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CALL TO ORDER
The mayor called the meeting to order at 7:30 PM. Those assembled saluted the flag and the mayor read the Open Public Meetings Act in accordance with the law.

ROLL CALL
Present: Baldassare, Esposito, Harris, Bianchi
Absent: Carpenter
Also Present: Administrator Monaco, Attorney Belardo, Municipal Clerk Pisano

AMEND AGENDA
Motion by Baldassare, second by Harris, and unanimously agreed to amend the agenda by tabling Resolution #2019-0364.

WHEREAS, A-5450/S-3827 seeks to clarify telecommunications industry corporate tax responsibilities and shield taxpayers from the costs of endless tax court litigation; and

WHEREAS, a misinterpretation of P.L. 1997, c.162 (C.54:10A-3 et al.) has resulted in municipalities facing the cost of litigating Verizon's tax appeals filed for every tax year subsequent to 2009, up to and including the current year; and

WHEREAS, tax court litigation in one municipality took ten years to ensure that Verizon would pay its 2008 business personal property taxes (BPPT), and further litigation will be needed to secure BPPT payments for each subsequent year in which the exemption was claimed; and

WHEREAS, every municipality faces the same prospect of costly annual tax court filings and appeals, adding to taxpayer burden; and

WHEREAS, A-5450/S-3827 would clarify the original intent of the NJ legislature which was to permanently apply the business personal property tax on local exchange telephone companies that were subject to the BPPT tax as of April 1, 1997; and

WHEREAS, A-5450/S-3827 would prevent municipalities from losing a substantial and increasing amount of tax revenue every year as the telephone, telegraph and messenger service companies are abandoning their responsibility to pay taxes on their equipment, located in virtually every district in this state.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Bernards Township, county of Somerset, State of NJ, does hereby:

1. Support A-5450/S-3827, which will clarify the telecommunications industry corporate tax responsibilities; and
2. That a copy of this resolution be sent to our District 21 representatives, the members of the Assembly Appropriations Committee and the New Jersey League of Municipalities.

EXECUTIVE SESSION – Resolution #2019-0367
Motion by Baldassare, second by Esposito, and unanimously agreed that Resolution #2019-0367 be approved. The meeting temporarily adjourned to Executive Session at 7:32 PM.

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

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

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

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

NOW THEREFORE BE IT FURTHER RESOLVED, that the Township Committee hereby declares that the discussion of subject(s) may be made public at a time when the Township Attorney advises the Township Committee that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the
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.

The meeting resumed in open session at 7:59 PM and stood in recess until 8:00 PM.

PUBLIC WORK SESSION
Discussion of Marijuana Legalization and Zoning
The Mayor opened the floor to hear public comment regarding marijuana regulations.

Nancy D’Andrea, 3 Vanderveer Dr – commented in support of medical marijuana (and banning single use plastic bags).

Todd Edelstein, 172 Riverside Dr – commented in support of zoning that would ban any marijuana use within the township.

Janice Fields, 36 Darren Dr – commented in support of medical marijuana but against any marijuana use within the township.

Igor Leybovich, 2 Paine Ct – requested to hear the opinion of the Township Committee members on marijuana within the township.

Township Committee members expressed support medical marijuana if it could be distributed through a pharmacy but learned this is not permissible. They also stated that since the 8/22 deadline to submit applications for dispensaries to the state had past and applications would have required the governing body’s endorsement, the township is protected at this point from medical dispensaries. In addition, township committee members stated that current zoning, specifically section 21-10-3, precludes marijuana use and protects the township. All township committee member agreed that many questions remain and that no immediate action is necessary.

REPORTS
None listed.

CORRESPONDENCE
None listed.

PUBLIC COMMENT
The Mayor opened public comment.

Todd Edelstein, 172 Riverside Dr. – commented on local blood drives

TOWNSHIP COMMITTEE/BOARD REPORTS & STAFF COMMENTS
Committee members and staff reported on their recent activities and boards.

FIRE & RESCUE APPOINTMENT
None listed.
UNFINISHED BUSINESS

**Ordinance #2426 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 12 “Building and Housing,” Section 12-1.3 “Construction Fee Schedule” – 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 Harris, second by Esposito, that Ordinance #2426 be adopted and advertised as required by law.

Roll Call

Aye: Baldassare, 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 12, “Building and Housing,” Section 12-1.3 “Construction Fee Schedule” of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in double underline; deletions are striken):

§ 12-1.3 Construction Fee Schedule.

1. The fee for a construction permit shall be the sum of the subcode fees listed as follows, where applicable, and shall be paid before a permit is issued.

   **Subsection 1(a) through 2(o) – NO CHANGE IN TEXT**

   (p) Waiver of fees: All construction permit fees, including the State of New Jersey training surcharge fee, for any work requiring a construction permit shall be waived for the following buildings:

   (1) Buildings owned and operated by Bernards Township, Somerset County, State of New Jersey, or the federal government.

   (2) Buildings owned and operated by the Bernards Township Board of Education. In accordance with N.J.A.C. 5:23-3.11A(b)2, buildings owned and operated by the Bernards Township Board of Education are subject to payment of the plan review fee as required in Paragraph (m) above. [Ord. #2152, 2-15-2011, amended]

   (3) Designs solely to promote accessibility by the handicapped to an existing structure.

   (4) Rehabilitation of low- or moderate-income housing in accordance with N.J.S.A. 52:27D-126d.

   (5) Buildings owned by the Bernards Township Volunteer Emergency Services are exempt from Township Construction Permit fees only.

   **Subsection 2(q) through 7(a) NO CHANGE IN TEXT**

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 the consent agenda items be approved.

Roll Call

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

**Begin Consent Agenda**
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

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Not to Exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bibliotheca LLC</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Foley, Inc.</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Stan and Son LLC</td>
<td>$ 40,000.00</td>
</tr>
<tr>
<td>Storr Tractor Company</td>
<td>$ 40,000.00</td>
</tr>
</tbody>
</table>

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

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

Resolution #2019-0360 - Approval of the Bill List Dated 08/27/2019

BE IT RESOLVED, that the bill list dated 08/27/2019 be audited, and if found correct, be paid.
WHEREAS, the owner has requested from the tax collector that a refund be issued.

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

Resolution #2019-0361 - Authorization for Tax Refund

**Resolution #2019-0361** - Authorization for Tax Refund

WHEREAS, a tax overpayment exists because the property owner erroneously paid for a property slated for escrow payment; and

**Resolution #2019-0362** - Approval of Street Closing Permit for a Block Party on Gordon Place, 09/15/19

(Rain date 09/22/2019)
WHEREAS, Ruchi Shah & Rupa Guru, hereinafter “the applicants,” have applied for a street closing permit for a block party on Gordon Place, on September 15, 2019 (rain date September 22, 2019) from 4:00 PM to 7:00 PM; and

WHEREAS, the applicants have satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the street closing permit for a Block Party be approved.

Resolution #2019-0363 - Approval of Street Closing Permit for a Block Party on Birch Drive, 09/14/19 (Rain date 09/15/2019)

WHEREAS, David Carson, hereinafter “the applicant,” has applied for a street closing permit for a block party on Birch Drive, on September 14, 2019 (rain date September 15, 2019) from 3:00 PM to 10:00 PM; and

WHEREAS, the applicants have satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the street closing permit for a Block Party be approved.

Resolution #2019-0365 - Unused Vacation Accrual Due Lori Phipps Department of Finance

WHEREAS, the Township Committee adopted Resolution No. 2019-0066 at their regularly scheduled meeting of January 2, 2019, accepting the Personnel Policies and Procedures that outline guidelines for pay-outs when employees leave the Township’s payroll; and

WHEREAS, Lori Phipps’ employment terminated on August 15, 2019; and

WHEREAS, per the requirements of the Township’s Personnel Policy, Lori Phipps is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of $23.50.

<table>
<thead>
<tr>
<th>Total Hours Available</th>
<th>Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacation Accrual</td>
<td>$968.20</td>
</tr>
</tbody>
</table>

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the unused accrued vacation payment be approved and distributed in the next available pay cycle.

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, do hereby certify that there are adequate funds for this expenditure. Funds are available in the Finance Administration S&W, Line Account #8-01-20-130-101 for an amount not to exceed $968.20.

Sean McCarthy, CFO
Date: August 16, 2019

Resolution #2019-0366 - Authorization for Tax Refund

WHEREAS, an overpayment was created due to overbilling on the block and lots listed below; and

WHEREAS, a refund is required in order to clear the account as recommended by the Tax Collector.

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

<table>
<thead>
<tr>
<th>Block</th>
<th>Lot</th>
<th>Name/Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2301</td>
<td>45</td>
<td>Alexander &amp; Julia Klyashtorny</td>
<td></td>
</tr>
</tbody>
</table>
Resolution #2019-0368 - Authorization for Tax Refund

WHEREAS, a tax overpayment exists because the property owner erroneously paid for a property slated for escrow payment; and

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

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

<table>
<thead>
<tr>
<th>Block &amp; Lot</th>
<th>Quarter &amp; Year</th>
<th>Amount</th>
<th>Issue Refund To</th>
</tr>
</thead>
<tbody>
<tr>
<td>7301/29</td>
<td>3Q2019</td>
<td>$5,660.88</td>
<td>Syed Mi &amp; Seemi Kazmi</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>64 Mine Brook Rd</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Far Hills NJ 07931</td>
</tr>
</tbody>
</table>


WHEREAS, a full time Fire Inspector position became available due to a promotion; and

WHEREAS, Russell Nydegger has applied for and is qualified to fill said position; and

WHEREAS, the Township Engineer, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Russell Nydegger to full time Fire Inspector.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Russell Nydegger be appointed full time Fire Inspector with a hire date of Monday, September 16, 2019 at an hourly rate of $23.50 for a 40 hour work week.

**End Consent Agenda**

PUBLIC COMMENT

The Mayor opened public comment.

Todd Edelstein, 172 Riverside Dr. – commented on the use of cameras in the Hills for burglaries.

ADJOURNMENT

Motion by Esposito, second by Harris, that the meeting be adjourned at 8:32 PM

Respectfully submitted,

Rhonda Pisano
Municipal Clerk

Carol Bianchi
Mayor

Approved: 9/10/2019