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BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE 05/28/2019 – COMBINED AGENDA/REGULAR MEETING

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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, Carpenter, Esposito (8:00 PM), Harris, Bianchi

Absent:

Also Present: Administrator Monaco, Attorney Belardo, Engineer Timko, Municipal Clerk Pisano

EXECUTIVE SESSION – [Resolution #2019-0253](#)

Motion by Baldassare, second by Harris, and unanimously agreed that Resolution #2019-0253 be approved. The meeting temporarily adjourned to Executive Session at 7:30 PM.

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

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

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

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

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

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

Reason for Closed Session

Estimated Time of Disclosure or Upon Occurrence Of

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

Attorney-Client Privilege – Millington Quarry, Inc. Zoning Board of Adjustment Upon Resolution Application #18-026

The meeting resumed in open session at 7:52 PM and stood in recess until 8:00 PM.

PUBLIC WORK SESSION

None.

CORRESPONDENCE

None listed.

PUBLIC COMMENT

The Mayor opened public comment.

Ken Warman – 125 Countryside Dr. commented against the legalization of marijuana

Todd Edelstein – Riverside Dr – commented on NJAWC's proposed work, the shared court, and the legalization of marijuana.

TOWNSHIP COMMITTEE/BOARD REPORTS & STAFF COMMENTS

Comment and staff member reported on their recent activities and boards.

FIRE & RESCUE APPOINTMENT

None.

UNFINISHED BUSINESS

[Ordinance #2420](#) - *An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending Chapter 21, "Revised Land Use Ordinances," Article XIII "Affordable Housing", to Address the Requirements of the Fair Housing Act, the Uniform Housing Affordability Controls (UHAC) Regulations, and the Court-Approved Settlement Agreement with Fair Share Housing Center Regarding Compliance with the Township's Affordable Housing Obligations and Amending Section 85 "Affordable Housing Obligation", Section 3 "Affordable Housing Programs", Subsection d. "Down Payment Affordability Assistance Program" and Subsection e. "Homeowner Affordability Assistance Program" ([Planning Board Report](#)) – Public Hearing*

The clerk read the ordinance by title and the committee acknowledged the Planning Board's report finding that the ordinance was not inconsistent with the Master Plan. The Mayor opened the public hearing. There were no comments and the hearing was closed.

Motion by Baldassare, second by Harris, that the Ordinance #2420 be adopted and advertised as required by law.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

[Ordinance #2421](#)- *Accepting a Stormwater Drainage Easement on Property Located at 148 Childs Road, Block 603, Lot 3, from Peter and Kathy Sue Krell to the Township of Bernards – Public Hearing*

The clerk read the ordinance #2421 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 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 Harris, that *Approval of the 05/14/2019 Open and Executive Session Minutes, Resolutions #2019-0249, #2019-0257, #2019-0259, and #2019-0260* be removed from the Consent Agenda and that the balance of items be approved.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

****Begin Consent Agenda****

[Resolution #2019-0248](#) - *Approval of the Bill List Dated 05/28/2019*

BE IT RESOLVED, that the bill list dated 05/28/2019 be audited, and if found correct, be paid.

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 05/28/19 to 05/28/19						
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit:						
Y						
=====						
===	Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num

CASH - CHECKING CURRENT CHECKING						
120166	05/28/19	90159	VOORHEES, MICHAEL	317.95	1439	Direct Deposit
120167	05/28/19	90225	LEOPOLD, MARK	150.00	1439	Direct Deposit
120168	05/28/19	90388	O'GRADY, SEAN	280.00	1439	Direct Deposit
120169	05/28/19	90504	COWELL, TRICIA	1,881.00	1439	Direct Deposit
120170	05/28/19	90514	MERGHART, DEBRA	140.00	1439	Direct Deposit
120171	05/28/19	90570	BERCARI, ANDREW	27.00	1439	Direct Deposit
120172	05/28/19	90607	SANT'ANGELO, STEPHEN	26.66	1439	Direct Deposit
120173	05/28/19	90653	SANT'ANGELO, KEVIN B	60.00	1439	Direct Deposit
120174	05/28/19	B0203	DIFRANCESCO,BATEMAN,KUNZMAN,	4,641.87	1439	Direct Deposit
120175	05/28/19	H0312	HEFFERNAN, ROBERT F	5,706.25	1439	Direct Deposit
120176	05/28/19	A0028	AMERICAN PUBLIC WORKS ASSN.	550.00	1440	
120177	05/28/19	A0162	ACME DIESEL ELECTRIC, INC.	55.00	1440	
120178	05/28/19	A0174	ALL SPORTS STADIUM, LLC	156.00	1440	
120179	05/28/19	A0398	STERLING TALENT SOLUTIONS	55.08	1440	
120180	05/28/19	A0471	APEX AMERICAN ELECTRICAL	1,356.00	1440	
120181	05/28/19	A0657	ANDRICOPOULOS, TINA & EVAN	830.00	1440	
120182	05/28/19	A0658	ACN - CAIRNWOOD ESTATE	1,100.00	1440	
120183	05/28/19	B0001	BAKER & TAYLOR, INC.	3,964.01	1440	
120184	05/28/19	B0015	BRODART COMPANY	155.27	1440	
120185	05/28/19	B0025	BERNARDS TOWNSHIP CAPITAL FUND	6,098,950.00	1440	
120186	05/28/19	B0026	BERNARDS TOWNSHIP CURRENT	7,008.20	1440	
120187	05/28/19	B0029	BERNARDS TWP BD OF EDUCATION	7,544,509.50	1440	
120188	05/28/19	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	530,876.95	1440	
120189	05/28/19	B0038	BERNARDS TOWNSHIP (COURT)	230.04	1440	
120190	05/28/19	B0044	BASKING RIDGE ANIMAL HOSPITAL	245.00	1440	
120191	05/28/19	B0077	BERNARDS TOWNSHIP	827.16	1440	
120192	05/28/19	B0388	BLACKSTONE AUDIO BOOKS	241.41	1440	
120193	05/28/19	B0654	BRIDGEWATER CHEVROLET	137.66	1440	
120194	05/28/19	C0024	GANNETT NEW JERSEY NEWSPAPERS	47.30	1440	
120195	05/28/19	C0083	CDW GOVERNMENT, INC.	500.62	1440	
120196	05/28/19	C0241	COOPER ELECTRIC SUPPLY	699.00	1440	
120197	05/28/19	C0710	CORP MED EMERGENCY TRAINING	500.00	1440	
120198	05/28/19	C0745	CLARKE CATON HINTZ	1,520.53	1440	
120199	05/28/19	D0020	DELTA DENTAL OF NJ	12,018.40	1440	
120200	05/28/19	D0033	DEMCO, INC	464.32	1440	
120201	05/28/19	D0230	DORNEY PARK	2,726.00	1440	
120202	05/28/19	D0309	DAILY RECORD - SUBSCRIPTIONS	321.73	1440	
120203	05/28/19	D0380	DRIVERS TIRE & SERVICE CENTER	806.16	1440	
120204	05/28/19	D0661	DAVID WEBER OIL CO.	2,220.96	1440	
120205	05/28/19	D0777	DULAINE CONTRACTING, INC	156.75	1440	
120206	05/28/19	E0098	EMBLEM ENTERPRISES, INC	788.45	1440	
120207	05/28/19	E0224	EXCELLENT BUILDING SERVICES	9,744.00	1440	
120208	05/28/19	E0235	ESRI, INC.	2,900.00	1440	
120209	05/28/19	E0250	E LIFEGUARD INC	1,419.99	1440	
120210	05/28/19	E0301	EDWARD P SHAMY JR, ESQUIRE	6,548.00	1440	
120211	05/28/19	F0001	FEDEX	76.49	1440	
120212	05/28/19	F0179	FASTSIGNS	75.00	1440	
120213	05/28/19	F0326	FX AUTOMOTIVE LLC	9.48	1440	
120214	05/28/19	F0380	FERRARI, CAMILLA	75.00	1440	
120215	05/28/19	G0033	GREAT SWAMP GREENHOUSES	1,216.48	1440	
120216	05/28/19	G0066	GRAINGER INC	270.13	1440	
120217	05/28/19	G0098	JCP&L	12,366.65	1440	
120218	05/28/19	G0500	GREEN BROOK ELECTRONICS	24.00	1440	
120219	05/28/19	G0509	GREEN ROCK RECYCLING	730.00	1440	
120220	05/28/19	G0607	GRANT, ALAN	400.00	1440	
120221	05/28/19	H0004	HEALTH DEPARTMENT PETTY CASH	9.94	1440	
120222	05/28/19	H0178	HOSE SHOP, INC.	203.32	1440	
120223	05/28/19	H0246	HOME DEPOT CREDIT SERVICES	597.66	1440	
120224	05/28/19	H0267	MOTT MACDONALD LLC	4,932.00	1440	
120225	05/28/19	H0405	HIONIS GREENHOUSES, INC	300.00	1440	
120226	05/28/19	H0423	HUNTERDON HARMONIZERS	200.00	1440	
120227	05/28/19	I0010	INTERNATIONAL ASSN.OF ARSON	145.00	1440	
120228	05/28/19	I0110	LIBRARY LINK NJ	500.00	1440	
120229	05/28/19	I0128	INNOVATIVE DOCUMENT IMAGING	308.00	1440	
120230	05/28/19	I0131	IPLAY AMERICA, LLC	1,157.13	1440	
120231	05/28/19	J0002	JAEGER LUMBER	88.22	1440	
120232	05/28/19	J0093	JOHNNY ON THE SPOT, LLC	65.00	1440	
120233	05/28/19	J0110	JOHN E. REID & ASSOCIATES, INC	1,335.00	1440	
120234	05/28/19	J0206	JOY AUTOMOTIVE PRODUCTS, INC	9.28	1440	
120235	05/28/19	K0026	KEN RENT	5,567.94	1440	
120236	05/28/19	K0259	KONICA MINOLTA PREMIER FINANCE	167.07	1440	
120237	05/28/19	K0274	KELLER & KIRKPATRICK, INC	12,915.00	1440	
120238	05/28/19	K0331	KONICA PREMIER FINANCE	82.60	1440	
120239	05/28/19	K0341	KONICA MINOLTA PREMIER FINANCE	98.83	1440	
120240	05/28/19	L0005	LIBRARY PETTY CASH	9.45	1440	
120241	05/28/19	L0067	LIBERTY SCIENCE CENTER	6,706.50	1440	
120242	05/28/19	L0331	LEVITT'S LLC	139.80	1440	
120243	05/28/19	M0010	MOBILE LAWNMOWER SERVICE, INC.	577.68	1440	
120244	05/28/19	M0015	MCKESSON MEDICAL SURGICAL	210.24	1440	
120245	05/28/19	M0279	MITZNER, SCOTT C.	1,170.45	1440	
120246	05/28/19	M0299	MOUNTAIN CREEK	1,685.53	1440	
120247	05/28/19	M0441	MAIN LINE COMMERCIAL POOLS,INC	2,570.60	1440	
120248	05/28/19	M0493	MCELROY, DEUTSCH, MULVANEY &	47,313.05	1440	
120249	05/28/19	M0518	KONICA MINOLTA BUSINESS SOL.	391.68	1440	
120250	05/28/19	M0518	KONICA MINOLTA BUSINESS SOL.	182.94	1440	
120251	05/28/19	M0518	KONICA MINOLTA BUSINESS SOL.	133.10	1440	
120252	05/28/19	M0537	MAPLEWOOD AWNING & SHADE CO.	670.00	1440	
120253	05/28/19	M0823	MOOSEWOOD TREE SERVICE	7,250.00	1440	
120254	05/28/19	M0888	MELT YOUR FACE PRODUCTIONS	550.00	1440	
120255	05/28/19	M0893	MILLENNIUM TREE SERVICE	500.00	1440	

120256	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	79.84	1440
120257	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	114.87	1440
120258	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	23.46	1440
120259	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	179.64	1440
120260	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	134.80	1440
120261	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	194.33	1440
120262	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1440
120263	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	247.26	1440
120264	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	36.69	1440
120265	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	141.41	1440
120266	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	56.54	1440
120267	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	161.26	1440
120268	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	23.46	1440
120269	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	42.10	1440
120270	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	42.10	1440
120271	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	234.03	1440
120272	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1440
120273	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	38,364.00	1440
120274	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	948.34	1440
120275	05/28/19	N0006	NEW JERSEY AMERICAN WATER CO.	560.29	1440
120276	05/28/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	25.00	1440
120277	05/28/19	N0030	NJ STATE ASSN.-CHIEFS/POLICE	3,149.00	1440
120278	05/28/19	N0339	NJ WOMEN IN LAW ENFORCEMENT	150.00	1440
120279	05/28/19	N0419	NIXON, PAMELA	130.00	1440
120280	05/28/19	N0451	NJ ADVANCE MEDIA	144.15	1440
120281	05/28/19	N0468	NORCIA CORPORATION	1,991.11	1440
120282	05/28/19	N0470	NATIONWIDE	99.22	1440
120283	05/28/19	N0484	NEW JERSEY AMERICAN WATER	400.00	1440
120284	05/28/19	O0021	OFFICE DEPOT	523.76	1440
120285	05/28/19	O0105	O.C.A. BENEFIT SERVICES, LLC	128.70	1440
120286	05/28/19	O0116	OBERLY, BARRY	1,998.00	1440
120287	05/28/19	O0135	OUTHOUSE LLC	1,800.00	1440
120288	05/28/19	O0137	OSWALD ENTERPRISES, INC	11,375.00	1440
120289	05/28/19	P0014	PUBLIC SERVICE ELEC. & GAS CO	10.80	1440
120290	05/28/19	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1440
120291	05/28/19	P0538	PROVIDENT LIFE & ACCIDENT	185.30	1440
120292	05/28/19	P0644	POWERDMS, INC.	5,576.55	1440
120293	05/28/19	R0006	RECREATION PETTY CASH	100.00	1440
120294	05/28/19	R0023	RICHIES TIRE SERVICE, INC.	2,126.64	1440
120295	05/28/19	R0050	ROTO-ROOTER	185.00	1440
120296	05/28/19	R0281	RECREATION PETTY CASH CHECKING	500.00	1440
120297	05/28/19	R0474	RICH TREE SERVICE, INC	500.00	1440
120298	05/28/19	S0056	RWJHN - MOBILE HEALTH SERVICE	25.00	1440
120299	05/28/19	S0100	BOWLMOORE-AMF	399.75	1440
120300	05/28/19	S0101	STICKEL, KOENIG, SULLIVAN&DRILL	333.00	1440
120301	05/28/19	S01034	SHARMA, MEGHA	225.00	1440
120302	05/28/19	S0135	CJHRC-CENTRAL JERSEY HOUSING	800.00	1440
120303	05/28/19	S0184	SOCIETY HILL AT BERNARDS I	295.00	1440
120304	05/28/19	S0202	SUBURBAN PROPANE	222.78	1440
120305	05/28/19	S0227	SHEARON ENVIRONMENTAL DESIGN	23,788.89	1440
120306	05/28/19	S0378	STAVOLA ASPHALT	151.82	1440
120307	05/28/19	S0443	STAPLES ADVANTAGE	77.83	1440
120308	05/28/19	S0524	STATE TOXICOLOGY LABORATORY	45.00	1440
120309	05/28/19	S0659	SANTORO, RANDY	55.36	1440
120310	05/28/19	S0691	SUPERIOR DISTRIBUTORS	419.34	1440
120311	05/28/19	S0913	SHEDLOCK CAR CARE	510.00	1440
120312	05/28/19	S0992	SMALLWOOD FINANCIAL	1,410.00	1440
120313	05/28/19	S1017	STEM, AMY	115.74	1440
120314	05/28/19	T0066	CENGAGE LEARNING CREDIT SVCS	123.45	1440
120315	05/28/19	T0109	TREASURER, STATE OF NEW JERSEY	258.00	1440
120316	05/28/19	T0142	TODD HARRIS CO., INC.	100.50	1440
120317	05/28/19	T0192	TURN OUT UNIFORMS INC	49.99	1440
120318	05/28/19	T0214	TELE-MEASUREMENTS, INC.	8,032.50	1440
120319	05/28/19	T0284	BROADWAY INBOUND	3,964.50	1440
120320	05/28/19	T0378	THE GUARDIAN LIFE INS CO OF AM	86.75	1440
120321	05/28/19	T0422	TOMAHAWK LAKE , INC.	798.00	1440
120322	05/28/19	T0438	TOP GOLF USA INC	1,100.00	1440
120323	05/28/19	U0056	U.S. MUNICIPAL SUPPLY, INC.	300.00	1440
120324	05/28/19	U0090	UNUM LIFE INSURANCE COMPANY	366.30	1440
120325	05/28/19	V0037	VILLAGE SUPERMARKET, INC.	75.41	1440
120326	05/28/19	V0056	VERIZON WIRELESS	1,292.29	1440
120327	05/28/19	V0058	VERIZON	194.61	1440
120328	05/28/19	V0084	VERIZON	618.29	1440
120329	05/28/19	W0074	WELSH'S MOTOR SALES, INC.	200.00	1440
120330	05/28/19	W0259	VENTURA, MIESOWITZ, KEOUGH &	3,626.00	1440
120331	05/28/19	W0318	WATER SAFETY PRODUCTS, INC	83.00	1440
120332	05/28/19	W0339	W.B. MASON	397.95	1440
120333	05/28/19	W0358	WAVELENGTH AUDIO VIDEO LLC	950.00	1440
120334	05/28/19	X0005	XTEL COMMUNICATION	448.70	1440
120335	05/28/19	X0005	XTEL COMMUNICATION	1,723.15	1440

Report Totals	Paid	Void	Amount Paid	Amount Void
	-----	-----	-----	-----
Checks:	160	0	14,475,015.98	0.00
Direct Deposit:	10	0	13,230.73	0.00
	=====	=====	=====	=====
Total:	170	0	14,488,246.71	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total

CURRENT FUND	8-01	3,665.00	0.00	0.00	3,665.00
CURRENT FUND	9-01	14,373,393.80	0.00	0.00	14,373,393.80
DOG FUND	9-12	354.50	0.00	0.00	354.50
GOLF COURSE UTILITY	9-26	29,087.81	0.00	0.00	29,087.81
Year Total:		14,402,836.11	0.00	0.00	14,402,836.11
CAPITAL FUND	C-04	32,904.23	0.00	0.00	32,904.23
PUBLIC GRANTS	G-02	115.74	0.00	0.00	115.74
TRUST FUNDS	T-13	42,434.13	0.00	0.00	42,434.13
PROJECTS		6,291.50	0.00	0.00	6,291.50
Total Of All Funds:		14,488,246.71	0.00	0.00	14,488,246.71

Resolution #2019-0250 - Commendation on the Occasion of Your Retirement Captain Mark Leopold

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 for the past 25 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 25 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.

Signed and sealed on behalf of the Township Committee on this 28th Day of May Two Thousand and Nineteen.

Resolution #2019-0251 - Approval of Street Closing Permit for a Block Party on Harrison Brook Dr (Corner of Goltra Dr. and Harrison Brook Dr.), 06/21/2019 (Rain date 06/24/2019)

WHEREAS, Desiree Noland, hereinafter "the applicant," has applied for a street closing permit for a block party on Harrison Brook Drive on the corner of Goltra Drive and Harrison Brook Drive, on June 21, 2019(rain date June 24, 2019) from 4:00 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 #2019-0252 - Commendation on Attaining Eagle Scout Designation Kruthik Ravishankar

WHEREAS, the Township Committee is very pleased to recognize the outstanding personal effort of Kruthik Ravishankar, reaching the rank of Eagle Scout; and

WHEREAS, Kruthik Ravishankar, a member of the Boy Scout Troop in Basking Ridge, has been an active scout, demonstrating outstanding leadership within the Troop, and has contributed many service hours to his community during his years in scouting; and

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

NOW THEREFORE BE IT RESOLVED that the Township Committee offers its best wishes to Kruthik Ravishankar for continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout his life.

Resolution #2019-0254 - Rejection of Bid for 2018 NJDOT Local Aid Project: Manchester Drive & Juniper Way Improvements

WHEREAS, the Township of Bernards received bids on Wednesday, May 8, 2019, at 10:30 AM for the 2018 NJDOT Local Aid Project: Manchester Drive & Juniper Way Improvements project; and

WHEREAS, Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876, was the only bidder on this project with a bid of \$1,084,941.55; and

WHEREAS, the low bid of \$1,084,941.55 exceeds the project's cost estimate; and

WHEREAS, it is the combined recommendation of the Township Engineer, Township Administrator, and Purchasing Agent to reject this bid pursuant to N.J.S.A. 40A:11-13.2(b) as the bid exceeds the project's cost estimate.

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 rejected.

NOW THEREFORE BE IT FURTHER RESOLVED, that a copy of this resolution shall be on file, available for public inspection in the office of the Bernards Township Purchasing Agent, 1 Collyer Lane, Basking Ridge, New Jersey 07920.

Resolution #2019-0255 - Personnel Appointment Carol Ackerman – Human Resources Generalist Human Resources Department

WHEREAS, the fulltime position of Human Resources Generalist became available due to a retirement, and

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

WHEREAS, Carol Ackerman has applied for and is qualified to fill said position; and

WHEREAS, the Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Carol Ackerman to full time Human Resources Generalist.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Carol Ackerman be appointed full time Human Resources Generalist with a hire date of Monday, June 24, 2019 at an hourly rate of \$27.75 for a 40-hour work week. The appointment is contingent upon the successful completion of required Township background checks.

Resolution #2019-0256 - Personnel Appointment Justin Barrett –Groundskeeper Public Works Department

WHEREAS, the fulltime position of Groundskeeper became available due to a retirement; and

WHEREAS, the Superintendent of Public Works, Township Administrator and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Justin Barrett is well qualified to fill said position; and

WHEREAS, the Superintendent of Public Works, Township Administrator and Human Resources Manager recommend appointment of Justin Barrett to the position of full time Groundskeeper.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Justin Barrett be appointed full time Groundskeeper with an effective date of Monday, June 3, 2019 at an hourly rate of \$15.38 for a 40-hour work week. This offer of employment is contingent upon the results of pre-employment screening as per Township policy.

Resolution #2019-0258 - Bernards Township is Authorizing a Down Payment Affordability Assistance Grant Pursuant to Township Ordinance #2420 to Ashley & Sean O'Conner, 4204 Hackleberry Square, Block 9001, Lot 42.04 in the Amount of Six Thousand Five Hundred and Forty Eight (\$6,548.00) Dollars

WHEREAS, Ashley & Sean O'Conner, married (the "Homeowners") are the contract purchasers of property designated as Lot 42.04 in Block 9001 (formerly identified as Lot 42.04 in Block 178.03) on the Tax Map of the

Township of Bernards in the County of Somerset, State of New Jersey, commonly known as 4204 Hackleberry Square (the "Property"); and

WHEREAS, the Homeowner seeks monetary assistance in the form of a grant through the Bernards Township Housing Down Payment Affordability Assistance Program for the purpose of buying an Affordable Unit; and

WHEREAS, the Township has an authorized down payment affordability assistance program pursuant to Ordinance #2420, Section 21.85.3d.; and

WHEREAS, the maximum amount of any Township grant shall not exceed \$8,000 and the Township shall not award more than four grants per calendar year; and

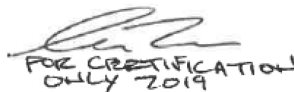
WHEREAS, based on the requirements of Ordinance #2420, the Homeowner has met the obligations for and is entitled to a Six Thousand Five Hundred and Forty Eight (\$6,548.00) grant (the "Grant").

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the Grant, provided the Homeowner occupy the Affordable Unit as a principle residence and own no other real property or dwelling.

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced expenditure in the amount not to exceed \$6,548.00. Monies are available in the 2019 Affordable Housing Trust Fund line acct # T-13-56-055-COA.

Date: 5/21/2019



FOR CERTIFICATION
ONLY 2019

Sean McCarthy, Chief Financial Officer

Resolution #2019-0261 - Change Order #1 – Increase of \$10,000.00 Professional Services Contract for Special Counsel Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, LLC For a New Not to Exceed Amount of \$ 15,000.00

WHEREAS, the Bernards Township Committee adopted Resolution #2019-0080 on January 2, 2019 appointing Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, LLC., as Special Counsel; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2019 Current Fund Budget – Legal Fees and Compensation, line account # 9-01-20-155-204.

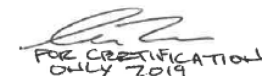
NOW, THEREFORE BE IT RESOLVED, by the Bernards Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a change order to; Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, LLC in the amount of \$10,000.00 for a new not to exceed amount of \$15,000.00.

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

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced for an additional amount of \$10,000 for a new not to exceed amount of \$ 15,000.00. Monies will be made available in the 2019 Current Fund Budget – Legal Fees 9-01-20-155-204.

Date: 5/21/19



FOR CERTIFICATION
ONLY 2019

Sean McCarthy
Chief Financial Officer

Resolution #2019-0262 - Change Order #3- Increase of \$ \$13,850.00 For Bernards Township Housing Element and Fair Share Plan to Banisch Associates 111 Main St, Flemington, NJ 08822 For a New Not To Exceed Amount of \$ \$43,850

WHEREAS, the Bernards Township Committee adopted Resolution # 2018-0248 on May 15, 2018 awarded a professional services contract in the amount of \$ 12,500.00 to Banish Associates, 111 Main St, Flemington, NJ 08822 for professional planning services; and

WHEREAS, the Bernards Township Committee adopted Resolution # 2018-0399 on September 11, 2018 awarded change order # 1 in the amount of \$ 12,500.00 for a new not to exceed amount of \$ 25,000.00 to Banish Associates, 111 Main St, Flemington, NJ 08822 for professional planning services; and

WHEREAS, the Bernards Township Committee adopted Resolution # 2018-0863 on November 27, 2018 awarded change order # 2 in the amount of \$ 5,000.00 for a new not to exceed amount of \$ 30,000.00 to Banish Associates, 111 Main St, Flemington, NJ 08822 for professional planning services; and

WHEREAS the Chief Financial Officer has certified funds are available in the 2019 Affordable Housing Trust Fund line item appropriation account # T-13-56-055-COA.

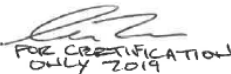
NOW BE IT RESOLVED by the Bernards Township Committee that the Purchasing Agent is hereby authorized to issue change order number #3 to Banish Associates, 111 Main St, Flemington, NJ 08822 in the amount of \$ 13,850.00 for a new not to exceed amount of \$ 43,850.00

NOW THEREFORE BE IT FINALLY RESOLVED, that notice of this contract award be published in the official Township newspaper and a copy of the resolution be on file and available for public inspection in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds available for the above referenced purchase in the amount of \$13,850.00 for a new not to exceed amount of \$ 43,850.00. Monies are available in the Affordable Housing Trust Fund line account # T-13-56-055-COA.

Date: 5/21/2019



Sean McCarthy, Chief Financial Officer

Resolution #2019-0264 - *Authorizing the Township Engineer to provide engineering services to The Friends of The Kennedy-Martin-Stelle Farmstead, Inc.*

WHEREAS, the Township of Bernards owns the real property identified as Block 8401, Lot 23, consisting of approximately 4.397± acres, and located along King George Road in the Township of Bernards, County of Somerset, State of New Jersey; 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. (the “Friends”) entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property; and

WHEREAS, for purposes of obtaining funding and grants for the maintenance and restoration of the historic structures on the site, the Township and Friends entered into an Amendment to Lease Agreement C2106-1, dated June 15, 2010 (the “Amendment to Lease Agreement”); which Amendment to Lease Agreement extended the original term of the lease for ten (10) years for a total of thirty five (35) years, commencing on March 29, 2005; and

WHEREAS, for purposes of clarifying and modifying the maintenance responsibilities of the original lease, the Township and Friends entered into a second Amendment to Lease Agreement C2181-1, dated February 14, 2012; and

WHEREAS, the Township and Friends entered into a third Amendment to Lease Agreement C2320-1, dated November 30, 2015; and

WHEREAS, at the May 14, 2019 Township Committee meeting the Friends requested the Engineering Department provide pro bono consulting services to develop a conceptual site plan for future development of the Farmstead including parking, public restrooms, ADA spaces, general site improvements, etc.; and

WHEREAS, the lease prohibits provision of professional engineering services and the Township Committee has determined that is in the best interest of the community to provide limited consulting services as the Farmstead is a Township property and adjacent to Farmstead Park; and

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

1. The Township Engineer and staff professionals are hereby authorized to provide consulting services expressly limited to the development of a conceptual site plan for the future development of the Farmstead; and
2. The services shall only be provided for site planning purposes and shall be completed within 4 months.

[Resolution #2019-0265](#) - *Acknowledgement of 2018 Annual Report Submitted by the Zoning Board of Adjustment* ([Report](#)) ([Resolution](#))

WHEREAS, N.J.S.A. 40:55D-70.1 requires the Board of Adjustment annually to prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and to report its recommendations for zoning ordinance amendment or revision; and

WHEREAS, N.J.S.A. 40:55D-70.1 further requires the Board of Adjustment to send copies of its report to the governing body and planning board.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bernards hereby acknowledges receipt of the Zoning Board of Adjustment's 2018 Annual Report which is on file with the Municipal Clerk.

*****End Consent Agenda*****

Baldassare recused himself for the approval on the minutes and for Resolution #2019-0257:

Approval of Minutes

Motion by Carpenter, second by Esposito, that the [05/14/2019 Open Session](#) minutes be approved for content and release and the closed session minutes of 05/14/19 be approved for content.

Roll Call

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

[Resolution #2019-0257](#) - *Authorization of Renewal of 2019-2020 Liquor Licenses: 3B, LLC; Dello Russo Enterprises, Inc.; DH of Basking Ridge, LLC; F&H Gjakova LLC; Finley Enterprise LLC; NJ National Golf Club, LLC; Olde Mill Inn at Basking Ridge, Inc.; AEK Enterprises, LLC; BR Wine Rack, LLC; Ridge Fine Wines LLC; Courtyard Management Corporation; Valor Hospitality Partners, LLC; Verizon BR Operating, LLC;*

Motion by Carpenter, second by Esposito, that Resolution #2019-0257 be approved.

Roll Call

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

WHEREAS, applications have been made to the Township Committee of the Township of Bernards, County of Somerset, for renewals of 2019-2020 Liquor Licenses; and

WHEREAS, the Municipal Clerk reports the applications are complete in all respects, and is in receipt of the necessary fees and tax clearance certificates; and

WHEREAS, there were no objections to the renewal applications either written or in person; and

WHEREAS, the applicants are qualified to be licensed, and the Police Department has reviewed the source of all funds, or any additional financing obtained in the previous license term for use in the licensed business and the Police Department have submitted a memorandum of approval.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards approves renewal of the following liquor licenses for the license year 2019-2020:

License No	Owner	Trading As
1802-33-004-007	3B, LLC	Vine Restaurant
1802-33-007-003	Dello Russo Enterprises, Inc.	Café Rustica, Inc.
1802-33-005-011	DH of Basking Ridge, LLC	Delicious Heights Outpost
1802-33-014-002	F&H Gjakova, LLC	Figaro 3 Pizzeria
1802-33-002-008	Finley Enterprises, LLC	Washington House Restaurant
1802-33-011-003	NJ National Golf Club, LLC	Red Oak Grille & NJ National Golf Club
1802-33-001-005	Olde Mill Inn at Bernards, Inc.	Olde Mill Inn, Grain House Restaurant
1802-44-003-007	AEK Enterprises, LLC	Select Vintage Wines
1802-44-006-009	BR Wine Rack LLC	The Wine Rack
1802-44-013-003	Ridge Fine Wines, LLC	Ridge Fine Wines
1802-36-010-001	Courtyard Management Corporation	Basking Ridge Courtyard
1802-36-009-005	Valor Hospitality Partners LLC	Hotel Indigo Basking Ridge - Warren
1802-36-008-003	Verizon BR Operating, LLC	The Ridge

Resolution #2019-0249 - *Authorizing a Waiver to the Township's Noise Ordinance To NJ American Water Company (NAJAW) and CRJ Construction (CRJ) For Water Main Improvements along North and South Maple Avenues (East Craig Street to Prospect Avenue)*

Motion by Carpenter, second by Esposito, that resolution 2019-0249 be approved.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

WHEREAS, NAJAW/CRJ proposes to construct a new 20" water transmission main on North Maple Avenue during the night hours of 8 PM to 5 AM, starting at East Craig Street working south to South Maple Avenue, along South Maple Avenue to Prospect Avenue; and

WHEREAS, the night work is safer for the construction crews by reducing traffic immediately adjacent to the excavation and avoids limited "day" hours; these limited hours lengthen the overall time for the project; and

WHEREAS, a waiver of the Township's noise ordinance is required for night work; and

WHEREAS, NAJAW/CRJ has requested a waiver from the Township's Noise Ordinance, §3-9 of the Revised General Ordinances of the Township; and

WHEREAS, daytime detour of North and South Maple Avenues will cause significant traffic congestion.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bernards hereby expresses support for the project and grants the request for a waiver of the Township's Noise Ordinance with the following stipulations:

1. The detour will not start until 8pm and the road shall be swept with a vacuum street sweeper, not a power broom, and open to traffic at 5am.
2. Suitable detour plans must be approved by the Township Engineer and Chief of Police.
3. No construction activities shall be permitted on Saturdays, Sundays or Holidays.
4. Disturbed areas shall be backfilled and temporary asphalt pavement installed each night and all excess materials, trash, supplies, etc. shall be removed the same night. All areas along the project route shall be kept neat and clean during the course of construction.
5. Residents will be notified daily of the next day's impact to their properties. Resident access will be maintained at all times except when the trench crosses any driveway.
6. Noise shall be kept to a minimum and construction workers shall conduct themselves appropriately.
7. Any violations of these stipulations shall result in immediate suspension of the work and revocation of this waiver at the discretion of the Township.

Resolution #2019-0260 - Authorizing Exploration of a Shared Municipal Court with the Township of Bedminster

Motion by Harris, second by Esposito, that resolution 2019-0260 be approved.

Roll Call

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

WHEREAS, the Township of Bedminster and the Township of Bernards have expressed an interest in identifying ways to share services for the mutual benefits of their respective communities; and

WHEREAS, the Township of Bedminster and the Township of Bernards have identified the sharing of the municipal court as an area which could provide such a benefit to both municipalities.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby authorize the exploration of a shared municipal court with the Township of Bedminster.

Resolution #2019-0259 - Acknowledging June as LGBTQ Pride Month

Motion by Harris, second by Esposito, that resolution 2019-0259 be approved.

Roll Call

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

WHEREAS, the Township of Bernards is a diverse community which respects and supports the rights of every citizen to experience equality and freedom from discrimination; and

WHEREAS, the Township of Bernards values safety, equality, expression of independent thoughts and ideas, and inclusion for all our residents; and

WHEREAS, all people regardless of age, sexual orientation, gender identity, race, color, religion, marital status, national origin, or physical challenges have the right to be treated fairly and on the basis of their intrinsic value as human beings; and

WHEREAS, Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month (LGBTQ Pride Month) is currently celebrated each year in the month of June to honor the 1969 Stonewall uprisings in Greenwich Village; and

WHEREAS, members of the United States military fought and died, and continue to fight and die for and protect, freedom, liberty and equality for all people; and

WHEREAS, governments of other countries continue to persecute and commit atrocities against individuals solely because of their sexual or gender identity or orientation; and

WHEREAS, the United States of America is one nation under God with liberty and justice for all.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby recognize June 2019 as LGBTQ Pride Month.

Resolution #2019-0263 - Appointment to the Affordable Housing Task Force; Lauren Manduke

Motion by Baldassare, second by Esposito, and unanimously agreed that Resolution #2019-0263 be approved. approved.

WHEREAS, on January 15, 2019, pursuant to Resolution #2019-0095 (“resolution”) the Township Committee established the Affordable Housing Task Force which shall consist up to nine members for one-year terms expiring 12/31/2019; and

WHEREAS, the resolution allows up to five Bernards Township residents; and

WHEREAS, Resolution #2019-0121 appointed three Bernards Township residents leaving two remaining spots available.

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

Lauren Manduke, 46 Liberty Corner Rd., Far Hills, NJ

Ordinance #2419 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 17 “Stormwater Management,” to Add Section 6 “Maintenance of Stormwater Facilities” – Introduction

The clerk read the ordinance by title. Motion by Baldassare, second by Harris, that Ordinance #2419 be introduced on first reading, advertised as required by law, with a public hearing on 06/11/2019.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 17 “Stormwater Management” be Amended to Add Section 6 “Maintenance of Stormwater Facilities” of the Revised General Ordinances of the Township of Bernards.

§ 17-6 Maintenance of Stormwater Facilities

§ 17-6.1 Purpose

This section requires the adequate long-term cleaning, operation and maintenance of stormwater facilities not owned or operated by Bernards Township and not subject to the conditions of another NJPDES stormwater permit regardless of the ultimate discharge point of the facility.

§ 17-6.2 Definitions

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMUNITY ASSOCIATION

Shall mean any organization responsible for the maintenance or ownership of a common element that operates a stormwater management facility and commonly known as homeowner’s associations (HOA). Community Associations shall include Ownership Organizations as defined by Bernards Township ordinance 21-58A.3.

DEVELOPMENT

Shall mean as defined by N.J.A.C. 7.8 et. seq.

MINOR DEVELOPMENT

Shall mean any development not defined as a major development.

MAJOR DEVELOPMENT

Shall mean any development defined as a major development by N.J.A.C. 7.8 et. seq.

NJDEP

Shall mean the State of New Jersey Department of Environmental Protection.

NJDEP Stormwater Regulations

Shall mean regulations of the State of New Jersey N.J.A.C. 7.8 et. seq.

OPERATOR

Shall mean the entity responsible for the inspection and maintenance of a stormwater facility as the owner, agent, or community association.

REDEVELOPMENT

Shall mean as defined by N.J.S.A. 40A:12A.

STORMWATER

Shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface; is transmitted to the subsurface; is captured by separate storm sewers or other sewerage or drainage facilities; or is conveyed by snow removal equipment.

STORMWATER FACILITY

Shall include, but is not limited to: catch basins, detention basins, retention basins, filter strips, riparian buffers, infiltration trenches, sand filters, constructed wetlands, manufactured treatment devices, wet basins, rain gardens, bioretention systems, low flow bypasses, and stormwater conveyances. Stormwater facilities include stormwater management measures.

STORMWATER FACILITY CERTIFICATION

Shall mean the annual certification submitted to the Township from the owner or operator of a stormwater facility attesting to the facility's maintenance and proper operation.

STORMWATER FACILITY PERMIT

Shall mean a permit issued by the Township to a property owner, homeowner's association, business or other entity to construct, alter and operate a stormwater facility.

STORMWATER MANAGEMENT BASIN

Shall mean an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (a detention basin or infiltration basin), retain water in a permanent pool (a retention basin or wet pond), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE

Shall mean any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances. Stormwater management measures include stormwater facilities.

SUBSURFACE INFILTRATION TRENCH/DETENTION SYSTEM

Shall mean a vault or other storage structure, perforated pipe and/or stone bed that is located partly or entirely below the ground surface and that temporarily stores and attenuates stormwater runoff.

§ 17-6.3 Prohibited Conduct

No person shall construct, alter or eliminate, or cause to be constructed, altered, or eliminated a stormwater facility without the approval of the Bernards Township Engineering Services Department. No person shall cause by neglect

of maintenance the operational decline or failure of a stormwater facility. No person shall operate a stormwater facility not designed in accordance with or that fails to function in accordance with Township ordinances and NJDEP stormwater regulations.

§ 17-6.4 Stormwater Facility Permit Required

As of the effective date of this section, notwithstanding any other provision of law to the contrary, no person shall construct, alter, operate or eliminate any stormwater management measure within the Township of Bernards without first obtaining a Stormwater Facility Permit from the Bernards Township Engineering Services Department except any stormwater facility constructed prior to the effective date of this section shall not necessitate a Stormwater Facility Permit unless required by the Bernards Township Engineering Services Department upon notice to the owner.

A design prepared by a New Jersey Licensed Professional Engineer is required for all Stormwater Facility Permit applications including plans, details, soil permeability test results, design calculations, and a stormwater maintenance plan as required by the Township Engineer.

Any operator of any stormwater facility that is not functioning properly shall obtain a Stormwater Facility Permit, upon notice from the Bernards Township Engineering Services Department. The Township Engineer shall require any corrective action necessary.

§ 17-6.5 Fees

Each separate stormwater system shall be assessed an annual fee of \$200 due by October 1. Fees shall be due with the submittal of the annual Stormwater Facility Certification. There shall be no fee for individual residential stormwater facilities of single-family homes.

§ 17-6.6 Stormwater Facility Maintenance and Certification

- a. All operators of stormwater facilities that are part of a major development or all development and redevelopment projects that disturb less than one acre but include individual stormwater systems and are part of a larger development that ultimately disturbs one acre or more, and constructed after February 7, 1984, must annually certify no later than October 1 their stormwater facilities' maintenance and proper operation.
- b. All private stormwater facilities, including major and minor development, shall be maintained by the owner/operator in accordance with NJDEP best management practices and any approved maintenance plan. All owners subject to 17-6.6.a above shall maintain logs of inspections, inspector's name, inspection dates, regular maintenance, and any corrective action and shall produce the records upon demand from the Township. Stormwater facilities in a minor development are not required to keep maintenance records.
- c. All stormwater management facilities are subject to inspection by the Township upon notice to the owner or operator to verify compliance with this section. Failure to consent to inspection of the facility by the Township shall be considered a violation of this section.
- d. The certification shall include the type of facility inspected, location information of the facility inspected, name of inspector, date of inspection, findings, any preventative or corrective maintenance performed and certification that the facility is functioning as designed. Certification shall be submitted only on forms provided by the Township. The certification may be endorsed by the owner, agent or operator.
- e. The Stormwater Facility Certification includes but is not limited to the following annual inspections of private facilities by the entity responsible for operation of the facility as applicable:
 1. Outflow structures
 2. Trash racks and overflow grates
 3. Low flow channels
 4. Detention basin escape provisions
 5. Embankment erosion
 6. Catch basin cleaning
 7. Dry well cleaning
 8. Manufactured pretreatment device maintenance
 9. Vegetation management
 10. Debris removal

§ 17-6.7 Registration

All Community Associations/Homeowner Associations shall register on forms provided by the Township within 60 days of the adoption of this ordinance or the creation of the association as per N.J.A.C. 5:26-8.4. Registration shall include a description of the stormwater facilities the Association maintains and contact information. Contact information shall be updated annually.

§ 17-6.8 Enforcement

This section shall be enforced by the Engineering Services Department of the Township of Bernards.

§ 17-6.9 Violations & Penalties

Any person or entity found to be in violation of the provisions of this section shall be subject to a minimum penalty, which shall consist of a fine which may be fixed at any amount not to exceed \$500 per incident. Each day the violation is not abated shall be considered a separate incident.

§ 17-6.10 Severability

Each section, subsection, sentence, clause and phrase of this section is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section.

§ 17-6.11 Effective Date

This section shall be in full force and effect from and after its adoption and any publication as may be required by law.

Baldassare recused himself for Ordinance #2422.

Ordinance #2422 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 2 "Administration," Section 7 "Police Department," Subsection 1(a) "Establishment and Organization" - Introduction

The clerk read the ordinance by title. Motion by Harris, second by Esposito, that Ordinance #2422 be introduced on first reading, advertised as required by law, with a public hearing on 06/11/2019.

Roll Call

Aye: Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 2 "Administration," Section 7 "Police Department," Subsection 1(a) "Establishment and Organization of the Revised General Ordinances of the Township of Bernards is amended. (new text is in double underline; deletions are ~~stricken~~):

§ 2-7.1 Establishment and Organization.

- a. The Township of Bernards Police Department, as has been heretofore legally established under applicable laws of the State of New Jersey, is continued. The Police Department shall consist of no more than a Chief of Police, ~~one Deputy Chief of Police~~, one Captain, ~~three~~ four Lieutenants, six Sergeants, four Corporals, 22 patrol officers and Detectives and such other officers and patrol persons as will be determined by the Township Committee from time to time as being proper and feasible for the Department. These members of the Bernards Township Police Department shall be duly sworn. [Ord. #1880, 6-13-2006, amended; Ord. #2060, 3-24-2009, amended; Ord. #2143, 1-25-2011, amended; Ord. #2400, 8-14-2018, amended]

****Subsection 1(b) through 16(i) – NO CHANGE IN TEXT****

Each section of this ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

The ordinance is effective upon passage. It will be published in accordance with NJSA 40:49-2d.

Ordinance #2423 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 21 "Land Development," Section 58A "Agreements," Subsection 3 "Ownership Organizations" - Introduction

The clerk read the ordinance by title. Motion by Baldassare, second by Esposito, that Ordinance #2423 be introduced on first reading, advertised as required by law, with a public hearing on 06/11/2019.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 21 "Land Development," Section 58A "Agreements," Subsection 3 "Ownership Organizations of the Revised General Ordinances of the Township of Bernards is amended. (new text is in double underline; deletions are ~~stricken~~):

§ 21-58A.3. Ownership Organizations. [Ord. #585, § 517C; Ord. #1103, § 50; Ord. #1229, § 1]

If any development plan is approved which involves lands in common ownership, or common elements, the applicant shall establish an organization(s) to own and maintain such common lands and elements. Those documents establishing the organization(s) shall include the following provisions:

- a. Membership in any created organization by all property owners with the right of enjoyment of all common lands and/or common elements shall be mandatory. Such required membership in any created organization and the responsibilities upon the members shall be in writing between the organization and the individual in the form of a covenant with each member agreeing to his liability for his pro rata share of the organization's costs and providing that the Township shall be a third party beneficiary to such covenant entitled to enforce its provisions.
- b. Executed deeds transferring title of common land and/or common elements to the association shall be tendered to the Township simultaneously with the granting or as a condition of final approval stating that the prescribed use(s) of the lands in common ownership shall be absolute and not subject to reversion for possible future development for the Board's review. Final approval of the development plan shall expire 95 days from the date of decision unless within such period the plat and all related deeds and easements shall have been duly filed by the developer with the County Recording Officer.
- c. The organization shall be responsible for liability insurance, municipal taxes, maintenance of land and any facilities, including stormwater facilities, that may be erected on any land deeded to the organization and shall hold the Township harmless from any liability relating to other common lands or common elements.
- d. Any assessment levied by the organization may become a lien on the private properties in the development. The duly created organization shall be allowed to adjust the assessment to meet changing needs and any deeded lands may be sold, donated or in any other way conveyed to the Township for public purposes only, but only if agreed to by the Township.
- e. The organization initially created by the developer shall clearly describe in its bylaws the rights and obligations of any owner and tenant in the development, along with the covenant and model deeds and the articles of incorporation of the association.
- f. Part of the development proposals submitted to and approved by the Township shall be provisions to ensure that control of the organization will be transferred to the individual owners in the development based on a percentage of the dwelling units sold and/or occupied, together with assurances in the bylaws that the organization shall have the maintenance responsibilities for all lands to which they hold title in accordance with Subsection 21-58A.4 below.
- g. In order to ensure adequate notice to future owners of property within a development of the obligation to become members in an ownership organization, the developer shall cause the organizational documents governing the ownership, operation, maintenance and repair of the common elements to be recorded in the office of the Somerset County Clerk prior to the issuance of any construction permit for the subject development.
- h. All Ownership Organizations shall register with the Township as per Bernards Township ordinance 17-6.7.

PUBLIC COMMENT

Ana McCarthy – 38 Kinnan Way – expressed support for Resolution #2019-0259

ADJOURNMENT

By unanimous consent the meeting adjourned at 8:36 PM

Respectfully submitted,

Rhonda Pisano
Municipal Clerk

Carol Bianchi
Mayor