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10/29/2019 – COMBINED AGENDA/REGULAR MEETING
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Resolution #2019-0440 - 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 Gretchen Thomas to Use Space Solely as artist studio.

Resolution #2019-0441 - Award of Bid for 2019 DPW Curbing-Sidewalk Improvements to Landtek Construction DBA United Terrain, 386 Highway 79, Morganville NJ 07751 In the Amount of $ 151,900.00

Resolution #2019-0443 - Pill Hill Landfill NJDEP Post-Closure Monitoring

Resolution #2019-0444 - Pill Hill Landfill NJDEP Post-Closure Escrow Request

Resolution #2019-0445 - Unused Vacation Accrual Due Daniel Moore Department of Public Works

Resolution #2019-0446 - Award of Bid, for One (1) 2019 or newer Snow Tracked Sidewalk Tractor with Attachments to Groff Tractor Mid Atlantic, LLC, 551 N. Harding Highway, Vineland NJ 08360 In the Amount of $174,954.00

Resolution #2019-0448 - Award of Bid Renewal for 2019-2020 Municipal Trash Services To Peter Rubinetti Private Disposal LLC. 16 Chelsea Dr, Randolph, NJ 07869

APPROVAL OF MINUTES - 10/15/2019 OPEN SESSION

APPROVAL OF MINUTES - 10/15/2019 EXECUTIVE SESSION

ORDINANCE #2431 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF BERNARDS, CHAPTER VII, “TRAFFIC,” SCHEDULE XVIII “SPEED LIMITS REGARDING SOMERVILLE ROAD AND MINE BROOK ROAD” – INTRODUCTION

ORDINANCE #2432 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERNARDS CHAPTER 18 “STREETS, SIDEWALKS AND SANITATION.” TO ADD NEW SECTION 18-9 “SITING OF POLES, CABINETS AND ANTENNAS ON THE MUNICIPAL RIGHT OF WAY” – INTRODUCTION

ORDINANCE #2433 - AN ORDINANCE OF THE TOWNSHIP OF BERNARDS, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING, REVISIONING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERNARDS, CHAPTER 21, “LAND DEVELOPMENT”, PROHIBITING VAPE SHOPS AND SMOKE SHOPS IN ALL TOWNSHIP ZONES - INTRODUCTION

PUBLIC COMMENT

ADJOURNMENT
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, Carpenter, Esposito, Harris, Bianchi
Absent: 
Also Present: Administrator Monaco, Attorney Belardo (8:00 PM), Engineer Timko, Municipal Clerk Pisano

EXECUTIVE SESSION - Resolution #2019-0439
Motion by Baldassare, second by Esposito, and unanimously agreed that Resolution #2019-0439 be approved. The meeting temporarily adjourned to Executive Session at 7:31.

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

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

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

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

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

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

Reason for Closed Session | Estimated Time of Disclosure or Upon Occurrence Of
--- | ---
Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township’s position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact. | Upon Conclusion
Attorney-Client Privilege – Small Cell Nodes | Upon Conclusion
Contract Negotiations – Shared Court | Upon Conclusion

The meeting resumed in open session at 8.02 PM.

PUBLIC WORK SESSION
Nothing listed.

REPORTS
Resolution #2019-0442 - Acknowledgement of the Affordable Housing Task Force Report to the Township Committee
Affordable Housing Task Force members Kelly Mertz, Tom Kopczynski, and Lauren Manduke presented their report to the township committee (Sharon Vopal was also a contributing member who resigned from the task force). The report provided a history of affordable housing from 1975 to present, listed key players, and Bernards Township’s compliance. The report also discussed consequences of non-compliance, the pros and cons to various housing options, and legislation. Bernards Townships next round of affordable housing will be in 2025. Removing affordable housing from the Courts and restructuring the system is desirable.

The township committee members thanked the Affordable Housing Task Force members for their work on this topic.
Motion by Esposito, second by Harris, that Resolution #2019-0442 be approved.

Roll Call

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

WHEREAS, Resolution #2019-0095 establishes the Affordable Housing Task Force; and

WHEREAS, the mission identified in Resolution #2019-0095 was to:

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the Bernards Township Affordable Housing Task Force Report dated 10/29/2019 submitted by the Affordable Housing Task Force is hereby acknowledged.

CORRESPONDENCE

None listed.

PUBLIC COMMENT

The Mayor opened public comment.

Todd Edelstein, Riverside Dr. – commented on Affordable Housing and the upcoming LCFC spaghetti dinner fundraiser.

Tom Kopczynski, Tall Timber Ln. and Lauren Manduke, Liberty Corner Rd. - commented on Affordable Housing.

TOWNSHIP COMMITTEE/LIAISON & BOARD REPORTS AND STAFF COMMENTS

Committee members and staff reported on their recent activities and boards.

FIRE & RESCUE APPOINTMENT

Resolution #2019-0430 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, William Chiang, Full Member

Motion by Baldassare, second by Esposito, and unanimously agreed that Resolution #2019-0430 be approved.

WHEREAS, pursuant to §2-14.1 and §2-16.1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad; and

WHEREAS, the Liberty Corner First Aid Squad is recommending William Chiang, residing at 8 Hansom Road, Basking Ridge, for appointment as a Full Member.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individual is hereby appointed as a Full Member of the Liberty Corner First Aid Squad effective this date.

Resolution #2019-0447 - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 Sujieeth Shanmugam, Full Member

Motion by Baldassare, second by Esposito, and unanimously agreed that Resolution #2019-0447 be approved.

WHEREAS, pursuant to §2-14.1 and §2-16.1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad; and
WHEREAS, the Basking Ridge Fire Company #1 is recommending Sujeeth Shanmugam, residing at 20 Valley View Drive, Basking Ridge, for appointment as a Full Member.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individual is hereby appointed as a Full Member of the Basking Ridge Fire Company #1 effective this date.

UNFINISHED BUSINESS

ORDINANCE #2428 - Accepting an Amended Detention Basin, Drainage and Access Easement on Property Located at 7 Tall Timber Lane, Block 6001, Lot 10.09, from Marco Harmaty and Kim Krikorian to the Township of Bernards – Map – 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 Baldassare, that the ordinance #2428 be adopted and advertised as required by law.

Roll Call

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

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Marco Harmaty and Kim Krikorian, having an address at 7 Tall Timber Lane, Basking Ridge, New Jersey, 07920, an Amended Detention Basin, Drainage and Access Easement on Block 6001, Lot 10.09, in Bernards Township.

2. The easement is on file with the office of the Township Clerk.

3. This Ordinance shall take effect upon its final passage and publication according to law.

ORDINANCE #2429 - An Ordinance to Amend the Revised General Ordinances of the Township Of Bernards, Chapter VII, “Traffic”, Schedule IX, Stop Intersections, Regarding the Intersection of Lurline Drive & Lurline Drive – 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 the ordinance #2429 be adopted and advertised as required by law.

Roll Call

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

WHEREAS, in order to promote the betterment of public safety there is a need to install a stop sign at the intersection of Lurline Drive and Lurline Drive; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bernards in the County of Somerset as follows:

1. Schedule IX of Chapter VII, “Traffic” of the Revised General Ordinance of the Township of Bernards is hereby amended by the addition of the following:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Sign Installed On</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lurline Drive and Lurline Drive</td>
<td>Lurline Drive Eastbound</td>
</tr>
</tbody>
</table>

2. The remainder of Schedule IX remains unchanged.

3. A regulatory sign shall be erected and maintained to affect the above restriction.
ORDINANCE #2430 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 20 “Taxation,” to Add and Create New Section 20-3, “100% Permanently and Totally Disabled Veteran Property Tax Exemption” - 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 the ordinance #2430 be adopted and advertised as required by law.

Roll Call

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

WHEREAS, pursuant to N.J.S.A. 54:4-3.32 it is within the discretion of the governing body to determine whether to refund prior years taxes paid to 100% permanently and totally disabled veterans filing for an exemption on property which would have been exempt had proper claim in writing been made at time of acquisition; and

WHEREAS, Bernards Township does not currently have any written policy in place and would like to adopt one, which balances the interests of all of the Township’s taxpayers while honoring qualified 100% permanently and totally disabled veterans for their service to our nation; and

WHEREAS, the Township Committee of the Township of Bernards has determined that it is fair to provide exemptions from property taxes for qualified disabled veterans from the time of application.

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

Section 1. Chapter 20 entitled “Taxation,” of the Revised General Ordinances of the Township of Bernards is hereby supplemented and amended to add and create new Section 3 to be entitled “100% Permanently and Totally Disabled Veteran Property Tax Exemption,” to read as follows: (new text is in double underline; deletions are stricken):

Chapter 20 Taxation

SECTION 20-3 100% Permanently and Totally Disabled Veteran Property Tax Exemption

20-3.1 Qualified 100% Permanently and Totally Disabled Veteran Property Tax Exemption
Pursuant to N.J.S.A. 54:4-3.30 et seq., all qualified 100% permanently and totally disabled veterans, as defined therein, owning a taxable dwelling house in the Township of Bernards shall be eligible for a property tax exemption upon completion of the necessary application materials to be filed with the Township’s Tax Assessor. The application requirements are set forth in N.J.S.A. 54:4-3.30.

20-3.2 Refunds to Qualified 100% Permanently and Totally Disabled Veterans
a. In compliance with N.J.S.A. 54:4-3.32, it is the Township’s policy to only provide refunds of any property taxes paid between the time of application to the Township Tax Assessor and the effective date of the tax exemption.

b. Notwithstanding the Township’s policy set forth in Section 20-3.2(a), pursuant to N.J.S.A. 54:4-3.31, such exemptions shall be prorated by the Township’s Assessor for the remainder of any taxable year in which application is made, from the date ownership or title to the dwelling house is acquired, provided all other eligibility requirements are met. If the dwelling house was acquired in a year prior to the year application is made, the exemption will be granted for the twelve months of the current taxable year only. In no instance shall an exemption be retroactive prior to January 1st of the year application is made.

c. This Ordinance shall apply to Surviving Spouse/Civil Union or Domestic Partner Claimant as well, as long as all requirements per N.J.S.A. 54:4-3.30 are met.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.
BE IT RESOLVED, that the bill list dated 10/29/2019 be audited, and if found correct, be paid.

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

Resolution #2019-0427 - Approval of the Bill List Dated 10/29/2019

BE IT RESOLVED, that the bill list dated 10/29/2019 be audited, and if found correct, be paid.
Resolution #2019-0428 - Approval of the Side Letter of Agreement Between Bernards Township and the International Brotherhood of Teamsters, Chauffeurs and Warehousemen and Helpers of America, Local 469 July 1, 2017 through June 30, 2020

WHEREAS, the Township of Bernards and the International Brotherhood of Teamsters, Chauffeurs and Warehousemen and Helpers of America, Local 469 (“Teamsters”) have an Agreement in place for the period of time from July 1, 2017 through June 30, 2020; and

WHEREAS, the Township of Bernards and the Teamsters have found it necessary to enter into a Side Letter of Agreement to amend the “Working at a Different Rate” portion of the contract to cover the period of time from July 1, 2017 through June 30, 2020; and

WHEREAS, the Township Committee of the Township of Bernards has reviewed the Side Letter of Agreement and understands that this Side Letter of Agreement applies only to Article XXVIII, section A and does not modify any other provision of the Collective Bargaining Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the Side Letter of Agreement dated January 1, 2019, between Bernards Township and the International Brotherhood of Teamsters, Chauffeurs and Warehousemen and Helpers of America, Local 469 be and is hereby approved.

Resolution #2019-0429 - Authorizing the Issuance of a Limousine License to Bernardsville Coach & Livery

WHEREAS, Richard Stompf, Bernardsville Coach & Livery, 67 Smithfield Court, Basking Ridge, NJ 07920 (the “applicant”), has applied for a Limousine License; and

WHEREAS, the application 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.

Resolution #2019-0431 - Authorizing Adoption of The Updated Multijurisdictional Hazard Mitigation Plan

Form Somerset County
WHEREAS all of Somerset County has exposure to natural hazards that represent risks including damages and losses to life, property, the environment and the County’s economy; and

WHEREAS proactive mitigation of known hazards before a disaster event can reduce or eliminate long-term risks and associated costs; and

WHEREAS the Disaster Mitigation Act of 2000 (Public Law 106-390) establishes requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS a Mitigation Planning Committee (MPC) comprised of Somerset County jurisdictions, agencies, organizations and other partners with like planning objectives has been formed to pool resources and work collaboratively to identify appropriate mitigation strategies within Somerset County; and

WHEREAS the MPC has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives; and

WHEREAS maintenance procedures have been defined for monitoring, evaluating, revising, updating and implementing this strategy on an on-going basis.

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

1. Adopts in its entirety, the 2019 Multi-jurisdictional Hazard Mitigation Plan Update for Somerset County (HMP) as the jurisdiction’s Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2. Will use the adopted and approved portions of the HMP to guide pre- and post-disaster mitigation of the hazards identified therein.
3. Will coordinate the strategies identified in the Plan with other planning programs, operations, partners, capital investments and other initiatives under its jurisdictional authority.
4. Will continue to provide representatives to serve on the MPC and perform the duties described in the HMP, including but not limited MPC meeting attendance and the submission of jurisdiction-specific HMP annual monitoring reports to the County Hazard Mitigation Coordinator.
5. Will help promote and support mitigation successes of all participants in the HMP.
6. Will complete an evaluation of the HMP in conjunction with the MPC annually as needed, and a comprehensive update no less than every fifth year; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bernards that copies of the jurisdiction’s HMP Annex and this resolution be provided to the Bernards Township Hazard Mitigation Officer, Emergency Management Official, Planning Board Chair, the Somerset County Hazard Mitigation Coordinator, and the Somerset County Board of Chosen Freeholders.

Resolution #2019-0432 - Personnel Appointment Natasha Mikulich – Part-Time Reference Librarian Bernards Township Library

WHEREAS, the part-time Reference Librarian position became available due to a vacancy; and

WHEREAS, the Library Director, Library Board and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Natasha Mikulich has applied for and is qualified to fill said position; and

WHEREAS, the Library Director, Library Board and Human Resources Manager recommend appointment of Natasha Mikulich to the position of part-time Reference Librarian.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Natasha Mikulich be appointed part-time Reference Librarian with a start date of November 5, 2019 at a pay rate of $20.00 per hour.


WHEREAS, the Township of Bernards wishes to purchase firefighters protective clothing and equipment from N. J. State Contract Globe 17-Fleet-00805; and
WHEREAS, the N.J. State Division of Purchase and Property awarded a contract to New Jersey Fire Equipment Company, 119-131 Rt 22, Green Brook, NJ 08812; 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, the Chief Financial Officer has certified that funds are available in the Capital Budget for the same and the line item appropriation or ordinance to be charged is Capital Ordinance #2387; line account #C-04-55-387-F01 ($2,362.69); and

WHEREAS, it is the recommendation of the Purchasing Agent to purchase Firefighters Protective Clothing and Equipment from N. J. State Contract Globe 17-Fleet-00805.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue a purchase order to New Jersey Fire Equipment Company, 119-131 RT 22, Green Brook, NJ 08812 in the amount not to exceed $2,362.69.

CHIEF FINANCIAL OFFICER CERTIFICATION
I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed $2,362.69. Monies are available in Capital Ordinance #2387, line account #C-04-55-387-F01.

Date: October 21, 2019
Sean McCarthy, Chief Financial Officer

Resolution #2019-0434 - Approval of Special Event Permit for Basking Ridge Business Alliance for Winter Market and Tree Lighting on 12/07/2019 in Basking Ridge Including Temporary Street Closure and Banner Display
WHEREAS, Marcy Borcherding, representing the Basking Ridge Business Alliance, 5 Lyons Road, #325, Basking Ridge, NJ 07920 “the applicant,” has requested a special event permit for 12/07/2019, from 12:00 PM to 7:00 PM for the purpose of holding a Winter Market and Tree Lighting which includes temporary street closure and the display of a temporary banner; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq. and Resolution #070491; and

WHEREAS, the Municipal Clerk, Police Chief, Recreation Director, have reviewed the application in connection with this event; and

WHEREAS, the DPW Director and Township Engineer have reviewed the temporary banner application and found it to be in conformance; and

WHEREAS, in addition to the application fees already paid by the applicant, the applicant further agrees to reimburse the township for the cost of two off-duty police officers.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request for special event be approved, including the display of “Winter Market and Tree Lighting” temporary banner; and

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that special event approval including the temporary street closure of South Finley Avenue between Henry Street and East Oak Street from 5:00 PM to 7:00 PM.

Resolution #2019-0435 - Appointment of Local Historian Brooks Betz
WHEREAS, pursuant N.J.S.A. 40:10A-7, and Chapter 2, Section 26 of the Revised General Ordinances of the Township, Bernards Township has created the position of Local Historian.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby appoint Brooks Betz as Historian for a term to expire 12/31/2019.

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the National Society of the Daughters of the American Revolution, (NSDAR) is a nonprofit, nonpolitical volunteer women’s service organization dedicated to promoting patriotism, preserving American history and securing America’s future through better education; and

WHEREAS, in communities all across the United States, DAR members participate in “restoring and maintaining historical sites, preserving genealogical records, artifacts and historical documents, locating, restoring and marking Revolutionary War patriot gravesites and headstones, supporting schools through donations and volunteer efforts, providing scholarships and awards to outstanding students throughout the country, promoting education and citizenship through youth programs, sponsoring American history essay contests for youth, providing volunteer time to assist military veterans, supporting America’s service personnel through a variety of programs, sponsoring special programs promoting the Constitution, celebrating with new citizens at naturalization ceremonies”; and

WHEREAS, National Society of the Daughters of the American Revolution participants serve in more than 3,000 chapters in all 50 states, Washington, DC and International chapters in Australia, Austria, The Bahamas, Bermuda, Canada, France, Germany, Guam, Italy, Japan, Mexico, Spain and the United Kingdom, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, the Basking Ridge Chapter, National Society of the Daughters of the American Revolution participants address some of the most pressing challenges facing our cities and counties, from supporting veterans and military families, investing in community services as a way to give back to our communities and recognizing local citizens for outstanding achievements in cultural, educational, humanitarian, patriotic and citizenship work in their communities; and

WHEREAS, November 6, 2019, marks the eighty fifth anniversary of the founding of the Basking Ridge Chapter, National Society of the Daughters of the American Revolution.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we hereby recognize November 6th, 2019, as the 85th Anniversary of the Basking Ridge Chapter, NSDAR in Bernards Township, NJ and congratulate and thank members, both current and past, for the services they have given to Somerset County.

Resolution #2019-0437 - Personnel Appointment Anne O’Gorman – Librarian – Children’s Services
Bernards Township Library

WHEREAS, the full-time Librarian – Children’s Services position became available due to a vacancy; and

WHEREAS, the Library Director, Library Board and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Anne O’Gorman has applied for and is qualified to fill said position; and

WHEREAS, the Library Director, Library Board and Human Resources Manager recommend appointment of Anne O’Gorman to the position of full-time Librarian – Children’s Services.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Anne O’Gorman be appointed full-time Librarian – Children’s Services with a start date of November 11, 2019 at an hourly rate of $26.11 for a 35-hour work week.

Resolution #2019-0438 - 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 Edward Walter to Use Space Solely as studio for writing and art production

WHEREAS, the Township of Bernards owns the real property identified as Block 8401, Lot 23 (formally known as Block 185, Lot 20.03), consisting of approximately 4.397± acres, and located at 450 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 October 22, 2019, the Friends requested approval to permit a lease agreement with Edward Walter for use of space solely as a studio for writing and art production; 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 Edward Walter, at 258 Long Meadow Rd., Bedminster, NJ 07921, from December 1, 2019 to July 1, 2020.

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 #2019-0440 - 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 Gretchen Thomas to Use Space Solely as artist studio

WHEREAS, the Township of Bernards owns the real property identified as Block 8401, Lot 23 (formerly known as Block 185, Lot 20.03), consisting of approximately 4.397± acres, and located at 450 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 October 23, 2019 the Friends requested approval to permit a lease agreement with Gretchen Thomas 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 Gretchen Thomas, 80 Mountainview Road, Warren, NJ 07059, from January 1, 2020 to January 1, 2021.

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 #2019-0441 - Award of Bid for 2019 DPW Curbing-Sidewalk Improvements to Landtek Construction DBA United Terrain, 386 Highway 79, Morganville NJ 07751 In the Amount of $ 151,900.00

WHEREAS, the Township of Bernards received bids on September 17, 2019 at 10:30 A.M. for 2019 DPW Curbing-Sidewalk Improvements

<table>
<thead>
<tr>
<th>Bidders Name</th>
<th>BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landtek Construction DBA United Terrain</td>
<td>$151,900.00</td>
</tr>
</tbody>
</table>
and;

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award the contract to Landtek Construction DBA United Terrain, 386 Highway 79, Morganville NJ 07751, in the amount of $151,900.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2387 line account #C-04-55-387-C02 ($31,900.00) and line account #9-01-26-290-266 ($120,000.00); and

WHEREAS, this contract has been awarded to Landtek Construction DBA United Terrain, 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: Landtek Construction DBA United Terrain, 386 Highway 79, Morganville NJ 07751, in the amount of $151,900.00.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township (“Owner”) and Landtek Construction DBA United Terrain, (“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 2019 DPW Curbing-Sidewalk Improvements.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between October 29, 2019 and October 28, 2020.
9. 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.
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.

____________________________________________________
Juan Urro/President
Resolution #2019-0443 - Pill Hill Landfill NJDEP Post-Closure Monitoring

WHEREAS, Pill Hill Landfill was closed and NJDEP approved post-closure escrow for the ongoing post-closure maintenance of the site including environmental monitoring in 1996; and

WHEREAS, the landfill closure was approved in 1996 and post-closure environmental monitoring is required for 30 years until May 28, 2026; and

WHEREAS, available escrow as of 12/31/2018 is $44,086.38 and will not fully fund all monitoring until 2026; and

WHEREAS, NJDEP requires a commitment from the Township to pay for all additional costs of post-closure activities each year above the amount withdrawn or available from escrow in accordance with NJDEP requirements; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2019 Current Fund Budget: Solid Waste Collections, Fees and Compensation line item appropriation #9-01-26-305-204.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Township of Bernards will be responsible for the additional costs of post-closure activities each year above the amount requested or available to be withdrawn from escrow in order for the Township to meet its ongoing obligation for post-closure maintenance activities at the Pill Hill Landfill until 2026.

Resolution #2019-0444 - Pill Hill Landfill NJDEP Post-Closure Escrow Request

WHEREAS, Pill Hill Landfill was closed and NJDEP approved post-closure escrow for the ongoing post-closure maintenance of the site including environmental monitoring in 1996; and

WHEREAS, the landfill closure was approved in 1996 and post-closure environmental monitoring is required for 30 years until May 28, 2026; and

WHEREAS, with NJDEP approval, the post-closure escrow may be withdrawn to pay for required annual air and water monitoring and the financial plan for utilizing the balance of the fund over the next 8 years is as follows:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>BEGINNING BALANCE</th>
<th>CONTRIBUTIONS TO FUND</th>
<th>INTEREST (Rate—%)</th>
<th>PLANNED EXPENDITURES</th>
<th>ENDING BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>44,086.38</td>
<td>44.09</td>
<td>0.001</td>
<td>5,510.80</td>
<td>38,619.67</td>
</tr>
<tr>
<td>2020</td>
<td>38,619.67</td>
<td>38.62</td>
<td>0.001</td>
<td>5,517.10</td>
<td>33,141.19</td>
</tr>
<tr>
<td>2021</td>
<td>33,141.19</td>
<td>33.14</td>
<td>0.001</td>
<td>5,523.53</td>
<td>27,650.80</td>
</tr>
<tr>
<td>2022</td>
<td>27,650.80</td>
<td>27.65</td>
<td>0.001</td>
<td>5,530.16</td>
<td>22,148.29</td>
</tr>
<tr>
<td>2023</td>
<td>22,148.29</td>
<td>22.15</td>
<td>0.001</td>
<td>5,537.07</td>
<td>16,633.37</td>
</tr>
<tr>
<td>2024</td>
<td>16,633.37</td>
<td>16.63</td>
<td>0.001</td>
<td>5,544.46</td>
<td>11,105.55</td>
</tr>
<tr>
<td>2025</td>
<td>11,105.55</td>
<td>11.11</td>
<td>0.001</td>
<td>5,552.77</td>
<td>5,663.88</td>
</tr>
<tr>
<td>2026</td>
<td>5,563.88</td>
<td>5.56</td>
<td>0.001</td>
<td>5,569.44</td>
<td>0.00</td>
</tr>
</tbody>
</table>
WHEREAS, available escrow as of 12/31/2018 is $44,086.38 and will not fully fund all monitoring until 2026; and

WHEREAS, NJDEP requires a commitment from the Township to pay for all additional costs of post-closure activities each year above the amount withdrawn or available from escrow in accordance with NJDEP requirements.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Township of Bernards will be responsible for the additional costs of post-closure maintenance activities at the Pill Hill Landfill until 2026.

Resolution #2019-0445 - Unused Vacation Accrual Due Daniel Moore Department of Public Works

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, Daniel Moore’s employment terminated on October 25, 2019; and

WHEREAS, per the requirements of the Township’s Personnel Policy, Daniel Moore is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of $19.78.

<table>
<thead>
<tr>
<th>Vacation Accrual</th>
<th>Total Hours Available</th>
<th>Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>37</td>
<td>$731.86</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 Streets and Roads S&W, Line Account #9-01-28-375-101 for an amount not to exceed $731.86

Date: October 23, 2019

Sean McCarthy, CFO

Resolution #2019-0446 - Award of Bid, for One (1) 2019 or newer Snow Tracked Sidewalk Tractor with Attachments to Groff Tractor Mid Atlantic, LLC, 551 N. Harding Highway, Vineland NJ 08360 In the Amount of $174,954.00

WHEREAS, The Township received bids on Thursday, October 17, 2019 at 2:00 P.M. for One (1) 2019 or newer Snow Tracked Sidewalk Tractor with Attachments;

<table>
<thead>
<tr>
<th>BIDDERS NAME</th>
<th>UNIT COST</th>
<th>TOTAL BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Groff Tractor Mid Atlantic, LLC</td>
<td>$174,954.00</td>
<td>$174,954.00</td>
</tr>
</tbody>
</table>

and;

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award a contract to the lowest responsible bidder, Groff Tractor Mid Atlantic, LLC, 551 N. Harding Highway, Vineland NJ 08360; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations to be charged is Capital Ordinance #2417, line account #C-04-55-417-H01 ($140,000.00) and Capital Ordinance #2366, line account #C-04-55-366-I01 ($34,954.00); and

WHEREAS, this contract has been awarded to Groff Tractor Mid Atlantic, LLC, 551 N. Harding Highway, Vineland NJ 08360, 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: Groff Tractor Mid Atlantic, LLC, 551 N. Harding Highway, Vineland NJ 08360 in the amount of $174,954.00.

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.

____________________________________________________
Karen Forte, Controller

CFO 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 not to exceed amount of $174,954.00. Monies are available in Capital Ordinance #2417, line account #C-04-55-417-H01 ($140,000.00) and Capital Ordinance #2366, line account #C-04-55-366-I01 ($34,954.00).

Date: October 23, 2019
Sean McCarthy, Chief Financial Officer

Resolution #2019-0448 Award of Bid Renewal for 2019-2020 Municipal Trash Services To Peter Rubinetti Private Disposal LLC. 16 Chelsea Dr, Randolph, NJ 07869
WHEREAS, The Township received bids on Wednesday, July 11, 2018 at 10:30 A.M. for Municipal Trash Services; and

WHEREAS, Peter Rubinetti Private Disposal LLC., has satisfactorily performed such services in 2018-2019; and

WHEREAS, this is the second year of a three year contract; and

WHEREAS, it is a combined recommendation of the Director of Public Works, Township Administrator and Purchasing Agent that a renewal for the second year of the initial contract be awarded to Peter Rubinetti Private Disposal LLC., 16 Chelsea Dr, Randolph, NJ 07869.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to Peter Rubinetti Private Disposal LLC., 16 Chelsea Dr, Randolph, NJ 07869.

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

____________________________________________________
Peter Rubinetti, Owner

**End Consent Agenda**

Approval of Minutes - 10/15/2019 Open Session
Motion by Baldassare, second by Harris, that the 10/15/2019 - Open Session minutes be approved for content and release.

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

Approval of Minutes - 10/15/2019 Executive Session
Motion by Harris, second by Carpenter, that the 10/15/2019 – Executive Session minutes be approved for content only.

Roll Call
Aye: Baldassare, Carpenter, Harris, Bianchi
Nay:
Abstain: Esposito
Motion carried.
ORDINANCE #2431 - An Ordinance to Amend the Revised General Ordinance of the Township of Bernards, Chapter VII, “Traffic,” Schedule XVIII “Speed Limits Regarding Somerville Road and Mine Brook Road” – Introduction
The clerk read the ordinance by title. Motion by Baldassare, second by Esposito, that Ordinance #2431 be introduced on first reading, advertised as required by law, with a public hearing on 11/26/2019.

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

ORDINANCE #2432 - An Ordinance Amending and Supplementing the Revised General Ordinances of the Township Of Bernards Chapter 18 “Streets, Sidewalks and Sanitation.” To Add New Section 18-9 “Siting of Poles, Cabinets and Antennas on the Municipal Right Of Way” – Introduction
Belardo and Bianchi recused themselves from this discussion and left the dais. The clerk read the ordinance by title. Attorney Purcell provided background. Nancy D’Andrea, 3 Vanderveer Rd asked about size of units.

Motion by Harris, second by Esposito, that Ordinance #2432 be introduced on first reading, advertised as required by law, with a public hearing on 11/26/2019.

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

Belardo and Bianchi returned to the dais

ORDINANCE #2433 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, “Land Development”, Prohibiting Vape Shops and Smoke Shops in all Township Zones - Introduction
The clerk read the ordinance by title. Motion by Harris, second by Baldassare, that Ordinance #2433 be introduced on first reading, referred to the Planning Board and advertised as required by law, with a public hearing on 11/26/2019.

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

PUBLIC COMMENT
The Mayor opened public comment.
Nancy D’Andrea, Vanderveer Dr. – commented on Trex Challenge and holidays which may impact meeting schedules.
Todd Edelstein, Riverseide Dr. – commented on elections

ADJOURNMENT
By unanimous consent the meeting adjourned at 9:09 PM

Respectfully submitted,
Rhonda Pisano, Municipal Clerk

Carol Bianchi, Mayor

Approved: