

**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE**  
**COMBINED AGENDA - REGULAR MEETING**  
**September 15, 2020 - 8:00 PM Open Session**

The Municipal Building, 1 Collyer Ln., Basking Ridge, is open and will adhere to Executive Order #156. Indoor gatherings are limited to 25 percent of this room capacity or no more than 51 individuals. All attendees must wear face coverings and remain 6 feet apart. The meeting will be live streamed and can be found by clicking on the “Watch a Meeting Live” icon on the home page, [www.bernards.org](http://www.bernards.org) and can also be viewed live on Optimum/Cablevision TV - Channel 15 and Verizon FiOS TV - Channel 35.

Estimated  
Times

---

**A G E N D A**

---

8:00 PM

- 1. CALL TO ORDER (Video Clip)**
- 2. FLAG SALUTE**
- 3. MAYOR’S OPENING MEETING STATEMENT**
- 4. ROLL CALL**
- 5. EXECUTIVE SESSION**

8:05 PM

- 6. PUBLIC WORK SESSION**
  - A. [08-19-20 Memo from the Planning Board re: Emerald Valley Easement Vacation](#)
  - B. [Resolution #2020-0297](#) - Establishment of a Utility Service Improvement Advisory Committee (USIAC)

8:20 PM

- 7. REPORTS**
- 8. CORRESPONDENCE**
- 9. PUBLIC COMMENT**
- 10. TOWNSHIP COMMITTEE/LIAISON & BOARD REPORTS AND STAFF COMMENTS**

- 11. FIRE & RESCUE APPOINTMENT**

- A. [Resolution #2020-0290](#) - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 and First Aid Squad of the Basking Ridge Fire Company #1, Kathleen Ferrante, Full Member
- B. [Resolution #2020-0291](#) - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 Jack Williams, Full Member
- C. [Resolution #2020-0294](#) - Appointment to Membership in Township of Bernards Volunteer First Aid Squad of the Basking Ridge Fire Company #1 Natalia Kellam, Full Member

8:35 PM

- 12. UNFINISHED BUSINESS**

- A. [ORDINANCE #2452](#) - Accepting Amendment No. 1 to Bio-Retention Basin, Drainage & Access Easement on Property Located at 3415 Valley Road, Block 9002, Lot 1, from Bonnie Brae to the Township of Bernards – [Map](#) – Public Hearing

Estimated  
Times

8:40 PM

- 13. NEW BUSINESS**

- A. [ORDINANCE #2453](#) - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 14, “Fire Prevention” – Introduction



Please call 24 hours in advance (908) 204-3001  
if accommodations are required, including assistive listening devices (ALD).

- B. [Resolution #2020-0295](#) - Strongly Encouraging the Right of In-Person Machine Voting for the November 3, 2020 General Election
- C. [Resolution #2020-0306](#) - Extension of Resolution #2020-0222 Permitting Relief of Certain Ordinances to Assist Local Businesses as they Re-Open Following the Lifting of COVID-19 Executive Orders

D. 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.*

- 1) [Resolution #2020-0289](#) - Approval of the Bill List Dated 09/15/2020
- 2) [Resolution #2020-0292](#) - Bernards Township Housing Rehabilitation Program Authorizing and Approving Deferred Loan Agreement to Julie Sicoli, 191 English Place, Block 9202, Lot 30.08
- 3) [Resolution #2020-0293](#) - Recognizing September 2020 as Childhood Cancer Awareness Month
- 4) [Resolution #2020-0296](#) - Memorializing Resolution of the Township Committee's Action Regarding Ridge Baseball Club's Request of August 19, 2020, for a One-Time Departure from the Lease to Allow for Light Usage from September 1, 2020 – November 15, 2020.
- 5) [Resolution # 2020-0298](#) - 2021 Holiday Schedule
- 6) [Resolution #2020-0299](#) - Resolution Canceling Public Grant Appropriations and Grant Receivable Balances
- 7) [Resolution #2020-0300](#)- Award of Bid for Department of Public Works Road Repairs (Alt # 2) to Renda Roads Inc., P.O. Box 89, Whitehouse, NJ 08888 In the Not to Exceed Amount of \$500,000.00
- 8) [Resolution #2020-0301](#)- Award of Bid for Department of Public Works Road Repairs (Alt # 1) to Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater NJ 08807 In the Not to Exceed Amount of \$257,300.00
- 9) [Resolution #2020-0302](#) - Personnel Appointment Jordan Padovano – Deputy Municipal Clerk – Municipal Clerk
- 10) [Resolution #2020-0303](#) - Personnel Appointment Leslie Meth – Administrative Assistant – Municipal Clerk
- 11) [Resolution #2020-0304](#) - Authorizing and Approving Purchase of One (1) John Deere XUV835M Cab Non-HVAC (MY20) from ESCNJ Bid #18/19-25, Co-Op #65MCESCCPS to Deere & Company, 2000 John Deere Run, Cary, NC 27513 In the Amount Not to Exceed \$22,825.89
- 12) [Resolution #2020-0305](#) - Authorizing and Approving Purchase of One (1) John Deere 4066R Compact Utility Tractor (52 PTO HP) from ESCNJ Bid #18/19-25, Co-Op #65MCESCCPS to Deere & Company, 2000 John Deere Run, Cary, NC 27513 In the Amount Not to Exceed \$51,004.84

E. Approval of Minutes – 08/25/2020 Open Session Minutes

F. Mayoral Appointment:

Planning Board - Gary Baumann – A2, filling the unexpired 2 yr. term of Kathleen Mastrangelo, expiring 12/31/2020.

**14. PUBLIC COMMENT**

**15. ADJOURNMENT**

Rhonda Pisano Municipal Clerk



Please call 24 hours in advance (908) 204-3001  
if accommodations are required, including assistive listening devices (ALD).



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2020-0289 Approval of the Bill List Dated 09/15/2020

**BE IT RESOLVED**, that the bill list dated 09/15/2020 be audited, and if found correct, be paid.

September 15, 2020  
10:15 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: 09/15/20 to 12/31/20  
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					
126051	09/15/20	90507 GANDER, JENNIFER	300.00	1520	Direct Deposit
126052	09/15/20	90520 SWEENEY, MICHAEL	550.00	1520	Direct Deposit
126053	09/15/20	90674 NYDEGGER, RUSSELL	125.00	1520	Direct Deposit
126054	09/15/20	90677 BEGRAFT, GERALYN	177.66	1520	Direct Deposit
126055	09/15/20	A0453 AMAZON.COM	909.95	1520	Direct Deposit
126056	09/15/20	A0606 APPRAISAL SYSTEMS INC	5,490.00	1520	Direct Deposit
126057	09/15/20	A0611 AMERICAN WEAR, INC	920.16	1520	Direct Deposit
126058	09/15/20	B0203 DIFRANCESCO BATEMAN, PC	4,106.50	1520	Direct Deposit
126059	09/15/20	B0581 BUY WISE AUTO PARTS	2,021.83	1520	Direct Deposit
126060	09/15/20	B0758 BCI TRUCK, INC	6,393.27	1520	Direct Deposit
126061	09/15/20	C0083 CDW GOVERNMENT, INC.	35,207.25	1520	Direct Deposit
126062	09/15/20	D0380 DRIVERS TIRE & SERVICE CENTER	129.35	1520	Direct Deposit
126063	09/15/20	D0692 DRILLS, SKILLS & THRILLS	3,875.00	1520	Direct Deposit
126064	09/15/20	D0754 DC EXPRESS	703.50	1520	Direct Deposit
126065	09/15/20	G0133 GARDEN STATE LABORATORIES, INC	160.00	1520	Direct Deposit
126066	09/15/20	K0341 KONICA MINOLTA PREMIER FINANCE	256.96	1520	Direct Deposit
126067	09/15/20	K0354 KANOPY INC	313.00	1520	Direct Deposit
126068	09/15/20	O0021 OFFICE DEPOT	116.06	1520	Direct Deposit
126069	09/15/20	P0546 PETER RUBINETTI PRIVATE DISP	1,871.39	1520	Direct Deposit
126070	09/15/20	S0016 STORR TRACTOR COMPANY	3,168.27	1520	Direct Deposit
126071	09/15/20	S1121 SKYTEL LLC	3,804.00	1520	Direct Deposit
126072	09/15/20	T0192 TURN OUT UNIFORMS INC	255.98	1520	Direct Deposit
126073	09/15/20	U0001 UNITEMP INC.	1,425.00	1520	Direct Deposit
126074	09/15/20	V0020 VILLAGE OFFICE SUPPLY	44.26	1520	Direct Deposit
126075	09/15/20	W0241 W.B. MASON CO INC.	449.55	1520	Direct Deposit
126076	09/15/20	W0339 W.B. MASON	283.92	1520	Direct Deposit
126077	09/15/20	O0072 OUR LADY OF PERPETUAL HELP	978.87	1521	
126078	09/15/20	A0126 AFLAC NEW YORK	230.50	1521	
126079	09/15/20	A0232 ARROW ELEVATOR, INC.	315.00	1521	
126080	09/15/20	A0338 AFLAC	396.52	1521	
126081	09/15/20	A0398 STERLING TALENT SOLUTIONS	10.20	1521	
126082	09/15/20	A0425 ATLANTIC TACTICAL	153.50	1521	
126083	09/15/20	A0512 AIR CONSULTING SERVICES LLC	620.00	1521	
126084	09/15/20	A0703 ALZHEIMER'S NEW JERSEY	600.00	1521	
126085	09/15/20	A0704 ALSTON, JOANN	160.00	1521	
126086	09/15/20	A0705 ALVEZ, ABIGAIL OR GONZALO	675.00	1521	
126087	09/15/20	B0001 BAKER & TAYLOR, INC.	6,348.18	1521	
126088	09/15/20	B0017 BRIDGEWATER RESOURCES, INC.	2,211.00	1521	
126089	09/15/20	B0021 BASKING RIDGE FIRE CO.	395.00	1521	
126090	09/15/20	B0024 BEN SHAFFER RECREATION INC	252.95	1521	
126091	09/15/20	B0026 BERNARDS TOWNSHIP CURRENT	12,151.05	1521	
126092	09/15/20	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	566,001.80	1521	
126093	09/15/20	B0044 BASKING RIDGE ANIMAL HOSPITAL	111.00	1521	
126094	09/15/20	B0668 BEARING DEPOT & SUPPLY INC	199.24	1521	
126095	09/15/20	B0746 BRENNAN, ADELE OR RICK	405.00	1521	
126096	09/15/20	B0820 BAUER, JEFF	1,797.50	1521	
126097	09/15/20	B0821 BAILEY, THOMAS	195.00	1521	
126098	09/15/20	B0822 BIRCKHEAD, CHRISTOPHER	675.00	1521	
126099	09/15/20	C0024 GANNETT NEW JERSEY NEWSPAPERS	224.46	1521	
126100	09/15/20	C0037 CLERK'S PETTY CASH	13.99	1521	
126101	09/15/20	C0069 STATE OF NEW JERSEY	627.00	1521	
126102	09/15/20	C0134 COUNTRYSIDE MANOR CONDO ASSOC.	9,786.95	1521	
126103	09/15/20	C0346 CROWN TROPHY OF GREEN BROOK	170.00	1521	
126104	09/15/20	C0482 OPTIMUM	138.44	1521	
126105	09/15/20	C0482 OPTIMUM	44.95	1521	
126106	09/15/20	C0482 OPTIMUM	8.33	1521	
126107	09/15/20	C0482 OPTIMUM	33.32	1521	
126108	09/15/20	C0522 CHATHAM LAWNMOWER SALES & SVC	96.61	1521	
126109	09/15/20	C0597 CLIFFSIDE BODY CORPORATION	93.32	1521	
126110	09/15/20	C0613 CIGNA GROUP INSURANCE	1,600.34	1521	
126111	09/15/20	C0636 CENTER POINT LARGE PRINT	93.48	1521	
126112	09/15/20	C0697 BB&T/CPS	45.54	1521	
126113	09/15/20	C0701 CAROUSEL OF FLOWERS, INC	65.95	1521	
126114	09/15/20	C0717 CIRILLO, PAUL	150.00	1521	
126115	09/15/20	C0774 COLONIAL LIFE & ACC INSURANCE	864.50	1521	
126116	09/15/20	C0781 CORELOGIC	1,320.44	1521	
126117	09/15/20	C0784 CROWLEY, ALISON	140.00	1521	
126118	09/15/20	C0882 CHAKRAPANI, LAXMINARAYAN	470.00	1521	
126119	09/15/20	C0906 CUMMINGS-BECKER, STEPHANIE	385.00	1521	
126120	09/15/20	C0908 CHAN-HAVILAND, PAMELA	135.00	1521	
126121	09/15/20	D0020 DELTA DENTAL OF NJ	8,862.74	1521	
126122	09/15/20	D0033 DEMCO, INC	606.29	1521	
126123	09/15/20	D0740 DOVER BRAKE & CLUTCH	378.53	1521	

126124	09/15/20	D0845	DISTINCTIVE DOMAIN	1,820.00	1521
126125	09/15/20	E0284	ENVIROPROBE SERVICE, INC	850.00	1521
126126	09/15/20	E0302	ECOLOGICAL SOLUTIONS/MINE BRK	463.75	1521
126127	09/15/20	E0318	ERRICO, ROBERT	580.00	1521
126128	09/15/20	E0319	ESPINOSA, PATRICIA	755.00	1521
126129	09/15/20	F0001	FEDEX	57.35	1521
126130	09/15/20	F0003	FOLEY, INCORPORATED	825.76	1521
126131	09/15/20	F0047	FULLERTON FORD	23.58	1521
126132	09/15/20	F0158	FLEMINGTON DEPARTMENT STORE	556.75	1521
126133	09/15/20	F0171	FIRST CHOICE AUTO PARTS &	347.59	1521
126134	09/15/20	F0273	FLOWERS ON THE RIDGE	90.00	1521
126135	09/15/20	F0289	FIREFIGHTER ONE	2,219.25	1521
126136	09/15/20	F0324	FLAGSHIP DENTAL PLANS	321.46	1521
126137	09/15/20	F0326	FX AUTOMOTIVE LLC	81.24	1521
126138	09/15/20	F0330	FIDELITY SECURITY LIFE INS	270.92	1521
126139	09/15/20	F0421	FRANK, PAMELA	675.00	1521
126140	09/15/20	F0422	FIORILLI, JOSEPH	140.00	1521
126141	09/15/20	F0423	FAMILLETTI, PHILIP J.	195.00	1521
126142	09/15/20	G0066	GRAINGER INC	450.02	1521
126143	09/15/20	G0098	JCP&L	2,481.24	1521
126144	09/15/20	G0333	BEDMINSTER CAR WASH	246.85	1521
126145	09/15/20	G0401	G & L TRANSCRIPTIONS OF NJ	297.25	1521
126146	09/15/20	G0515	GENESIS PROPERTY MANAGEMENT	78,642.30	1521
126147	09/15/20	G0596	GRIFFITH - ALLIED TRUCKING LLC	7,236.63	1521
126148	09/15/20	G0669	GOOEN, STEVEN	140.00	1521
126149	09/15/20	G0671	GDULA, MARY ANN OR EDWARD	70.00	1521
126150	09/15/20	H0029	HUMPHREYS PEST CONTROL, INC.	350.00	1521
126151	09/15/20	H0113	HAMILTON CREST CONDO ASSOC.	5,641.39	1521
126152	09/15/20	H0227	HY-VIZ INCORPORATED	989.70	1521
126153	09/15/20	H0246	HOME DEPOT CREDIT SERVICES	583.58	1521
126154	09/15/20	H0297	DIRECT ENERGY BUSINESS	201.48	1521
126155	09/15/20	H0380	HAGERMAN, PAUL OR CARLA	405.00	1521
126156	09/15/20	H0469	HSU, JENNIFER	137.55	1521
126157	09/15/20	H0470	HURST, JAY OR LYNNE	140.00	1521
126158	09/15/20	I0159	IMPERIAL DADE	780.15	1521
126159	09/15/20	I0165	INTERNATIONAL ASSN OF ARSON	145.00	1521
126160	09/15/20	I0175	INFOBASE	424.00	1521
126161	09/15/20	J0206	JOY AUTOMOTIVE PRODUCTS, INC	603.10	1521
126162	09/15/20	J0220	JCW , INC. D/B/A SPORTCARE	1,700.00	1521
126163	09/15/20	K0195	KLEINLE, JOANNE	295.00	1521
126164	09/15/20	K0308	KONOVALOV, ALEXANDER	295.00	1521
126165	09/15/20	K0334	KONICA MINOLTA BUSINESS	325.97	1521
126166	09/15/20	K0396	KREVER, MATT	160.00	1521
126167	09/15/20	K0397	KUNNA, JOHN	70.00	1521
126168	09/15/20	L0005	LIBRARY PETTY CASH	15.99	1521
126169	09/15/20	L0298	LAIRD, THERESE	195.00	1521
126170	09/15/20	L0384	LANG, DIANE	150.00	1521
126171	09/15/20	L0398	LONGSTRETH SPORTING GOODS, LLC	285.65	1521
126172	09/15/20	L0482	LIVOLSI, MARCELLA	405.00	1521
126173	09/15/20	M0015	MCKESSON MEDICAL SURGICAL	73.20	1521
126174	09/15/20	M0062	CAVENDISH SQUARE PUBLISHING	195.54	1521
126175	09/15/20	M0178	MARK'S AUTO SERVICE	75.00	1521
126176	09/15/20	M0441	MAIN LINE COMMERCIAL POOLS,INC	5,177.40	1521
126177	09/15/20	M0518	KONICA MINOLTA BUSINESS SOL.	252.51	1521
126178	09/15/20	M0518	KONICA MINOLTA BUSINESS SOL.	31.85	1521
126179	09/15/20	M0518	KONICA MINOLTA BUSINESS SOL.	260.53	1521
126180	09/15/20	M0518	KONICA MINOLTA BUSINESS SOL.	17.91	1521
126181	09/15/20	M0546	MORATH,CHRISTOPHER OR PATRICIA	470.00	1521
126182	09/15/20	M0617	MIDDLESEX POWER EQUIPMENT	39.69	1521
126183	09/15/20	M0767	MOSIO, INC	480.00	1521
126184	09/15/20	M0931	MCKENNA, MICHAEL	405.00	1521
126185	09/15/20	M0991	MONICA, ROSA	675.00	1521
126186	09/15/20	M0992	MCKOWN, JULIE OR JEREMY	405.00	1521
126187	09/15/20	M0993	MERRILEES, MEGAN	885.00	1521
126188	09/15/20	M0994	MILLER, SHEILA	295.00	1521
126189	09/15/20	N0006	NEW JERSEY AMERICAN WATER CO.	5,043.07	1521
126190	09/15/20	N0006	NEW JERSEY AMERICAN WATER CO.	392.09	1521
126191	09/15/20	N0006	NEW JERSEY AMERICAN WATER CO.	12,216.87	1521
126192	09/15/20	N0030	NJ STATE ASSN.-CHIEFS/POLICE	449.00	1521
126193	09/15/20	N0032	NJ STATE DEPT HEALTH/SR SVCS	52.20	1521
126194	09/15/20	N0244	NORTHERN TOOL & EQUIPMENT CO.	2,893.89	1521
126195	09/15/20	N0341	NJDEP-DIV OF SOLID & HAZ.WASTE	20.00	1521
126196	09/15/20	N0415	NATIONAL FUEL OIL INC	647.28	1521
126197	09/15/20	N0417	NAGELBERG, MARSHA	70.00	1521
126198	09/15/20	N0470	NATIONWIDE	99.24	1521
126199	09/15/20	N0500	NORTON, JENNIFER	285.00	1521
126200	09/15/20	N0511	NJ LOCAL BOARDS OF HEALTH ASSO	95.00	1521
126201	09/15/20	O0046	ALLEGRA MARKETING, PRINT&MAIL	151.50	1521
126202	09/15/20	O0105	O.C.A. BENEFIT SERVICES, LLC	113.85	1521
126203	09/15/20	O0148	O'BRIEN, CHADDERDON	295.00	1521
126204	09/15/20	O0156	OSMAND, TINA	315.00	1521
126205	09/15/20	O0157	O'DONNELL, KRISTEN	315.00	1521
126206	09/15/20	P0005	PITNEY BOWES, INC.	209.92	1521
126207	09/15/20	P0014	PUBLIC SERVICE ELEC. & GAS CO	432.08	1521
126208	09/15/20	P0021	PETERSON'S LLC	34.08	1521
126209	09/15/20	P0046	RESERVE ACCOUNT	5,237.25	1521
126210	09/15/20	P0373	PETERPAUL, ANTHONY OR KELLY	295.00	1521
126211	09/15/20	P0415	PERTH AMBOY SPRING WORKS	184.20	1521
126212	09/15/20	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.01	1521
126213	09/15/20	P0557	PFENNIG, DEBORAH	405.00	1521
126214	09/15/20	P0602	PRAXAIR DISTRIBUTION, INC	36.83	1521
126215	09/15/20	P0652	PIEPER, DARLYNE OR JEFFREY	140.00	1521
126216	09/15/20	P0679	PAWLICK, JOHN	110.00	1521
126217	09/15/20	P0707	PENTO, GERARD	900.00	1521
126218	09/15/20	Q0002	CINTAS CORP. - #062	438.85	1521
126219	09/15/20	R0023	RICHIES TIRE SERVICE, INC.	345.68	1521
126220	09/15/20	R0308	ROUTE 23 AUTO MALL	1,756.72	1521
126221	09/15/20	R0369	RUTGERS -CENTER FOR CONTINUING	99.00	1521
126222	09/15/20	R0812	ROGERS, AMANDA	405.00	1521
126223	09/15/20	S0083	SOMERSET COUNTY ASSESSORS ASSN	385.00	1521
126224	09/15/20	S0101	STICKEL,KOENIG,SULLIVAN&DRILL	148.00	1521
126225	09/15/20	S0191	SOMERSET COUNTY RECYCLING PROG	61,895.52	1521
126226	09/15/20	S0202	SUBURBAN PROPANE	431.21	1521
126227	09/15/20	S0227	SHEARON ENVIRONMENTAL DESIGN	24,266.67	1521
126228	09/15/20	S0443	STAPLES ADVANTAGE	291.84	1521

126229	09/15/20	S0495	SNAKES-N-SCALES LLC	175.00	1521
126230	09/15/20	S0628	STATE OF NEW JERSEY-HB	189,243.83	1521
126231	09/15/20	S0722	SPUMA, JORDAN	295.00	1521
126232	09/15/20	S0875	SUNLIGHT GENERAL CAPITAL	279.41	1521
126233	09/15/20	S0913	SHEDLOCK CAR CARE	474.00	1521
126234	09/15/20	S0962	SCIENCE PRESS USA INC.	15.85	1521
126235	09/15/20	S1153	SMULLEN, WILLIAM	140.00	1521
126236	09/15/20	S1154	SILVER, MATTHEW	405.00	1521
126237	09/15/20	S1155	SAUSVILLE, SHARLINE	405.00	1521
126238	09/15/20	T0066	CENGAGE LEARNING CREDIT SVCS	301.83	1521
126239	09/15/20	T0074	TREASURER - STATE OF N.J.	775.00	1521
126240	09/15/20	T0142	TODD HARRIS CO., INC.	714.00	1521
126241	09/15/20	T0338	TMDE CALIBRATION LABS, INC.	146.51	1521
126242	09/15/20	T0372	TLO, LLC	565.40	1521
126243	09/15/20	T0489	TALLAKSEN, MARK	290.00	1521
126244	09/15/20	T0491	TRAYNOR, RICHARD	495.00	1521
126245	09/15/20	U0074	ULINE	239.51	1521
126246	09/15/20	V0011	VARITRONICS SYSTEMS	903.00	1521
126247	09/15/20	V0037	VILLAGE SUPERMARKET, INC.	43.57	1521
126248	09/15/20	V0056	VERIZON WIRELESS	684.18	1521
126249	09/15/20	V0058	VERIZON	2,625.89	1521
126250	09/15/20	V0084	VERIZON	245.30	1521
126251	09/15/20	V0124	VERIZON BUSINESS FIOS	934.97	1521
126252	09/15/20	V0177	VERIZON	499.07	1521
126253	09/15/20	V0184	UNITED STATES FIRE INSURANC CO	251.42	1521
126254	09/15/20	V0185	VERIZON CONNECT	1,068.54	1521
126255	09/15/20	V0186	FISHER AND SON COMPANY, INC	600.00	1521
126256	09/15/20	V0195	VIGILANT SOLUTIONS LLC	1,575.00	1521
126257	09/15/20	W0016	WARRENVILLE TRUE VALUE	831.62	1521
126258	09/15/20	W0024	WILSON CO., H.W.	278.00	1521
126259	09/15/20	W0056	WELDON CONCRETE CO.	780.20	1521
126260	09/15/20	X0005	XTEL COMMUNICATION	465.99	1521
126261	09/15/20	X0005	XTEL COMMUNICATION	1,658.84	1521
126262	09/15/20	Y0227	YEZZA, RALPH	405.00	1521

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
	----	----	-----	-----
Checks:	186	0	1,075,844.40	0.00
Direct Deposit:	26	0	73,057.86	0.00
	=====	=====	=====	=====
Total:	212	0	1,148,902.26	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
	----	----	-----	-----
Checks:	186	0	1,075,844.40	0.00
Direct Deposit:	26	0	73,057.86	0.00
	=====	=====	=====	=====
Total:	212	0	1,148,902.26	0.00

Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
Fund Description					
CURRENT FUND	0-01	963,633.14	0.00	0.00	963,633.14
DOG FUND	0-12	372.32	0.00	0.00	372.32
GOLF COURSE UTILITY	0-26	41,972.26	0.00	0.00	41,972.26
Year Total:		1,005,977.72	0.00	0.00	1,005,977.72
CURRENT FUND	9-01	15,428.34	0.00	0.00	15,428.34
CAPITAL FUND	C-04	5,627.99	0.00	0.00	5,627.99
PUBLIC GRANTS	G-02	286.02	0.00	0.00	286.02
TRUST FUNDS	T-13	113,852.07	0.00	0.00	113,852.07
PROJECT		7,730.12			7,730.12
Total Of All Funds:		1,148,902.26	0.00	0.00	1,148,902.26

Agenda and Date Voted: 09/15/2020

#### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

Rhonda Pisano , Municipal Clerk



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0290**

Appointment to Membership in Township of Bernards Volunteer  
Basking Ridge Fire Company #1 and First Aid Squad  
Kathleen Ferrante, Full Member

**WHEREAS**, pursuant to §2-14.1 and §2-16 .1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad; and

**WHEREAS**, the Basking Ridge Fire Company #1 and First Aid Squad is recommending Kathleen Ferrante, residing at 104 Spencer Road, for appointment as a Full Member.

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

Agenda and Date Voted: 09/15/2020

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

### **EXPLANATORY STATEMENT**

Application has been made by the applicant to the above referenced organization who has vetted said person and recommends appointment. In addition, a police background check has been performed.

Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0291**

Appointment to Membership in Township of Bernards Volunteer  
Basking Ridge Fire Company #1  
Jack Williams, Full Member

**WHEREAS**, pursuant to §2-14.1 and §2-16 .1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad; and

**WHEREAS**, the Basking Ridge Fire Company #1 is recommending Jack Williams, residing at 18 Grove Road, for appointment as a Full Member.

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

Agenda and Date Voted: 09/15/2020

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

### **EXPLANATORY STATEMENT**

Application has been made by the applicant to the above referenced organization who has vetted said person and recommends appointment. In addition, a police background check has been performed.

Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0292**

Bernards Township Housing Rehabilitation Program  
Authorizing and Approving Deferred Loan Agreement to Julie Sicoli  
191 English Place Block 9202 Lot 30.08

**WHEREAS**, Bernards Township (hereinafter referred to as “Township”) has authorized Central Jersey Housing Resource Center (“CJHRC”) to administer the Bernards Township Housing Rehabilitation Program; and

**WHEREAS**, Central Jersey Housing Resource Center (CJHRC) is a nonprofit collaboration of businesses, financial institutions, social service agencies, public officials and housing advocates who work to increase the accessibility and availability of affordable housing in Central New Jersey; and

**WHEREAS**, CJHRC currently operates a centralized housing resource information center in Somerset County and is a HUD certified agency specialized in the state and federal housing regulations; and

**WHEREAS**, the principal goal of the Bernards Township Housing Rehabilitation Program is to provide funding for affordable unit qualified owners to bring substandard units up to code; and

**WHEREAS**, **Julie Sicoli** whose principal address is **191 English Place**, Basking Ridge, County of Somerset, in the State of New Jersey 07920 (the “Property”) is an owner of an affordable housing unit; and

**WHEREAS**, Julie Sicoli has submitted an application to the Bernards Township Housing Rehabilitation Program for funds to be provided by way of a deferred loan to rehabilitate a central air unit and furnace; and

**WHEREAS**, Julie Sicoli is eligible to receive funding for the rehabilitation of her owner-occupied unit under the program pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq.; and

**WHEREAS**, the funding will be provided to the Julie Sicoli by way of a ten-year, interest free, amortized depreciating loan in the amount of **Seven Thousand One Hundred and Twenty-Five Dollars (\$ 7,125.00)**.

**NOW BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby approve the deferred loan agreement for the funds to be used for the rehabilitation on the property as set forth in the Deferred Loan Agreement and Rehabilitation Construction Contract; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby authorize the Mayor and Clerk to execute the agreement and other required legal documents with Julie Sicoli on behalf of the Township; and



**NOW THEREFORE BE IT FINALLY RESOLVED**, by the Township Committee of the Township of Bernards that a copy of the resolution be on file and available for public inspection, in the office of the Bernards Township Purchasing Department, Municipal Building, Basking Ridge, New Jersey 07920.

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced loan in the not to exceed amount of \$7,125.00. Monies are available in the 2020 Affordable Housing Trust Fund line account #T-13-56-055-COA.

Date: August 26, 2020



Sean McCarthy, Chief Financial Officer

Agenda and Date Voted: September 15, 2020

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.**

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0293**

Recognizing September 2020 as Childhood Cancer Awareness Month

**WHEREAS**, childhood cancer is the leading cause of death by disease in children, with 1 in 285 children being diagnosed by their 20th birthday; and

**WHEREAS**, 43 children per day, or 15,780 children are diagnosed with cancer annually in the United States and 80% of childhood cancer patients are diagnosed late and with metastatic disease; and

**WHEREAS**, on average there's been an overall incidence increase of 24% over the last 40 years; and

**WHEREAS**, approximately one half of childhood cancer families rate the associated financial toxicity due to out-of-pocket expenses as considerable to severe; and

**WHEREAS**, the National Cancer Institute recognizes the unique research needs of childhood cancer and the associated need for increased funding to carry this out; and

**WHEREAS**, hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization are helping children with cancer and their families cope through educational, emotional and financial support; and

**WHEREAS**, researchers and healthcare professionals work diligently dedicating their expertise to treat and cure children with cancer; and

**WHEREAS**, too many children are affected by this deadly disease and more must be done to raise awareness and find a cure.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that we do hereby recognize September 2020 as Childhood Cancer Awareness Month.

Agenda Date and Vote: 09/15/2020

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0294**

Appointment to Membership in Township of Bernards Volunteer  
First Aid Squad of the Basking Ridge Fire Company #1  
Natalia Kellam, Full Member

**WHEREAS**, pursuant to §2-14.1 and §2-16 .1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad; and

**WHEREAS**, the First Aid Squad of the Basking Ridge Fire Company #1 is recommending Natalia Kellam, residing at 11 Brook Ave, 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 First Aid Squad of the Basking Ridge Fire Company #1 effective this date.

Agenda and Date Voted: 09/15/2020

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

### **EXPLANATORY STATEMENT**

Application has been made by the applicant to the above referenced organization who has vetted said person and recommends appointment. In addition, a police background check has been performed.

Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## Resolution #2020-0295

Strongly Encouraging the Right of In-Person Machine Voting  
for the November 3, 2020 General Election

**WHEREAS**, the State of New Jersey will be holding a General Election on November 3, 2020; and mail-in ballots were predominantly utilized in the Primary Election in July, 2020; and

**WHEREAS**, the practice of predominantly using mail-in ballots for all registered voters causes concerns for voter fraud, voter disenfranchisement, postal delivery delays, significant increase in election costs, and reliance on a flawed Statewide voter/DMV computer registration database; and

**WHEREAS**, requiring the use of mail in ballots resulted in significant delays in the counting of ballots and determining the outcome of the Primary Election; and

**WHEREAS**, well before the COVID-19 pandemic, New Jersey law permitted voting by mail for any reason, or no reason at all, allowing any voter, even remotely concerned about in-person voting the option to request a mail-in ballot thus enhancing voter choice; and

**WHEREAS**, numerous voters have expressed a desire to wait until Election Day to cast their ballot electronically, in-person for the candidate of their choice to fully allow them to assess the latest information available regarding candidates and Public Questions; and

**WHEREAS**, the Bernards Township Committee is concerned that the predominant use of mail-in ballots during the 2020 Primary Election was difficult at best and represents but a small fraction of the ballots to be cast when compared to the upcoming General Election; and

**WHEREAS**, the Bernards Township Committee feels that voter "choice" should refer to "how to vote, not just "who" to vote for in a given election cycle.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bernards Township Committee of the Township of Bernards, County of Somerset, supports voter choice in the General Election on November 3, 2020 and in all future elections; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Township Committee of the Township of Bernards, County of Somerset, urges the Secretary of State, County Boards of Election and County Clerks to utilize in-person machine voting, in conjunction with mail-in balloting, in the General Election of November 3, 2020 and in all future elections; and

**NOW, THEREFORE BE IT FINALLY RESOLVED**, that the Clerk of Bernards Township forward a certified true copy of this resolution to the New Jersey Secretary of State, the Governor of the State of New Jersey; the President of the New Jersey State Senate; the Speaker of the General Assembly; New Jersey, the League of Municipalities and all other Municipalities within Somerset County.

Agenda Date and Vote: 09/15/2020

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 09/15/2020.

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



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920

908-766-2510; www.bernards.org

## Resolution #2020-0296

Memorializing Resolution of the Township Committee Action Regarding Ridge Baseball Club's Request of August 19, 2020, for a One-Time Departure from the Lease to Allow for Light Usage from September 1, 2020 – November 15, 2020.

**WHEREAS**, Ridge Baseball Club, Inc. (RBC") is a nonprofit corporation, organized under the laws of the State of New Jersey, which operates the Ridge Baseball Complex located on Valley Road in the Township of Bernards (the "Township") to provide recreational baseball opportunities for members of the RBC; and

**WHEREAS**, to protect the health and safety of the youth and adults involved in the program during the COVID-19 pandemic, RBC was unable to provide its Spring and Summer programs to its members; and

**WHEREAS**, the RBC Board of Directors has developed a re-opening plan, which adheres to CDC recommendations, and will allow the organization to restart baseball operations by offering a Fall baseball program with games on weeknights and weekends; and

**WHEREAS**, in order to run an effective Fall program, because of the early Fall sunsets, artificial lighting would be needed; and

**WHEREAS**, RBC submitted a letter dated August 19, 2020 to the Township Committee requesting a one-time authorization to use the lights at the RBC Complex from September 1, 2020- November 15, 2020; and

**WHEREAS**, the RBC entered into a Lease Agreement for the Premises dated May 13, 2004, and First Amendment to Lease Agreement dated November 27, 2007, and Second Amendment to Lease dated March 25, 2008 and Third Amendment Agreement dated November 30, 2011.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Bernards that this resolution will memorialize the decision of the Township Committee made at their August 25, 2020 meeting as follows:

1. The request for a one-time departure from the lease to allow for light usage from September 1, 2020 – November 15, 2020 be granted; and
2. The RBC will continue to adhere to the times specified in the lease at Section D, Paragraph 15, Subsections (a) through (d), and are as follows:
  - a. Sundays – no later than 9:00 P.M.
  - b. Fridays and Saturdays – no later than 10 P.M.
  - c. Mondays through Thursdays when school is in session – no later than 9:00 P.M.
  - d. Mondays through Thursday when school is not is session – no later than 10 P.M.

Agenda Date and Vote: 09/15/2020

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920

908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0297**

Establishment of a Utility Service Improvement Advisory Committee (USIAC)

**WHEREAS**, Jersey Central Power and Light (“JCP&L”) is the monopoly electric power company providing electric service to Bernards Township and businesses and residents; and

**WHEREAS**, Optimum /Altice, which operates under a municipal consent franchise, and Verizon, which operates under a State-wide franchise, are the two cable operators in Bernards Township; and

**WHEREAS**, Bernards Township customers have expressed extreme dissatisfaction with the service from these utility companies and lack of communication with their customers; and

**WHEREAS**, specifically, JCP&L’s ongoing outage service response to large scale outages has been chronically unsatisfactory and woefully inadequate with outages lasting up to two weeks; with outages associated with:

- the 2011 Halloween snowstorm
- Hurricane Irene in August 2011
- Hurricane Sandy in October 2012
- Tropical Storm in Isaias in August 2020

and;

**WHEREAS**, in addition to the above, there are other numerous outages which frequently occur throughout the township on seemingly nice days, with no inclement weather; and

**WHEREAS**, cable services within the Township does not cover all areas, in particular within the Hills area, with spotty service, have low speeds and bandwidth, and interruptions that result in no service for long periods of time; and

**WHEREAS**, reliable and dependable internet services are increasingly imperative to customers for virtual work and schooling, both of which rely on dependable and reliable electric and cable service; and

**WHEREAS**, JCP&L and Optimum/Altice have completely failed to communicate with meaningful information to its customers in a timely fashion leaving customers in the dark for days on end, not knowing if their service will be restored within the next 10 minutes or within the next 10 days thus making it nearly impossible to plan while waiting for service to be restored.

**WHEREAS**, the Township Committee wishes to create a Utility Service Improvement Advisory Committee (“USIAC”) to consist of up to \_\_\_\_\_ members for \_\_\_\_\_ terms, expiring \_\_\_\_\_ consisting of:

1. Administrator?
2. Office of Emergency Management (OEM) Officer?
3. Mayor, or designee. (additional TC member?)
4. Up to \_\_\_\_\_ members of the public?

**WHEREAS**, the Mission and Objectives for this ad hoc advisory committee shall be as follows:

### **MISSION**

To act as an advisory committee to the Township Committee to assess the level of service from the electric utility company and the cable internet company, identify areas of concerns, and assist with advocating for improved overall service.

### **OBJECTIVES**

- Urge JCP&L and Optimum/Altice to provide a clear and honest self-assessment and a timetable for necessary improvements and upgrades.
- Partner with the Board of Public Utilities (BPU) to ensure that JCP&L plans for inevitable future large-scale weather events and the numerous outages that affect customers on seemingly normal, sunny days which affect the provision of vital electric service.
- Advocate for Verizon FiOS to install more service in township and for Optimum/Altice to replace “cable” going into nodes with “fiber”, adding additional nodes within the township thus reducing the number of “loops” to homes.
- Create a way for residents to report all outages and be a vehicle for customers to report chronic outage problems.
- Track JCP&L and Optimum/Altice’s response to major outages.
- Educate residents on the role of the BPU in power company regulations.
- Facilitate / Coordinate resident feedback to BPU regarding JCP&L and Optimum/Altice’s performance
- Represent Bernards Township Customers before the BPU when appropriate.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Bernards, hereby establishes the Utility Service Improvement Advisory Committee (“USIAC”) to assess, advise, and assist the Township Committee with advocating for improved services.

Agenda Date and Vote: 09/15/2020

#### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution # 2020-0298** 2021 Holiday Schedule

**Now, Be It Resolved,** by the Township Committee of the Township of Bernards that the 2021 Holiday Schedule is as follows:

Friday, January 1, 2021	New Year's Day
Monday, January 18, 2021	Martin Luther King, Jr. Day
Monday, February 15, 2021	Presidents' Day
Friday, April 2, 2021	Good Friday
Monday, May 31, 2021	Memorial Day
Monday, July 5, 2021	Independence Day Observed
Monday, September 6, 2021	Labor Day
Monday, October 11, 2021	Columbus Day
Thursday, November 25, 2021	Thanksgiving Day
Friday, November 26, 2021	Day after Thanksgiving Day
Friday, December 24, 2021	Christmas Day Observed

Two (2) floating holidays will be offered.

Agenda and Date Voted: 09/15/2020

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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

### **Explanatory Statement**

The above holiday schedule represents the township's policy of providing 13 paid holidays.  
Carol Ackerman, HR Generalist





# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

## Resolution #2020-0299

### Resolution Canceling Public Grant Appropriations and Grant Receivable Balances

**WHEREAS**, it is necessary to formally cancel said spending reserves and receivable balances so that the balances may be removed from the Township's Financial Statements.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that the following unexpended or uncollected grant appropriations, receivable account balances, and due to/from balances be canceled:

<u>Grant Fund Entries</u>	<u>D</u>	<u>C</u>
Grants Receivable – NJACCHO – Strengthening Local Public Health		5,615.38
Grants Appropriated – NJACCHO – Strengthening Local Public Health	5,615.38	
	<u>5,615.38</u>	<u>5,615.38</u>

Agenda and Date Voted: 09/04/2020

#### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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

Explanatory Statement: This Grant has been included in the 2020 budget. Resolution 2020-0288 was originally adopted to amend the 2020 budget with a Chapter 159.

09/04/2020

Sean McCarthy, CFO



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2020-0300

Award of Bid for Department of Public Works Road Repairs (Alt # 2) to  
Renda Roads Inc., P.O. Box 89, Whitehouse, NJ 08888  
In the Not to Exceed Amount of \$500,000.00

**WHEREAS**, the Township of Bernards received bids on Thursday, July 28, 2020, at 10:45 AM for Department of Public Works Road Repairs:

BIDDERS NAME	TOTAL BID AMOUNT Alt #2
Renda Roads, Inc.	\$1,522.00
Landtek Construction LLC DBA United Terrain Group	\$1,998.00
Reivax Contracting Corp.	\$2,180.00
Crossroads Pavement Maintenance LLC.	\$3,170.00

Alternate # 2 (Unit price for additional repair work from date of award of bid for 2 years for the repairing of various roads as directed by the Public Works Department, not to exceed \$500,000)

DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL UNIT PRICE
Fuel Price Adjustment	LS	1	\$500.00	\$500.00
Asphalt Price Adjustment	LS	1	\$500.00	\$500.00
2" Mill	SY	4	\$8.00	\$8.00
5" Mill	SY	4	\$8.00	\$8.00
Dense Graded Aggregate Repair Areas	TONS	1	\$8.00	\$8.00
Bit. Concrete Mix I-2, 5" Thick	TONS	1	\$90.00	\$90.00
FABC Mix I-5, 2" Thick	TONS	1	\$150.00	\$150.00
Walking/Biking Path, 4'-8'. FABC Mix I-5, 2" Thick	TONS	1	\$210.00	\$210.00
TOTAL UNIT PRICE BID				\$1,522.00

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award the contract to Renda Roads Inc., P.O. Box 89, Whitehouse, NJ 08888, in the amount of \$500,000.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance – DPW Capital Improvements (\$400,000.00) and budget line account #1-01-26-290-266 (\$100,000.00) contingent upon Township Committee budget approval for Alt #2; and

**WHEREAS**, this contract has been awarded to Renda Roads Inc., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Renda Roads Inc., P.O. Box 89, Whitehouse, NJ 08888, in the not to exceed amount of \$500,000.00.

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

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Department of Public Works Road Repairs Alt #2.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between completion of Alt. #1 to 9/28/2021.
9. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

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

---

Peter DeLoria, Vice President

Agenda and Date Voted: September 15, 2020

Explanatory Statement

The scope of work will include milling and resurfacing various failed areas throughout the Township throughout the year on as need basis, it will also include resurfacing of paved bikeways.

9/2/2020

Jorge L. Casacuberta  
Director of Public Works

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$500,000.00.

Funds will be budgeted in 2021; the line appropriations or ordinance to be charged will be Capital Ordinance – DPW Capital Improvements (\$400,000.00) and budget line account #1-01-26-290-266 – (\$100,000.00) contingent upon Township Committee budget approval for Alt. #2.



Sean McCarthy, Chief Financial Officer

Date: September 8, 2020

**PURCHASING CERTIFICATION**

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: September 3, 2020

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.**

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2020-0301

Award of Bid for Department of Public Works Road Repairs (Alt # 1) to  
Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater NJ 08807  
In the Not to Exceed Amount of \$257,300.00

**WHEREAS**, the Township of Bernards received bids on Thursday, July 28, 2020 at 10:45 AM for Department of Public Works Road Repairs:

BIDDERS NAME	TOTAL BID AMOUNT Alt #1
Reivax Contracting Corp.	\$257,300.00
Renda Roads, Inc.	\$330,600.00
Landtek Construction LLC DBA United Terrain Group	\$565,100.00
Crossroads Pavement Maintenance LLC.	\$1,033,500.00

**Alternate #1 (Various roadway repair throughout the Township, it is intended to keep the project open as outlined in specifications so as to repair various areas at various times as directed by Bernards Township DPW. Minimum repair area 4SY)**

DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL UNIT PRICE
Fuel Price Adjustment	LS	1	\$500.00	\$500.00
Asphalt Price Adjustment	LS	1	\$500.00	\$500.00
2" Mill	SY	10,000	\$6.00	\$60,000.00
5" Mill	SY	400	\$18.00	\$7,200.00
Dense Graded Aggregate Repair Areas	TONS	100	\$1.00	\$100.00
Bit. Concrete Mix I-2, 5" Thick	TONS	200	\$105.00	\$21,000.00
FABC Mix I-5, 2" Thick	TONS	1,200	\$105.00	\$126,000.00
Walking/Biking Path, 4'-8'. FABC Mix I-5, 2" Thick	TONS	400	\$1050.00	\$42,000.00
TOTAL UNIT PRICE BID				\$257,300.00

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award the contract to Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater NJ 08807, in the amount of \$ 257,300.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2446, line account # C-04-55-446-C01; and

**WHEREAS**, this contract has been awarded to Reivax Contracting Corp., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater NJ 08807 in the amount not to exceed \$ 257,300.00.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township (“Owner”) and Reivax Contracting Corp., (“Contractor”) shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Department of Public Works Road Repairs Alt #1.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between 9/28/2020 until funds have been exhausted or 9/28/2021.
9. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

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

---

Xavier Pimenta, President

Agenda and Date Voted: September 15, 2020

Explanatory Statement

The scope of work will include milling and resurfacing various failed areas throughout the Township, it will also include resurfacing of paved bikeways.

9/2/2020

Jorge L. Casacuberta  
Director of Public Works

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$257,300.00. Monies are available in the Capital Ordinance, #2446, line item account # C-04-55-446-C01.


Date: September 8, 2020



Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

I hereby certify that I have prepared this resolution and reviewed it for accuracy.



Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: September 3, 2020

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

## **Resolution #2020-0302**

### **Personnel Appointment**

Jordan Padovano – Deputy Municipal Clerk – Municipal Clerk

**WHEREAS**, N.J.S.A. 40A:9-135 provides for the appointment of a Deputy Municipal Clerk and pursuant to § 2-4.2 of the Revised General Ordinances of the Township of Bernards, appointment by the Township Committee for a term of one year from January 1 in the year in which the appointment is made; and

**WHEREAS**, said appointment does not guarantee employment or salary for the term of the appointment; and

**WHEREAS**, the full-time position of the Deputy Municipal Clerk is currently vacant; and

**WHEREAS**, Jordan Padovano is currently serving as Assistant to the Municipal Clerk and has been assigned new duties which warrant promotion to Deputy Municipal Clerk; and

**WHEREAS**, the job functions within the Municipal Clerk's Office have been reviewed, analyzed and restructured as a key component to the succession planning of the Department; and

**WHEREAS**, Jordan Padovano holds a current Registered Municipal Clerk (RMC) Certification set forth in N.J.S.A. 40A:9-133.10 et. seq.; and

**WHEREAS**, Jordan Padovano meets the qualifications for appointment as Deputy Municipal Clerk; and

**WHEREAS**, the Municipal Clerk, Township Administrator and Human Resources Manager recommend appointment of Jordan Padovano to the position of full time Deputy Municipal Clerk.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, that Jordan Padovano be appointed full time Deputy Municipal Clerk with an appointment date of September 16, 2020 to expire December 31, 2020 at an hourly rate of \$24.25 for a 40-hour work week.

Agenda and Date Voted: 09/15/2020

#### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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

#### **EXPLANATORY STATEMENT**

The Assistant to the Municipal Clerk position is being upgraded to a Deputy Municipal Clerk position to assist in the succession planning for the Municipal Clerk's office. This new role will assist in the supervision of clerical staff and will now mirror the reporting structure of other Township departments. Jordan Padovano is qualified to fill said position; he has obtained his Registered Municipal Clerk's Certification.  
Emily Kesselmeyer, HR Manager





# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0303**

### **Personnel Appointment**

**Leslie Meth – Administrative Assistant – Municipal Clerk**

**WHEREAS**, the full-time position of the Administrative Assistant is currently vacant; and

**WHEREAS**, Leslie Meth is currently serving as Assistant to the Municipal Clerk and has been assigned new duties which warrant promotion to Administrative Assistant; and

**WHEREAS**, the job functions within the Municipal Clerk's Office have been reviewed, analyzed and restructured as a key component to the succession planning of the Department; and

**WHEREAS**, the Municipal Clerk, Township Administrator and Human Resources Manager recommend appointment of Leslie Meth to the position of full time Administrative Assistant.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, that Leslie Meth be appointed full time Administrative Assistant with an appointment date of September 16, 2020 at an hourly rate of \$23.75 for a 40-hour work week.

Agenda and Date Voted: 09/15/2020

#### **CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.**

\_\_\_\_\_  
**Rhonda Pisano, Municipal Clerk**

#### **EXPLANATORY STATEMENT**

The Assistant to the Municipal Clerk position is being upgraded to an Administrative Assistant position to assist in the succession planning for the Municipal Clerk's office. This new role more accurately depicts the function of the department. With the review, analyzation and restructuring on departmental functions Administrative Assistant is the appropriate title for the work being done. Leslie Meth is qualified to fill said position.  
Emily Kesselmeier, HR Manager



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2020-0304

Authorizing and Approving Purchase of One (1) John Deere XUV835M Cab Non-HVAC (MY20)  
from ESCNJ Bid #18/19-25, Co-Op #65MCESCCPS  
to Deere & Company, 2000 John Deere Run, Cary, NC 27513  
In the Amount Not to Exceed \$22,825.89

**WHEREAS**, the Township of Bernards Public Works Department wishes to purchase one (1) John Deere XUV835M Cab Non-HVAC (MY20);

QTY	DESCRIPTION	UNIT COST	UNIT TOTAL
1	John Deere XUV835M Cab Non-HVAC (MY20)	\$19,095.63	\$19,095.63
1	Cargo Box Power Lift	\$760.38	\$760.38
1	Black Roof with Headliner	\$129.63	\$129.63
1	Rear Bumper with Rear Cargo Box Fender Guards	\$391.50	\$391.50
1	Front Brush Guard with Extensions	\$392.37	\$392.37
1	Drawbar/ball mount for 51mm (2 in.) receiver hitch. Hitch ball sold separately	\$38.17	\$38.17
1	Floor Mats (2)	\$74.47	\$74.47
1	Front Fender Guard	\$199.22	\$199.22
2	Front Attachment Harness	\$125.68	\$251.36
1	Rear Cab Attachment Harness	\$63.30	\$63.30
1	Heater	\$781.96	\$781.96
1	Horn Kit	\$22.35	\$22.35
2	LED Work Lights (2 Lights)	\$312.77	\$625.55
	<b>TOTAL</b>		<b>\$22,825.89</b>

and

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Deere & Company, 2000 John Deere Run, Cary, NC 27513 in the amount of \$22,825.89; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line account #C-04-55-446-H04 (\$22,825.89); and

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

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to Deere & Company, 2000 John Deere Run, Cary, NC 27513 in the amount not to exceed \$22,825.89.

Agenda and Date Voted: September 15, 2020

### EXPLANATORY STATEMENT

It is my recommendation, based upon review of the ESCNJ Bid #18/19-25, Co-Op #65MCESCCPS, to issue a purchase order for one (1) John Deere XUV835M Cab Non-HVAC (MY20) to Deere & Company, 2000 John Deere Run, Cary, NC 27513 - In the Amount Not to Exceed \$22,825.89. This recommendation is made in accordance with the equipment replacement plan for 2020 and will replace #623, 2008 John Deere Gator TX Turf Utility Vehicle.

Date: 9/3/2020

Jorge L. Casacuberta, Director of Public Works

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$22,825.89. Monies are available in the Public Works account #C-04-55-446-H04.



Date: September 8, 2020

Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION:**

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

  
For Purchasing Agent

Francis J. Decibus, QPA, RPPO

Purchasing Agent

Date: September 8, 2020

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; www.bernards.org

## Resolution #2020-0305

Authorizing and Approving Purchase of One (1) John Deere 4066R Compact Utility Tractor (52 PTO HP)  
from ESCNJ Bid #18/19-25, Co-Op #65MCESCCPS  
to Deere & Company, 2000 John Deere Run, Cary, NC 27513  
In the Amount Not to Exceed \$51,004.84

**WHEREAS**, the Township of Bernards Public Works Department wishes to purchase one (1) John Deere 4066R Compact Utility Tractor (52 PTO HP);

QTY	DESCRIPTION	UNIT COST	UNIT TOTAL
1	John Deere 4066R Compact Utility Tractor (52 PTO HP)	\$34,374.45	\$34,374.45
1	Factory Installed Loader with Bucket	\$5,829.92	\$5,829.92
1	Deluxe Cab with Air Ride Seat	\$7,992.90	\$7,992.90
1	Factory Installed Stereo	\$410.85	\$410.85
1	44x18-20 (4PR, R3 Turf, 1 Position)	(\$402.55)	(\$402.55)
1	Horn Kit	\$51.13	\$51.13
1	Back-up Alarm Kit	\$113.21	\$113.21
1	Ballast Box	\$251.08	\$251.08
1	Rear Wiper Kit (Cab Only)	\$217.29	\$217.29
1	4 <sup>th</sup> and 5 <sup>th</sup> Selective Control Valve Kit (Cab Only)	\$829.92	\$829.92
1	Electrohydraulic Third SCV Kit with Rear Tubing (Cab only)	\$834.48	\$834.48
1	Beacon Light Kit (Cab Only)	\$209.08	\$209.08
1	Rear Work Light Kit (2 Lights) (Cab Only)	\$129.65	\$129.65
1	External Mirror Kit (Cab Only)	\$163.43	\$163.43
	<b>TOTAL</b>		<b>\$51,004.84</b>

and

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Deere & Company, 2000 John Deere Run, Cary, NC 27513 in the amount of \$51,004.84; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line accounts #C-04-55-446-H01 (\$25,000.00) and #C-04-55-417-H02 (\$26,004.84); and

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

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to Deere & Company, 2000 John Deere Run, Cary, NC 27513 in the amount not to exceed \$51,004.84.

Agenda and Date Voted: September 15, 2020

### EXPLANATORY STATEMENT

It is my recommendation, based upon review of the ESCNJ Bid #18/19-25, Co-Op #65MCESCCPS, to issue a purchase order for one (1) John Deere 4066R Compact Utility Tractor (52 PTO HP) to Deere & Company, 2000 John Deere Run, Cary, NC 27513 - In the Amount Not to Exceed \$51,004.84. This recommendation is made in accordance with the equipment replacement plan for 2020 and will replace #1622, 2008 New Holland Tractor T2410.

Date: 9/3/2020

Jorge L. Casacuberta, Director of Public Works

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$51,004.84. Monies are available in the Public Works accounts #C-04-55-446-H01 (\$25,000.00) and #C-04-55-417-H02 (\$26,004.84).



Date: September 8, 2020

Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION:**

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

  
For Purchasing Agent

Francis J. Decibus, QPA, RPPO

Purchasing Agent

Date: September 8, 2020

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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



# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920

908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **Resolution #2020-0306**

Extension of Resolution #2020-0222 Permitting Relief of Certain Ordinances to Assist Local Businesses as they Re-Open Following the Lifting of COVID-19 Executive Orders

**WHEREAS**, the COVID-19 pandemic continues to affect public health and therefore continues to effect local businesses; and

**WHEREAS**, Resolution #2020-0222, approved on 06/09/2020, permitting relief of certain ordinances to assist local businesses as they re-open following the lifting of COVID-19 executive orders is effective through November 1, 2020 unless further extended by Resolution of the Township Committee.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Bernards hereby extends Resolution #2020-0222 permitting relief of certain ordinances through June 30<sup>th</sup>, 2021.

Agenda Date and Vote: 09/15/2020

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 09/15/2020.

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



# Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## **ORDINANCE #2452**

Accepting Amendment No. 1 to Bio-Retention Basin, Drainage & Access Easement on  
Property Located at 3415 Valley Road, Block 9002, Lot 1,  
from Bonnie Brae to the Township of Bernards

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Bonnie Brae, having an address of P.O. Box 825, 3415 Valley Road, Liberty Corner, New Jersey, 07938, Amendment No. 1 to Bio-Retention Basin, Drainage & Access Easement on Block 9002, Lot 1, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

### **EXPLANATORY STATEMENT**

This easement is an amendment to an easement accepted by the Township in 2018 pursuant to Ordinance #2388. The original easement was provided in conjunction with a site plan approved by the Planning Board on October 3, 2017 (Application #PB17-007). The amendment revises the boundary of the original easement area to reflect an approved change to the layout of the stormwater management system. The purpose of the easement remains to ensure proper maintenance of the stormwater management system. The grantor maintains an escrow account with the Planning Board to reimburse the Township for costs incurred in the processing of this easement.

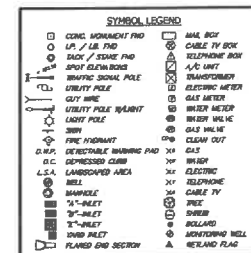
Date:           

David Schley, PP, AICP, Township Planner

### **TOWNSHIP OF BERNARDS PUBLIC NOTICE**

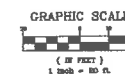
Ordinance #2452 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 08/25/2020 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing on 09/15/2020 to be held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available on the township website bulletin board [www.bernards.org](http://www.bernards.org).

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk



1. MAP ENTITLED "FOUNDATION LOCATION, THE LOT 1, BLOCK 9101, 3418 VALLEY ROAD, TOWNSHIP OF BERNARDS, SOMERSET COUNTY, NEW JERSEY" PREPARED BY DPK CONSULTING, DATED 10/30/2018, SHEET 1 OF 1.

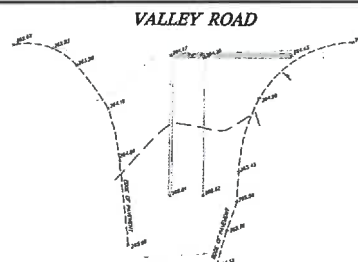
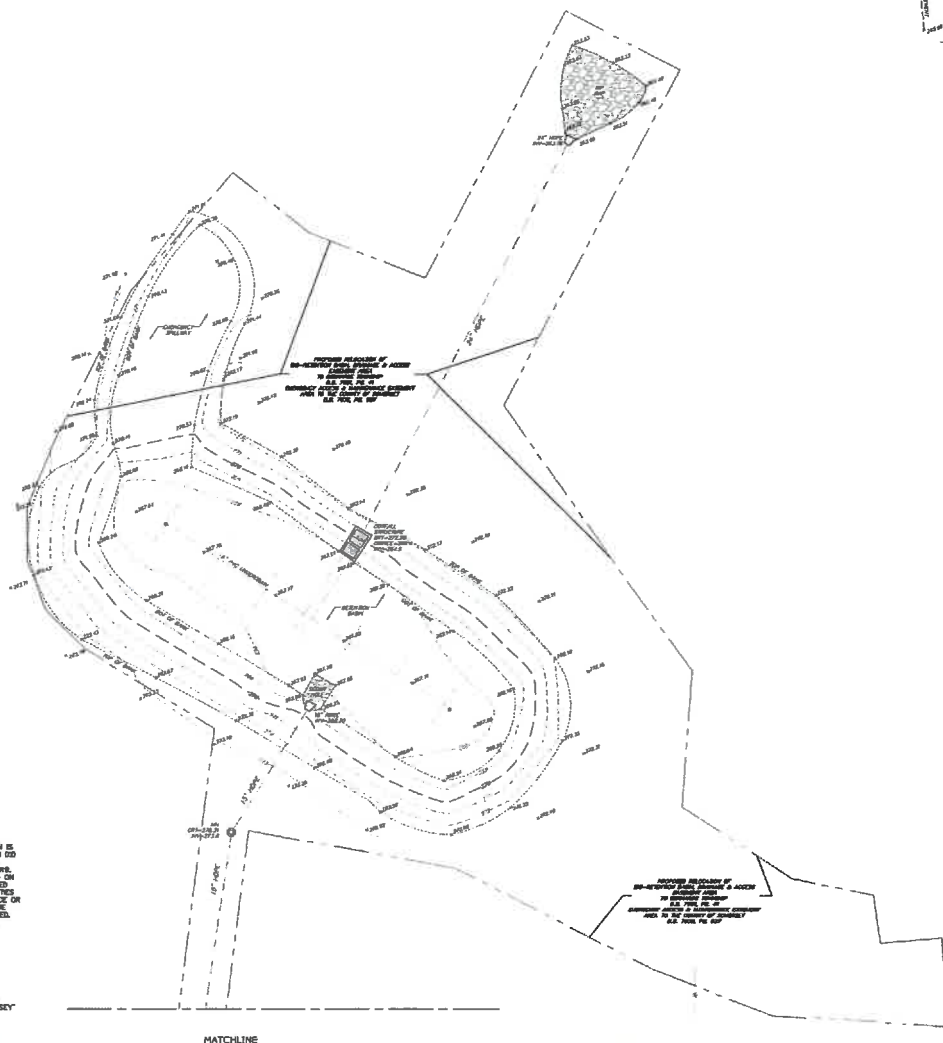
*REDUCED COPY  
NOT TO SCALE*



THE CHINA TRAIL, LLC  
THE OLD NEW BRIDGE ROAD-RT 301, P.O. BOX 274444, N.J. 07044  
732-764-0888 F: 732-764-0889  
www.chinatrail.com





[illegible]

## GENERAL NOTES

1. THIS PLAN IS NOT A BOUNDARY SURVEY. THE PURPOSE OF THIS PLAN IS TO MAP PORT CONSTRUCTION AIR-BUILT CONDITIONS. DPH CONSULTING DID NOT PERFORM A BOUNDARY SURVEY OF THIS PROPERTY.
2. THIS SURVEY REPRESENTS FIELD CONDITIONS AS OF NOVEMBER 13, 2018. SURFACE ELEVATIONS AND SLOPES WERE MEASURED AND OBSERVED ON THE SURFACE ONLY OR HAVE BEEN SHOWN GRAPHICALLY PER SUPPLIED MATERIALS. DPH CONSULTING MAKES NO GUARANTEES THAT THE UTILITIES SHOWN ON THIS SURVEY. SUCH UTILITIES MAY BE EITHER IN-PIPE OR UN-EXPOSED. DPH CONSULTING DOES NOT GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. DPH CONSULTING HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
3. THE PROJECT MATERIAL DATA IS BASED UPON MAP REF. 1.
4. IF THIS DOCUMENT DOES NOT CONTAIN A RUBBED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT AN AUTHORIZED ORIGINAL.

#### MAP REFERENCE

1. MAP ENTITLED "FOUNDATION LOCATION, TAX LOT 1, BLOCK 8101, 3415 VALLEY ROAD, TOWNSHIP OF BERNARDS, SOMERSET COUNTY, NEW JERSEY" PREPARED BY DPK CONSULTING, DATED 10/30/2018, SHEET 1 OF 1.

*REDUCED COPY  
NOT TO SCALE*



# FINAL AS-BUILT SURVEY

TAX LOT 1

BLOCK 9101

3415 VALLEY ROAD

TOWNSHIP OF BERNARDS  
SOMERSET COUNTY  
NEW JERSEY

SOMERSET COUNTY NEW JERSEY

**DPK CONSULTING**  
 DPK CONSULTING, LLC  
 10000 W. 16th Ave., Suite 1000, Denver, CO 80202  
 Tel: 303.755.1100 Fax: 303.755.1101  
 www.dpkconsulting.com

ENVI CONSULTING, LLC  
225 OLD HIGH BRIDGE RD. #111, MONTAILEY, NJ 08054  
P: 732-364-6066 F: 732-364-2860  
NJ IS A LEADY CERTIFICATE OF AUTHORIZATION NO. 20-04060-0200

James J. Heiser

DATE: 9/29/97  
N.J. Lic: 24G5043/1100  
PA. Lic: SL075616  
N.Y. Lic: 050932-1  
CT. Lic: 70478

PHILIP@ECONCONSULTING.NET



# Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
908-766-2510; [www.bernards.org](http://www.bernards.org)

---

## ORDINANCE #2453

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards  
Chapter 14, "Fire Prevention"

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 14 "Fire Prevention" of the Revised General Ordinances of the Township of Bernards is amended. (new text is in double underline; deletions are ~~stricken~~)

### § 14-1.1 Local Enforcement. [Ord. #1379, 3-27-2001, adopted]

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code shall be locally enforced in the Township of Bernards. This chapter supplements the State Uniform Fire Safety Act and the rules and regulations promulgated thereunder.

### §14-1.2 Definitions

The definitions contained within the New Jersey Uniform Fire Code shall be included herein by reference and shall be applicable to this chapter.

Agricultural Burning – the burning of herbaceous or infested plant life, the burning of orchard ~~pruning's~~ and cuttings, prescribed burnings and the clearing of agricultural land by burning

Annual Mobile Food Vendor Permit - a permit issued by the Fire Official for a Mobile Food Vendor who may be operating in Bernards Township several times in a calendar year. An Annual Mobile Food Vendor Permit will only be available for a calendar year expiring on December 31<sup>st</sup> of that year.

Daily/Single Event Mobile Food Vendor Permit – a permit issued by the Fire Official for a daily, single use of a Mobile Food Vendor.

Fire Alarm System – A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Fire Lane – Shall mean a road or other passageway developed to allow the passage of fire apparatus. A Fire Lane is designated by the Fire Official and properly posted and marked in accordance with this chapter. The terms Fire Lane and Fire Zone shall be interchangeable

Fire Official – Shall mean a person certified by the Commissioner of the Department of Community Affairs and appointed by the Township Committee. The terms Fire Official and Fire Marshal shall be interchangeable.

Grease Laden Vapors – vapors produced when cooking and/or preparing foods that contain animal fat, vegetable shortening, and other such oily matter.

Mobile Food Vendor – a unit of closed construction designed to be driven or towed from place to place, with equipment to cook, prepare, serve, or sell food. This shall include but not limited to mobile canteens, food trucks, food trailers, and food carts.

Open Burning – The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

Outdoor Fireplace – an outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. An outdoor fireplace may be portable, open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

Permit – An official document or certificate issued by the Fire Official that authorizes performance of a specified activity

Recreational Fires –An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill, or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**§ 14-1.~~32~~ Agency Designation.**  
**[Ord. #1379, 3-27-2001, adopted]**

The local enforcing agency shall be the Bernards Township Bureau of Fire Prevention. The terms Bureau of Fire Prevention and Bureau of Fire Safety shall be equally recognized within this chapter and shall be interchangeable.

**§ 14-1.~~43~~ Duties.**  
**[Ord. #1379, 3-27-2001, adopted]**

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township of Bernards and shall faithfully comply with the requirements of the Uniform Fire Safety Act and Uniform Fire Code.

**§ 14-1.~~54~~ Life Hazard Use.**  
**[Ord. #1379, 3-27-2001, adopted]**

The local enforcing agency established by this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

**§ 14-1.~~65~~ Organization.**  
**[Ord. #1379, 3-27-2001, adopted]**

The local enforcing agency established by this section shall be the Bernards Township Fire Prevention Bureau and the Fire Official shall serve as the Chief Administrator.

**§ 14-1.~~76~~ Appointments; Term of Office; Removal.**  
**[Ord. #1379, 3-27-2001, adopted]**

- a. Appointment of Fire Official. The Fire Official shall be under the direct supervision of the Township Engineer and shall be appointed by the Township Committee with consideration to the recommendation of the Township Administrator and Director of Human Resources in accordance with Chapter 2 of the Bernards Township General Ordinances. **[Ord. #1839, 1-24-2006, amended]**

- b. Term of Office. The Fire Official shall serve for a term of one year from January 1 in the year in which his appointment is made.
- c. Inspectors and Employees. Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Township Committee upon the recommendation of the Fire Official, Township Administrator and Director of Human Resources. [Ord. #1839, 1-24-2006, amended]
- d. Identification Card. ~~An identification card over the signatures of the Mayor and Township Clerk with the Township Seal thereunto affixed shall be issued to the Chief Inspector and each Deputy Inspector, and the identification cards shall be prima facie evidence of the authority of such Fire Official and inspectors to act hereunder and enforce this chapter.~~ The Fire Official and inspectors of the enforcing agency shall be issued a Township identification card and shall be subject to carry said identification at all times as evidence of the authority of the local enforcing agency.
- e. Removal from Office. The Fire Official, inspectors and other employees of the enforcing agency shall be subject to removal by the Township Administrator for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer in accordance with the Township's Employee Handbook of Personnel Policies and Procedures, Employee Rights and Obligations, Disciplinary Actions Procedures and Termination. [Ord. #1839, 1-24-2006, amended]

## SECTION 14-2 Bureau of Fire Prevention

### RESERVED

[This section (Section 14-2) will be held in reserve until the body that this section refers to is organized and develops operational details, i.e., title, Chairman, Secretary, operational guidelines, etc.]

## SECTION 14-3 Permits, Additional Fees and Inspections

### § 14-3.1 Permits.

- a. Permits shall be required and obtained from the Bernards Township Bureau of Fire Prevention for activities specified in N.J.A.C. 5:70-2.7. The permit fees established by the New Jersey Uniform Fire Code shall be the required permit fees as provided in N.J.A.C. 5:70-2.9 (c). All permit applications shall be submitted a minimum of two weeks prior to the activity date. Failure to submit the application two weeks prior will result in denial of the application. The Fire Official may revoke a permit or approval issued under the provisions of the NJ Uniform Fire Code if upon inspection any violation of the code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

### § 14-3.2 Additional Required Inspections and Fees.

In addition to the inspection and fees required pursuant to the Act and the regulations of the Department of Community Affairs, the following additional inspections shall be required:

- a. All public buildings and premises into which the public is invited, including multifamily dwellings as well as commercial and industrial establishments, and all public and private schools.

- b. Such fees as may be determined by the Fire Prevention Bureau may be adopted by resolution of the Township Committee. **[Ord. #1379, 3-27-2001, adopted]**
- c. Whenever the Fire Official or his representative is required to attend an event being held within the Township during non-normal business hours of the Fire Official, a fee of \$75 per hour shall be paid by the organizer of such event to the Township, based upon the number of hours the Fire Official or his representative is required to attend such event, with a minimum of two hours to be charged for each such event. Events sponsored by the Township of Bernards, the Bernards Township Board of Education; and the Fire and Rescue Services of the Township of Bernards shall be exempt from this charge. **[Ord. #2137, 12-14-2010, added]**

### **§14-3.3 Mobile Food Vendors**

#### **a. Permits**

Mobile Food Vendors that utilize an open flame, fuel burning appliances, or that produce grease laden vapors shall submit a permit application each time they operate. All permit applications shall be submitted a minimum of two weeks prior to the date of operation. Individual permits shall be issued to specific mobile unit and shall not approve operation of multiple mobile units. All permit applications shall include identifying information for the mobile unit corresponding to each individual permit application.

A daily/single event permit for a Mobile Food Vendor can be acquired as per §14-3.1 and §14-3.2.

Vendors Operating throughout a calendar year are legible for an Annual Mobile Food Vendor permit. An annual Mobile Food Vendor permit shall expire on December 31<sup>st</sup> of the same year of permit application. The fee for an annual Mobile Food Vendor permit is \$500.00.

#### **b. Inspections**

No Mobile Food Vendor shall operate within the borders of Bernards Township without first having apply for a permit and pass a fire inspection by the Bernards Township Bureau of Fire Prevention prior to beginning the operation. Annual Mobile Food Vendor permits require daily inspection prior to operation. Every day of operation shall be considered a separate operation and requires a distinct inspection. Inspection violations of the New Jersey Uniform Fire Code shall constitute an order to close the Mobile Food Vendor and immediately remove the operation from Bernards Township. Should an inspection reveal violations of the New Jersey Uniform Fire Code following the initial issuance of an annual Mobile Food Vendor permit, the Fire Official may to revoke any such permit.

## **SECTION 14-3A**

### **~~Smoke Detection, Carbon Monoxide Detection Devices, and Fire Extinguishers in Residential Premises~~**

### **Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance**

#### **§ 14-3A.1 Definitions.**

**[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]**

APPROVED RATING ORGANIZATION — Shall mean approved by Underwriters Testing Laboratories.

§ 14-3A.2 **Here Required.**

[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]

Any building of Use Group R-2, R-3, R-4, or R-5, or portion thereof, that is sold, lease, or otherwise made subject to a change of occupancy for residential purposes shall have a Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance (CSACMAPFEC) obtained by the owner prior to said change of occupancy in accordance with N.J.A.C. 5:70-2.3 which evidences compliance with N.J.A.C. 5:70-4.19.

~~A structure used or intended to be used for residential purposes by not more than two households shall have a smoke-sensitive alarm device on each level of the structure. If the structure contains a fuel-burning appliance of any type, a carbon monoxide detector is also required. If both are required, a smoke detector and carbon monoxide detector shall be located outside each separate sleeping area in the immediate vicinity of the bedrooms, in accordance with N.J.S.A. 52:27D-192 and N.J.A.C. 5:70-2.3 et seq. Smoke detectors and carbon monoxide detectors must be located in accordance with the NFPA Standard listed in N.J.A.C. 5:70- and maintained in good working order. Notwithstanding the provisions of Section 14-1 of this chapter, this section shall not be enforced except pursuant to Subsection 14-3A.4 below.~~

§ 14-3A.3 **Smoke and Carbon Monoxide Detection Devices.**

[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]

Fire and Life Safety Systems within Residential Premises

~~Smoke and carbon monoxide detectors, as required by this section, shall be in compliance with the standards of the approved rating organization and shall be capable of being maintained by the person responsible for the occupancy of the residential dwelling unit. They shall consist of an assembly incorporating the detector, control equipment and the alarm-sounding device in one unit. The detectors may be battery powered or electrically connected to the main panel box with battery back-up and shall be listed in accordance with ANSI/UL 217 listed in N.J.A.C. 5:70. Two or more single-station smoke detector or carbon monoxide assemblies may be interconnected so that the activation of one causes all integral or separate audible alarms to operate. Nothing in this section shall be construed to prohibit the installation of more complex smoke or carbon monoxide detection devices.~~

The following requirements shall be applicable to and satisfied by applicants for a CSACMAPFEC prior to the issuance of a Certificate of Compliance:

- a. Smoke Alarms: Smoke Alarms shall be maintained in accordance with NFPA 72, their listing, and manufacturer specifications. Smoke Alarms shall be located as specified in N.J.A.C. 5:70-4.19. Smoke Alarms located and maintained in accordance with approvals contingent with a Certificate of Occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.
- b. Carbon Monoxide Alarms: Carbon Monoxide Alarms shall be maintained in accordance with NFPA 720, their listing, and manufacturer specifications. Carbon Monoxide Alarms shall be located as specified in N.J.A.C. 5:70-4.19. Carbon Monoxide Alarms located and maintained in accordance with approvals contingent with a Certificate of Occupancy issue in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.
- c. Portable Fire Extinguishers: A Portable Fire Extinguisher shall be installed and maintained in



accordance with N.J.A.C. 5:70-4.19(e).

- d. Fire Alarm Systems: Residential premises that contain installed Fire Alarm Systems as defined in the Uniform Construction Code, may be required to submit documentation of testing and maintenance evidencing that the system is maintained in good working order prior to the issuance of a CSACMAPFEC. The Fire Official and his/her designee shall assure such documentation meets or exceed the criteria contained within NFPA 72. Fire Alarm Systems may only be substitute for requirements of N.J.A.C. 5:70-4.19 when installed in accordance with the State Uniform Construction Code Act and when received a proper Certificate of Approval or been installed prior to the receipt of a Certificate of Occupancy.

**§ 14-3A.4 Certificate of Compliance.**  
**[Ord. #1379, 3-27-2001, adopted]**

In the case of a change of occupancy of any building Use Group R-2, R-3, R-4, or R-5 building or portion thereof-subject to the requirements of Subsection 14-3A.4 of this section, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining a certificate evidencing compliance with this section. Where a certificate of occupancy is required under the land development chapter or other General Ordinances of the Township, it shall not be issued prior to the time the owner obtains the certificate of compliance.

**§ 14-3A.5 Inspections.**  
**[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]**

The Fire Official of the Bureau of Fire Prevention and duly appointed Inspectors are hereby empowered to conduct the necessary inspections and to issue certificates of compliance as contemplated herein.

**§ 14-3A.6 Fees.**  
**[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended; Ord. #2334, 3-29-2016, amended]**

A fee of \$50 shall be paid by the owner prior to each inspection. If the inspection is requested within 10 days of the change of occupancy or ownership, a fee of \$100 shall be paid. If the inspection is requested within four days of the change of occupancy or ownership, a fee of \$150 shall be paid.

**§ 14-3A.7 Notice.**  
**[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]**

The Tax Collector of the Township of Bernards shall provide to each person requesting a tax search from his or her office a statement calling attention to the provisions of this section, including the requirement that smoke detectors and carbon monoxide detectors be installed and the necessity of obtaining a certificate of smoke detector and carbon monoxide detector compliance prior to each change of occupancy.

~~**§ 14-3A.8 Penalties.**~~  
~~**[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]**~~

~~Notwithstanding the provisions of section 14-6 of this chapter, an owner who sells, leases or rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this section shall be subject to a fine of not more than \$500 which may be collected and enforced by the Fire Official through summary proceedings pursuant to the penalty enforcement law, N.J.S.A. 2A:58-1 et seq.~~

**SECTION 14-3B**

## Non-Life Hazard Use Inspection Fees

§ 14-3B.1

[Ord. #1707, 3-9-2004, adopted; Ord. #2196, 6-12-2012, amended]

- a. Whenever the Fire Official shall have cause to believe that a building or business would require an annual fire prevention inspection, and the building or business is not a life hazard use, the owner of the building or business, if not already registered, shall fill out a registration form provided by the Fire Prevention Bureau. Upon inspection of the building or business, the owner shall pay to the Fire Prevention Bureau, within 30 days of receiving the written notice of violation and order to correct accompanied by a written statement of fees due, the required amount. The fees shall be based upon the square footage of the use. The fees are as follows:

Building Size in Square Feet	Annual Inspection Fee
0 to 500	\$50.00
501 to 1,000	\$75.00
1,001 to 3,500	\$150.00
3,501 to 10,000	\$300.00
10,001 to 30,000	\$500.00
30,001 and over	\$800.00

- b. Portions of churches and religious facilities used as sanctuaries and fire departments and first aid squads are exempt from fees.

### ~~SECTION 14-4~~ ~~Procedure for Appeals~~

~~Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal within 15 days to the Construction Board of Appeals of the County of Somerset. [Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]~~

### ~~SECTION 14-5~~ ~~Violations~~

~~Any person violating any of the provisions of this chapter or of the New Jersey Uniform Fire Code or who, failing or neglecting to obtain the necessary permit or license herein and hereby or in the code required, builds, erects, conducts or maintains any use, trade, business, establishment, premises, building, structure or improvement required to be licensed under this chapter or under the code, or who conducts or carries on any use, trade, business, establishment or premises contrary to the facts stated in his application for a permit or license or the plans filed therewith, or both, or in the license or permit granted therefore, or who falsely makes any misrepresentation in any application or writing required under this chapter or the code, or who fails and neglects to remedy a violation or nonobservance upon being notified by a representative of the Bureau of Fire Prevention to do so shall be guilty of a violation of this chapter and subject to the penalties hereinafter set forth. [Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]~~

### ~~SECTION 14-6~~ ~~Penalties~~

~~§ 14-6.1~~

~~[Ord. #1379, 3-27-2001, adopted; Ord. #1651, 7-15-2003, amended]~~

- ~~a. Any person violating any of the provisions of this chapter shall, for each offense, be subject to a fine as established in the New Jersey Uniform Fire Code and all applicable township ordinances.~~



- ~~b. Each day on which a violation occurs shall be deemed a separate offense and not a continuing violation.~~
- ~~c. Any person served with a notice that a violation occurs of which he is or may be guilty as provided in this chapter or in the New Jersey Uniform Fire Code and who does not abate the same as required herein or in the code and by the notice shall be guilty of a violation hereof and subject to the penalty of fine and/or imprisonment, as aforesaid, for each and every day following the period contained in the notice for the abatement thereof.~~

## SECTION 14-7

### Secured Opening Key Boxes

#### § 14-7.1 Installation; Contents; Etc.

- a. Installation. When a property is protected by an automatic alarm system, and access to or within a structure or an area on that property is impeded by secured openings, and where immediate access might become necessary for lifesaving or fire-fighting purposes, the Fire Official may require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Official and shall be installed at the expense of the property owner.
- b. Contents. The key box shall contain:
1. Keys to locked points of ingress whether on the interior or exterior of such buildings.
  2. Keys to locked mechanical equipment rooms.
  3. Keys to locked electrical rooms.
  4. Keys to elevator controls.
  5. Keys to other areas as directed by the Fire Official.
  6. Other material as directed by the Fire Official.

All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.

- c. Application. This subsection applies to both existing and future structures, but shall not apply to any residential units.
- d. Approvals.
1. The Fire Official shall, within 90 days of the effective date of this subsection, develop and submit to the Township Committee a list of specifications for key boxes. Following approval of the specifications by resolution of the Township Committee, any box complying with those specifications shall be deemed to be approved as required by Paragraph a above. Until such specifications are developed and at any time thereafter, any property owner may request the Fire Official to render a determination as to whether a particular key box, which does not comply with the specifications, can be approved for installation.
  2. Before installing any key box required by this subsection, the property owner shall make written request to the Fire Official to designate or approve the proposed location.

- e. Fees. The Fire Prevention Bureau may determine appropriate fees for processing an application to determine whether a key box which does not comply with the specifications can be approved for installation and a request for designation or approval of proposed locations for key boxes. Such fees shall become effective upon adoption by resolution of the Township Committee. [Ord. #1379, 3-27-2001, adopted]

## Section 14-8

### Fire Lanes and Zones

#### § 14-8.1 -Designation.

The Fire Official, in consultation with the Township Engineer, may designate fire lanes -and zones on private property to which the public is invited or which is devoted to public use, if such designation is necessary to provide safety for the public or to provide proper access for -first responder operations in an emergency;

#### § 14-8.2 Notification.

Whenever a proposed fire lane or zone has been designated, the Fire Official shall notify the owner of the property in writing by registered or certified mail, or by hand delivering notice, describing the area to be designated and the reason for the designation. Notification as specified in this section shall not be required when fire lanes or zones are designated through the land development approval process;

#### § 14-8.3 Delineation.

Delineation of fire lanes and zones shall be completed by the owner at the owner's expense using signs and striping required by this section and shall be accomplished within thirty (30) days after receipt of the notification of designation. Upon approval of the completed delineation, the Fire Official shall maintain a description or plan of the fire lane on file in the Fire Prevention Bureau.

All fire lanes and zones shall be at a minimum delineated using signage and striping in the following manner:

#### A. Signs.

- (1) Signs shall be twelve (12) inches wide by eighteen (18) inches high with a minimum of two- (2) inch high lettering.
- (2) White retroreflective material shall be used for the sign background in accordance with the current edition of the Manual on Uniform Traffic Control Devices.
- (3) Legend shall be red in color in accordance with the current edition of the Manual on Uniform Traffic Control Devices.
- (4) Signs, whether wall or post-mounted, shall be placed at the beginning and end of the lane or zone and at such intervals as required by the Fire Official, but not spaced more than one hundred (100) feet apart.
- (5) Whenever a fire lane changes angle or direction additional signs may be required at the discretion of the Fire Official or the Municipal Fire Subcode Official to ensure adequate visible signage along the fire lane.
- (6) Signs shall be placed at a height of seven (7) feet as measured from the ground surface to the bottom of the sign and placed perpendicular to the direction of the traffic flow so that the sign is facing oncoming traffic. If traffic flows in two (2) directions, signs shall be placed parallel to the direction of traffic flow. Signs may be placed upon existing supports. If a sign is placed on an existing support below an existing sign, the sign shall not project more than 4 inches into the pedestrian facility.
- (7) Signs shall read: "No Parking Fire Lane" or "No Parking Fire Zone."
- (8) A single-headed arrow shall point in the direction in which the regulation is in effect if the sign

is at the end of a lane or zone. A double-headed arrow pointing in both directions shall be used if the sign is at an intermediate point along a lane or zone.

#### B. Striping.

(1) Paint for pavement striping and lettering shall be yellow traffic paint.

(2) Fire lanes and zones shall be delineated by painting the curb yellow and by striping the lane or zone a minimum of twelve (12) feet wide or preferably eighteen (18) feet wide, if feasible, as designated and approved by the Fire Official.

(3) Each yellow diagonal stripe shall be four (4) inches wide and spaced five (5) feet apart throughout the lane or zone. The diagonal stripes should form an angle of approximately sixty (60) degrees with the longitudinal lines or curb that they intersect. The perimeter of the lane or zone shall also be striped with a four (4) inch yellow stripe.

(4) A striped legend of "No Parking Fire Lane" or "No Parking Fire Zone" shall be placed within the fire lane or zone facing away from the curb or wall at a minimum of one -hundred (100) -foot intervals, if so designated by the Fire Official, to further identify the area designated. The lettering of the striped legend shall be eighteen (18) inches high and placed within the center of the fire lane or zone.

#### § 14-8.4 Existing Conditions

At the time of the enactment of this section, any and all properties within the township that exhibit fire lane or zone delineation other than in the manner specifically noted above, shall be held valid for the purposes of section § 14-8.7 if the fire lane or zone is clearly indicated as to its purpose.

#### § 14-8.5 Maintenance

As fire lane or zone signs, striping, and all else necessary for delineation weathers, fades, and otherwise becomes damaged, illegible, or subject to maintenance, alteration, or replacement, it shall be the responsibility of the property owner, at their own expense, to ensure that all fire lanes and zones are brought into compliance with § 14-8.3. The Fire Official may notify the owner of any delineation in need of maintenance, and the owner shall then have thirty (30) days to comply with the maintenance request.

#### § 14-8.6 Fire Hydrants and Fire Department Connections

Immediate access to Fire Department Connections, public and private fire hydrants shall be maintained at all times without any obstruction. A working space clearance of not less than 36 inches in width and 36 inches in depth and 78 inches in height shall be provided and maintained in front of and to the sides of all wall-mounted fire department connections and around the circumference of free-standing fire department connections, public and private fire hydrants.

#### § 14-8.7- Obstructions.

It shall be unlawful for any person to park or leave standing any vehicle or place any obstruction on lands, whether publicly or privately owned, after notice has been posted as hereinafter provided prohibiting such parking, ~~or~~ standing or obstruction.

#### § 14-8.8 – Enforcement

The Bernards Township Police Department shall have jurisdiction to enforce the provisions of this section by the issuance of a parking summons to vehicles found violating this chapter.

## **Fire Alarm Systems**

### § 14-9.1 – Applicability

This section applies to local and monitored fire alarm systems in any structure other than one (1) or two (2) family dwellings.

### § 14-9.2 – Evacuation of Premises

When a fire alarm is activated in any building containing a fire alarm system, all occupants shall immediately leave the structure or follow a written Fire Evacuation Plan that has been previously approved by the Fire Official. Once notified, no persons shall enter or re-enter, until authorized to do so by the local Fire Department.

### § 14-9.3 – Prohibited acts

Resetting or silencing fire alarm systems – activated fire alarms systems which result in the dispatch of the local Fire Department shall not be reset or silenced without the approval from a responding Fire Department representative.

### § 14-9.4 – Notification

The building owner or representative shall notify the Bernards Township Bureau of Fire Prevention any time the building's fire alarm system operates in a trouble or supervisory mode or when any maintenance or work is being performed on the building's fire alarm system. 24 hour advance notification is required to the Bernards Township Bureau of Fire Prevention any time a fire alarm system is tested, repaired, altered, or for any fire/evacuation drill.

## Section 14-10

## **Open Burning**

### § 14-10.1 – Applicability

This section applies to all properties in Bernards Township.

### § 14-10.2 – Open Burning

Open burning shall be prohibited without first obtaining a permit from the State Forest Fire Service of the New Jersey Department of Environmental Protection as well as a permit from the Bernards Township Bureau of Fire Prevention as per N.J.A.C. 5:70-2.7. Open burns/bonfires shall not be conducted within 50 feet of a structure or combustible material. The fire shall not be more than 5 feet by 5 feet by 5 feet in dimension and shall not burn longer than 3 hours. Fuel for the fire shall consist only of seasoned dry firewood.

### § 14-10.3 – Recreational Fires

Recreational fires are permitted when utilizing only seasoned dry firewood and shall not be conducted within 25 feet of a structure or combustible material.

### § 14-10.4 – Outdoor Fireplace

Outdoor Fireplaces are permitted when being used in accordance with the manufacturer's instructions.

utilizing only seasoned dry firewood, and shall not be conducted within 15 feet of a structure or combustible material. Outdoor Fireplaces shall not be used or stored on combustible balconies or decks. The Fire Official shall review and approve all construction applications with outdoor fireplaces setback requirements.

#### § 14-10.5 – Agricultural Burning

Agricultural burning shall be prohibited without first obtaining a permit from the State Forest Fire Service in the New Jersey Department of Environmental Protection.

#### § 14-10.6 – Extinguishment

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Bureau of Fire Prevention staff or a representative of the local Fire Department is authorized to order the extinguishment of the open burning operation.

#### § 14-10.7 – Attendance

Open burning, recreational fires, and all outdoor fireplaces shall be constantly attended until the fire is extinguished.

#### § 14-10.8 – Waste Disposal

Open Burning, Recreational Fires, and Outdoor Fireplaces shall not be utilized for waste disposal purposes including but not limited to rubbish, garbage, leaves, waste vegetation, and construction debris.

### Section 14-11

#### **Enforcement**

§ 14-11.1 – Authority to enforce – The Bernards Township Bureau of Fire Prevention shall be the enforcing agency of this chapter.

§ 14-11.2 – Violations - Each violation shall constitute a separate and distinct offense independent of the violation of any other section. Each day of violation shall constitute an additional, separate, and distinct offense.

§ 14-11.3 – Penalties – Penalties will be enforced as per N.J.A.C. 5:70-2 unless otherwise noted below.

- a. Violation of Section 14-3 Permits, Additional Fees and Inspections – Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not more than \$5,000.00 for failure to comply with a lawful action will be issued to the owner of the Mobile Food Vendor as per N.J.A.C. 5:70-2.12(b)5.ii.
- b. Violation of Section 14-3A Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance - Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than \$500.
- c. Violation of Section 14-3B Non-Life Hazard Use Inspection Fees – Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of double the amount of the applicable Non-Life Hazard Use Inspection Fee.
- d. Violation of Section 14-9 Fire Alarm Systems – Any person violating any provisions of Section

14-9.2 and Section 14-9.3 shall for each offense, be subject to a fine of not less than one thousand (1,000) dollars. Any person violating any of the provisions of Section 14-9.4 shall, for each offense, be subject to a fine of not less than one hundred (100) dollars.

- e. Violation of Section 14-10 Open Burning – Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than one thousand (1,000) dollars.

§ 14-11.4 – Appeals – Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal within 15 days to the Construction Board of Appeals of the County of Somerset.

#### **EXPLANATORY STATEMENT**

The current Fire Prevention Ordinances have not been updated in almost two decades. These proposed Ordinance changes need to be updated to reflect local and state industry changes. Many of these changes were structured to resemble existing ordinances and codes in the state and other local municipalities.

Mark Sylvester, Fire Official

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

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

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

---


## **MEMORANDUM**

---

**BERNARDS TOWNSHIP  
DEPARTMENT OF ENGINEERING SERVICES  
PLANNING BOARD**

**TO:** Rhonda Pisano, Township Clerk  
John P. Belardo, Esq., Township Attorney

**CC:** Kippy Piedici, Chairwoman, Planning Board  
Greg Hurley, Vice Chairman, Planning Board  
Jonathan E. Drill, Esq., Attorney, Planning Board

**FROM:**  Cyndi Kiefer, Secretary, Planning Board

**DATE:** August 19, 2020

**SUBJECT:** Emerald Valley Homeowners Association, Inc.  
Application PB20-001

"Amended Preliminary and Final Subdivision Approval to eliminate the requirement that the Applicant maintain an emergency access easement and emergency access roadway over the easement and recommend to the Township Committee to consent to the vacation of the emergency access easement."

Please see the attached resolution memorializing the Planning Board's decision to grant approval for the above referenced application.

As part of that approval, the Planning Board is recommending that the Township Committee consent to the vacation of the emergency access easement described above.

**BERNARDS TOWNSHIP PLANNING BOARD**

**EMERALD VALLEY HOMEOWNERS ASSOCIATION, INC.  
EASEMENT OVER BLOCK 11401, LOTS 37.01 AND 42  
16 HARVEST WAY AND 181 MOUNTAIN ROAD**

**APPLICATION #PB20-001**

**RESOLUTION MEMORIALIZING (1) THE GRANT OF AMENDED PRELIMINARY AND FINAL SUBDIVISION APPROVAL TO ELIMINATE CERTAIN CONDITIONS OF PRIOR APPROVALS TO ELIMINATE THE REQUIREMENT THAT THE APPLICANT MAINTAIN AN EMERGENCY ACCESS EASEMENT AND EMERGENCY ACCESS ROADWAY OVER THE EASEMENT AND (2) RECOMMENDATION TO THE TOWNSHIP COMMITTEE TO CONSENT TO THE VACATION OF THE EMERGENCY ACCESS EASEMENT**

**WHEREAS**, Emerald Valley Homeowners Association, Inc. (the “**applicant**” or “**HOA**”) owns an emergency access easement (the “**emergency access easement**”) over certain property in the Township of Bernards (the “**Township**”) designated on the Township tax maps as Block 11401, Lots 37.01 and 42 (the “**property**”), and an emergency access roadway was constructed over the emergency access easement (the “**emergency access roadway**”) to serve homes located in a residential subdivision known as Emerald Valley Estates consisting of 22 single family detached residential lots located on Emerald Valley Lane and Harvest Way (the “**Subdivision**”), and conditions set forth in the underlying approval resolutions granting subdivision approval to create the Subdivision require that the applicant maintain the emergency access easement and the emergency access roadway;

**WHEREAS**, the applicant has applied to the Board for amended preliminary and final subdivision approval to eliminate the conditions set forth in the underlying approval resolutions to eliminate the requirement that the applicant maintain the emergency access easement and the emergency access roadway (the “**application**”);

**WHEREAS**, the Board has exclusive subject matter jurisdiction over the application pursuant to N.J.S.A. 40:55D-20, -46, and -50;

**WHEREAS**, the Board considered the application at a duly noticed public hearing on July 7, 2020, with proof of service and proof of publication of notices of the hearing being on file with the Board so that the Board has procedural jurisdiction over the application, during which hearing the applicant was represented by Frederick Zelle, Esq. (of Bisogno, Loeffler & Zelle, LLC), and the Board was represented by Jonathan E. Drill, Esq. (of Stickel, Koenig, Sullivan & Drill, LLC);

**WHEREAS, AFTER CONSIDERING THE PRIOR APPROVALS AS WELL AS THE REASONS PROVIDED IN SUPPORT OF THE APPLICATION, AND GIVING APPROPRIATE WEIGHT TO SAME, AND BASED ON ITS UNDERSTANDING OF THE APPLICABLE LAW, THE BOARD MAKES THE**



**FOLLOWING FACTUAL FINDINGS AND LEGAL CONCLUSIONS FOR THE PURPOSE OF MEMORIALIZING IN A WRITTEN RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-10g(2) ITS ACTION IN GRANTING THE APPLICATION SUBJECT TO CONDITIONS AS SET FORTH BELOW:**

**A. FACTUAL FINDINGS AND LEGAL CONCLUSIONS**

1. **The Subdivision, Prior Approvals, Conditions at Issue, and the Homeowners Association.** The Subdivision is known as “Emerald Valley Estates” and is an existing residential subdivision comprised of 22 single family residential lots fronting on Emerald Valley Lane and Harvest Way. The Subdivision was created in accordance with the following prior approvals granted by the Board (the “**prior approvals**”): Preliminary major subdivision approval to sections 1 and 2 by resolution adopted February 8, 2000; Final major subdivision to section 1 by resolution adopted on May 16, 2000; Amended preliminary major subdivision to section 2 by resolution adopted October 16, 2001; and Final major subdivision approval for section 2 by resolution adopted August 28, 2002. (Minor subdivision approval was granted by resolution adopted April 19, 2011 to adjust a lot line between one of the subject lots, Lot 37.01, and adjoining Lot 36.01 on Harvest Way. The 2011 minor subdivision approval is part of the history of approvals but is not considered to be one of the “prior approvals” for purposes of the within resolution.) As set forth in paragraph 13 of the February 8, 2000 preliminary major subdivision approval resolution (the “**February 8, 2000 resolution**”), the initial subdivision design required a “modification” (which relief today would be classified as an “exception”) to allow the proposed cul-de-sac road – Emerald Valley Lane – to be 2,959-feet long where the maximum permitted length of a cul-de-sac under Township ordinance section 21-36.1.c is 1,000 feet. Condition #12 of the February 8, 2000 resolution provides that “the property is to be included in a homeowners association the purpose of which shall be to have responsibility for the emergency access roadway.” As explained in paragraph 14 of the February 8, 2000 resolution, the emergency access roadway was proposed as part of the Subdivision to “mitigate the cul-de-sac’s nonconformity” with the maximum cul-de-sac length requirement and to induce the Board to allow the deviation. The subsequent resolutions memorializing the other prior approvals contain conditions that incorporate by reference condition #12 of the February 8, 2000 resolution. In fact, the resolution adopted August 12, 2002 memorializing the final subdivision approval of section 2 contains an identical condition #12. The HOA was created in accordance with the condition and the 22 homeowners are members of the HOA.

2. **The Application.** As set forth above, the application seeks amended preliminary and final subdivision approval to eliminate condition #12 from the February 8, 2000 resolution and all of the other prior approvals resolutions to eliminate the requirement that the applicant maintain the emergency access easement and the emergency access roadway.

3. **Standards for Considering the Request for Modification or Elimination of Conditions.** Our courts have held that a board has the power to modify and/or eliminate prior approval conditions upon a “proper showing of changed circumstances”, or upon “other good cause” warranting modification and/or amendment, or if “enforcement of the restrictions would frustrate an appropriate purpose.” Cohen v. Fair Lawn, 85 N.J. Super. 234, 237 (App. Div. 1964); Allied Realty v. Upper Saddle River, 221 N.J. Super. 407, 414 (App. Div.

1987), certif. denied 110 N.J. 304 (1988); Sherman v. Harvey Cedars Board of Adjustment, 242 N.J. Super. 421, 429 (App. Div. 1990). N.J.S.A. 40:55D-12a recognizes the authority of a board to modify previously imposed conditions by requiring that public notice be given “for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice.” The court in Cohen, 85 N.J. Super. at 237-238, noted that even if a condition is agreed to by an applicant, it can be later eliminated if its elimination will not have an adverse effect on public health or safety, and this is especially so where the underlying use serves the general welfare. As to the “good cause”, our courts have held that a board should consider what its intent was in imposing the condition in the first instance and whether the proposal to modify or eliminate the condition is consistent with or contrary to that intent. Sherman, 242 N.J. Super. at 430. In this regard, our courts have held that a board is not limited to the four corners of the resolution to determine intent and can consider Board minutes of the underlying hearing, transcripts if available, and/or expert reports filed with the application. The object is to determine how significant the condition was, meaning whether the underlying approval would not have been granted without the imposition of the condition, or whether the condition was imposed for general welfare purposes only, meaning to advance the general welfare but not critical for the survival of the underlying approval. Id. As to “changed circumstances”, the Board believes it can consider not only changes in the neighborhood would warrant relief from the condition at issue, Russell v. Tenaflly Board of Adj., 31 N.J. 58, 66 (1959), but also changes in the law that would warrant relief from the condition at issue.

4. **Good Cause and Change in Circumstances Warrant Elimination of Condition #12.** Turning to the facts, the Board finds that good cause as well as change in circumstances warrant the grant of amended preliminary and final subdivision approval to eliminate condition #12 for the following reasons.

a. First, while the New Jersey Residential Site Improvement Standards (the “RSIS”) took effect on June 3, 1997, prior to the initial February 8, 2000 approval, many municipalities at that time – including Bernards Township – continued to enforce their cul-de-sac length restrictions on the basis that, because there was no cul-de-sac length restriction in the RSIS, municipal regulation of the length was not preempted by the RSIS. However, on June 19, 2003, after the prior approvals and construction of the Subdivision, the New Jersey Department of Community Affairs (the “DCA”) issued RSIS Clarification #4 which explained that those municipalities that were enforcing their cul-de-sac length ordinances restrictions could no longer do because such restrictions conflicted with the RSIS which provide in N.J.A.C. 5:21-4.1(c) and Table 4.2 that the maximum average daily traffic (“ADT”) for a cul-de-sac is 250 trips, which is a “better measure of the function of the cul-de-sac, and [is] less arbitrary than the length limitation.” As such, the DCA ruled that maximum cul-de-sac length restrictions contained in municipal ordinances “have been superseded by the RSIS and are unenforceable.” The Board finds that RSIS Clarification #4 constitutes a change in law which is a change in circumstances that warrants elimination of condition #12.

b. Second, the Board finds that there has never been an emergency situation arising in the Subdivision which required an emergency vehicle to use the emergency access roadway since it was installed. The Board notes in this regard that, even if there was a

fallen tree across Emerald Valley Lane, emergency vehicles could get by the obstacle by driving across homeowner's front yards. In fact, both the Liberty Corner Fire Company and the Township Fire Prevention Bureau advised the Board by email dated June 23, 2020 that they had no objections to the elimination of condition #12, and the Liberty Corner First Aid Squad advised the Board by email dated July 1, 2020 that it had no objections either. The Board finds that, in fact, the emergency access roadway is not needed for emergency access so eliminating the requirement for continued maintenance of the emergency access roadway would not be contrary to the intent in imposing the condition in the first instance. Because there are no health or safety reasons to retain condition #12, the Board finds that good cause warrants the elimination of condition #12.

5. **Recommendation that the Township Committee Consent to Vacation of the Emergency Access Easement.** While the application requested only the elimination of condition #12 – which requires the HOA to maintain the emergency access easement and the emergency access roadway – the Board believes that if it allows for the elimination of such maintenance, it makes no sense for the emergency access easement to remain in place. The Board believes that the emergency access easement should be vacated. However, the Board does not believe it has the authority to do anything about that since the easement was created by a recorded document and the intended beneficiaries of the easement are not only the 22 members of the HOA but the Township. In this regard, the Board believes that the Township Committee's consent to vacate the emergency access easement is a prerequisite to the applicant vacating it. As such, the Board recommends to the Township Committee that the Committee consent to allow the applicant to vacate the emergency access easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BERNARDS TOWNSHIP PLANNING BOARD, BY MOTION DULY MADE AND SECONDED ON JULY 7, 2020, AS FOLLOWS:**

**B. RELIEF GRANTED**

1. **Grant of Amended Preliminary and Final Subdivision Approval to Eliminate Condition #12.** Subject to the conditions set forth below, the Board hereby grants amended preliminary and final subdivision approval to eliminate condition #12 so as to eliminate the obligation to maintain the emergency access easement and the emergency access roadway.

2. **Recommendation to the Township Committee to Consent to the Vacation of the Emergency Access Easement.** Subject to the conditions set forth below, the Board hereby recommends to the Township Committee that the Committee consent to the vacation of the emergency access easement by the applicant.

**C. CONDITIONS**

1. **Recording Amendments to the Previously Recorded Documents.** The applicant shall record amendments to the previously recorded documents identified below which govern the applicant's responsibilities for maintenance of the emergency access roadway and emergency access easement, with the preparation of the amendments being done in accordance with condition #2 below. All amendments shall be recorded within 6 months of the adoption of

the within resolution. Any amendments that have not been recorded within 6 months of the adoption of the within resolution shall be null and void unless the applicant applies to and obtains from the Board an extension of the time within which to record the amendment(s). The previously recorded documents that shall be amended are the following:

a. "Declaration of Covenants and Restrictions for Emerald Valley Homeowners Association, Inc." recorded on January 18, 2001;

b. "Emergency Road Easement Agreement" (which includes the Township of Bernards as a grantee) recorded on March 8, 2001; and

c. "Amendment and Supplement to Declaration of Covenants and Restrictions for Emerald Valley Homeowners Association, Inc." recorded on August 27, 2003.

2. **Preparation of the Amendments.** The amendments to the above identified previously recorded documents shall be prepared by the Township Attorney or, at the discretion of the Township attorney, the applicant's attorney, in which case the amendments shall be subject to review and approval by the Township attorney prior to recording.

3. **Vacation of Emergency Access Easement.** Any amendment to and/or vacation of the emergency access easement shall be subject to the consent of the Township Committee.

4. **Restoration of the Harvest Way Right-of-Way.** Where the emergency access roadway intersects Harvest Way, the applicant shall restore the Township right-of-way to Township standard conditions, including replacement of the existing asphalt apron with grass, and replacement of the existing depressed curb with six-inch-high vertical curb. An engineering permit shall be obtained prior to disturbing the right-of-way and the work shall be completed to the satisfaction of the Township Engineer prior to recording the amendments to the above identified previously recorded documents.

5. **Digital Copies of Plans and Documents.** The applicant shall submit digital copies of all plans and documents in formats acceptable to the Township Engineering Department.

6. **All 22 Lots within the Subdivision Remain Subject to all Conditions of all prior Approvals with the Sole Exception being Condition #12.** All 22 lots within the Subdivision shall remain subject to all conditions of all prior approvals with the sole exception being condition #12 which has been eliminated as set forth above in the within resolution.

7. **Subject to Other Approvals and Laws.** The within approval and the use of the property are also conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of the property are also conditioned upon and made subject to any and all approvals by and/or required by any and all

municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

\*\*\*\*\*

**VOTE ON MOTION DULY MADE AND SECONDED ON JULY 7, 2020:**

**THOSE IN FAVOR: ASAY, ESPOSITO, MCNALLY, MANDUKE, DAMURJIAN & HURLEY.**

**THOSE OPPOSED: NONE.**

\*\*\*\*\*

The above memorializing resolution was adopted on August 18, 2020 by the following vote of eligible Board members:

<u>Members</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
ASAY	X			
ESPOSITO	X			
MCNALLY	X			
MANDUKE	X			
DAMURJIAN	X			
HURLEY	X			

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on August 18, 2020.

  
\_\_\_\_\_  
**CYNDI KIEFER, Board Secretary**