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January 29, 2019 – COMBINED AGENDA/REGULAR MEETING

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CALL TO ORDER

The mayor called the meeting to order at 7:30 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Baldassare, Carpenter, Esposito, Harris, Bianchi

Absent:

Also Present: Administrator Monaco (8 PM), Attorney Belardo (8 PM), Engineer Timko (8 PM), Municipal Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION – [Resolution #2019-0103](#)

Motion by Baldassare, second by Harris, and unanimously agreed that Resolution #2019-0103 be approved. The meeting temporarily adjourned to Executive Session at 7:31 PM.

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

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

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

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

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

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

	<u>Reason for Closed Session</u>	<u>Estimated Time of Disclosure or Upon Occurrence Of</u>
<input checked="" type="checkbox"/>	Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under <i>South Jersey Publishing</i> , 124 NJ 478. Board/Task Force Appointments Police Department, Promotion	Upon appointment Upon appointment

The meeting resumed in open session at 8 PM.

AMEND AGENDA

Motion by Baldassare, second by Esposito, and unanimously agreed that the agenda be amended to include the following resolutions:

1. Resolution #2019-0119 – Appointments to the Communication Task Force
2. Resolution #2019-0120 – Appointments to the Vision 2020 Planning for the Future Task Force
3. Resolution #2019-0121 – Appointments to the Affordable Housing Task Force

PUBLIC WORK SESSION

[Canterbury & Mine Brook Traffic Calming Proposal](#)

Timko provided an overview of the current intersection and changes to improve safety of intersection.

Traffic Calming Concept

- Improved signage and addition of beacons
- Additional striping

- Radius change on corners
- Shortened and relocated crosswalks
- Addition of traffic islands
- Narrowed lanes
- Speed limit reductions
- Street lights

Cost at the high end is estimated at \$140,000 for possible May construction.

The committee ask Timko to take into consideration comments made and return with a more detailed proposal.

Draft [Resolution #2019-0082 - Establishing a Quarry Advisory Task Force](#)

The mayor asked her colleagues if there were any questions on the resolution. There were none.

(The mayor opened public comment as noted below, prior to township deliberation on the public work session items of discussion.)

AMEND AGENDA

Motion by Baldassare, second by Esposito, to amend the agenda to add Resolutions #2019-0082 Establishing the Quarry Advisory Task Force, and Resolution #2019-0122 Appointments to the Quarry Advisory Task Force.

Roll Call:

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

Motion by Baldassare, second by Esposito, to amend the agenda to add Resolution #2019-0122 Appointments to the Quarry Advisory Task Force.

Roll Call:

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

PUBLIC COMMENT

The following commented on the Canterbury Way & Mine Brook Traffic Calming Proposals:
 Kevin Orr, Liberty Corner representing the Canterbury Way Homeowners Association
 Mandy Kucerka, Old Coach Road
 Bill Allen, Holmesbrook Road
 Paneka Haviland, 153 Canterberry Way
 Tracy Hennessy, 45 Mine Brook Road
 Todd Edelstein, Riverside Drive

Bill Allen, Holmesbrook Road, commented on Affordable Housing.

James Vopal, 20 Evergreen Place, Basking Ridge, commented on department of individual committee members.

TOWNSHIP COMMITTEE/BOARD REPORTS & STAFF COMMENTS

Committee members reported on their boards and other activities and staff provided comments.

FIRE & RESCUE APPOINTMENT

[Resolution #2019-0113](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner Fire Company Ryan J. Woods, Full Member and Brandon Mark, Junior Member

Motion by Baldassare, second by Harris, and unanimously agreed that Resolution 2019-0113 be approved.

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

WHEREAS, the Liberty Corner Fire Company is recommending,

NAME	ADDRESS	MEMBERSHIP STATUS
Ryan Woods	1 Whittingham Road Basking Ridge, NJ	Full Member
Brandon Mark	42 Church Street Basking Ridge, NJ	Junior Member

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Ryan J. Woods is hereby appointed as a Full Member and Brandon Mark as a Junior Member of the Liberty Corner Fire Company, Inc. effective this date.

UNFINISHED BUSINESS

[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 – Public Hearing*

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

Motion by Baldassare, second by Esposito, that Ordinance #2407 be adopted and advertised as required by law.

Roll Call:

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

[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 – Public Hearing*

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

Motion by Baldassare, second by Harris, that Ordinance #2408 be adopted and advertised as required by law.

Roll Call:

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

[Ordinance #2409](#) - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 7 “Traffic, Section 3 “Parking” Subsection 4 “Parking Prohibited During Certain Hours on Certain Streets” to Add Brentwood Court and a Portion of North Maple Avenue – Public Hearing*

The clerk read the ordinance by title and the mayor opened the public hearing.

The following people commented on the ordinance:

- Dan King, Brentwood Court
- James Mcquaid, Brentwood Court
- Tom Golubic, Brentwood Court
- Izabela Trachtenbroit, Brentwood Court
- Kristen Mcquaid, Brentwood Court

Eduardo Rubino, Culberson Road
David Berger, Brentwood Court
Bill Ratz, Brentwood Court
Todd Edelstein, Riverside Drive

Motion by Baldassare, second by Harris, that Ordinance #2409 be adopted and advertised as required by law.

Roll Call:

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

[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 – Public Hearing*

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

Motion by Baldassare, second by Esposito, that Ordinance #2410 be adopted and advertised as required by law.

Roll Call:

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

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

The clerk read the ordinance by title and the mayor opened the public hearing.

Debbie Marcus, Lafayette Lane commented on the ordinance.

Motion by Baldassare, second by Harris, that Ordinance #2411 be adopted and advertised as required by law.

Roll Call:

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

NEW BUSINESS

Consent Agenda

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

Motion by Baldassare, second by Esposito, that Resolution #2019-0104 be removed from the Consent Agenda, and the remaining items be approved.

Roll Call

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

**** Begin Consent Agenda ****

Approval of Minutes
01/15/2019 Open Session

These minutes were approved for content and release.

01/15/2019 Executive Session

These minutes were approved for content only.

Resolution #2019-0096 - Approval of the Bill List Dated 01/29/2019

BE IT RESOLVED, that the bill list dated 01/29/2019 be audited, and if found correct, be paid.

January 29, 2019
 11:40 AM

TOWNSHIP OF BERNARDS
 Check Register By Check Id

Page No: 1

 Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Ids: 118851 to 118997
 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
118851	01/18/19	N0482 NICOLETTI SNOW REMOVAL LLC	15,000.00	1418
118852	01/29/19	90227 SHIMSKY, MICHAEL	163.61	1419 Direct Deposit
118853	01/29/19	90239 SCHLEY, DAVID L	200.00	1419 Direct Deposit
118854	01/29/19	90544 SANTORO, MICHELLE	17.38	1419 Direct Deposit
118855	01/29/19	90552 HRABOVSKY, GEORGE	90.00	1419 Direct Deposit
118856	01/29/19	90563 CARTOCICIO, KAITLIN	18.99	1419 Direct Deposit
118857	01/29/19	H0312 HEFFERNAN, ROBERT F	5,706.25	1419 Direct Deposit
118858	01/29/19	K0258 KUCHINSKY AND ROTUNNO, PC	156.75	1419 Direct Deposit
118859	01/29/19	A0162 ACME DIESEL ELECTRIC, INC.	1,648.66	1420
118860	01/29/19	A0306 AMERICAN PLANNING ASSOCIATION	681.00	1420
118861	01/29/19	B0001 BAKER & TAYLOR, INC.	3,130.83	1420
118862	01/29/19	B0014 BREWER ASSOCIATES	50.00	1420
118863	01/29/19	B0026 BERNARDS TOWNSHIP CURRENT	3,672.12	1420
118864	01/29/19	B0029 BERNARDS TWP BD OF EDUCATION	7,544,509.50	1420
118865	01/29/19	B0031 BERNARDSVILLE PRINT CENTER	746.00	1420
118866	01/29/19	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	577,283.12	1420
118867	01/29/19	B0044 BASKING RIDGE ANIMAL HOSPITAL	142.00	1420
118868	01/29/19	B0128 INTERNATIONAL CODE COUNCIL	119.00	1420
118869	01/29/19	B0203 DIFRANCESCO,BATEMAN,COLEY,YOSP	3,540.34	1420
118870	01/29/19	B0241 BANISCH ASSOCIATES,INC.	1,725.50	1420
118871	01/29/19	B0388 BLACKSTONE AUDIO BOOKS	65.90	1420
118872	01/29/19	B0447 BRODART LIBRARY SUPPLIES&FURN	178.14	1420
118873	01/29/19	B0690 BIBLIOTHECA LLC	55.00	1420
118874	01/29/19	B0710 BARTLETT, JOANNA	50.00	1420
118875	01/29/19	C0024 GANNETT NEW JERSEY NEWSPAPERS	125.13	1420
118876	01/29/19	C0073 CAMPBELL FOUNDRY COMPANY	485.00	1420
118877	01/29/19	C0083 CDW GOVERNMENT, INC.	4,341.75	1420
118878	01/29/19	C0434 CENTRAL JERSEY CONSTRUCTION	4,868.00	1420
118879	01/29/19	C0545 AHS HOSPITAL CORP	772.80	1420
118880	01/29/19	C0597 CLIFFSIDE BODY CORPORATION	93.10	1420
118881	01/29/19	C0745 CLARKE CATON HINTZ	87.50	1420
118882	01/29/19	C0800 CENTRAL JERSEY TAX COLLECTORS	75.00	1420
118883	01/29/19	D0020 DELTA DENTAL OF NJ	12,254.25	1420
118884	01/29/19	D0295 D & G EQUIPMENT CO., INC.	228.95	1420
118885	01/29/19	D0380 DRIVERS TIRE & SERVICE CENTER	1,418.01	1420
118886	01/29/19	D0698 DITSCHMAN/FLEMINGTON FORD	36,822.50	1420
118887	01/29/19	D0740 DOVER BRAKE & CLUTCH	150.05	1420
118888	01/29/19	E0224 EXCELLENT BUILDING SERVICES	6,949.00	1420
118889	01/29/19	E0231 EKA ASSOCIATES, P.A.	1,080.00	1420
118890	01/29/19	E0267 EAW SECURITY	11,668.01	1420
118891	01/29/19	E0295 ELECTRO BATTERY SYSTEMS INC	244.79	1420
118892	01/29/19	F0003 FOLEY, INCORPORATED	480.54	1420
118893	01/29/19	F0047 FULLERTON FORD	154.61	1420
118894	01/29/19	F0148 FAIRFIELD MAINTENANCE INC	345.00	1420
118895	01/29/19	F0326 FX AUTOMOTIVE LLC	17.99	1420
118896	01/29/19	G0066 GRAINGER INC	1,360.30	1420
118897	01/29/19	G0098 JCP&L	17,791.64	1420
118898	01/29/19	G0133 GARDEN STATE LABORATORIES, INC	110.00	1420
118899	01/29/19	G0267 GARDEN STATE VINYL DESIGNS	625.00	1420
118900	01/29/19	G0497 GARTH, LORI	100.00	1420
118901	01/29/19	G0596 GRIFFITH - ALLIED TRUCKING LLC	8,378.19	1420
118902	01/29/19	H0235 HOOVER TRUCK CENTERS	152.44	1420
118903	01/29/19	H0246 HOME DEPOT CREDIT SERVICES	593.20	1420
118904	01/29/19	I0011 INTERNATIONAL INSTITUTE	210.00	1420
118905	01/29/19	I0131 IPLAY AMERICA, LLC	250.00	1420
118906	01/29/19	J0093 JOHNNY ON THE SPOT, LLC	59.50	1420
118907	01/29/19	K0036 KONICA MINOLTA BUSINESS	375.12	1420
118908	01/29/19	K0259 KONICA MINOLTA PREMIER FINANCE	167.07	1420
118909	01/29/19	K0274 KELLER & KIRKPATRICK, INC	1,775.00	1420
118910	01/29/19	K0341 KONICA MINOLTA PREMIER FINANCE	98.83	1420
118911	01/29/19	L0187 LAKELAND BUS COMPANY	975.00	1420
118912	01/29/19	L0412 LEBOEUF, GLENN W.	225.00	1420
118913	01/29/19	L0428 LIBERTY CORNER PROPERTIES LLC	11,000.00	1420
118914	01/29/19	M0006 MGL PRINTING SOLUTIONS	618.00	1420
118915	01/29/19	M0010 MOBILE LAWMOWER SERVICE, INC.	190.43	1420
118916	01/29/19	M0094 MUSIC THEATRE INTERNATIONAL	1,680.00	1420
118917	01/29/19	M0279 MITZNER, SCOTT C.	1,170.45	1420
118918	01/29/19	M0299 MOUNTAIN CREEK	100.00	1420
118919	01/29/19	M0342 MORTON'S MARKETING RESOURCES	1,156.16	1420

118920	01/29/19	M0493	MCELROY, DEUTSCH, MULVANEY &	6,020.72	1420
118921	01/29/19	M0504	MOBILE LIFTS, INC.	4,947.81	1420
118922	01/29/19	M0518	KONICA MINOLTA BUSINESS SOL.	45.69	1420
118923	01/29/19	M0609	MERCER COUNTY MCCA	55.00	1420
118924	01/29/19	M0815	M & M PERROTTIS	314.24	1420
118925	01/29/19	M0830	MOTT MACDONALD	2,760.80	1420
118926	01/29/19	M0860	MULVIHILL, BRIAN & KRISTIN	841.50	1420
118927	01/29/19	M0868	M & P RETIREMENT PLAN	1,908.37	1420
118928	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	101.34	1420
118929	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	79.84	1420
118930	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	38,364.00	1420
118931	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	23.43	1420
118932	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	179.64	1420
118933	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	135.23	1420
118934	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	194.04	1420
118935	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1420
118936	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	233.54	1420
118937	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	36.60	1420
118938	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	134.80	1420
118939	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1420
118940	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	855.56	1420
118941	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	141.38	1420
118942	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	23.43	1420
118943	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	42.10	1420
118944	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	42.10	1420
118945	01/29/19	N0006	NEW JERSEY AMERICAN WATER CO.	259.86	1420
118946	01/29/19	N0035	NEW JERSEY PLANNING OFFICIALS	119.00	1420
118947	01/29/19	N0042	NJ LIBRARY TRUSTEE ASSOCIATION	180.00	1420
118948	01/29/19	N0053	NJ UNEMPLOYMENT COMP. FUND	3,726.08	1420
118949	01/29/19	N0082	NJAPZA INC.	100.00	1420
118950	01/29/19	N0084	NEW YORK METS GROUP SALES DEPT	1,905.00	1420
118951	01/29/19	N0272	NATIONAL FENCE SYSTEMS, INC.	1,320.00	1420
118952	01/29/19	N0297	NORTHERN SAFETY CO., INC.	327.27	1420
118953	01/29/19	N0333	NJ PUBLIC SAFETY ACCRED COAL	300.00	1420
118954	01/29/19	N0389	NJ MOTOR VEHICLE COMMISSION	60.00	1420
118955	01/29/19	N0419	NIXON, PAMELA	50.00	1420
118956	01/29/19	N0462	N M PREMIUM FOODS, INC	442.20	1420
118957	01/29/19	O0021	OFFICE DEPOT	736.34	1420
118958	01/29/19	O0116	OBERLY, BARRY	990.00	1420
118959	01/29/19	P0005	PITNEY BOWES, INC.	395.65	1420
118960	01/29/19	P0538	PROVIDENT LIFE & ACCIDENT	185.30	1420
118961	01/29/19	P0602	PRAXAIR DISTRIBUTION, INC	289.92	1420
118962	01/29/19	R0010	REIDER ASSOCIATES, INC.	315.00	1420
118963	01/29/19	R0023	RICHIES TIRE SERVICE, INC.	1,430.60	1420
118964	01/29/19	R0045	RUTGERS - THE STATE UNIVERSITY	3,410.00	1420
118965	01/29/19	R0490	R & H TRUCK PARTS AND SERVICE	1,174.72	1420
118966	01/29/19	R0493	RIDGE BAGEL & CAFE	1,765.65	1420
118967	01/29/19	S0067	SOMERSET COUNTY TREASURER	5,587,611.46	1420
118968	01/29/19	S0068	SOMERSET COUNTY TREASURER	538,634.47	1420
118969	01/29/19	S0091	SOMERSET COUNTY TREASURER	7,599.24	1420
118970	01/29/19	S0101	STICKEL, KOENIG, SULLIVAN&DRILL	1,773.00	1420
118971	01/29/19	S0185	SUBURBAN JOINT INSURANCE FUND	169,703.00	1420
118972	01/29/19	S0443	STAPLES ADVANTAGE	44.52	1420
118973	01/29/19	T0025	TRUKMANN'S INC. C/O	704.55	1420
118974	01/29/19	T0049	TROPICANA ATLANTIC CITY	366.52	1420
118975	01/29/19	T0051	TRI-COUNTY COURT ADMIN. ASSOC.	100.00	1420
118976	01/29/19	T0066	CENGAGE LEARNING CREDIT SVCS	223.79	1420
118977	01/29/19	T0073	TREASURER - STATE OF N.J.	90.00	1420
118978	01/29/19	T0074	TREASURER - STATE OF N.J.	375.00	1420
118979	01/29/19	T0101	TRIANGLE COMMUNICATIONS	55.00	1420
118980	01/29/19	T0192	TURN OUT UNIFORMS INC	454.98	1420
118981	01/29/19	T0304	TREASURER, STATE OF NEW JERSEY	5.00	1420
118982	01/29/19	T0378	THE GUARDIAN LIFE INS CO OF AM	85.05	1420
118983	01/29/19	T0419	TIMESBOOK INC	150.35	1420
118984	01/29/19	T0438	TOP GOLF USA INC	940.00	1420
118985	01/29/19	V0056	VERIZON WIRELESS	1,004.01	1420
118986	01/29/19	V0058	VERIZON	183.86	1420
118987	01/29/19	V0084	VERIZON	8.32	1420
118988	01/29/19	V0177	VERIZON	450.33	1420
118989	01/29/19	V0184	VISION CONSTRUCTION GROUP, INC	2,104.70	1420
118990	01/29/19	W0241	W.B. MASON CO INC.	1,375.50	1420
118991	01/29/19	W0259	VENTURA, MIESOWITZ, KEOUGH &	1,458.00	1420
118992	01/29/19	W0339	W.B. MASON	177.75	1420
118993	01/29/19	W0347	EDWARD WACKS & ASSOCIATES, LLC	256.00	1420
118994	01/29/19	X0003	XEROX CORPORATION	278.55	1420
118995	01/29/19	X0005	XTEL COMMUNICATION	449.68	1420
118996	01/29/19	X0005	XTEL COMMUNICATION	1,712.30	1420
118997	01/29/19	Z0059	ZUFALL HEALTH CENTER, INC	1,007.00	1420

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Report Totals          Paid          Void          Amount Paid          Amount Void
                    -----          -----          -----          -----
                Checks:      140            0          14,680,799.80          0.00
            Direct Deposit:    7            0           6,352.98            0.00
                    =====          =====          =====          =====
                Total:      147            0          14,687,152.78            0.00

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Totals by Year-Fund
Fund Description          Fund          Budget Total          Revenue Total          G/L Total          Total
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CURRENT FUND              8-01          63,079.82            0.00            0.00          63,079.82
GOLF COURSE UTILITY      8-26          2,976.00            0.00            0.00          2,976.00

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	Year Total:	66,055.82	0.00	0.00	66,055.82
CURRENT FUND	9-01	14,508,704.09	0.00	0.00	14,508,704.09
DOG FUND	9-12	641.58	0.00	0.00	641.58
GOLF COURSE UTILITY	9-26	34.95	0.00	0.00	34.95
	Year Total:	14,509,380.62	0.00	0.00	14,509,380.62
CAPITAL FUND	C-04	64,265.14	0.00	0.00	64,265.14
PUBLIC GRANTS	G-02	2,239.68	0.00	0.00	2,239.68
TRUST FUNDS	T-13	37,245.72	0.00	0.00	37,245.72
PROJECTS		7,965.80			7,965.80
	Total Of All Funds:	14,687,152.78	0.00	0.00	14,687,152.78

Resolution #2019-0097 - Commendation on the Occasion of Your Retirement, Daniel Callahan

WHEREAS, the Township Committee of the Township of Bernards desires to convey to you an expression of its appreciation and grateful acknowledgment for the valued services rendered by you as an employee of the Township of Bernards Department of Public Works for the past 40 years; and

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

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

WHEREAS, on the occasion of your 40 years of service you are retiring to start the next challenging and exciting chapter of your life.

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

Resolution #2019-0098 - Authorizing the Township Special Tax Attorney to Enter Into a Stipulation of Settlement Relative to the Tax Appeal Captioned Curnin, Thomas J & Brenda B vs. Bernards Township, Tax Court of New Jersey, Docket No.: 007635-2018

WHEREAS, Thomas J. and Brenda B. Curnin (“Taxpayer”), the owner of 111 Emily Road, Block 4501, Lot 8 on the Township of Bernards Tax Assessment Maps (the “Property”), filed an appeal of their 2018 tax assessment in the Tax Court of New Jersey, Docket No.: 007635-2018; and

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

WHEREAS, an acceptable settlement of the aforesaid tax appeal was negotiated which reduces the 2018 total tax assessment from a total tax assessment of \$1,973,900 to a reduced total tax assessment of \$1,743,600; and

WHEREAS, the Bernards Township Assessor’s Office has inspected the property, examined the market and determined that the adjustment is warranted because of data and facts discovered upon this further inspection; and

WHEREAS, pursuant to the aforesaid settlement, Taxpayer waives interest on any refunds that are to be paid within 60 days from the date of judgment to “Michael I. Schneck, Esq. Attorney for Curnin, Thomas J & Brenda B” and mailed to Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, New Jersey 07039; and

WHEREAS, the Freeze Act shall not be applicable because the Bernards Township Tax Assessor may conduct a reassessment; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid 2018 tax assessment on the Property to the Township of Bernards Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Township; and

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

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

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

1. The Township of Bernards Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$230,300 total tax assessment reduction for the 2018 tax year for Block 4501, Lot 8, which most beneficial to the Township of Bernards and advised the Special Tax Attorney of that allocation.
2. The Special Tax Attorney is hereby authorized to execute the Stipulation of Settlement, a copy of which is annexed hereto relative to the tax appeal of Curdin, Thomas J & Brenda B vs. Bernards Township, Docket No.: 007635-2018, which reduces the 2018 total tax assessment on Block 4501, Lot 8 from a total tax assessment of \$1,973,900 to a reduced total tax assessment of \$1,743,600; all at allocations made by the Tax Assessor; which further provides that the taxpayer will waive interest on any refunds and any refunds that are to be paid within 60 days from the date of judgment to “Michael I. Schneck, Esq. Attorney for Curdin, Thomas J & Brenda B” and mailed to Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, New Jersey 07039.
3. The settlement outlined above shall be without prejudice to the Township’s dealings with any Township’s taxpayers’ request for tax assessment reductions.

[Resolution #2019-0099](#) - *Supporting A4037 and S2650 Amending N.J.S. 40A:14-96, N.J.S. 40A:14-98 and P.L. 1940, c. 153 Allowing Members of Junior Firefighters’ Auxiliaries to Perform Certain Fire Support Duties*
WHEREAS, fire departments are in dire need of volunteers and have requested amendments to current legislation to help recruit and maintain volunteer firefighters; and

WHEREAS, junior firefighters provide key support to volunteer fire departments in Bernards Township and throughout the state, and these departments are lacking the ability to utilize junior firefighters for hazardous duties at fire scenes and other emergencies; and

WHEREAS, Assembly Bill 4037 and Senate Bill 2650 provide much needed amendments to allow junior volunteer firefighters to perform support and training by establishing guidelines allowing junior firefighters the ability to perform certain non-hazardous duties during training, activities at the scene of a fire or other emergencies based on the age of the members; and

WHEREAS, Assembly Bill 4037 and Senate Bill 2650 will help expand opportunities for junior firefighters thereby encouraging youth in our communities to get involved where they live and volunteer for volunteer fire departments and expand their ability to learn and train among seasoned volunteers, with the hope they will continue to volunteer as adults in their community.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby support amending N.J.S. 40A:14-96, N.J.S. 40A:14-98 and P.L. 1940, c. 153 as provided for in Assembly Bill 4037 and Senate Bill 2650 allowing members of junior firefighter auxiliaries to perform certain duties based on the age of the members.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that copies of this resolution be provided to District 21 Representatives Senator Thomas H. Kean, Jr., Assemblyman Jon M. Bramnick, Assemblywoman Nancy Munoz; Governor Phil Murphy; and the NJ League of Municipalities.

[Resolution #2019-0100](#) - *Award of Purchase Orders for Identified Vendors – Acme Diesel Electric, Inc., Cooper Friedman Electric Supply Co., Inc d/b/a Cooper Electric Co., Edmunds & Associates, Inc., Garden State Highway Products, Inc., Main Line Commercial Pools, Inc., Office Depot, Inc., Reider Associates, Inc., Sewer Service Co, d/b/a/ Roto Rooter, Todd Harris Co., Inc., Visiting Nurses Association of Somerset Hills Community Health Services, Inc., Warrenville Hardware, and Weldon Quarry Co., LLC*

WHEREAS, the Township Committee of Bernards has adopted Ordinance #1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

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

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

Vendor	Not to Exceed	Vendor	Not to Exceed
Acme Diesel Electric, Inc.	\$ 40,000	Reider Associates, Inc.	\$ 40,000
Cooper Friedman Electric Supply Co., Inc d/b/a Cooper Electric Co.	\$ 40,000	Sewer Service Co, d/b/a/ Roto Rooter	\$ 40,000
Edmunds & Associates, Inc.	\$ 40,000	Todd Harris Co. Inc.	\$ 40,000
Garden State Highway Products, Inc	\$ 40,000	Warrenville Hardware	\$ 40,000
Main Line Commercial Pools, Inc.	\$ 40,000	Weldon Quarry Co., LLC.	\$40,000
Office Depot, Inc.	\$ 40,000	Visiting Nurses Association of Somerset Hills Community Health Services, Inc.	\$ 40,000

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

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendor listed above to maintain continuity and facilitate the ordering process through December 31, 2019.

Resolution #2019-0101 - Acceptance of the Construction Official's 2018 Annual Report

WHEREAS, pursuant to §12-1.4. of the Revised General Ordinances of the Township of Bernards, the Construction Official shall, with the advice of the subcode officials, prepare and submit to the Township Committee biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act; and

WHEREAS, the 2018 annual report has been submitted as required.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following 2018 Annual Report of the Construction Official be accepted as submitted.

2018

Applications received and reviewed:	2389
Permits issued:	2136
Permit updates issued:	242
Additions:	45
Alterations:	2248
New residential unit permits:	8
Residential demolition permits:	7
Certificates of Occupancy issued:	62
Certificates of Approval issued:	1480
Inspections conducted:	6872
Penalties Collected:	\$8,600.00
Revenue:	\$874,994.00
Expenditures:	\$861,478.12

	2014	2015	2016	2017	2018
Applications	2596	2399	2605	2555	2389
Permit Issued	2330	2113	2302	2247	2136
Permit Updates	239	297	300	278	242
Additions	47	75	63	57	45
Alterations	2341	2234	2444	2387	2248
New Residential Unit Permits	13	14	14	9	8
Residential Demolitions	8	4	4	3	7
Certificates of Occupancy	77	81	81	71	62
Certificates of Approval	2226	2048	2000	2141	1480

Inspections	7460	7088	7208	7338	6872
Penalties revenue	\$18,650.00	\$4,400.00	\$ 5,400.00	\$ 11,800.00	\$8,600.00
Revenues	\$783,089.35	\$791,411.46	\$ 1,302,799.17	\$1,653,321.00	\$874,994.00
Expenditures	\$643,380.00	\$649,764.13	\$ 668,417.17	\$ 802,662.71	\$861,478.12

2018 Highlights:

USGA received a CO for their Headquarters.

Memorial Sloan Kettering installed a new MRI.

140 Allen Road – Addition of Lecture Hall received a CO

Fellowship Village Healthcare – Addition work continues.

Fellowship Village Theater & Administration – Addition work continues.

370 North Maple Avenue – New Office Building CO issued

Verizon Hotel – CO issued for a complete renovation.

Delta Hotel 80 Allen Road – CO issued for a complete renovation.

Non-Construction project related:

We started working with our Software Vendor (SDL) regarding on line applications and inspection requests. Our hope is to launch early this spring.

A revised permit fee schedule will be submitted at a later date.

[Resolution #2019-0102](#) - Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Christina White to Use Space Solely as an Artist Studio

WHEREAS, the Township of Bernards owns the real property identified as Block 185, Lot 20.03, consisting of approximately 4.397± acres, and located along King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the “Property”); and

WHEREAS, the Property contains an “English Barn,” “Farm House,” Wagon House,” “Cow Shed,” and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. (“Friends”) entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the “Lease”), which was thereafter amended to increase the term of the Lease; and

WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and

WHEREAS, by email dated January 15, 2019 the Friends requested approval to permit a lease agreement with Christina White for use of space solely as an artist studio; and

WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Christina White, 270 Childs Road, Basking Ridge, NJ 07920, from February 1, 2019 to August 1, 2019.

BE IT FURTHER RESOLVED that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

[Resolution #2019-0105](#) Issuance of Solicitor’s License Todd Claytor, Edward Jones Period 01/01/2019 – 06/31/2019 Effective 01/29/2019

WHEREAS, Todd Claytor, 175 Sand Spring Road, Morristown, NJ, has applied for a Solicitor’s License for the license period of 01/01/2019 to 06/31/2019, for the purposes of door-to-door sales of Edward Jones Financial Services; and

WHEREAS, pursuant to Chapter 4, Section 2 of the Revised General Ordinances of the Township of Bernards, the applicant has provided required documentation and paid the applicable fee; and

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards the application be approved as submitted effective 01/29/2019.

[Resolution #2019-0106](#) - *Support for The North Jersey Transportation Planning Authority Local Concept Development Study Valley Road Bridge Over the Passaic River Bernards Township, Somerset County, New Jersey and Long Hill Township, Morris County, New Jersey*

WHEREAS, Somerset County and Morris County, in coordination with the North Jersey Transportation Planning Authority (NJTPA) and the New Jersey Department of Transportation (NJDOT), have conducted a Local Concept Development study to determine appropriate improvements to the Valley Road Bridge; and

WHEREAS, the goals of the Study were to address the structural deficiencies of the bridge and increase safety for the traveling public; and

WHEREAS, the Study team met with respective municipal representatives to inform them and receive comments and input on the study during Local Officials Briefings on April 26, 2018 and September 5, 2018. The Study team also met with stakeholders and the public during the Community Stakeholder Meetings on June 7, 2018, and September 12, 2018 and Public Information Centers on June 7, 2018, September 12, 2018, January 9, 2019 and January 15, 2019; and

WHEREAS, the Bernards Township Committee agrees with Somerset County, Morris County, NJTPA and NJDOT on the Valley Road Bridge Local Concept Development Study Purpose and Need Statement; and

WHEREAS, the Study team informed the Bernards Township Committee on the Preliminary Preferred Alternative for the Valley Road Bridge over the Passaic River on Tuesday, January 15, 2019; and

WHEREAS, the Bernards Township Committee is aware that the Study team recommends a new bridge on the north alignment, with realigned River Road and two-staged construction (Alternative 5); and

WHEREAS, Somerset County and Morris County, in coordination with NJTPA and NJDOT is desirous of completing the Local Concept Development phase and proceeding to the preliminary engineering and final design phases; and

WHEREAS, to qualify to receive federal funding for the preliminary engineering and final design phases, a resolution of support of the Local Concept Development Study from Bernards Township is desired for inclusion within the Local Concept Development phase project documentation.

NOW, THEREFORE, BE IT RESOLVED by the Bernards Township Committee, State of New Jersey, hereby supports the Preliminary Preferred Alternative, referred to as Alternative 5 as proposed and recommended by Somerset County and Morris County, in coordination with NJTPA and NJDOT is hereby **ADOPTED** by the Bernards Township Committee at its meeting held on January 29, 2019 at the Bernards Township Municipal Building, 1 Collyer Lane, Basking Ridge, New Jersey 07920.

[Resolution #2019-0107](#) - *Refund of Development Fee Residential Development, Block 7602; Lot: 3, 418 Lyons Road*

WHEREAS, Section 27-76.16 of the Revised Land Use Ordinance of the Township of Bernards provides for a collection of a Development Fee; and

WHEREAS, to determine the Development Fee, the Tax Assessor calculated an ESTIMATED equalized assessed value of the property; and

WHEREAS, as a condition of the issuance of a Building Permit and a Certificate of Occupancy, payment of one and one half percent of the estimated equalized assessed value of \$468,500.00 was required; and

WHEREAS, \$7027.50 was paid by Brian & Kristin Mulvihill; and

WHEREAS, the Tax Assessor has now determined the FINAL equalized assessed value of the property to be less than the ESTIMATED equalized assessed value; and

WHEREAS, payment of one and one half percent of the FINAL equalized assessed value of the property is \$6186.00; and

WHEREAS, a refund of \$841.50 is due to Brian & Kristin Mulvihill.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards hereby authorizes the refund of \$841.50.

[Resolution #2019-0109](#) - *Authorizing the Issuance of a Limousine License to Cedars Car Service, LLC*

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

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

WHEREAS, the Municipal Clerk, Police Chief and the Zoning Officer have reviewed said application and find it complete.

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

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

[Resolution #2019-0110](#) - *Acceptance of Bernards Township Environmental Commission 2018 Annual Report*

WHEREAS, pursuant to 2-18.5. of the Revised General Ordinances of the Township of Bernards, the Environmental Commission shall make an annual report to the Township Committee; and

WHEREAS, the Environmental Commission is submitting a report pursuant to this requirement.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the following report be accepted.

The following is a summary of the 2018 activities of the Bernards Township Environmental Commission (“EC” or “Commission”).

Mission Statement

The Bernards Township Environmental Commission is responsible for ensuring that environmental issues in Bernards Township NJ are given the right priority in order to protect and preserve natural resources of the Township and surrounding areas including land, water, air, and bios (flora, fauna, wildlife).

Goals

The Commission accomplishes its mission via:

taking proactive stances on local environmental matters, and strengthening the local planning process
coordinating rational, balanced reviews of development applications for the appropriate township bodies
increasing public awareness and understanding of local and regional environmental issues
keeping abreast of, and being involved in, environmental issues that affect our surrounding areas and communities
staying up to date on ordinances and regulations for Bernards Township with training sessions.

2018 Summary

General:

As an advisory body, the EC continued to provide commentary to the Planning Board, Board of Adjustment, and Township Committee regarding environmental impacts and issues. During 2018, the EC Analyzed 14 Development Applications (Board of Adjustment/Planning Board Applications)

Conducted 3 tree removal site reviews

Budget:

In 2018, the EC committee spent \$ 35.00

2018 Accomplishments

The EC accomplished its mission in 2018 through the following initiatives:

Development Application Reviews

The EC reviews and comments on environmental concerns related to property development applications. The EC comments within 2018 calendar year emphasized green infrastructure to promote storm water infiltration and suggested stormwater best management practices to protect wetlands and surface water bodies. When applicable, the EC noted that NJDEP Land Use Permits requirements be considered for development applications.

Tree Removal Applications

The EC works cooperatively with the Township’s Shade Tree Commission and Engineering Department to assess proposed tree removal applications. The assessments focus on any safety issues associated with the tree; the health of the tree; and overall appropriateness of the removal requests. Typically tree removals are completed in conjunction with replacement/mitigation measures.

Public Comment

A public comment period is set aside in each meeting, which allows citizens to bring environmental questions and concerns to the attention of the EC the public comments are recorded in the meeting minutes and, as appropriate, the EC advises the citizen(s) on the question itself or directs them to the proper Township personnel.

Charter Day

Charter Day was cancelled in 2018 due to inclement weather. The EC will participate in the 2019 Charter Day and select an environmental theme for display. In the last few years, energy efficiency and backyard composting has been highlighted.

The EC looks forward to continuing to serve Bernards Township and its residents in 2019.

Resolution #2019-0111 - Confirmation of Environmental Commission Chairman – Ann Parsekian

WHEREAS, pursuant to §2-18.2 of the Bernards Township Revised General Ordinances, the Environmental Commission will yearly recommend one of its members to the Mayor, to serve as chairperson and presiding officer. Following receipt of such recommendation, and with the advice of the Township Committee, the Mayor shall designate one of the members of the Commission to serve as its chairperson and presiding officer; and

WHEREAS, the Environmental Commission has recommended to the Mayor that Ann Parsekian be designated as chairperson and presiding officer for the year 2019.

NOW THEREFORE BE IT RESVOLED, by the Township Committee of the Township of Bernards that we do hereby approve of the designation of Ann Parsekian as the designated chairperson and presiding officer of the Environmental Commission for the year 2019.

Resolution #2019-0112 - Resolution Authorizing the Donation of Gasoline and/or Diesel Fuel to the Basking Ridge Fire Company No. 1 and First Aid Squad, Liberty Corner Fire Company and Liberty Corner First Aid Squad

WHEREAS, on 2/12/13 a Commodity Resale System resolution was passed which included the resale of Gasoline and Diesel Fuel to the Basking Ridge Fire Company No. 1 and First Aid Squad, Liberty Corner Fire Company, and Liberty Corner First Aid Squad; and

WHEREAS, the Township Committee of the Township of Bernards greatly appreciates the service provided by the all volunteer fire and first aid squads; and

WHEREAS, the Township Committee of the Township of Bernards desires to further aid the fiscal operation of volunteer emergency services by donating gasoline and/or diesel fuel from the municipal pumps to be used in emergency service vehicles through December 31, 2019.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the 2019 annual maximum value of donated gasoline and/or diesel fuel will be as follows:

- 1. Basking Ridge Fire Company No. 1 and First Aid Squad - \$7,500
- 2. Liberty Corner Fire Company - \$5,000
- 3. Liberty Corner First Aid Squad - \$2,500

Resolution #2019-0114 - Canceling Golf Utility Fund 2018 Budget Appropriation Balances

WHEREAS, the following Golf Utility Fund 2018 Budget appropriation balances remain unexpended:

<u>Budget Account:</u>	<u>Amount:</u>
------------------------	----------------

Golf Utility S&W	\$10,600.00
Total Cancellations:	\$10,600.00

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balance may be credited to Fund Balance.

WHEREAS, this appropriation cancellation shall be effective December 31, 2018.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the above listed unexpended balances totaling \$10,600.00 of the Golf Utility Fund’s 2018 Budget Appropriations be cancelled.

[Resolution #2019-0115](#) - Award of Bid for 2019-2021 Golf Course Maintenance to Shearon Environmental Design of NJ, Inc., 5160 Militia Hill Road, Plymouth Meeting, PA 19462

WHEREAS, the Township of Bernards received bids on Friday, November 10, 2018, at 10:30 A.M. for Golf Course Maintenance at the Coakley-Russo Memorial Golf Course:

BIDDERS NAME	2019	2020	2021	Alt #1 A.D.S Drain
Shearon Environmental Design of NJ, Inc.	\$214,000	\$218,400	\$222,800	\$14.00/ft

WHEREAS, it is the combined recommendation of the Director of Parks & Recreation, Administrator and Purchasing Agent to award the contract to Shearon Environmental Design of NJ, Inc., 5160 Militia Hill Road, Plymouth Meeting, PA 19462 in the amounts listed above including alternates; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations account #9-26-28-799-204 (\$214,000), 0-26-28-799-204 (\$218,400), 1-26-28-799-204 (\$222,800) (pending Township Committee budget approval); and

WHEREAS, this contract is being awarded to Shearon Environmental Design of NJ, Inc., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Shearon Environmental Design of NJ, Inc., 5160 Militia Hill Road, Plymouth Meeting, PA 19462.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township (“Owner”) and Shearon Environmental Design of NJ, Inc., (“Contractor”) shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated in the specifications for Golf Course Maintenance.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 30 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between March 1, 2019 and December 31, 2021.
9. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

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

Alison Flynn, Vice President

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced contract. Monies are available in line item appropriations accounts #9-26-28-799-204 (\$214,000), 0-26-28-799-204 (\$218,400), 1-26-28-799-204 (\$222,800) (pending Township Committee budget approval).

Date: January 23, 2019

Sean McCarthy, Chief Financial Officer

Resolution #2019-0116 - Award of Bid for 2018-2021 Supplemental Snow Plowing Removal and Equipment Rental to Nicoletti Snow Removal LLC, 72 Good Springs Road, Asbury, NJ 08808

WHEREAS, the Township of Bernards advertised for bids on December 4, 2018, at 2:00 PM and subsequently on December 19, 2018 at 11:00 AM for 2018-2021 Supplemental Snow Plowing Removal and Equipment Rental with no respondents; and

WHEREAS, N.J.S.A 40A-11-5 (3) (a) of the New Jersey Local Public Contracts Law provides for the municipality to negotiate a contract with a contractor and award upon adoption of a resolution.

Equipment	Snow Base Hourly Rate	# of Vehicles
Class D – 4wd Pickup (full size) w/ 8’ plow	\$150.00	10
Class B – 20,000-44,999 pounds (Single Axle, approx. 5 cubic yards) w/10’ plow or larger	\$200.00	1
Standby - Plows	\$60.00/\$75.00	0
Superintendent	\$60.00/\$75.00	0
Snow Plowing Insurance	\$15,000.00	

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award the contract to Nicoletti Snow Removal LLC, 72 Good Springs Road, Asbury, NJ 08808; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Current Fund, Snow Removal Other Expenses, account #9-01-26-291-204, 0-01-26-291-204, 1-01-26-291-204 (pending Township Committee budget approval) and Trust Fund, Reserve for Snow Removal; and

WHEREAS, this contract is being awarded to Nicoletti Snow Removal LLC, through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, as provided by Local Public Contract Law 40A:11-15, this contract is for one (1) year with an option for renewal for two (2) additional one-year (1) year periods providing that funds are appropriated in the respective operating budgets for the expenditure and performance is satisfactory.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey that the bid be awarded to: Nicoletti Snow Removal LLC, 72 Good Springs Road, Asbury, NJ 08808.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township (“Owner”) and Nicoletti Snow Removal LLC, (“Contractor”) shall contain:

1. The total bid amount consists of Snow Plowing, Removal and Equipment Rental.
2. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.

3. This contract shall, for all-purpose be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
4. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127.
7. The Township may terminate this contract if contractor does not full its obligations as set forth in the Bid Specification, upon thirty days written notice via certified mail.
8. To the extent the terms of the resolution are inconsistent with the contract the terms of the contract shall govern.

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

Jason Nicoletti, President

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced contract for Snow Plowing Removal and Equipment Rental. Monies are available in: Current Fund, Snow Removal Other Expenses, account #9-01-26-291-204, 0-01-26-291-204, 1-01-26-291-204 (pending Township Committee budget approval) and Trust Fund, Reserve for Snow Removal.



FOR CERTIFICATION ONLY 2019

Date: January 23, 2019

Sean McCarthy, Chief Financial Officer

[Resolution #2019-0118](#) - *Authorizing and Approving Purchase of Computer Equipment, Software and Renewal Software Licenses from New Jersey State Co-Operative Contract #M7000, #M0003, and Educational Services Commission of New Jersey Contract # 18/19-03 to CDW Government LLC., 230 N Milwaukee Ave, Vernon Hills, IL 60061-9740, in the Amount Not to Exceed \$ 70,000.00*

WHEREAS, the Township of Bernards wishes to purchase computer equipment, software and renewal software licenses from N. J. State Co-Operative Contract (WSCA) #M7000, #M0003 and Educational Services Commission of New Jersey Co-Operative Contract 18/19-03; and

WHEREAS, the N.J. State Division of Purchase and Property and Educational Services Commission of New Jersey Co-Operative awarded a contract to CDW Government LLC., 230 N Milwaukee Ave., Vernon Hills, IL 60061-9740, and

WHEREAS, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and 12; and

WHEREAS, it is the recommendation of the IT Director and the Purchasing Agent to purchase computer equipment, software and renewal software licenses from N. J. State Contract (WSCA) #M7000, #M0003 and Educational Services Commission of New Jersey Co-Operative contract #18/19-03.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to CDW Government LLC., 230 N Milwaukee Ave., Vernon Hills, IL 60061-9740 through December 31, 2019.

****End Consent Agenda****

[Resolution #2019-0104](#) - *Authorization to Issue Alcoholic Beverage Control Club License to The Fellowship Club, Inc.*

Mr. Carpenter recused himself from this matter.

Motion by Baldassare second by Esposito, that the resolution be approved.

Roll Call:

Aye: Baldassare, Esposito, Harris, Bianchi
Nay:

Abstain:
Motion carried.

WHEREAS, application has been made to the Township Committee of the Township of Bernards, County of Somerset, for a Club license; and

WHEREAS, a club license under N.J.S.A. 33:1-12(5) permits the holder of such license to sell alcoholic beverages for immediate consumption upon licensed premises and only to bona fide members of the Club and their guests; and

WHEREAS, on April 27, 2017 the members of the Fellowship Club, residents and employees of the Fellowship Village Continuing Care Retirement Community, formally incorporated as a not-for-profit corporation to apply for the Club License; and

WHEREAS, on December 7, 2018 David P. Rible, Director of the Division of Alcoholic Beverage Control, issued a waiver of the requirements under N.J.A.C. 13:2-8.3 and 8.4 - the requirements that the Club must be in active operation in New Jersey for the past three continuous years and have exclusive possession and use of a Clubhouse for the past three continuous years – and to permit the issuance of a Club License under N.J.S.A. 33:1-12(5); and

WHEREAS, the Ordinances of the Township of Bernards, Chapter 6 “Alcoholic Beverage Control”, Section 6-3.1 sets forth that one Club license may be issued within the Township; and

WHEREAS, the Municipal Clerk reports the application is complete in all respects and is in receipt of the applicable fees; and

WHEREAS, the Police Department has reviewed said application and conducted appropriate background checks on all members/individuals listed on page 10a of the application and found no negative results;

WHEREAS, there were no objections to the application either written or in person.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards approves the issuance of a Club License to The Fellowship Club, Inc.

[Resolution #2019-0117 - Award of Bid for Re-Bid Municipal Building HVAC Upgrades to H&S Construction & Mechanical Inc., 721 Bayway Avenue, Elizabeth, NJ 07202 in the Amount Not to Exceed \\$749,000.00](#)
Motion by Baldassare, second by Esposito, that the resolution be approved.

Roll Call:

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

WHEREAS, the Township of Bernards received bids on Wednesday, December 19, 2018 at 10:30 AM for Municipal Building HVAC Upgrades: The Bid Summary as follows:

Contractor	Base Bid
H&S Construction & Mechanical Inc.	\$749,000.00
Burlew Mechanical LLC	\$780,981.00
Unitemp Inc.	\$851,000.00
Amco Enterprises, Inc	\$831,000.00
EACM Corp.	\$917,000.00
Industrial Cooling Corp.	\$898,000.00
Bill Leary A/A & Htg.	\$975,000.00
K&D Contractors, LLC	\$1,195,000.00

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award the contract to H&S Construction & Mechanical Inc., 721 Bayway Ave. Elizabeth NJ 07202 in the amount of \$749,000.00 for Base Bid.; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or ordinance to be charged will be Capital Ordinance #2161 line account #C-04-55-161-C01 (\$4,258.67), Capital Ordinance #2193; line account C-04-55-193-C04 (\$4,000.00), Capital Ordinance #2233 line account #C04-55-233-C02 (\$96,587.67), Capital Ordinance #2312 line account #C-04-55-312-C01 (\$4,777.00), Capital Ordinance #2337; line account C-04-55-337-C01 (\$142,331.77), Capital Ordinance #2366 line account #C04-55-366-C01 (\$125,880.00), Capital Ordinance #2387 line account #C-04-55-872-B01 (\$350,000.00), and line account #8-01-26-310-204 (\$21,164.89); and

WHEREAS, this contract is being awarded to H&S Construction & Mechanical Inc., Inc., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: H&S Construction & Mechanical Inc., 721 Bayway Ave. Elizabeth NJ; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township ("Owner") and H&S Construction & Mechanical Inc., ("Contractor") shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Municipal Building HVAC Upgrades.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between April 15, 2019 and July 19, 2019.
9. Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

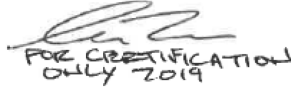
I agree to the terms as stated in this Resolution and by signing this document, as I am committed to follow all terms of this award.

Daniel Hernandez Jr., President

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced contract for Municipal Building HVAC upgrades. Monies are available in Capital Ordinance #2161 line account #C-04-55-161-C01 (\$4,258.67), Capital Ordinance #2193 line account C-04-55-193-C04 (\$4,000.00), Capital Ordinance #2233 line account #C04-55-233-C02 (\$96,587.67), Capital Ordinance #2312 line account #C-04-55-312-C01 (\$4,777.00), Capital Ordinance #2337 line account C-04-55-337-C01 (\$142,331.77), Capital Ordinance #2366 line account #C04-55-366-C01 (\$125,880.00), Capital Ordinance #2387 line account #C-04-55-872-B01 (\$350,000.00), and line account #8-01-26-310-204 (\$21,164.89) for Base Bid.

Date: January 23, 2019



Sean McCarthy, Chief Financial Officer

Resolution #2019-0108 - Authorizing and Approving Purchase of three (3) 2019 Dodge Charger Police AWD from the Morris County Cooperative Pricing Council Contract 15-A to Beyer of Morristown, 170 Ridgedale Avenue, Morristown, New Jersey 07960 In the Amount Not to Exceed \$89,685.00
Baldassare recused himself from this matter.

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

Roll Call:

Aye: Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

WHEREAS, the Township of Bernards Police Department wishes to purchase three (3) 2019 Dodge Charger Police AWD;

QTY	DESCRIPTION	UNIT TOTAL
3	2019 Dodge Charger Police AWD with 5.7 v8 HEMI per Quote Dated 01-16-2019	\$28,817.00
	WITH ADDITIONAL OPTIONS	
	Convenience Group 1 – Front power seats, power adjustable pedals	\$456.00
	Power Heated Mirrors	\$57.00
	MNStar Installer Series Wiring Harness	\$440.00
	MNStar Power Distribution Panel w/Master Cutoff Switch	\$290.00
	(2) Code 3 Striplight LEDs in the Cargo Area w/ On/Off Switch	\$315.00
	(2) Code 3 LED Trunk Lights (1-Red) (1-Blue) w/ On/Off & Mercury Switch	\$295.00
	Exterior Color – Black	--
	Delete Factory Base Prep Package	(\$525.00)
	Delete Service Manuals, Undercoating, Mats	(\$250.00)
	Officer Protection Package – No Charge Option & Vehicle Order	--
	TOTAL	\$89,685.00

WHEREAS, it is the combined recommendation of the Police Chief, Deputy Police Chief, Administrator and Purchasing Agent to award this purchase to; Beyer of Morristown, 170 Ridgedale Avenue, Morristown, New Jersey 07960 in the amount of \$89,685.00; and

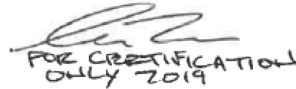
WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line account #9-01-25-251-295 (\$89,685.00); and

WHEREAS, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and –12.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for three (3) 2019 Dodge Charger Police AWD to Beyer of Morristown, 170 Ridgedale Avenue, Morristown, New Jersey 07960 in the amount not to exceed \$89,685.00.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$ Monies are available in the Police Cars-Payment line account #9-01-25-251-295.



FOR CERTIFICATION
ONLY 2019

Date: 01/24/2019

Sean McCarthy, Chief Financial Officer

Mayoral Appointment

The Mayor announced the following appointment:

- Environmental Commission – Debra DeWitt, A1 Member, 2 year term expiring 12/31/2020

****End Consent Agenda****

Resolution #2019-0119 – Appointments to the Communication Task Force

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

Roll Call:

Aye: Baldassare, Esposito, Harris, Bianchi

Nay: Carpenter

Abstain:

Motion carried.

WHEREAS, on January 15, 2019, pursuant to Resolution #2019-0094 (“resolution”) the Township Committee established the Communications Task Force which shall consist of up to five township residents to serve with the municipal officials designated in the resolution, for one-year terms expiring December 31, 2019.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby appoint the following Bernards Township residents to the Task Force:

1. Supreet Bains-Sharma, 11 Roe Lane, Basking Ridge, NJ
2. Marie Young, 52 Canterbury Lane, Basking Ridge, NJ
3. Rita Zarabara, 155 Thackeray Drive, Basking Ridge, NJ

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby appoint Joan Harris, as the additional township committee member on the task force.

Resolution #2019-0120 – Appointments to the Vision 2020 Planning for the Future Task Force

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

Roll Call:

Aye: Baldassare, Esposito, Harris, Bianchi

Nay: Carpenter

Abstain:

Motion carried.

WHEREAS, on January 15, 2019, pursuant to Resolution #2019-0092 (“resolution”) the Township Committee established the Vision 2020/Planning for the Future Task Force which shall consist of up to five township residents to serve with the municipal officials designated in the resolution, for one-year terms expiring December 31, 2019.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby appoint the following Bernards Township residents to the Task Force:

1. Jennifer Aaron, 151 Old Farm Road, Basking Ridge, NJ
2. Faris Jebara, 16 Chestnut Court, Basking Ridge, NJ
3. Monique Loh, 50 Gold Blvd., Basking Ridge, NJ
4. Madhavi Puppala, 17 Honeyman Road, Basking Ridge, NJ
5. Suzzane Tufariello, 30 Old Farm Road, Basking Ridge, NJ

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby appoint Joan Harris, as the additional township committee member on the task force.

[Resolution #2019-0121](#) – *Appointments to the Affordable Housing Task Force*
Motion by Baldassare, second by Harris, to approve the resolution.

Roll Call:

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

WHEREAS, on January 15, 2019, pursuant to Resolution #2019-0095(“resolution”) the Township Committee established the Affordable Housing Task Force which shall consist of up to five township residents to serve with the municipal officials designated in the resolution, for one-year terms expiring December 31, 2019.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby appoint the following Bernards Township residents to the Task Force:

1. Kelly Mertz, 21 Riverside Drive, Basking Ridge, NJ
2. Thomas Kopczynski, 38 Tall Timber Lane, Basking Ridge, NJ
3. Sharon Vopal, 20 Evergreen Place, Basking Ridge, NJ

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby appoint Joseph Esposito, as the additional township committee member on the task force.

[Resolution #2019-0082](#) – *Establishing a Quarry Advisory Task Force*
Motion by Baldassare, second by Harris, to approve the resolution.

Roll Call:

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

WHEREAS, Bernards Township Ordinance §4-9.1 provides that the purpose of Ordinances §4-9.1 to 9.14, inclusive, is to “license and regulate quarries for the protection of persons and property” and among other things, “to insure that quarried areas shall be suitably and reasonably rehabilitated after quarrying operations have been completed or otherwise terminated”; and

WHEREAS, Bernards Township Ordinances §4-9.3, §4-9.4, §4-9.5 and §4-9.10 provide that a property owner engaged in the “business of quarrying within the township” must first obtain and maintain a current annual license, and prior to the issuance of any such annual license, obtain the township’s “approval” of either an initial or renewal “Rehabilitation Plan”; and

WHEREAS, Bernards Township Ordinance §4-9.6(b) provides that “[p]rior to the approval of any new or renewal license application, the applicant shall agree in writing to rehabilitate the quarry property and shall provide security sufficient to adequately assure the ability to comply with the [last approved] rehabilitation plan”; and

WHEREAS, Bernards Township Ordinances §4:9-1, §4-9.5(a)(1), 4§-9.5(b)(8), §4-9.5(b)(9), §4-9.6(b) provide that the last approved rehabilitation plan shall be implemented when quarry operations cease; and

WHEREAS, Bernards Township Ordinance §4-9.5(d) provides that “[i]f the responsible person(s) do not implement the rehabilitation plan in accordance with the schedule in the approved plan, and there is a delay of more than 12 months, then the township may undertake the rehabilitation using the security provided under Subsection 4-9.6” and

that “[t]he Township Committee may permit extensions of the rehabilitation plan where proven reasonable and appropriate”; and

WHEREAS, Millington Quarry, Inc. ("MQI") is the record owner of the Millington Quarry (“the Quarry”), which consists of approximately 190 acres and is identified on the tax map as Block 6001, Lot 6 located at Stonehouse Road in Bernards Township (the "Property"); and

WHEREAS, MQI has, for years, applied for and obtained a license to quarry at the Property, and in connection therewith, MQI submitted its 2011 Rehabilitation Plan (the "2011 Plan") to the Bernards Township Committee on October 17, 2011, and the Township Committee thereafter referred the 2011 Plan to the Bernards Township Planning Board (the "Board") for review and report pursuant to ordinance §4-9.5.a.4 and §4-9.5.a.2; and

WHEREAS, on May 7, 2013, the Bernards Township Planning Board adopted the Report of the Bernards Township Planning Board to the Bernards Township Committee on the Review of the 2011 Millington Quarry (MQI) Rehabilitation Plan (the “IRP”); and

WHEREAS, on April 29, 2014, the township approved a settlement agreement and release by and between Bernards Township and MQI involving certain disputes, including the terms and conditions of the rehabilitation plan (the “Settlement Agreement”); and

WHEREAS, the Settlement Agreement provides that the approved rehabilitation plan consists of the terms and conditions set forth in the IRP, as modified by the Settlement Agreement (the “Last Approved Plan”); and

WHEREAS, MQI ceased its quarrying operations and terminated its license on or prior to October 31, 2016, and thereafter it was required to implement the Last Approved Plan; and

WHEREAS, on May 1, 2009, MQI entered into a Memorandum of Agreement (“MOA”) with the New Jersey Department of Environmental Protection (“DEP”) to obtain DEP oversight of cleanup activities for a portion of the Quarry property (“the Property”) identified as the “Area of Concern” (“AOC”) in the Remedial Investigation Work Plan (“RIWP”) prepared by JM Sorge dated April 2009, for the purpose of assessing the quality of non-native fill material imported to the Quarry; and

WHEREAS, the Property is the subject of the MOA and DEP’s jurisdiction, the Property’s planned 50 acre lake area will cover approximately half of the MOA area (about 24 acres), leaving the Property’s remaining 26 acres of lake area and 95 acre meadow area of concern to the Township and, therefore, the Quarry Advisory Task Force is charged with monitoring of the Property’s environmental condition and status and making appropriate recommendations to the Township Committee; and

WHEREAS, MQI retained a Licensed Site Remediation Professional (LSRP) to oversee and conduct remediation of the AOC and the Property, and the LSRP filed a Response Action Workplan (“RAWP”) dated September 2010, and issued a Response Action Outcome (“RAO”) on December 13, 2018; and

WHEREAS, there is a substantial public interest in ensuring that the site is properly remediated in accordance with the MOA, RAWP, RIWP, RAO, and other filings with the DEP in this matter and in accordance with the applicable governing statutes and regulations.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Quarry Advisory Task Force is established and shall (1) review and report back to the Township Committee with their findings, any concerns, and recommendations, regarding MQI’s compliance with implementing the Last Approved Plan; and (2) further review the Property’s environmental condition, documentation, and status, and make appropriate recommendations to the Township Committee in one or more reports on or before October 1, 2019, and the Township Committee may pursue outside professionals for technical input; and (3) advise on remediation status in accordance with the MOA, RIWP, RAWP, the RAO, and all other DEP filings in this matter, the governing statutes, regulations, and ordinances; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Quarry Advisory Task Force shall consist of the following, appointed for a one year term expiring 12/31/19:

1. Mayor/Mayor’s Designee

2. Up to three (3) resident members
3. Township Engineer

Resolution #2019-0122 – Appointments to the Quarry Advisory Task Force

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

Roll Call:

Aye: Baldassare, Esposito, Harris, Bianchi

Nay: Carpenter

Abstain:

Motion carried.

WHEREAS, on January 29, 2019, pursuant to Resolution #2019-0082 (“resolution”) the Township Committee established the Quarry Advisory Task Force which shall consist of up to three township residents to serve with the municipal officials designated in the resolution, for one-year terms expiring December 31, 2019.

WHEREAS, the Mayor designates James Baldassare, Jr., as her designee on the task force.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby appoint the following Bernards Township residents to the Task Force:

1. Scott Guibord, 64 Woodstone Road, Basking Ridge, NJ
2. Kevin Orr, 28 Squire Court, Basking Ridge, NJ

PUBLIC COMMENT

The following commented on the Canterbury & Minebrook Road traffic calming proposals discussed earlier in the meeting:

Bill Allen, Holmesbrook Road

Kevin Orr, Canterbury Way

Todd Edelstein, Riverside Drive – also commented on doors left open at township facilities, the open space flyover, possible conflict of interest for Esposito

EXECUTIVE SESSION (continued from earlier session if required)

At 9:39 PM the committee resumed their Executive Session discussions authorized under Resolution #2019-0103 adopted earlier in the meeting.

ADJOURNMENT

The meeting resumed in open session at 10:25 PM and by unanimous consent immediately adjourned.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Carol Bianchi
Mayor