on Block 804, Lots 2.01, 3.01 & 16 in Bernards Township.
2. The easements are on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

[Ordinance #2410](#) - *An Ordinance of the Township of Bernards to Set Calendar Year 2019 Appropriation Limits and to Establish a Cap Bank per N.J.S.A. 40A: 4-45.14 – Introduction*

The clerk read the ordinance by title. Motion by Baldassare, second by Esposito, that Ordinance #2410 be introduced on first reading, advertised as required by law, with a public hearing scheduled for 01/29/2019.

Roll Call:

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

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 2019 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 2019 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 \$273,653.96 in excess of the 2.5 % (\$684,134.91) 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 2019 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 \$957,788.87, and that the CY 2019 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.

Mayoral Appointment to the Environmental Commission – Alice Smirk, RM, 3 yr. term expiring 1/31/2021
The mayor announced her appointment.

Resolution #2019-0086 - Amending Resolution #2019-0043 “Establishing Rules and Procedures for the Conduct of Business Township Committee Meetings” adopted on January 2, 2019
Motion by Esposito, second by Harris, to approve the resolution.

Roll Call:

Aye: Esposito, Harris, Bianchi
Nay: Baldassare, Carpenter
Abstain:
Motion carried.

WHEREAS, the Township Committee of the Township of Bernards adopted Resolution #2019-0043 on January 2, 2019; and

WHEREAS, the Township Committee of the Township of Bernards wishes to amend Resolution #2019-0043.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Resolution #2019-0043 is amended as follows (new text in double underlined, deleted text in ~~strike through~~):

WHEREAS, 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 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 2019:

1. 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. To the extent feasible or practical, tThe 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/Board Reports 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 #2019-0002. 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. ~~Public Work Agenda~~-Sessions may be listed as an order of business during each meeting as determined by the Municipal Clerk after consultation with the Mayor. Public Work 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~~Public Work Session (if required)
 7. Reports
 8. Correspondence
 9. Public Comment
 10. Township Committee/Liaison & Board Reports, 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
 - ~~14.~~15. Public Comment
 - ~~15.~~16. Executive Session (if required)
 - ~~16.~~17. Adjournment

2. 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.

3. 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, abstentions 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.

4. 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.

5. 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.

6. 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.

[Ordinance #2411](#) - *Accepting a Deed of Temporary Construction Easement on Block 7703, Lot 24, from Liberty Corner Properties, LLC to the Township of Bernards - Introduction*

The clerk read the ordinance by title. Motion by Baldassare, second by Esposito, that Ordinance #2411 be introduced on first reading, advertised as required by law, with a public hearing scheduled for 01/29/2019.

Roll Call:

- Aye: Baldassare, , Esposito, Harris, Bianchi
- Nay: Carpenter
- Abstain:
- Motion carried.

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

- 1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township accepts from Liberty Corner Properties, L.L.C., 36-38 Valley Road, Basking Ridge, NJ, 07920, a deed of temporary construction easement (the “Easement”) on Block 7703, Lot 24 in Bernards Township for a consideration of \$11,000.00.
- 2. The Easement is on file with the office of the Township Clerk.
- 3. This Ordinance shall take effect upon its final passage and publication according to law.

EXECUTIVE SESSION – [Resolution #2019-0077](#)

Motion by Baldassare, second by Esposito, and unanimously agreed that Resolution #2019-0077 be approved.

Roll Call:

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

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

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

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

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

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

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

Reason for Closed Session

Estimated Time of Disclosure or Upon Occurrence Of

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

Attorney Client Privilege – Fellowship Village.

The meeting temporarily adjourned to executive session at 9:15 PM

ADJOURNMENT

The meeting resumed in open session at 9:32 PM, and by unanimous consent, immediately adjourned.

Respectfully submitted

Denise Szabo,
Municipal Clerk

Carol Bianchi,
Mayor