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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, Harris, Bianchi (8:00 PM)

Absent: Esposito

Also Present: Administrator Monaco, Attorney Belardo (8:00 PM), Engineer Timko (8:00 PM), Municipal Clerk Pisano

## EXECUTIVE SESSION - [Resolution #2019-0455](#)

Motion by Carpenter, second by Harris, and unanimously agreed that Resolution #2019-0455 be approved. The meeting temporarily adjourned to Executive Session at 7:31 PM.

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

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

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

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

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

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

### Reason for Closed Session

### Estimated Time of Disclosure or Upon Occurrence Of

- Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.

**2020 Board Appointments**

Upon Appointment

The meeting resumed in open session at 7:56 PM and stood in recess until 8:02 PM.

## PUBLIC WORK SESSION

None.

## REPORTS

None.

## CORRESPONDENCE

*Communications Task Force – [Final Report and Recommendations](#)*

The Mayor recognized the final report and recommendations memo dated 11/22/2019 from the Communications Task Force and thanked the members for their work.

Chris Kyriacou, IT Director, explained the current back-up procedures and migration to the cloud. E-mail has already been migrated and files and documents are targeted to be migrated within the 1<sup>st</sup> quarter on 2020. Monaco reported that the employee merger of the RAVE system has taken place and an enhanced public portion is targeted to take place in mid-January. This will be paired with departments creating SOP's for using the RAVE system for non-emergency communications and allow the public to choose which and how information is received. Upgrading of the web-site will be included in the 2020 budget and if approved, RFP's would be sought in April or May with implementation targeted for yearend. A re-evaluation of communication needs will then be performed, which may include staffing.

## **PUBLIC COMMENT**

The Mayor opened public comment.

Rita Zarabara, 155 Thackery Dr. and Julie Keating, 139 Wood End Dr. – commented on the Communications Task Force recommendations highlighting apolitical newsletters, meeting room upgrades/filming and a communications coordinator.

Todd Edelstein, Riverside Dr. – commented on Shared Court, Resolution #2019-0458, Allen Rd flashing beacon, and Mountainview housing proposal.

No other comments were heard and public comment portion was closed.

## **TOWNSHIP COMMITTEE/LIAISON & BOARD REPORTS AND STAFF COMMENTS**

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

## **FIRE & RESCUE APPOINTMENT**

[Resolution #2019-0472](#) - *Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad Sruthi Alampally, Full Member*

Motion by Baldassare, second by Harris, and unanimously agreed that Resolution #2019-0472 be approved.

**WHEREAS**, pursuant to §2-14.1 and §2-16 .1of 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 Sruthi Alampally, residing at 42 Battalion 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.

## **UNFINISHED BUSINESS**

[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" – Public Hearing*

The clerk read the ordinance by title and the Mayor opened the public hearing. Cody Smith, 36 Royal Oak Dr. commented against the ordinance. No other comments were heard and the hearing was closed.

Motion by Harris, second by Baldassare, that the ordinance #2431 be adopted and advertised as required by law.

Roll Call

Aye: Baldassare, Carpenter, Harris, Bianchi

Nay:

Abstain:

Motion carried.

**WHEREAS**, in order to promote the betterment of public safety there is a need to reduce speed limits along Somerville Road and Mine Brook Road.

**NOW, THEREFORE**, be it ordained by the Township Committee of the Township of Bernards in the County of Somerset as follows:

Schedule XVIII of Chapter VII, "Traffic" of the Revised General Ordinance of the Township of Bernards is hereby amended by the addition of the following: (new text is in **bold and underline**; deletions are in brackets and [~~stricken~~]):

1.

<u>Name of Street</u>	<u>Direction</u>	<u>Speed</u>	<u>Location</u>
Mine Brook Road	Both	[35] <b>25</b> MPH	Douglas Road to Church Street
Somerville Road	Both	[35] <b>25</b> MPH	Church Street to Mine Brook Road

The remainder of Schedule XVIII remains unchanged.

2. Regulatory signs shall be erected and maintained to affect the above restrictions.

**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” – Public Hearing*

Belardo and Bianchi recused themselves and left the dais. Attorney Ed Purcell was present to address any questions or comments concerning the ordinance. The clerk read the ordinance by title and the Mayor opened the public hearing. Todd Edelstein, Riverside Dr. asked for clarification. No other comments were heard and the hearing was closed.

Motion by Harris, second by Carpenter, that the ordinance #2432 be adopted and advertised as required by law.

Roll Call

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

**WHEREAS**, the Township of Bernards (“Township”) is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities (“Small Cells”); and

**WHEREAS**, it is “axiomatic that municipal corporations are required to exercise ordinary care to maintain their streets and sidewalks...[n]or may a municipality in any way surrender or impair its control over the streets” McQuillan Mun. Corp. (3<sup>rd</sup> Ed), Section 30.73; and

**WHEREAS**, the Township acknowledges that its streets “are used for the ordinary purposes of travel and such other uses as customarily pertain there-to which, in recent years, are numerous and various. It thus follows that these public ways must be kept free from obstruction, nuisances, or unreasonable encroachments which destroy, in whole or in part, or materially impair, their use as public thoroughfares” Id.; and

**WHEREAS**, the Township has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

**WHEREAS**, the Federal Telecommunications Act preserves local government’s ability to “manage the public Rights-of-Way...on a competitively neutral and non-discriminatory basis” 47 U.S.C. 253(c); and

**WHEREAS**, the Federal Telecommunications Act preserves local government’s authority over the, “placement, construction and modification of personal wireless service facilities” 47 U.S.C. 332(c)(7)(A); and

**WHEREAS**, the Federal Telecommunications Act makes it unlawful for local government to prohibit or have the effect of prohibiting the provision of personal wireless service 47 U.S.C. 332(c)(7)(B)(i)(II); and

**WHEREAS**, the Federal Telecommunications Act provides that municipalities “shall not unreasonably discriminate among providers of functionally equivalent services”; 47 U.S.C. 332(c)(7)(B)(i)(I); and

**WHEREAS**, recent developments in wireless technology, specifically the development of 5G, involve the placement of Small Cells and Cabinets in the Municipal Right-of-Way. Fitzgerald, Drew Wireless Companies to Offer 5G Plans at Mobile Forum, Wall Street Journal (February 28, 2018); and

**WHEREAS**, New Jersey municipalities must give consent before a Small Cell, i.e. a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of New Poles within the municipal Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

**WHEREAS**, pursuant to N.J.S.A. 48:17-11, the use of all municipal streets are subject to such police and other regulations and restrictions as may be adopted by the governing body of the Township of Bernards; and

**WHEREAS**, the Federal Highway Administration has acknowledged the problem of overburdening the Municipal Right-of-Way by stating, “[as] demand for the finite space in existing ROW increases, the difficulty and cost of adding new utility facilities and relocating existing utility facilities also increases. Just as significant is how utility service interruptions may add to public discontent with overall highway construction. It is therefore essential for planners, designers, and builders of street and highway projects to avoid unnecessary utility relocations...”Federal Highway Administration, Avoiding Utility Relocations, <https://www.fhwa.dot.gov/utilities/utilityrelo/2.cfm> (accessed March 7, 2018); and

**WHEREAS**, the Federal Communications Commission (FCC)has adopted an order entitled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment” WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal review and approval for the placement of Small Cells on Existing Poles and the placement of New Poles and Cabinets in the Municipal Right-of-Way; and

**WHEREAS**, the erection of New Poles and Ground Level Cabinets in the Municipal Right-of-Way raises significant aesthetic and safety concerns; and

**WHEREAS**, Ground Level Cabinets attached to small cells trigger certain collocation requirements pursuant to Section 6409(a) of the Middle Class Tax Relief and Jobs Creation Act of 2012 which raises serious concerns as to the ability of local government to protect the public’s interest in the Municipal Right-of-Way when it comes to aesthetics and the ability of the public to pass and repass over same; and

**WHEREAS**, New Poles and Ground Level Cabinets also raise concerns related to sight triangle encroachments and other safety related issues related to the use of roadways by the public; and

**WHEREAS**, it is the Township’s goal to increase collocation of antennas, to the maximum amount possible, on existing poles thereby precluding the proliferation of new poles; and

**WHEREAS**, the Township understands that technology is advancing in this area and that greater collocation may be required as same becomes more technologically possible in the future; and

**WHEREAS**, the FCC in its recent order provides that municipalities can impose aesthetic and location requirements on Small Cells where said requirements are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployments; and 3) published in advance; and

**WHEREAS**, the FCC in its recent order further clarified what it considers “reasonable” aesthetic requirements by stating that “in assessing that this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remedying the impact of the wireless infrastructure deployment;” and

**WHEREAS**, the FCC’s requirement that, in order to protect the aesthetics of the Township’s Municipal Right-of-Way, it must treat like infrastructure in a like manner, necessitates the introduction of broader aesthetic requirements that apply to all Poles and Antennas and Cabinets in the Municipal Right-of-Way and not just Small Cells; and

**WHEREAS**, the Township has determined that the most efficient way to handle this process is to create a Right-of-Way Permit system for all New Poles, Cabinets and Antennas in the Municipal Right-of-Way; and

**WHEREAS**, the Township has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

**FOR THE FOREGOING REASONS, BE IT ORDAINED**, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey that Chapter 18 “Streets, Sidewalks and Sanitation,” be amended to add Section 18-9 “Siting Of Poles, Cabinets and Antennas in the Municipal Right Of Way” of the Revised General Ordinances of the Township of Bernards as follows: (new Text is in double underline; deletions are ~~stricken~~):

## **Section 1**

### **18-9.1 DEFINITIONS.**

As used in this Chapter, the following terms have the following meanings:

- a. “Anticipated Municipal Expenses” means the cost of processing an application for a Right-of-Way Permit including, but not limited to, all professional fees such as engineering and attorney costs incurred by the Township in processing applications.
- b. “Cabinet” shall mean a small box-like or rectangular structure used to facilitate utility, telecommunications or wireless service from within the Municipal Right-of-Way.
- c. “Electric Distribution System” shall mean the part of the electric system, after the transmission system that is dedicated to delivering electric energy to an end user.
- d. “Existing Pole” shall mean a pole that is in lawful existence within the Municipal Right-of-Way.
- e. “Ground Level Cabinets” shall mean a Cabinet that is not attached to an existing pole and is touching or directly supported by the ground.
- f. “Municipal Right-of-Way” shall mean the surface of, and the space above or below, any public street, road, place, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Township as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Somerset where the Township’s approval is required for the use of same pursuant to N.J.S.A. 27:16-6. This term shall not include private roadways.
- g. “Pole” shall mean a long, slender, piece of wood, fiberglass, concrete or metal.
- h. “Pole Mounted Antenna” shall mean a device that is attached to a Pole and used to transmit radio or microwave signals and shall include, but not be limited to, small cell equipment and transmission media such as femtocells, picocells, microcells, and outside distributed antenna systems.
- i. “Pole Mounted Cabinet” shall mean a Cabinet that is proposed to be placed on an Existing or Proposed Pole.
- j. “Proposed Pole” shall mean a Pole that is proposed to be placed in the Municipal Right-of-Way.
- k. “Right-of-Way Agreement” shall mean an agreement that sets forth the terms and conditions for use of the Municipal Right-of-Way and includes, but is not limited to, municipal franchise agreements.
- l. “Right-of-Way Permit” shall mean an approval from the Township setting forth applicant’s compliance with the requirements of this Section.
- m. “Surrounding Streetscape” shall mean Existing Poles within the same right-of-way which are located within five hundred linear (500) feet of the Proposed Pole. Poles carrying electric transmission lines shall not be considered part of the “Surrounding Streetscape.”
- n. “Utilities Regulated by the Board of Public Utilities” shall mean companies subject to regulation by the New Jersey Board of Public Utilities under Chapter 48 of the Revised Statutes.
- o. “Utility Service” shall mean electric, telephone, or cable service.
- p. “Zoning Group A” shall mean the E-1, E-2, E-3, E-4, and E-5 zones as designated in § 21-10.1 of the Revised General Ordinances of the Township of Bernards.
- q. “Zoning Group B” shall mean all other zones which are not zones within Zoning Group A, as defined above.

### **18-9.2 ACCESS TO RIGHT-OF-WAY, RIGHT-OF-WAY AGREEMENTS.**

- a. No person shall operate or place any type of Pole Mounted Antenna, Cabinet or Pole within the Municipal Right-of-Way without first entering into a Right-of-Way Agreement with the Township pursuant to the provisions of this subsection.
- b. The terms of said Right-of-Way agreement shall include:
  - i. A term not to exceed 15 (fifteen) years;
  - ii. Reasonable insurance requirements;
  - iii. Fine for unauthorized installations;
  - iv. A reference to the siting standards as set forth in Section 18-9.4; and
  - v. Any other items which may reasonably be required.

### **18-9.3 APPLICATION TO UTILITIES REGULATED BY THE BOARD OF PUBLIC UTILITIES.**

- a. Notwithstanding any franchise or Right-of-Way Agreement to the contrary, all Antennas, Poles and Cabinets proposed to be placed within the Municipal Right-of-Way by a Utility Regulated by the Board of Public Utilities, or any other entity with legal access to the Municipal Right-of-way, shall be subject to the standards and procedures set forth in this Article and shall require Right-of-Way Permits for the siting of Poles, Antennas and Cabinets in the Municipal Right-of-Way.

#### **18-9.4 RIGHT-OF-WAY PERMITS, SITING STANDARDS FOR POLES, ANTENNAS AND CABINETS IN THE RIGHT-OF-WAY.**

- a. No Pole, Antenna or Cabinet shall be installed within the Municipal Right-of-Way without the issuance of a Right-of-Way Permit.
- b. Pole Siting Standards
  - i. Height. No Pole shall be taller than thirty five (35) feet or 110% of the average height of Poles in the Surrounding Streetscape, whichever is higher.
  - ii. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of-Way unless it:
    1. Is used to bring Utility Service across the Right-of-Way to an existing or proposed development from an Existing Pole; or
    2. Is replacing an Existing Pole; or
    3. Approved pursuant to a land development application by either the Township's Zoning Board of Adjustment or Planning Board; or
    4. Located on the opposite side of the street from the Electric Distribution System; and
    5. For sites in Zoning Group B, is two hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street, or for sites in Zoning Group A is one hundred linear feet from any other Existing Pole or Proposed Pole along the same side of the street; and
    6. Is not located on a street with all underground utilities; and
    7. Does not inhibit any sight triangles or sight distance; and
    8. Allows adequate room for the public to pass and re-pass across the Municipal Right-of-Way; and
    9. Is finished and/or painted, and constructed, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties.
- c. Ground Level Cabinet Site Standards
  - i. Ground Level Cabinets are prohibited at sites located in Zoning Group B.
  - ii. Ground Level Cabinets are permitted at sites in Zoning Group A provided that each Ground Level Cabinet:
    1. Does not exceed twenty-eight cubic feet in volume; and
    2. Is finished and/or painted so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
    3. Does not inhibit sight triangles or sight distance; and
    4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- d. Pole Mounted Antenna and Pole Mounted Cabinet Siting Standards
  - i. Pole Mounted Antennas are permitted on Existing Poles in all zones, provided that each Pole Mounted Antenna:
    1. Does not exceed three (3) cubic feet in volume; and
    2. Is finished and/or painted, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
    3. Does not inhibit sight triangles or sight distance; and
    4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
  - ii. Pole Mounted Cabinets are permitted on Existing Poles in all zones, provided that each Pole Mounted Cabinet:

1. Does not exceed sixteen (16) cubic feet; and
  2. Is finished and/or painted, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and
  3. Does not inhibit sight triangles or sight distance; and
  4. Allows adequate room for the public to pass and repass across the Municipal Right-of-Way.
- iii. The Township may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet and the structure on which it is proposed to be mounted.

#### **18-9.5 APPLICATION PROCESS.**

- a. Pre-Application Meeting- While not required by the Township, prior to making a formal application with the Township for use of the Municipal Right-of-Way, all applicants are advised to meet with the Township Engineer to review the scope of applicant's proposal.
- b. The Township Engineer shall approve or disapprove every Right-of-Way Permit application in writing.
- c. All applications made under this Section which trigger Federal Communications Commission shot clock rules pursuant to the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 17-84 shall be processed on an expedited basis.
- d. Every application for a Proposed Pole must include a signed and sealed survey prepared by a New Jersey licensed surveyor demonstrating that any such Proposed Pole is located within the Municipal Right-of-Way. An application which does not include such a survey shall immediately be deemed incomplete.
- e. Every application for a Right-of-Way Permit shall include a fully executed Right-of-Way Agreement between the Township and applicant. An application which does not include such a Right-of-Way agreement shall immediately be deemed incomplete.
- f. If the Township Engineer denies any application made under this Section, he or she shall do so in writing and set forth the factual basis therefor.
- g. The Township Engineer shall create a checklist setting forth the requirements for an applicant's submission under this Section. An application that does not meet all necessary checklist requirements shall be deemed incomplete.

#### **18-9.6 WAIVER.**

- a. The Township Engineer may waive any siting standard set forth in subsection 18-9.4 where the applicant demonstrates that strict enforcement of said standard:
  - i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or
  - ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(II); or
  - iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment." WT Docket No. 17-79; WC Docket 17-84.

#### **18-9.7 RIGHT-OF-WAY PERMIT FEES AND DEPOSIT TOWARDS ANTICIPATED MUNICIPAL EXPENSES.**

- a. Every Right-of-Way Permit application must include a non-refundable Deposit Towards Municipal Expenses in the following amounts:
  - i. One (1) to five (5) collocation sites on Existing Poles- \$500.00.
  - ii. Each additional collocation site on an Existing Pole- \$100.00.

- iii. Each Proposed Pole- \$1,000.00
- b. Additional Deposits
  - i. If the deposits are not sufficient to cover the Township's reasonable costs related to the review of an Applicant's proposed facilities, an additional refundable Deposit Towards Municipal Expenses may be required by the Township Engineer when the initial deposit is exhausted.
  - ii. Applicant's additional Deposit Towards Anticipated Municipal Expenses shall be placed in an escrow account. If said deposit contains insufficient funds to enable the Township to perform its review, the Chief Financial Officer of the Township shall provide applicant a notice of insufficient balance. In order for review to continue, the applicant shall, within ten (10) days post a deposit to the account in an amount to be mutually agreed upon.
  - iii. The Chief Financial Officer shall, upon request by the applicant, and after a final decision has been made by the Township Engineer regarding his or her pending Right-of-Way Permit application, and subject to review by the Township Engineer, refund any unused balance from applicant's additional Deposit Towards Anticipated Municipal Expenses.

**18-9.8 COLOCATION REQUIREMENT**

Any applicant for a Right-of-Way permit shall, as a condition to the issuance of same, permit the colocation of Pole Mounted Antennas onto any new Pole to the maximum amount that colocation is technically feasible which, in any event, shall not be less than two Pole Mounted Antennas.

**18-9.9 MISCELLANEOUS PROVISIONS.**

- a. Any approval received pursuant to this Chapter does not relieve the applicant from receiving consent from the owner of the soil on which an applicant's facility may be located as may be required under New Jersey law, or the owner of any existing pole on which the facility may be mounted.
- b. Applicant must, in addition to receiving a Right-of-Way Permit, also receive all necessary road opening permits, construction permits and any other requirement set forth in the Revised Ordinances of the Township of Bernards or state statutes or regulations.
- c. The Township's consent for use of County Roads, as required pursuant to N.J.S.A. 27:16-6, shall take the form of a Right-of-Way Permit subject to the standards and application process set forth in this Chapter. No such applicant shall be required to enter into a Right-of-Way Agreement with the Township.
- d. This Article shall not permit the placement of Utility Service above ground in contravention to the requirements of Section 21-26 of the Township's land development code.
- e. Applicant must comply with all applicable state, local and federal regulations.

**Section 2.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 3.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 4.** This Ordinance shall take effect upon final adoption and publication in accordance with law

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 – PB Report - Public Hearing*

The clerk read the ordinance by title, the committee acknowledged the Planning Board's Report finding that the ordinance was not inconsistent with the Master Plan, and the mayor opened the public hearing. Todd Edelstein, Riverside Dr. – commented against the ordinance. No other comments were heard and the hearing was closed.

Motion by Harris, second by Baldassare, that the ordinance #2433 be adopted and advertised as required by law.

Roll Call

Aye: Baldassare, Carpenter, 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, that Chapter 21, entitled “Land Development”, of the Revised General Ordinances of the Township of Bernards be amended, revised and supplemented as follows (new text is in double underline; deletions are ~~stricken~~):

**Part I.** Existing Section 21-3.1, Definitions, is amended to add the following new definitions:

**SMOKE SHOP** – Shall mean any premises dedicated as a principal business to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia, including providing an area for smoking tobacco products, but excluding any grocery store, supermarket, convenience store or similar retail use that sells tobacco products, shall not be included within the definition of smoke shop. An area for “smoking” shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

**VAPE SHOP** – Shall mean any premises dedicated as a principal business to the display, sale, distribution, delivery, offering, furnishing, or marketing of electronic smoking devices, liquid nicotine containers or vapor product as defined by N.J.S.A. 26:3D-57, N.J.S.A. 2A:170-51.9(a)(2), N.J.S.A. 2A:170-51.9(a)(3) and N.J.S.A. 2A:170-51-9(a)(4), including an area for vaping. An area for “vaping” shall mean the inhaling or exhaling of smoke or vapor from any electronic smoking device.

**Part II.** Existing Section 21-10.3, Prohibited Uses, is amended to add a second sentence as follows:

Smoke shops and vape shops are expressly prohibited as uses in all zones within the Township.

**Part III.** The Township Clerk is directed to give notice at least ten (10) days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Pursuant to N.J.S.A. 40:55D-26, the Township Clerk is directed to refer this Ordinance 2433 to the Planning Board and prior to the adoption of a development regulation, revision, or amendment thereto, the Township Planning Board shall make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

## **NEW BUSINESS**

### *Consent Agenda*

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

Motion by Baldassare, second by Harris, that Resolutions #2019-0458 and #2019-0459 be removed from the Consent Agenda, and that the remaining items be approved.

Roll Call

Aye: Baldassare, Carpenter, Harris, Bianchi

Nay:

Abstain:

Motion carried.

**\*\*Begin Consent Agenda\*\***

[Resolution #2019-0449](#) - Approval of the Bill List Dated 11/26/2019

TOWNSHIP COMMITTEE MINUTES

11/26/2019

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**BE IT RESOLVED**, that the bill list dated 11/26/2019 be audited, and if found correct, be paid.

November 26, 2019  
11:25 AM

TOWNSHIP OF BERNARDS  
Check Register By Check Date

Page No: 1

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 11/14/19 to 12/31/19  
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				
122148	11/14/19	90219 PISANO, RHONDA	133.32	1466 Direct Deposit
122149	11/14/19	90251 LOSCHIAVO, GINA	187.90	1466 Direct Deposit
122150	11/14/19	90333 KING, TIMOTHY D	79.95	1466 Direct Deposit
122151	11/14/19	90348 LUBANSKY, MARCIA	26.00	1466 Direct Deposit
122152	11/14/19	90366 ANDRIOLO, KAREN	35.84	1466 Direct Deposit
122153	11/14/19	90395 NERI, MARK	162.17	1466 Direct Deposit
122154	11/14/19	90507 GANDER, JENNIFER	239.48	1466 Direct Deposit
122155	11/14/19	90534 KOMLINE, CHERYL	59.27	1466 Direct Deposit
122156	11/14/19	90563 CARTOCCIO, KAITLIN	67.58	1466 Direct Deposit
122157	11/14/19	90580 MCCARTHY, SEAN	53.38	1466 Direct Deposit
122158	11/14/19	90604 KIEFER, CYNTHIA	63.45	1466 Direct Deposit
122159	11/14/19	B0203 DIFRANCESCO,BATEMAN,KUNZMAN,	1,702.50	1466 Direct Deposit
122160	11/14/19	H0420 HARMONY TREE CARE LLC	11,480.00	1466 Direct Deposit
122161	11/14/19	P0528 PRO LIBRA ASSOCIATES	10,000.00	1466 Direct Deposit
122162	11/14/19	T0325 TOP LINE CONSTRUCTION CORP	655,430.27	1466 Direct Deposit
122163	11/14/19	72012 PINGRY CORPORATION	250.00	1467
122164	11/14/19	A0126 AFLAC NEW YORK	230.50	1467
122165	11/14/19	A0174 ALL SPORTS STADIUM, LLC	348.75	1467
122166	11/14/19	A0338 AFLAC	396.52	1467
122167	11/14/19	A0375 ARAMARK WORK APPAREL & UNIFORM	83.74	1467
122168	11/14/19	A0474 AIR GROUP, LLC	7,300.00	1467
122169	11/14/19	A0611 AMERICAN WEAR, INC	1,136.72	1467
122170	11/14/19	A0663 AML HOMES, LLC	5,700.00	1467
122171	11/14/19	A0666 ALSTEDE FARMS, LLC	480.00	1467
122172	11/14/19	B0001 BAKER & TAYLOR, INC.	3,167.17	1467
122173	11/14/19	B0017 BRIDGEWATER RESOURCES, INC.	626.25	1467
122174	11/14/19	B0026 BERNARDS TOWNSHIP CURRENT	13,333.23	1467
122175	11/14/19	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	592,060.05	11/15/19 1467
122176	11/14/19	B0044 BASKING RIDGE ANIMAL HOSPITAL	98.00	1467
122177	11/14/19	B0241 BANISCH ASSOCIATES, INC.	4,780.40	1467
122178	11/14/19	B0388 BLACKSTONE AUDIO BOOKS	513.25	1467
122179	11/14/19	B0413 BROWNELLS, INC	234.76	1467
122180	11/14/19	B0518 BERNARDSVILLE HARDWARE	43.47	1467
122181	11/14/19	B0581 BUY WISE AUTO PARTS	1,012.99	1467
122182	11/14/19	B0654 BRIDGEWATER CHEVROLET	40.26	1467
122183	11/14/19	B0763 BROSNAN-JACOBS, PATRICIA	215.00	1467
122184	11/14/19	C0024 GANNETT NEW JERSEY NEWSPAPERS	49.02	1467
122185	11/14/19	C0073 CAMPBELL FOUNDRY COMPANY	3,867.20	1467
122186	11/14/19	C0083 CDW GOVERNMENT, INC.	10,489.01	1467
122187	11/14/19	C0482 OPTIMUM	34.95	1467
122188	11/14/19	C0613 CIGNA GROUP INSURANCE	1,554.78	1467
122189	11/14/19	C0636 CENTER POINT LARGE PRINT	93.48	1467
122190	11/14/19	C0657 CONNELL CONSULTING	238.00	1467
122191	11/14/19	C0697 BB&T/CPS	33.77	1467
122192	11/14/19	C0774 COLONIAL LIFE & ACC INSURANCE	922.82	1467
122193	11/14/19	C0810 CONSENSUS MEDICAL GROUP, LLC	325.00	1467
122194	11/14/19	D0270 DIRECT INSPECT, LLC	647.50	1467
122195	11/14/19	D0740 DOVER BRAKE & CLUTCH	297.59	1467
122196	11/14/19	D0781 DMK LAWN & SNOW LLC	3,600.00	1467
122197	11/14/19	D0783 DFFLM, LLC	1,172.30	1467
122198	11/14/19	E0231 EKA ASSOCIATES, P.A.	1,046.25	1467
122199	11/14/19	F0047 FULLERTON FORD	674.75	1467
122200	11/14/19	F0158 FLEMINGTON DEPARTMENT STORE	65.69	1467
122201	11/14/19	F0324 FLAGSHIP DENTAL PLANS	455.01	1467
122202	11/14/19	F0326 FX AUTOMOTIVE LLC	95.43	1467
122203	11/14/19	F0330 FIDELITY SECURITY LIFE INS	267.15	1467
122204	11/14/19	G0025 GARDEN STATE HIGHWAY PRODUCTS	785.00	1467
122205	11/14/19	G0066 GRAINGER INC	1,850.05	1467
122206	11/14/19	G0098 JCP&L	89.83	1467
122207	11/14/19	G0333 BEDMINSTER CAR WASH	93.50	1467
122208	11/14/19	G0497 GARTH, LORI	100.00	1467
122209	11/14/19	G0500 GREEN BROOK ELECTRONICS	74.84	1467
122210	11/14/19	G0509 GREEN ROCK RECYCLING	3,300.00	1467
122211	11/14/19	G0555 GUSSIN, KENDRA & CHRISTOPHER	90.00	1467
122212	11/14/19	H0075 HARBOR FREIGHT TOOLS	199.36	1467
122213	11/14/19	H0178 HOSE SHOP, INC.	1,137.84	1467
122214	11/14/19	H0426 HOMELAND SECURITY INVESTIG	375.00	1467
122215	11/14/19	I0010 INTERNATIONAL ASSN.OF ARSON	150.00	1467
122216	11/14/19	I0152 IWS TRANSFER SYSTEMS OF NJ	1,811.60	1467
122217	11/14/19	I0155 IDEAL AUTO BODY	1,555.95	1467
122218	11/14/19	J0007 AIRGAS USA, LLC	21.20	1467
122219	11/14/19	J0206 JOY AUTOMOTIVE PRODUCTS, INC	324.68	1467
122220	11/14/19	K0039 KOBESKY, GREGG S.	226.00	1467
122221	11/14/19	K0259 KONICA MINOLTA PREMIER FINANCE	122.00	1467
122222	11/14/19	K0334 KONICA MINOLTA BUSINESS	44.58	1467
122223	11/14/19	K0341 KONICA MINOLTA PREMIER FINANCE	133.02	1467
122224	11/14/19	L0005 LIBRARY PETTY CASH	16.45	1467
122225	11/14/19	L0384 LANG, DIANE	175.00	1467
122226	11/14/19	M0261 M.A.I.N., INC.	125.00	1467
122227	11/14/19	M0518 KONICA MINOLTA BUSINESS SOL.	252.51	1467
122228	11/14/19	M0518 KONICA MINOLTA BUSINESS SOL.	43.98	1467
122229	11/14/19	M0518 KONICA MINOLTA BUSINESS SOL.	31.85	1467
122230	11/14/19	N0001 N.I.G.P.	190.00	1467
122231	11/14/19	N0006 NEW JERSEY AMERICAN WATER CO.	6,047.86	1467
122232	11/14/19	N0030 NJ STATE ASSN.-CHIEFS/POLICE	205.00	1467
122233	11/14/19	N0032 NJ STATE DEPT HEALTH/SR SVCS	15.60	1467
122234	11/14/19	N0035 NEW JERSEY PLANNING OFFICIALS	100.00	1467
122235	11/14/19	N0053 NJ UNEMPLOYMENT COMP. FUND	15,633.17	1467
122236	11/14/19	N0064 NEW JERSEY LIBRARY ASSOCIATION	1,420.00	1467

122237	11/14/19	N0082	NJAPZA INC.	70.00	1467
122238	11/14/19	N0419	NIXON, PAMELA	350.00	1467
122239	11/14/19	N0470	NATIONWIDE	99.22	1467
122240	11/14/19	O0021	OFFICE DEPOT	429.78	1467
122241	11/14/19	O0102	OCLC, INC	208.76	1467
122242	11/14/19	O0135	OUTHOUSE LLC	460.00	1467
122243	11/14/19	O0142	O'DONNELL, EDWARD & JODIE	90.00	1467
122244	11/14/19	P0014	PUBLIC SERVICE ELEC. & GAS CO	241.29	1467
122245	11/14/19	P0021	PETERSON'S LLC	32.87	1467
122246	11/14/19	P0046	RESERVE ACCOUNT	1,459.65	1467
122247	11/14/19	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1467
122248	11/14/19	P0546	PETER RUBINETTI PRIVATE DISP	1,533.13	1467
122249	11/14/19	P0602	PRAXAIR DISTRIBUTION, INC	29.28	1467
122250	11/14/19	P0605	PORTER LEE CORPORATION	74.55	1467
122251	11/14/19	P0641	PREFERRED OUTDOOR EXPERIENCE	1,079.00	1467
122252	11/14/19	P0659	PIPE WORKS SERVICES INC	8,435.00	1467
122253	11/14/19	Q0002	CINTAS CORP. - #062	453.01	1467
122254	11/14/19	Q0026	QBE SPECIALTY INSURANCE CO	3,519.50	1467
122255	11/14/19	R0006	RECREATION PETTY CASH	50.00	1467
122256	11/14/19	R0036	RUTGERS YOUTH SPORTS RESEARCH	710.00	1467
122257	11/14/19	R0043	REGISTRARS' ASSOCIATION OF NJ	80.00	1467
122258	11/14/19	R0308	ROUTE 23 AUTO MALL	983.83	1467
122259	11/14/19	R0428	ROCKRIDGE COURT, LLC	3,482.50	1467
122260	11/14/19	R0496	RT 23 PATIO & MASON CENTER	1,143.80	1467
122261	11/14/19	R0509	REIVAX CONTRACTING CORPORATION	413,739.93	1467
122262	11/14/19	S0016	STORR TRACTOR COMPANY	10,586.58	1467
122263	11/14/19	S0035	SIRCHIE FINGER PRINT LAB	37.66	1467
122264	11/14/19	S0062	STAR LEDGER	631.48	1467
122265	11/14/19	S0101	STICKEL, KOENIG, SULLIVAN&DRILL	129.50	1467
122266	11/14/19	S0227	SHEARON ENVIRONMENTAL DESIGN	23,788.89	1467
122267	11/14/19	S0327	RED HAWK FIRE & SECURITY	1,505.00	1467
122268	11/14/19	S0628	STATE OF NEW JERSEY-HB	201,239.30	1467
122269	11/14/19	S0681	SEALMASTER	67.00	1467
122270	11/14/19	S0875	SUNLIGHT GENERAL CAPITAL	146.29	1467
122271	11/14/19	S0962	SCIENCE PRESS USA INC.	295.28	1467
122272	11/14/19	S0977	STAVOLA CONSTRUCTION MATERIALS	272.74	1467
122273	11/14/19	S1039	SHABAZZ, LAURA	200.00	1467
122274	11/14/19	S1052	SAI GROUP LLC	1,910.00	1467
122275	11/14/19	T0024	TRIUS OF NJ INC	59.50	1467
122276	11/14/19	T0074	TREASURER - STATE OF N.J.	875.00	1467
122277	11/14/19	T0101	TRIANGLE COMMUNICATIONS	1,362.00	1467
122278	11/14/19	T0192	TURN OUT UNIFORMS INC	405.96	1467
122279	11/14/19	T0249	TACTICAL OFFICERS SURVIVAL SCH	900.00	1467
122280	11/14/19	T0284	BROADWAY INBOUND	4,465.00	1467
122281	11/14/19	T0372	TLO, LLC	251.60	1467
122282	11/14/19	V0008	VITAL COMMUNICATIONS, INC.	3,523.45	1467
122283	11/14/19	V0020	VILLAGE OFFICE SUPPLY	134.46	1467
122284	11/14/19	V0037	VILLAGE SUPERMARKET, INC.	291.83	1467
122285	11/14/19	V0056	VERIZON WIRELESS	248.92	1467
122286	11/14/19	V0058	VERIZON	772.26	1467
122287	11/14/19	V0073	VAIL INDUSTRIAL SUPPLIES	135.17	1467
122288	11/14/19	V0084	VERIZON	501.97	1467
122289	11/14/19	V0124	VERIZON BUSINESS FIOS	569.98	1467
122290	11/14/19	W0016	WARRENVILLE TRUE VALUE	1,016.15	1467
122291	11/14/19	W0074	WELSH'S MOTOR SALES, INC.	138.60	1467
122292	11/14/19	W0164	WANZER, C. KEVIN	1,375.00	1467
122293	11/14/19	W0325	WERNER, ALBERT	574.42	1467
122294	11/14/19	W0339	W.B. MASON	284.40	1467
122295	11/14/19	W0370	WTB ENTERPRISES PROMO PROD LLC	119.00	1467
122296	11/14/19	X0003	XEROX CORPORATION	196.17	1467
122297	11/26/19	90220	BETTLER, DENNIS	25.00	1468 Direct Deposit
122298	11/26/19	90395	NERI, MARK	37.58	1468 Direct Deposit
122299	11/26/19	90563	CARTOCCIO, KAITLIN	161.96	1468 Direct Deposit
122300	11/26/19	90612	PADOVANO, JORDAN	50.00	1468 Direct Deposit
122301	11/26/19	A0660	AA BERMS LLC	63,253.05	1468 Direct Deposit
122302	11/26/19	B0203	DIFRANCESCO, BATEMAN, KUNZMAN,	3,490.67	1468 Direct Deposit
122303	11/26/19	H0312	HEFFERNAN, ROBERT F	5,706.25	1468 Direct Deposit
122304	11/26/19	R0509	REIVAX CONTRACTING CORPORATION	315,764.42	1468 Direct Deposit
122305	11/26/19	A0306	AMERICAN PLANNING ASSOCIATION	707.00	1469
122306	11/26/19	A0398	STERLING TALENT SOLUTIONS	129.48	1469
122307	11/26/19	A0474	AIR GROUP, LLC	7,300.00	1469
122308	11/26/19	A0666	ALSTEDE FARMS, LLC	630.00	1469
122309	11/26/19	B0001	BAKER & TAYLOR, INC.	3,612.98	1469
122310	11/26/19	B0014	BREWER ASSOCIATES	50.00	1469
122311	11/26/19	B0015	BRODART COMPANY	31.24	1469
122312	11/26/19	B0026	BERNARDS TOWNSHIP CURRENT	12,255.91	1469
122313	11/26/19	B0029	BERNARDS TWP BD OF EDUCATION	7,686,769.85	1469
122314	11/26/19	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	561,783.61	1469
122315	11/26/19	B0037	BERNARDSVILLE CAR WASH	216.00	1469
122316	11/26/19	B0038	BERNARDS TOWNSHIP (COURT)	198.67	1469
122317	11/26/19	B0044	BASKING RIDGE ANIMAL HOSPITAL	696.00	1469
122318	11/26/19	B0388	BLACKSTONE AUDIO BOOKS	26.94	1469
122319	11/26/19	B0413	BROWNELLS, INC	155.81	1469
122320	11/26/19	B0518	BERNARDSVILLE HARDWARE	27.98	1469
122321	11/26/19	B0690	BIBLIOTHECA LLC	2,108.89	1469
122322	11/26/19	B0762	BERKELEY HEATING & AIR COND CO	7,350.00	1469
122323	11/26/19	B0763	BROSNAN-JACOBS, PATRICIA	90.00	1469
122324	11/26/19	C0024	GANNETT NEW JERSEY NEWSPAPERS	48.16	1469
122325	11/26/19	C0083	CDW GOVERNMENT, INC.	97.24	1469
122326	11/26/19	C0241	COOPER ELECTRIC SUPPLY	2,200.00	1469
122327	11/26/19	D0339	DEER CARCASS REMOVAL SVC, LLC	1,702.77	1469
122328	11/26/19	D0380	DRIVERS TIRE & SERVICE CENTER	253.96	1469
122329	11/26/19	D0740	DOVER BRAKE & CLUTCH	565.00	1469
122330	11/26/19	D0754	DC EXPRESS	697.00	1469
122331	11/26/19	D0791	PASTER-DEWITT, DEBRA	89.45	1469
122332	11/26/19	E0224	EXCELLENT BUILDING SERVICES	2,795.00	1469
122333	11/26/19	E0231	EKA ASSOCIATES, P.A.	540.00	1469
122334	11/26/19	E0297	EMR POWER SYSTEMS LLC	400.00	1469
122335	11/26/19	F0001	FEDEX	17.28	1469
122336	11/26/19	F0047	FULLERTON FORD	253.29	1469
122337	11/26/19	F0148	FAIRFIELD MAINTENANCE INC	1,465.00	1469
122338	11/26/19	F0326	FX AUTOMOTIVE LLC	47.26	1469
122339	11/26/19	F0385	FERNANDEZ, MARGARET & KATIE	50.00	1469
122340	11/26/19	G0025	GARDEN STATE HIGHWAY PRODUCTS	1,140.52	1469
122341	11/26/19	G0066	GRAINGER INC	1,870.22	1469
122342	11/26/19	G0098	JCP&L	18,018.05	1469

TOWNSHIP COMMITTEE MINUTES

11/26/2019

122343	11/26/19	G0142	GEHRINGER, HUGH & ROBIN	500.00	1469
122344	11/26/19	G0596	GRIFFITH - ALLIED TRUCKING LLC	9,413.50	1469
122345	11/26/19	G0615	GREEN, STEPHANIE & BRYAN	90.00	1469
122346	11/26/19	G0616	GARDEN STATE PROP MANAGEMENT	700.00	1469
122347	11/26/19	H0029	HUMPHREYS PEST CONTROL, INC.	65.00	1469
122348	11/26/19	H0246	HOME DEPOT CREDIT SERVICES	671.44	1469
122349	11/26/19	H0403	HIGH SPEED GEAR	51.00	1469
122350	11/26/19	J0168	JGB SPORTS, LLC	19,600.00	1469
122351	11/26/19	J0206	JOY AUTOMOTIVE PRODUCTS, INC	19.68	1469
122352	11/26/19	K0033	KEY-TECH	2,425.00	1469
122353	11/26/19	K0039	KOBESKY, GREGG S.	49.50	1469
122354	11/26/19	K0331	KONICA PREMIER FINANCE	82.60	1469
122355	11/26/19	K0334	KONICA MINOLTA BUSINESS	16.40	1469
122356	11/26/19	K0341	KONICA MINOLTA PREMIER FINANCE	110.74	1469
122357	11/26/19	L0181	LAND'S END, INC.	569.70	1469
122358	11/26/19	L0308	LANGUAGE LINE SERVICES, INC.	10.20	1469
122359	11/26/19	M0006	MGL PRINTING SOLUTIONS	2,024.00	1469
122360	11/26/19	M0010	MOBILE LAWNMOWER SERVICE, INC.	629.95	1469
122361	11/26/19	M0094	MUSIC THEATRE INTERNATIONAL	400.00	1469
122362	11/26/19	M0279	MITZNER, SCOTT C.	1,170.45	1469
122363	11/26/19	M0493	MCELROY, DEUTSCH, MULVANEY &	11,283.45	1469
122364	11/26/19	M0518	KONICA MINOLTA BUSINESS SOL.	400.34	1469
122365	11/26/19	M0627	MODERN HANDLING EQUIPMENT CO	145.00	1469
122366	11/26/19	M0899	MR JOHN	65.00	1469
122367	11/26/19	M0901	MCMAMEE, CHRISTOPHER	130.00	1469
122368	11/26/19	M0903	MBR INVESTMENT	15,378.00	1469
122369	11/26/19	M0904	MONTROSE ENVIRONMENTAL GROUP	500.00	1469
122370	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	79.84	1469
122371	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	111.87	1469
122372	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	51.36	1469
122373	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	179.64	1469
122374	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	146.34	1469
122375	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	225.72	1469
122376	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	18.29	1469
122377	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	216.75	1469
122378	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	31.52	1469
122379	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	192.64	1469
122380	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	31.52	1469
122381	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	45.71	1469
122382	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	45.71	1469
122383	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	318.33	1469
122384	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	319.36	1469
122385	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	18.29	1469
122386	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	38,364.00	1469
122387	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	1,318.13	1469
122388	11/26/19	N0006	NEW JERSEY AMERICAN WATER CO.	126.88	1469
122389	11/26/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	115.00	1469
122390	11/26/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	65.00	1469
122391	11/26/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	65.00	1469
122392	11/26/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	65.00	1469
122393	11/26/19	N0017	NJ STATE LEAGUE OF MUNICIPAL.	65.00	1469
122394	11/26/19	N0415	NATIONAL FUEL OIL INC	8,806.40	1469
122395	11/26/19	N0470	NATIONWIDE	99.22	1469
122396	11/26/19	O0021	OFFICE DEPOT	2,388.27	1469
122397	11/26/19	O0105	O.C.A. BENEFIT SERVICES, LLC	108.90	1469
122398	11/26/19	O0130	O'BEIRNE, SEAN	500.00	1469
122399	11/26/19	P0014	PUBLIC SERVICE ELEC. & GAS CO	8.62	1469
122400	11/26/19	P0364	NJ PLUMBING, HEATING, COOLING	177.00	1469
122401	11/26/19	P0538	PROVIDENT LIFE & ACCIDENT	104.24	1469
122402	11/26/19	P0617	PANZARELLA, RICHARD & MELISSA	800.00	1469
122403	11/26/19	R0005	RECORDER PUBLISHING CO., INC	52.02	1469
122404	11/26/19	R0009	REGENT BOOK COMPANY INC.	18.09	1469
122405	11/26/19	R0023	RICHIES TIRE SERVICE, INC.	10,674.38	1469
122406	11/26/19	R0308	ROUTE 23 AUTO MALL	1,060.30	1469
122407	11/26/19	R0428	ROCKRIDGE COURT, LLC	1,355.00	1469
122408	11/26/19	S0016	STORR TRACTOR COMPANY	43.06	1469
122409	11/26/19	S0081	SOCIETY FOR PUBLIC HEALTH ED	350.00	1469
122410	11/26/19	S0088	SOMERSET COUNTY CLERK	88.00	1469
122411	11/26/19	S0101	STICKEL, KOENIG, SULLIVAN&DRILL	3,320.75	1469
122412	11/26/19	S0184	SOCIETY HILL AT BERNARDS I	295.00	1469
122413	11/26/19	S0378	STAVOLA ASPHALT	549.40	1469
122414	11/26/19	S0418	NJSOPHE PROGRAMS	140.00	1469
122415	11/26/19	S0443	STAPLES ADVANTAGE	399.67	1469
122416	11/26/19	S0595	SOMERSET CTY HEALTH OFFICER'S	200.00	1469
122417	11/26/19	S0844	SUSTAINABLE JERSEY	70.00	1469
122418	11/26/19	S1053	STATEWIDE CONTRACTING &	889.00	1469
122419	11/26/19	T0008	TAMKE TREE EXPERTS INC.	294.10	1469
122420	11/26/19	T0037	TJ'S SPORTWIDE TROPHY & AWARDS	44.00	1469
122421	11/26/19	T0049	TROPICANA ATLANTIC CITY	732.00	1469
122422	11/26/19	T0066	CENGAGE LEARNING CREDIT SVCS	172.09	1469
122423	11/26/19	T0265	TREASURER, STATE OF NEW JERSEY	200.00	1469
122424	11/26/19	T0282	TRAINER'S WAREHOUSE	149.01	1469
122425	11/26/19	T0378	THE GUARDIAN LIFE INS CO OF AM	89.91	1469
122426	11/26/19	T0414	TAYLOR COMMUNICATIONS, INC.	523.52	1469
122427	11/26/19	U0001	UNITEMP INC.	513.00	1469
122428	11/26/19	U0056	U.S. MUNICIPAL SUPPLY, INC.	778.91	1469
122429	11/26/19	U0090	UNUM LIFE INSURANCE COMPANY	349.80	1469
122430	11/26/19	V0037	VILLAGE SUPERMARKET, INC.	72.04	1469
122431	11/26/19	V0056	VERIZON WIRELESS	1,239.81	1469
122432	11/26/19	V0084	VERIZON	344.98	1469
122433	11/26/19	V0185	VERIZON CONNECT	625.35	1469
122434	11/26/19	V0195	VIGILANT SOLUTIONS LLC	1,575.00	1469
122435	11/26/19	W0056	WELDON CONCRETE CO.	4,026.44	1469
122436	11/26/19	W0241	W.B. MASON CO INC.	60.20	1469
122437	11/26/19	W0339	W.B. MASON	142.20	1469
122438	11/26/19	W0347	EDWARD WACKS & ASSOCIATES, LLC	211.90	1469
122439	11/26/19	X0003	XEROX CORPORATION	30.64	1469
122440	11/26/19	X0005	XTEL COMMUNICATION	1,738.55	1469

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	270	0	9,864,026.47	0.00
Direct Deposit:	23	0	1,068,210.04	0.00
Total:	293	0	10,932,236.51	0.00
Totals by Year-Fund				

Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	9-01	9,187,740.27	0.00	0.00	9,187,740.27
DOG FUND	9-12	1,249.32	0.00	0.00	1,249.32
GOLF COURSE UTILITY	9-26	38,929.73	0.00	0.00	38,929.73
	Year Total:	9,227,919.32	0.00	0.00	9,227,919.32
CAPITAL FUND	C-04	1,485,476.29	0.00	0.00	1,485,476.29
PUBLIC GRANTS	G-02	18,495.75	0.00	0.00	18,495.75
TRUST FUNDS	T-13	179,732.72	0.00	0.00	179,732.72
PROJECTS		20,612.43	0.00	0.00	20,612.43
	Total Of All Funds:	10,932,236.51	0.00	0.00	10,932,236.51

**Resolution #2019-0450 - Award of Purchase Orders for Identified Vendors – Richies Tire Service**

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

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

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

Vendor	Not to Exceed
Richies Tire Service	\$ 40,000.00

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

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

**Resolution #2019-0451 - Approval to Execute a Revocable License Agreement with Q2 Properties, LLC, 91 South Maple Avenue, Bernards Township, New Jersey 07920 for the Purpose of installing 2 HVAC units and a backup power generator on Township property**

**WHEREAS**, the Township of Bernards owns the real property identified as Block 1603, Lot 13, consisting of approximately 1.63 acres, and located along South Maple Avenue in the Township of Bernards, County of Somerset, State of New Jersey (the “Property”); and

**WHEREAS**, the Property contains a municipal parking lot maintained by the Township; and

**WHEREAS**, Q2 Properties LLC own real property identified as Block 1603, Lot 14, known as 91 South Maple Avenue which is in the middle of the Township’s parking lot; and

**WHEREAS**, the Q2 Properties lot, Lot 14, was uniquely created to the size of the building footprint as a result of the formation of various lots that were combined into what is now lot 13, the municipal parking lot; and

**WHEREAS**, Lot 14 has no street frontage and is currently served by utilities in an easement across the Township parking lot; and

**WHEREAS**, Q2 Properties LLC has no physical room to locate 2 HVAC units and a backup power generator outside of the building due to the unique lot; and

**WHEREAS**, in a letter dated 9/3/19, Q2 Properties LLC requests approval to permit the installation of 2 HVAC units and a backup power natural gas generator on Township property Lot 13; and

WHEREAS, the Township Committee has reviewed the proposed revocable license agreement.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Municipal Clerk are hereby authorized to sign the revocable license agreement on behalf of the Township of Bernards with Q2 Properties, LLC, 91 South Maple Avenue, Bernards Township, New Jersey 07920 and the Township Attorney is directed to record the executed agreement with the Somerset County Clerk's Office.

**Resolution #2019-0452 - Authorizing Submission of a Grant Application to the Somerset County Board of Chosen Freeholders for a Grant Entitled 2020-2021 Application for Funding Municipal Alliances for the Purpose of Providing Funding for the Bernards Township Municipal Alliance**

WHEREAS, the Municipal Alliance Coordinator is recommending the Township Committee approve a grant application to the Somerset County Board of Chosen Freeholders for a grant entitled "2020-2021 Application for Funding Municipal Alliances", which would provide \$16,121.78 for the purpose of funding the township program, project, or facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

WHEREAS, the grant application requires a 75% match of \$12,091.34 of in-kind services and a 25% cash match of \$4,030.45 to be provided by Bernards Township with funds being available in Account: 2019 Budget Request – Outside CAP Township Grant Match as certified below by the Chief Financial Officer.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that it does hereby authorize submission of a grant application to the Somerset County Board of Chosen Freeholders for a grant entitled "2020-2021 Application for Funding Municipal Alliances" for the purpose of funding the township program, project, or facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced grant match in the in-kind amount of \$12,091.34 and cash match amount of \$4,030.45. Monies will be made available in the 2019 Budget Request – Outside CAP Township Grant Match and the Municipal Alliance Trust Fund Acct.

Date: 11/05/2019

  
FOR CERTIFICATION  
ONLY 2019  
Sean McCarthy, CFO

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that Kaitlin Cartoccio of the Bernards Township Health Department will serve as the project manager for this grant application; and

**NOW THEREFORE BE IT FINALLY RESOLVED**, by the Township Committee of the Township of Bernards, that the Mayor, Project Manager, and Clerk are hereby authorized to sign the grant on behalf of the township.

**Resolution #2019-0453 - Change Order #1 – Increase of \$5,000.00 Alternate Special Counsel Stephen O. Davis, Esq., of the firm DiFrancesco Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 51 Mountain Boulevard, Warren, NJ 07059 For A New Not to Exceed Amount of \$ 10,000.00**

WHEREAS, the Bernards Township Committee adopted Resolution #2019-0012 on January 2, 2019 appointing Stephen O. Davis, Esq., Alternate Special Counsel of the firm DiFrancesco Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., in the amount of \$ 5,000.00; 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; Stephen O. Davis, Esq., Alternate Special Counsel of the firm DiFrancesco Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., for a new not to exceed amount of \$10,000.00.

**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.

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

**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 \$5,000 for a new not to exceed amount of \$ 10,000.00. Monies will be made available in the 2019 Current Fund Budget – Legal Fees 9-01-20-155-204.

Date: November 5, 2019



Sean McCarthy  
Chief Financial Officer

**Resolution #2019-0454 - Authorization for Tax Refund**

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

**WHEREAS**, the owner’s representative has requested from the tax collector that a refund be issued.

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

Block & Lot	Quarter & Year	Amount	Issue Refund To
9703/10	4Q2019	\$4,515.12	Sirva Relocation Properties LLC c/o Frank P Sahaj, Esq 251 North Ave West Westfield NJ 07090

**Resolution #2019-0456 - 2020 Annual Parking Permit Fees for the Stonehouse Road Bus, Basking Ridge and Lyons Train Stations Commuter Parking Lots**

**WHEREAS**, pursuant to §8-7.4 of the Revised General Ordinances of the Township of Bernards the annual fee for resident parking permits will be set by resolution of Township Committee for persons utilizing the Stonehouse Road Bus and Basking Ridge and Lyons Train Stations Commuter Parking Lots (“commuter lots”); and

**NOW THEREFORE BE IT RESVOLED**, by the Township Committee of the Township of Bernards that the annual fees for parking at all township commuter lots are hereby set as follows:

Resident Permit Fee:	\$160.00
Permit Replacement Fee:	\$ 5.00

**NOW THEREFORE BE IT FURTHER RESOLVED**, that pursuant to §8-7.4 of the Revised General Ordinances of the Township of Bernards fees are non-refundable and will not be prorated.

**Resolution #2019-0457 - In Recognition of Service to Bernards Township – Barbara Kleinert**

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

**WHEREAS**, Barbara Kleinert has rendered inestimable services as a member of the Land Use Boards serving on the Zoning Board of Adjustment for 11 years (1999-2007 & 2018-2019) and the Planning Board for 6 years (2001 & 2013-2017), as well as a member of the Big Map Advisory Task Force in 2003.

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

**NOW THEREFORE BE IT FURTHER RESOLVED**, that this citation of her service be inscribed at length in the minutes of this Township meeting, held on the 26<sup>th</sup> of November, in the year of Our Lord, 2019, and that a suitable

copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to Barbara Kleinert.

**Resolution #2019-0460** – *Endorsement of the November 5, 2019, Amended Housing Plan Element and Fair Share Plan (“HPEFSP”) Consistent with P.L. 2008, c.46, Council on Affordable Housing Regulations and the Settlement Agreement entered into between the Township and Fair Share Housing Center*

**WHEREAS**, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Township of Bernards and Fair Share Housing Center (“FSHC”), which was entered into as part of the Township’s Declaratory Judgment action entitled In the Matter of the Application of the Township of Bernards, County of Somerset, Docket No. SOM-L-899-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”), the Township of Bernards is required to adopt a HPEFSP; and

**WHEREAS**, the Township of Bernards currently has an approved Development Fee Ordinance and Affordable Housing Trust Fund in place; which includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or funds collected in connection with the Township’s affordable housing program; and

**WHEREAS**, the Township requires endorsement of a November 5, 2019, HPEFSP in order to utilize any of the funds within its Affordable Housing Trust Fund; and

**WHEREAS**, the Township of Bernards Planning Board approved a November 5, 2019, HPEFSP consistent with P.L. 2008, c. 46, Council on Affordable Housing (“COAH”) regulations and the Settlement Agreement entered into between the Township and FSHC and the Township desires to endorse and submit this most recent Amended HPEFSP to the Court for review and approval.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, hereby endorses the November 5, 2019, HPEFSP that was previously dated June 11, 2018, and September 4, 2018, and is now revised pursuant to the June 28, 2019, Conditional Judgment of Compliance Order entered by The Honorable Thomas C. Miller, P.J.Cv. which amended HPEFSP is on file with the Clerk, and requests that the Court review and approve the Township’s November 5, 2019, HPEFSP so that it can expend funds in its Affordable Housing Trust Fund; and

**BE IT FURTHER RESOLVED** that the appropriate Township officials are to take any and all actions to effectuate this Resolution and that this Resolution shall take effect pursuant to law.

**Resolution #2019-0461** - *Authorizing the Township to Provide Indemnification and Defense to Present and Former Township Officials or Appointees in Connection with Millington Quarry, Inc.’s Tort Claims Notice dated April 16, 2019, and any Subsequent Litigation*

**WHEREAS**, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, *et seq.* (“the Claims Act”), specifically N.J.S.A. 59:10-4, and Section 2-21A of the General Ordinances of the Township of Bernards, the Township has the ability to provide a defense and indemnification of present or former officials or appointees of Bernards Township; and

**WHEREAS**, MQI filed a Tort Claims Notice dated April 16, 2019, against the Township, Township Committee of Bernards Township, Planning Board of Bernards Township, Zoning Board of Adjustment of Bernards Township and Mayor Carol Bianchi (collectively, the “Present and Former Officials”); and

**WHEREAS**, in the Tort Claims Notice, MQI is seeking, among other things, compensatory and punitive damages, including attorney’s fees and costs of suit; and

**WHEREAS**, the Township believes MQI’s Tort Claims Notice is frivolous and without merit; and

**WHEREAS**, pursuant to the authority granted, the Township Committee finds it to be in the best interests of the Township to authorize the defense and indemnification of damages to the Present and Former Officials in connection with MQI’s Tort Claims Notice and any subsequent litigation.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, hereby authorizes the provision of a defense for the Present and Former Officials as to the April 16, 2019, MQI Tort Claims Notice, and further authorizes the Township to indemnify the Present and Former Officials for any compensatory and punitive damages, including costs and attorney fees.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law and the provisions of Section 21-21A of the Township's General Ordinances will also apply hereto.

[Resolution #2019-0462](#) - *Refund of Development Fee Residential Development Block 4701, Lot 2.07, 17 River Farm Lane*

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

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

**WHEREAS**, as a condition of the issuance of a Building Permit and a Certificate of Occupancy, payment of one and one half percent of the estimated equalized assessed value of \$2,700,000.00 was required; and

**WHEREAS**, \$40,500.00 was paid by MBR Investment; and

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

**WHEREAS**, payment of one and one half percent of the FINAL equalized assessed value of the property is \$29,842.50; and

**WHEREAS**, a refund of \$10,657.50 is due to MBR Investment.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Township Committee of the Township of Bernards hereby authorizes the refund of \$10,657.50

[Resolution #2019-0463](#) - *Refund of Development Fee Residential Development Block 3302, Lot 8, 23 Hill Top Road*

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

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

**WHEREAS**, as a condition of the issuance of a Building Permit and a Certificate of Occupancy, payment of one and one half percent of the estimated equalized assessed value of \$978,700.00 was required; and

**WHEREAS**, \$14,680.50 was paid by Rock Ridge Court; and

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

**WHEREAS**, payment of one and one half percent of the FINAL equalized assessed value of the property is \$12,787.50; and

**WHEREAS**, a refund of \$1,893.00 is due to Rock Ridge Court.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Township Committee of the Township of Bernards hereby authorizes the refund of \$1,893.00.

[Resolution #2019-0464](#) - *Refund of Development Fee Residential Development Block 4701, Lot 2.09, 25 River Farm Lane*

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

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

**WHEREAS**, as a condition of the issuance of a Building Permit and a Certificate of Occupancy, payment of one and one half percent of the estimated equalized assessed value of \$2,000,000.00 was required; and

**WHEREAS**, \$30,000.00 was paid by MBR Investment; and

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

**WHEREAS**, payment of one and one half percent of the FINAL equalized assessed value of the property is \$26,305.50; and

**WHEREAS**, a refund of \$3,694.50 is due to MBR Investment.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Township Committee of the Township of Bernards hereby authorizes the refund of \$3,694.50

**[Resolution #2019-0465](#)** - *Refund of Development Fee Residential Development Block 4701, Lot 2.01, 78 River Farm Lane*

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

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

**WHEREAS**, as a condition of the issuance of a Building Permit and a Certificate of Occupancy, payment of one and one half percent of the estimated equalized assessed value of \$1,450,000.00 was required; and

**WHEREAS**, \$21,750.00 was paid by MBR Investment; and

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

**WHEREAS**, payment of one and one half percent of the FINAL equalized assessed value of the property is \$20,724.00; and

**WHEREAS**, a refund of \$1,026.00 is due to MBR Investment.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Township Committee of the Township of Bernards hereby authorizes the refund of \$1,026.00

**[Resolution #2019-0466](#)** - *Approval of Developer's Agreement, The Pingry Corporation, 131 Martinsville Rd, Block 11601, Lot 3.01*

**WHEREAS**, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer's Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate; and

**WHEREAS**, the Developer's Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

**WHEREAS**, there shall be executed a Developer's Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in "Appendix C" of the Revised Land Use Ordinance of the Township of Bernards; and

**WHEREAS**, a developer must use the pre-printed form which is available from the Township Engineering Department; and

**WHEREAS**, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

**WHEREAS**, The Pingry Corporation has submitted a Developer's Agreement with respect to 131 Martinsville Road pursuant to preliminary approval by the Zoning Board of Adjustment dated September 5, 2018; and final approval dated October 3, 2018; and

**WHEREAS**, the Township Engineer and Township Attorney have approved the Developer's Agreement.

**NOW THEREFORE BE IT RESOLVED**, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid developer's agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

**Resolution #2019-0467 - Approval of Developer's Agreement, 7 Tall Timber Lane, Block 6001 lot 10.09**

**WHEREAS**, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer's Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate; and

**WHEREAS**, the Developer's Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

**WHEREAS**, there shall be executed a Developer's Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in "Appendix C" of the Revised Land Use Ordinance of the Township of Bernards; and

**WHEREAS**, a developer must use the pre-printed form which is available from the Township Engineering Department; and

**WHEREAS**, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

**WHEREAS**, Wicklow and Laurano Landscape Contractors LLC has submitted a Developer's Agreement with respect to 7 Tall Timber Lane pursuant to preliminary approval by the Planning Board dated January 22, 2019; and final approval dated January 22, 2019; and

**WHEREAS**, the Township Engineer and Township Attorney have approved the Developer's Agreement.

**NOW THEREFORE BE IT RESOLVED**, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid developer's agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

**Resolution #2019-0468 - In Recognition of Service to Bernards Township – Daniel Lane**

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

**WHEREAS**, Daniel Lane has rendered inestimable services as a member of the Environmental Commission from 2015 - 2016, as well as a member of the Zoning Board from 2016 - 2019.

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

**NOW THEREFORE BE IT FURTHER RESOLVED**, that this citation of his service be inscribed at length in the minutes of this Township meeting, held on the 26th day of November, in the year of Our Lord, 2019, and that a suitable copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to Daniel Lane.

**Resolution #2019-0469 - 2020 Fee Schedule for Pleasant Valley Pool**

**WHEREAS**, the director of Parks & Recreation and the Pool Commission have recommended that fees be adopted for the 2020 pool season.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the following will constitute the fees for membership in, and use of, the municipal pool for 2020:

Fee Type	2020 Fee
RESIDENT FAMILY MEMBERSHIP	
Special Rate - Through February 28	\$ 415.00
Early Rate - Through April 30	\$ 480.00
Regular Rate - Beginning May 1	\$ 515.00

<b>RESIDENT TWO PERSON HOUSEHOLD MEMBERSHIP</b>	
Special Rate - Through February 28	\$ 305.00
Early Rate - Through April 30	\$ 370.00
Regular Rate - Beginning May 1	\$ 400.00
<b>RESIDENT SINGLE MEMBERSHIP</b>	
Special Rate - Through February 28	\$ 205.00
Early Rate - Through April 30	\$ 250.00
Regular Rate - Beginning May 1	\$ 275.00
<b>RESIDENT SENIOR CITIZEN MEMBERSHIP (60+ years old)</b>	
Special Rate - Through February 28	\$ 80.00
Early Rate - Through April 30	\$ 90.00
Regular Rate - Beginning May 1	\$ 100.00
<b>RESIDENT INITIATION FEES</b> (Paid First Membership Year in addition to membership fee)	
Family or Two Person Membership Initiation Fee Includes an additional 3 complimentary guest visit credits	\$ 350.00
Single Membership Initiation Fee Includes 1 additional complimentary guest visit credit	\$ 175.00
<b>NON-RESIDENT FAMILY MEMBERSHIP</b>	
Special Rate - Through February 28	\$ 685.00
Early Rate - Through April 30	\$ 740.00
Regular Rate - Beginning May 1	\$ 790.00
<b>NON-RESIDENT SINGLE MEMBERSHIP</b>	
Special Rate - Through February 28	\$ 325.00
Early Rate - Through April 30	\$ 360.00
Regular Rate - Beginning May 1	\$ 385.00
<b>UPGRADE OF SINGLE MEMBERSHIP</b>	
Initiation Fee ( <i>Plus appropriate membership fee</i> ) Includes an additional 2 complimentary guest visit credits	\$150/\$175
<b>LAPSED MEMBERSHIP RE-REGISTRATION<sub>1</sub></b>	
Family or 2-Person Membership Re-Registration Includes an additional 3 complimentary guest visit credits	\$ 150.00
Single Membership Re-Registration Includes 1 additional complimentary guest visit credit	\$ 75.00
<b>FAMILY SPONSORED BABYSITTER/NANNY PASS</b>	\$ 160.00

<b>Fee Type</b>	<b>2020 Fees</b>
<b>DAILY GUEST RATES</b>	
2 Complimentary Guest Passes Included with Each Membership, Valid Any Operating Day	\$ -
Weekday - All Guests, Ages 3 & Up	\$ 10.00
Weekend/Holiday - All Guests, Ages 3 & Up	\$ 12.00
Guests 2 Years & Younger	FREE
Any Day After 4PM - All Guests, Ages 3 & Up	\$ 6.00
<b>PRE-PAID DISCOUNTED GUEST VISIT CREDITS</b>	
10 Visits, Guests 3 & Up, Valid Any Day During Season	

Special Rate - Through February 28	\$ 90.00
Regular Rate – Beginning March 1	\$ 100.00
<b>SWIM TEAM</b>	
Swim Team & Pre Team - per child	\$ 90.00
Swim Team & Pre Team Discount – per child <i>--for families with 3 or more children participating</i>	\$ 10.00
Swim Team – per PVP Lifeguard	\$ 15.00
Swim Team & Pre-Team Late Fee – per child	\$ 20.00
<b>SWIM DIAPER</b>	\$ 7.00
<b>PHOTO I.D. REPLACEMENT</b>	
Per ID for 1 - 2 IDs	\$ 10.00
3 or More IDs, Same Family, Reprinted Same Time	\$ 30.00
No Charge for ID Reprints with Renewal in January & February	\$ -

**NOTES REGARDING FEES:**

1. Re-Registration Fees are charged when those who previously held membership within the last 10 years, have paid the initiation fee and wish to re-join the pool after a lapse in membership. All current membership eligibility qualifications must be met.
2. Waving of Fees:
  - o Active Fire Company & First Aid Squad Volunteers are eligible to receive complimentary guest visits credits in an amount equal to five family visits to the pool each season.
  - o The families or individuals recognized by the Township who lost an immediate family member in the September 11<sup>th</sup> tragedy are eligible for a complimentary pool membership as long as they meet the requirements for membership to Pleasant Valley Pool, i.e. remain a resident of Bernards Township. Children of eligible families may receive complimentary individual membership up to the age of 23. If the surviving spouse re-marries then annual membership fees will be assessed, per type of membership. Guest fees will be the responsibility of the family.
  - o Initiation fees, membership fees, guest fees, activity fees and late fees will not be waived under any circumstances for other than those reasons listed above.
3. Full refunds for membership are issued only if the Department is notified in writing prior to opening day for the season. Once the pool has opened a 50% refund of membership fees will be issued only if the Department is notified in writing prior to the start of full time hours. Refund dates for swim lesson and swim team programs will be noted on their respective registration forms. All Department policies and procedures regarding refunds apply to Pleasant Valley Pool fees.

**[Resolution #2019-0471](#) - Authorizing an Affiliation Agreement with Safe and Sound Somerset, Somerset Hills Domestic Violence Response Team (SHDVRT)**

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

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

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

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

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

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

**TOWNSHIP COMMITTEE MINUTES**

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[Resolution #2019-0458](#) - *Authorizing the Mayor to Approve the Issuance of Bonds on Behalf of Fellowship Senior Living, Inc. for a Project Located in the Township of Bernards, in the County of Somerset, NJ*  
Motion by Baldassare, second by Harris, that Resolution #2019-0458 be approved.

Roll Call

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

**BE IT RESOLVED** by the Township Committee of the Township of Bernards, in the County of Somerset, New Jersey (the "Committee"), as follows:

Fellowship Senior Living, Inc. (the "Institution") currently operates a continuing care retirement facility in the Township of Bernards, in the County of Somerset, New Jersey (the "Township").

The Institution has applied to the Public Finance Authority, a Wisconsin multi-state bond issuing authority (the "Authority"), for the issuance by the Authority of its Senior Living Revenue and Refunding Bonds (Fellowship Senior Living Project), Series 2019, in an amount not to exceed \$115,000,000 (the "Bonds"). The proceeds of the Bonds will be loaned to the Institution, and used, together with certain other funds to finance all or a portion of the following purposes to: (i) refund the outstanding principal of the Authority's Revenue Bonds (Fellowship Senior Living Project), Series 2013A and the Authority's Revenue Refunding Bonds (Fellowship Senior Living Project), Series 2013B (collectively, the "2013 Bonds"); (ii) finance the third phase of a three phase project initially authorized for funding with the proceeds of the 2013 Bonds, consisting of improvements to the Institution's existing continuing care retirement community (the "2013 Project"); (iii) fund a deposit to a debt service reserve fund for the Bonds; (iv) fund interest on a portion of the Bonds prior to completion of the third phase of the 2013 Project; and (v) pay certain costs associated with the issuance of the Bonds, including cost of issuing the Bonds and certain swap termination fees (collectively, the "Project").

The Committee has been advised that, in order for interest on the Bonds to be excludable from gross income of the holders thereof for federal income tax purposes, there must be a public hearing on the financing of the Project and approval thereof by the "Applicable Elected Representative" pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code").

The Committee has been advised that the "Applicable Elected Representative" of the Township is the Mayor.

The Committee finds that financing of the Project through the issuance of tax-exempt bonds will be in the best interests of the residents of the Township.

The Committee understands that the Bonds will in no way constitute a debt or liability of the Township.

The Committee hereby authorizes the Mayor to approve the issuance of the Bonds in accordance with Section 147(f) of the Code.

This resolution shall take effect immediately.

[Resolution #2019-0459](#) - *Commendation on the Occasion of Your Retirement Ruth Lufkin*  
Motion by Carpenter, second by Harris, and unanimously agreed that Resolution #2019-0459 be approved.

**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 24+ 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 24+ 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.

*Approval of Minutes - 10/29/2019*

Motion by Baldassare, second by Harris, that the [Open Session minutes](#) be approved for content and release and that the Executive Session minutes be approved for content only.

Roll Call

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

***Resolution #2019-0470 - Supporting NJ Legislation S-4187 / A-5726 Increasing the Compensation of Election Workers to \$300 Per Day***

Motion by Baldassare, second by Harris, an unanimously agreed that Resolution #2019-0470 be approved.

**WHEREAS**, the election workers in Bernards Township ensure that the Federal and State election rules and laws are properly followed and enforced during elections; and

**WHEREAS**, the election workers are a valuable asset to the Township of Bernards and to those within the community; and

**WHEREAS**, the election workers are a vital link between the Board of Elections and the voting public; and their commitment during the long day at the polls is critical to the success of conducting the election; and

**WHEREAS**, S-4187 / A-5726 which would raise pay for election workers from \$200 to \$300 per day, was introduced on 08/23/2019 and was referred to the Assembly State and Local Government Committee.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that we do hereby express support for S-4187 / A-5726 and urge the legislative leadership to ensure this bill becomes law before the upcoming election in 2020; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that copies of this Resolution shall be forwarded to New Jersey Governor Phil Murphy; to Senate President Stephen Sweeney; to Assembly Speaker Craig Coughlin; to Legislative District Legislators Senator Thomas Kean, Jr.; Assemblyman Jon Bramnick and Assemblywoman Nancy Muñoz; to the assembly bill primary sponsors Assemblymen Kevin Rooney and Robert Karabinchak and Assemblywoman Valerie Vainieri Huttie; and to the New Jersey League of Municipalities.

***ORDINANCE #2434 - An Ordinance to Amend the Revised General Ordinances of the Township Of Bernards, Chapter VII, "Traffic", Schedule IX, "Stop Intersections", Regarding the Intersections of Nancy Lane & Fairview Drive East, Battle Hill Road & Fairview Drive East, and Wayne Terrace & Fairview Drive East – Introduction***

The clerk read the ordinance by title. Motion by Baldassare, second by Harris, that Ordinance #2434 be introduced on first reading, advertised as required by law, with a public hearing on 12/10/2019.

Roll Call

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

***ORDINANCE #2435 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter VII, "Traffic", Adding Schedule XXII, "No Passing Zones" – Introduction***

The clerk read the ordinance by title. Motion by Baldassare, second by Harris, that Ordinance #2435 be introduced on first reading, advertised as required by law, with a public hearing on 12/10/2019.

Roll Call

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

[ORDINANCE #2436](#) - *Accepting a 10 Foot Pedestrian Walkway Easement on Property Located at 42 Dyckman Place, Block 1805, Lot 21.01 after subdivision (formerly known as Block 1805, Lot 21) from Gary M. Tripp and Amanda L. Tripp to the Township of Bernards – [Map](#) - Introduction*

The clerk read the ordinance by title. Motion by Harris, second by Baldassare, that Ordinance #2436 be introduced on first reading, advertised as required by law, with a public hearing on 12/10/2019.

Roll Call

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

**PUBLIC COMMENT**

The Mayor opened public comment.

Todd Edelstein, Riverside Dr. – commented on the Allen Rd flashing beacon.

No other comments were heard and public comment portion was closed.

**ADJOURNMENT**

By unanimous consent the meeting adjourned at 9:09 PM

Respectfully submitted,

\_\_\_\_\_  
Rhonda Pisano  
Municipal Clerk

\_\_\_\_\_  
Carol Bianchi  
Mayor

Approved: