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## CALL TO ORDER

The deputy mayor called the meeting to order at 7:38 PM. Those assembled saluted the flag and the deputy mayor read the Open Public Meetings Act in accordance with the law.

## ROLL CALL

Present: Carpenter (via telephone), Esposito, Fields, Harris  
Absent: Baldassare, Jr. (7:50 via telephone)  
Also Present: Administrator Monaco, Attorney Belardo, Engineer Timko, Municipal Clerk Pisano

## EXECUTIVE SESSION – [Resolution #2020-0388](#)

Motion by Harris, second by Fields, and unanimously agreed that Resolution #2020-0388 be approved. The meeting temporarily adjourned to Executive Session at 7:39 PM (Due to time constraints, the executive session discussions authorized under this resolution continued after the regular agenda items concluded).

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

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

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

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

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

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

<u>Reason for Closed Session</u>	<u>Estimated Time of Disclosure or Upon Occurrence Of</u>
<input checked="" type="checkbox"/> Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body. <b>Contract Negotiation - PBA</b>	Upon Conclusion
<input checked="" type="checkbox"/> Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed. <b>Possible Real Land Acquisition</b>	
<input checked="" type="checkbox"/> Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under <i>South Jersey Publishing</i> , 124 NJ 478. <b>Personnel - 2021 Board and Professional Appointments</b>	Upon Appointment

The meeting resumed in open session at 8:04 PM.

## AMENDA AGENDA

Baldassare recused himself from this discussion and deputy mayor Esposito presided over the meeting. Esposito stated that the township committee has a proposed settlement agreement with the PBA/SOA and asked for a motion to amend the agenda to add a Resolution.

Motion by Harris, second by Fields that Resolution #2020-0390 be added to the agenda as item C under New Business.  
Roll Call

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

Baldassare rejoined the meeting. Esposito continued to preside over the meeting since Baldassare was participating via telephone and it would be difficult to manage the meeting.

## PRESENTATION

[Resolution #2020-0373](#) - *Commendation on Attaining Eagle Scout Rank, Christopher Fabian and Adam Sokira*

Motion by Fields, second by Harris, and unanimously agreed that Resolution #2020-0373 be approved.

**WHEREAS**, the Township Committee is very pleased to recognize the outstanding personal effort of Christopher Fabian and Adam Sokira, in reaching the rank of Eagle Scout; and

**WHEREAS**, Christopher and Adam are members of Troop 555 of Patriots' Path Council who have demonstrated outstanding leadership within the Troop and have contributed many service hours to their community during their years in scouting; and

**WHEREAS**, less than 10% of Scouts in the national enrollment of the program, achieve the rank of Eagle, and this honor only comes to those who have dedicated time and hard work over the typical span of six years, to learn first aid, camping, hiking, wilderness survival, and many other challenging requirements; and

**WHEREAS**, Christopher and Adam will forever carry this as a badge of honor.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee offers its best wishes to Christopher Fabian and Adam Sokira for their continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout their life.

[Tour of Somerville](#)

The presentation was postponed by Tour of Somerville representatives until further notice.

## PUBLIC WORK SESSION

None listed

## REPORTS

None listed

## CORRESPONDENCE

None listed

## PUBLIC COMMENT

The deputy mayor opened public comment.

Brooks Betz, 184 W. Oak St. – commented on COVID-19 and corrected his impression of who receives and disseminates data and information.

Todd Edelstein, 172 Riverside Dr. – commented on the condition of many utility poles and proposed a “ugly utility pole challenge” with residents submitting pictures.

Public comment was closed.

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

Committee members reported on their appointed boards and activities and staff provided comments. Monaco reported that JCP&L will be conducting their tree trimming program and that the Health Department recently updated their COVID-19 platform. Pisano commented on the resignation of a staff person, Harris commented on the Ordinance and tradition regarding the selection of Mayor, and Fields commented on her appointed boards activities. Baldassare thanked the BOH for their work during the pandemic and Carpenter commented on the process for selecting an incoming Mayor.

## FIRE & RESCUE APPOINTMENT

None listed

## UNFINISHED BUSINESS

[ORDINANCE #2456](#) - *An Ordinance Authorizing and Approving the Township of Bernards' Sale and Transfer of the Real Property Identified as Block 6303, Lot 33.02, Overlook Avenue, to an Adjacent Property Owner – Public Hearing*

The clerk read the ordinance by title and the Mayor opened the public hearing. There were no comments and the hearing was closed.

Motion by Fields, second by Baldassare, that Ordinance #2456 be adopted and advertised as required by law.

### Roll Call

Aye: Carpenter, Esposito, Fields, Harris, Baldassare, Jr.

Nay:

Abstain:

Motion carried.

**WHEREAS**, the Township of Bernards (the “Township”) owns an undersized vacant property at Overlook Avenue, identified as Block 6303, Lot 33.02, consisting of approximately 343± square feet, upon which there are no improvements (the “Property”); and

**WHEREAS**, the Property does not conform to the applicable Township minimum lot size zoning requirements; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.* (“LLBL”), specifically, N.J.S.A. 40A:12-13(b)(5), authorizes a municipality, by ordinance, to transfer real property owned by the municipality by private sale to the owner of real property contiguous to the property being sold provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

**WHEREAS**, the Township offered the sale of the Property to the owners of the four adjacent properties, identified as Lots 27, 28, 36 and 37 in Block 6303; and

**WHEREAS**, the Township Engineer recommended the transfer and conveyance of the Property to Ken and Patrice Wessel, 74 Haas Road, Block 6303, Lot 37 for consideration of \$2,604 Dollars; and

**WHEREAS**, the Property is undersized, being less than an eighth of the minimum size required for development under the Township Zoning Ordinance, and does not contain any capital improvements thereon; and

**WHEREAS**, the Township Committee of the Township of Bernards does determine that the Property is no longer needed for public purposes; and

**WHEREAS**, the Township Committee of the Township of Bernards does determine that the conveyance of the Property to Ken and Patrice Wessel, and the placement of the Property on the real estate tax roll will better serve the public interest; and

**WHEREAS**, the Township Committee of the Township of Bernards finds it to be in the best interests of the Township and its citizenry to convey its ownership rights in and to the Property to Ken and Patrice Wessel.

**NOW, THEREFORE, 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. Subject to the conditions set forth herein, the Township's rights and interests in and to the undersized Property, Overlook Ave, identified as Block 6303, Lot 33.02, consisting of approximately 343± square feet, upon which there are no improvements are hereby authorized to be transferred and conveyed to the adjacent property owners of Block 6303, Lot 37, 74 Haas Road for the consideration of \$2,604 Dollars.
2. The Mayor and Township Clerk of the Township of Bernards are authorized and directed to sign and execute a Quitclaim Deed.
3. This Ordinance shall take effect upon final passage, adoption and publication according to law.
4. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**ORDINANCE #2457** - *An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 18, "Streets, Sidewalks and Sanitation", Section 18-3, "Requirements and Specifications for Street Openings" – Public Hearing*

The clerk read the ordinance by title and the Mayor opened the public hearing. Timko clarified that the ordinance would not prevent homeowners from opening the road for needed services and targets utilities companies. There were no comments and the hearing was closed.

Motion by Baldassare, second by Harris, that Ordinance #2457 be adopted and advertised as required by law.

Roll Call

Aye: Carpenter, Esposito, Fields, Harris, Baldassare, Jr.

Nay:

Abstain:

Motion carried.

**BE IT ORDAINED** by the Township Committee of the Township of Bernards in the County of Somerset and State of New Jersey, that Chapter 18, "Streets, Sidewalks and Sanitation", Section 18-3, "Requirements and Specifications for Street Openings" of the Revised General Ordinances of the Township of Bernards be amended, revised and supplemented as follows (new text is in double underline; deletions are ~~stricken~~):

### **SECTION 18-3**

#### **Requirements and Specifications for Street Openings**

**[A1][Ord. #381, §§ 1, 2; Ord. #479, §§ 8-2.1, 8-2.2, 8-2.3, 8-2.4, 8-2.5, 8-2.6, 8-2.7, 8-2.8, 8-2.9, 8-2.10, 8-2.11, 8-2.12; Ord. #629, § 1; Ord. #924; Ord. #2053, § 1, 3-10-2009, amended]**

#### **§ 18-3.1 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

#### **ADA**

Shall mean the Americans with Disabilities Act

#### **BERNARDS TOWNSHIP STANDARD DETAILS**

Shall mean specifications and details for construction available from the Bernards Township Engineering Department.

#### **CART WAY**

Shall mean the paved area of the street, including curbing, drainage structures, utilities, etc.

#### **DBH**

Shall mean tree diameter at breast height.

## ENGINEER

Shall mean the Township Engineer, or his representative.

## MUTCD

Shall mean the Manual on Uniform Traffic Control Devices [published by the Federal Highway Administration](#).

## NJDOT

Shall mean the New Jersey Department of Transportation.

## NEW JERSEY DEPARTMENT OF TRANSPORTATION SPECIFICATIONS

Shall mean the New Jersey ~~State Highway~~ Department [of Transportation](#) Standard Specifications for Road and Bridge Construction, and all amendments thereto available from the New Jersey Department of Transportation.

## OSHA

Shall mean all regulations from the Occupational Safety and Health Administration.

## SIDEWALK

Shall mean concrete, ~~or~~ bituminous, [paver, or other materials that comprise the](#) sidewalk located in the street, outside the cart way.

## STREET

Shall mean ~~the area as~~ defined by ~~the right-of-way lines as described on the Bernards Township tax maps~~ [Section 18-1](#).

## STREET OPENING

[Shall mean construction of any kind within the street or public right of way including but not limited to cutting, trenching, excavating, and grading.](#)

## TOWNSHIP

Shall mean the Township of Bernards, Somerset County, ~~New-~~ [Jersey](#).

### § 18-3.2 General.

- a. It is the intent of these provisions to guarantee the restoration of the paved and unpaved portion of the street after work has occurred within the street. All restoration work shall occur within ~~two weeks~~ [14 calendar days](#) after substantial completion of the work, weather permitting.
- b. ~~The contractor is referred to the New Jersey Department of Transportation Specifications for Road and Bridge Construction.~~ Unless otherwise specified herein within, all work shall be performed in accordance with the latest edition of the New Jersey Department of Transportation [Standard](#) Specifications for Road and Bridge Construction [and ADA](#).
- c. [Street openings shall not be permitted within any right of way or in any streets or sidewalks that have been constructed, reconstructed, or resurfaced within the previous five years.](#)
- d. It shall be the responsibility of the contractor to replace all broken or damaged pavement, curbing, drainage facilities, sidewalks, trees and shrubs, and disturbed unpaved areas that resulted from the contractor's action during construction, caused for any reason by the contractor, his agents, subcontractors, and/or employees. The contractor should give special attention to vehicles of such weight that cause damage, especially to the pavement. Notwithstanding any other provision of this Section 18-3, ~~when~~ [if with prior approval from the Township Engineer or in the case of an emergency](#), the contractor disturbs any street or sidewalk which was constructed, reconstructed, or resurfaced within the five years preceding the disturbance, the Township Engineer may require the contractor to resurface and reconstruct up to the full width of the affected portion of the street or sidewalk, if in the Engineer's ~~reasonable~~ discretion such resurfacing or reconstruction is required in order to restore the street or sidewalk to a condition equivalent in function, durability, and smoothness of surface, to its condition immediately preceding the disturbance.
- e. An engineering permit shall be obtained from the Township Engineer for excavation of any kind within the public right-of-way or Township easements on private property or for a connection to the Township storm sewer system. All information pertaining to written approvals shall be submitted to the Township Engineer with the permit application. No work shall commence, ~~however~~, until the contractor has received written notification of approval by the Township Engineer in the form of an approved engineering permit.



f. An engineering permit shall be obtained for the paving of any private street or parking lot.

- eg. It is the contractor's responsibility to carry on construction in a safe and efficient manner as required by various governmental agencies and to notify the Township Police, for work in a street, 48 hours prior to the start of construction. Similarly, the contractor shall notify the Township Engineer for all work in the street or an easement. For work in the street, the permit application shall be considered notice.
- fh. It shall be the contractor's responsibility to maintain a safe job site, in accordance with all MUTCD and OSHA requirements, and to protect vehicular, pedestrian, and bicycle traffic. The contractor shall maintain and replace permanent and temporary signs as directed by the Township Engineer or Township Police required by MUTCD for construction zones.
- gi. The contractor shall provide the Township with a telephone number where they contractor can be reached 24 hours a day for the duration of the project.
- hj. Should, during the course of the project, the Township advise the contractor of failure to comply with the specifications and requirements, corrective action shall occur within 24 hours. Should corrective action not be undertaken by the contractor within the twenty-four-hour period, or if the same problem reoccurs, the Township Engineer may revoke the engineering permit and proceed to restore the street. The contractor shall be responsible for all restoration costs incurred by the Township including but not limited to labor, equipment, materials, hired contractors, and administrative costs of 15%. Contractors and subcontractors shall be hired for restoration work at the discretion of the Township Engineer. All contractors hired for restoration work shall be paid by the Township and the Township shall be reimbursed by the contractor or applicant listed on the permit.

Should the contractor or applicant fail to pay the cost of the work, all other permits associated in any way with the project shall be revoked and no further other Township permits shall be issued until payment is received.

- k. Utility companies, including those engaged in the installation of gas, water, electric, and telecommunications infrastructure, shall submit annually to the Township Engineer a list of proposed capital construction projects for the next three years to coordinate with Township paving projects. Except in the case of an emergency, the Township shall ultimately determine street openings' schedules. Upon request the Township Engineer may provide the utilities a prospective list of streets for Township reconstruction or resurfacing within the next year. The Township Engineer shall maintain a list of all streets improved within the previous five years subject to moratorium.
- l. Damage to Township streets or infrastructure caused by any contractor shall be repaired to the satisfaction of the Township Engineer within 14 calendar days or the Township shall retain a contractor to complete the repairs at the expense of the contractor or utility company.
- m. This section shall be enforced by the Engineering Services Department. The penalty for any violation of this section shall be as set for in § 3-1.1.

**§ 18-3.3 Issuance of Permits.**

Engineering permits shall be issued by the Township Engineer. Permits shall be valid for one calendar year from date of issue. All permits are subject to the following fees:

- a. Application fee of \$50.
- b. Inspection fee of \$75. For permit applications requiring a performance/maintenance surety greater than \$5,000, the inspection fee shall be established by the Township Engineer.
- c. Performance/maintenance surety of \$100 per square yard of opening. Minimum surety shall be \$500. Surety amounts may be increased at the discretion of the Township Engineer.

**§ 18-3.4 Inspections.**

The contractor shall call the Engineering Department 48 hours in advance to schedule inspections. The contractor shall call the Engineering Department before the start of work to ascertain what inspections are required for the work.

**§ 18-3.5 Emergency Permits.**



- a. If work is required to be performed on an emergency basis, the Township Engineer may waive the requirement for written approval. However, the contractor shall perform all construction to the specifications and requirements set forth herein in within and at the first opportunity the contractor shall submit all required engineering permit paperwork as described within 7 calendar days from the date of emergency street opening. The contractor shall comply with all items enumerated under Section 18-3.6, Written Approval.
- b. An emergency shall be defined as an occurrence requiring the opening of a street, whereby any delay would result in a risk to the health, safety, or welfare of the public, such as a utility main break. False declarations of emergency shall be subject to a fine of not less than \$1,000 per incident.
- c. The contractor or utility company shall notify the Engineering Department via telephone or email within 24 hours of all emergencies.

#### § 18-3.6 Written Approval.

Prior to the issuance of an engineering permit for work within the Township street, the following written approval is required:

- a. Maintenance and Protection of Traffic.
  1. The contractor shall furnish two copies of a detailed map showing the location of construction signage, as set forth in the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration to both the Township Engineer and the Township Police Department. The Township Police Department shall approve the map and the contractor shall adhere to the requirements set forth during construction.
  2. Should detour(s) be required during construction, the proposed detour(s) shall be indicated on the map, along with required signage.
  3. Should flagmen be required for the project, the number and time period(s) required shall be indicated on the map.
  4. If the Chief of Police determines that the best interest of public safety requires the attendance of a police officer for the work at any time, he shall so order the Chief shall schedule the officer and the permittee shall reimburse the Township for the reasonable costs thereof. A fee setting forth the reasonable costs shall be set by resolution of the Township Committee, and may be periodically updated to reflect the current costs of providing the protective services.

#### § 18-3.7 Street Openings.

- a. Within the Cart Way.
  1. Pavement. The contractor shall saw cut the pavement to be removed, and shall remove the pavement in a neat and workmanlike manner.
  2. Curbing. The contractor shall saw cut and remove curbing in a neat and workmanlike manner. Concrete curb shall be removed to the nearest joint.
  3. Drainage and Utilities. It shall be the contractor's responsibility to locate and protect all underground utilities and drainage structures. If necessary, the contractor shall excavate test pits to locate drainage and/or underground utilities. During the course of construction, it shall be the contractor's responsibility to protect all underground utilities and drainage structures. Should the contractor damage any underground utilities or drainage structures, they shall be replaced to the Township Engineer's or utility company's satisfaction at the contractor's expense before proceeding with construction.
- b. Outside the Cart Way.
  1. The contractor shall protect all trees, shrubs, etc.
  2. Concrete Sidewalk. The contractor shall remove sidewalk required for construction at existing expansion joints. Should no expansion joint exist within a distance of 102 feet on either side of the construction area, the contractor will saw cut the existing sidewalk at the nearest tool joint and remove the existing sidewalk in a neat and

workmanlike manner. It is the contractor's responsibility to protect all sidewalks not to be removed for the duration of the construction period.

3. Bituminous Sidewalk. The contractor shall saw cut the existing sidewalk and remove the existing sidewalk within the construction area in a neat and workmanlike manner. It is the contractor's responsibility to protect all sidewalks not to be removed for the duration of the construction period.

#### § 18-3.8 Trenching.

- a. All trenching shall be done in a safe and efficient manner. OSHA regulations regarding open trenches shall be strictly observed.
  1. All material removed from outside the cart way shall be stockpiled outside the cart way. The stockpiled materials shall not interfere with vehicular, bicycle, or pedestrian traffic, shall not interfere with drainage, or shall not cause sight distance problems for vehicular, bicycle, or pedestrian traffic.
- b. All trenches shall be backfilled within 48 hours of opening of the trench.
  1. Open trenches within the cart way shall be protected by traffic control devices as set forth in the Manual on Uniform Traffic Control Devices.
  2. Open trenches outside the cart way, shall be protected with temporary fencing.

#### § 18-3.9 Backfilling.

Trenches shall be backfilled in the following manner and with the materials set forth below.

- a. Within the Cart Way.
  1. The trench shall be free of water, and all foreign material, including soil. The trench walls shall be well formed and free of loose material.
  2. The trench shall be backfilled with dense graded aggregate in six-inch lifts. After placing the six-inch lift, the material shall be compacted by mechanical methods to 95% standard proctor density.
  3. The dense graded aggregate backfill shall be brought to an elevation seven inches below the finished pavement grade to leave proper depth for the pavement section as described herein.
  4. The backfill material shall be carried to a point one foot outside the pavement or one foot past the back of curb if curb is to be placed.
- b. Outside the Cart Way.
  1. The trench shall be free of water and all foreign material, including soil. The trench walls shall be well formed and free of loose material.
  2. The trench shall be backfilled using material acceptable to the Township Engineer in six-inch lifts and compacted by mechanical methods.
  3. The backfill material shall be brought to an elevation of four inches below the finished grade to leave proper depth for the topsoil as described herein.

#### § 18-3.10 Curbing

If curbing was damaged or removed during the work, the contractor shall replace the curbing to the following specifications. The type of curbing shall be determined by the Township Engineer.

- a. Preparation for Placement of Curb.
  1. The existing curb shall be saw cut so that no broken concrete remains. Concrete curb shall be removed to the nearest expansion joint.

2. In the area where new curb is to be constructed, the existing pavement shall be saw cut and removed for the length of the new curb, ~~and the~~ width of one foot from the curb, and a new pavement section consisting of six inches of dense graded aggregate, five inches of ~~Stabilized Base Mix #12~~ Hot Mix Asphalt Base Course, Mix 19M64, Tack Coat, ~~and~~ two inches of ~~F.A.B.C. Mix #15~~ Hot Mix Asphalt Surface Course, Mix 9.5M64 ~~and~~ shall be constructed as set forth in the Section 18-3.11 entitled ~~to~~ "Surface Treatment."
- b. One of the following types of curbs shall be constructed.
  1. Nine-inch by twenty-inch white concrete curb as per ~~NJDOTew Jersey Department of Transportation~~ Specifications.
  2. Six~~ty~~-inch by eighteen-inch concrete curb as per ~~NJDOTew Jersey Department of Transportation~~ Specifications.
  3. Six-inch vertical granite block curb as per Bernards Township Standard Details.
  4. Six-inch sloping granite block curb as per Bernards Township Standard Details.
  5. Eight-inch vertical granite block curb as per Bernards Township Standard Details.
- c. Horizontal cutting of curbing to create a depressed or dropped curb is prohibited.

**§ 18-3.11 Surface Treatment.**

The trench shall be surfaced in the manner and with the materials set forth below.

- a. Within the Cart Way.
  1. The backfill material shall be properly graded and all foreign material removed. Saturated or unsuitable materials must be removed before grading with dense graded aggregate.
  2. The contractor shall remove all broken pavement from the limits of the trench and recut the existing pavement as required by the Engineer. In areas where pavement has been removed outside the limits of the trench, the contractor shall hand excavate all material to a depth of 13 inches below finished pavement grade and place six inches of dense graded aggregate compacted.
  3. Five inches, compacted, of ~~stabilized base plant mix bituminous material (Mix #12)~~ Hot Mix Asphalt Base Course, Mix 19M64 shall be placed, in accordance with NJDOT Specifications.
  4. The contractor shall apply a tack coat to the stabilized base material, and the pavement edges, ~~and then~~ place two inches of compacted ~~F.A.B.C. (Mix #15)~~ Hot Mix Asphalt Surface Course, Mix 9.5M64, in accordance with NJDOT specifications.
  5. For pavements overlaid or reconstructed within five years prior to the engineering permit application date, an infrared heater shall be utilized during the installation of the final asphalt surface course. The required maximum temperature that the pavement may be heated to and the total length of time of heating process shall comply with manufacturer requirements of the infrared heater. For pavements older than five years, an infrared heater may be required at the discretion of the Township Engineer. [Ord. #2053, § 1, 3-10-2009, amended]
- b. Outside the Cart Way.
  1. The contractor shall place four inches of topsoil. The topsoil shall be graded and hand raked.
  2. Lime, fertilizer, and grass seed shall be spread uniformly at rates in accordance with NJDOT specifications.
  3. It shall be the contractor's responsibility to water and maintain the area in a weed-free condition, and guarantee the new seeded area for one full season (May through October). Should the seeded area prove unsatisfactory, the entire process shall be repeated.
  4. The contractor shall trim and paint all damaged trees and shrubs to the satisfaction of the Shade Tree Commission (or their representatives). Should the Shade Tree Commission determine that trees or shrubs have

been damaged so that the aesthetic quality cannot be restored, the contractor shall replace the trees and/or shrubs in kind at the contractor's expense. For trees greater than eight inches in diameter (DBH), the contractor or applicant shall be responsible for the value of the tree as established by a professional forester retained by the Township.

#### § 18-3.12 Sidewalks.

- a. Replacement of sidewalks will either be bituminous or concrete and the replacement type shall be based on the type that was damaged or removed unless otherwise required by the Township Engineer. The replacement sidewalk shall be constructed to the following specifications:
  1. Concrete: as per the Bernards Township Standard Details and ADA.
  2. Bituminous: as per the Bernards Township Standard Details and ADA.
- b. The sidewalk subbase shall be graded and compacted to the Township Engineer's requirements. Should unsuitable material be encountered, it shall be removed and replaced with a four-inch-thick lift of compacted dense graded aggregate.
- c. All form work shall be in a neat and workmanlike manner and shall be inspected and approved for line and grade ~~and approved by the Township Engineer~~ prior to the placement of sidewalk ~~by the Township Engineer~~.

#### § 18-3.13 Return of Surety.

- a. Upon completion of all work, the contractor shall advise the Township Engineer and a final inspection shall be made. The performance/maintenance surety shall be held for one calendar year from the date of final approval. After one year from the date of final approval, the work shall be re-inspected and any corrective work shall be completed prior to the return of the surety.

## NEW BUSINESS

### Consent Agenda

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

Motion by Harris, second by Fields, that the consent agenda items be approved.

### Roll Call

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

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

#### Resolution #2020-0374 - Approval of the Bill List Dated 11/24/2020

**BE IT RESOLVED**, that the bill list dated 11/24/2020 be audited, and if found correct, be paid.

November 24, 2020  
08:45 AM

TOWNSHIP OF BERNARDS  
Check Register By Check Date

Page No: 1

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 11/13/20 to 12/31/20  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit:

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
CASH - CHECKING CURRENT CHECKING				
126852	11/13/20	R0509 REIVAX CONTRACTING CORPORATION	38,861.89	1549
126853	11/24/20	90613 RIVERA, ANNMARIE	31.24	1550 Direct Deposit
126854	11/24/20	90677 BEGRAFT, GERALYN	99.00	1550 Direct Deposit
126855	11/24/20	A0150 ATLANTIC SALT, INC.	9,216.44	1550 Direct Deposit
126856	11/24/20	A0453 AMAZON.COM	600.27	1550 Direct Deposit
126857	11/24/20	B0203 DIFRANCESCO BATEMAN, PC	5,166.50	1550 Direct Deposit
126858	11/24/20	B0758 BCI TRUCK, INC	11.00	1550 Direct Deposit

126859	11/24/20	C0442	CONTINENTAL FIRE & SAFETY, INC	2,386.80	1550	Direct Deposit
126860	11/24/20	F0299	FASTENAL CO.	490.24	1550	Direct Deposit
126861	11/24/20	H0312	HEFFERNAN, ROBERT F	5,706.25	1550	Direct Deposit
126862	11/24/20	O0021	OFFICE DEPOT	802.89	1550	Direct Deposit
126863	11/24/20	O0110	ONE SOURCE OF NEW JERSEY, LLC	943.00	1550	Direct Deposit
126864	11/24/20	P0546	PETER RUBINETTI PRIVATE DISP	1,533.13	1550	Direct Deposit
126865	11/24/20	P0706	PARTS AUTHORITY LLC	138.48	1550	Direct Deposit
126866	11/24/20	S0443	STAPLES ADVANTAGE	687.19	1550	Direct Deposit
126867	11/24/20	T0378	THE GUARDIAN LIFE INS CO OF AM	89.91	1550	Direct Deposit
126868	11/24/20	U0001	UNITEMP INC.	2,125.00	1550	Direct Deposit
126869	11/24/20	V0020	VILLAGE OFFICE SUPPLY	362.96	1550	Direct Deposit
126870	11/24/20	A0126	AFLAC NEW YORK	230.50	1551	
126871	11/24/20	A0250	AMBASSADOR MEDICAL SERVICES	110.00	1551	
126872	11/24/20	A0338	AFLAC	396.52	1551	
126873	11/24/20	A0398	STERLING TALENT SOLUTIONS	79.68	1551	
126874	11/24/20	A0666	ALSTEDE FARMS, LLC	480.00	1551	
126875	11/24/20	A0701	AMERICAN ASPHALT & MILLING SVC	418,574.12	1551	
126876	11/24/20	B0001	BAKER & TAYLOR, INC.	2,334.22	1551	
126877	11/24/20	B0026	BERNARDS TOWNSHIP CURRENT	3,988.47	1551	
126878	11/24/20	B0029	BERNARDS TWP BD OF EDUCATION	7,832,138.00	1551	
126879	11/24/20	B0031	BERNARDSVILLE PRINT CENTER	478.07	1551	
126880	11/24/20	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	532,696.20	1551	
126881	11/24/20	B0044	BASKING RIDGE ANIMAL HOSPITAL	1,478.33	1551	
126882	11/24/20	B0447	BRODART LIBRARY SUPPLIES&FURN	53.85	1551	
126883	11/24/20	B0518	BERNARDSVILLE HARDWARE	65.46	1551	
126884	11/24/20	B0827	BAD ELF LLC	528.98	1551	
126885	11/24/20	C0024	GANNETT NEW JERSEY NEWSPAPERS	26.66	1551	
126886	11/24/20	C0037	CLERK'S PETTY CASH	15.00	1551	
126887	11/24/20	C0127	CHILD'S WORLD INC	1,217.50	1551	
126888	11/24/20	C0482	OPTIMUM	44.95	1551	
126889	11/24/20	C0522	CHATHAM LAWNMOWER SALES & SVC	53.88	1551	
126890	11/24/20	C0636	CENTER POINT LARGE PRINT	93.48	1551	
126891	11/24/20	C0669	COLLEEN A MCCARTHY	6,500.00	1551	
126892	11/24/20	C0774	COLONIAL LIFE & ACC INSURANCE	807.34	1551	
126893	11/24/20	C0913	COCHINWALA, MUNIR	244.53	1551	
126894	11/24/20	D0020	DELTA DENTAL OF NJ	12,436.57	1551	
126895	11/24/20	D0740	DOVER BRAKE & CLUTCH	337.78	1551	
126896	11/24/20	D0785	JOHN DEERE COMPANY	51,004.84	1551	
126897	11/24/20	E0224	EXCELLENT BUILDING SERVICES	9,744.00	1551	
126898	11/24/20	E0231	EKA ASSOCIATES, P.A.	540.00	1551	
126899	11/24/20	E0297	EMR POWER SYSTEMS LLC	315.00	1551	
126900	11/24/20	E0304	EJG SPORTS LLC	112.53	1551	
126901	11/24/20	F0001	FEDEX	79.50	1551	
126902	11/24/20	F0003	FOLEY, INCORPORATED	753.72	1551	
126903	11/24/20	F0047	FULLERTON FORD	193.55	1551	
126904	11/24/20	F0148	FAIRFIELD MAINTENANCE INC	358.00	1551	
126905	11/24/20	F0158	FLEMINGTON DEPARTMENT STORE	828.80	1551	
126906	11/24/20	F0326	FX AUTOMOTIVE LLC	417.36	1551	
126907	11/24/20	F0370	FRANKLIN - GRIFFITH, LLC	9,572.52	1551	
126908	11/24/20	G0066	GRAINGER INC	1,662.23	1551	
126909	11/24/20	G0098	JCP&L	14,658.65	1551	
126910	11/24/20	G0267	GARDEN STATE VINYL DESIGNS	625.00	1551	
126911	11/24/20	G0300	GOLD TYPE BUSINESS MACHINES	229.37	1551	
126912	11/24/20	G0509	GREEN ROCK RECYCLING	300.00	1551	
126913	11/24/20	G0596	GRIFFITH - ALLIED TRUCKING LLC	6,837.91	1551	
126914	11/24/20	H0178	HOSE SHOP, INC.	254.78	1551	
126915	11/24/20	H0246	HOME DEPOT CREDIT SERVICES	625.35	1551	
126916	11/24/20	H0297	DIRECT ENERGY BUSINESS	1,843.41	1551	
126917	11/24/20	H0386	HOROWITZ & SONS CONSTRUCTION	1,820.00	1551	
126918	11/24/20	K0259	KONICA MINOLTA PREMIER FINANCE	108.92	1551	
126919	11/24/20	K0334	KONICA MINOLTA BUSINESS	34.18	1551	
126920	11/24/20	K0334	KONICA MINOLTA BUSINESS	16.40	1551	
126921	11/24/20	K0334	KONICA MINOLTA BUSINESS	13.10	1551	
126922	11/24/20	K0334	KONICA MINOLTA BUSINESS	192.89	1551	
126923	11/24/20	K0341	KONICA MINOLTA PREMIER FINANCE	110.74	1551	
126924	11/24/20	K0341	KONICA MINOLTA PREMIER FINANCE	123.54	1551	
126925	11/24/20	L0046	LORD STIRLING VILLAGE	14,076.39	1551	
126926	11/24/20	L0384	LANG, DIANE	150.00	1551	
126927	11/24/20	L0485	LIPSCOMB, RHONDA	175.00	1551	
126928	11/24/20	M0015	MCKESSON MEDICAL SURGICAL	375.23	1551	
126929	11/24/20	M0062	CAVENDISH SQUARE PUBLISHING	195.54	1551	
126930	11/24/20	M0083	MORRIS COUNTY PARK COMMISSION	85.00	1551	
126931	11/24/20	M0493	MCELROY, DEUTSCH, MULVANEY &	7,962.10	1551	
126932	11/24/20	M0518	KONICA MINOLTA BUSINESS SOL.	31.85	1551	
126933	11/24/20	M0518	KONICA MINOLTA BUSINESS SOL.	83.66	1551	
126934	11/24/20	M0518	KONICA MINOLTA BUSINESS SOL.	133.42	1551	
126935	11/24/20	M0518	KONICA MINOLTA BUSINESS SOL.	9.10	1551	
126936	11/24/20	M0859	MAXX'S FLEET REPAIRS, LLC	662.49	1551	
126937	11/24/20	M0899	MR JOHN	65.00	1551	
126938	11/24/20	M0989	MATHEW DUMAN GRAPHIC DESIGN	150.00	1551	
126939	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	79.82	1551	
126940	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	61.84	1551	
126941	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	23.23	1551	
126942	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	179.40	1551	
126943	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	131.06	1551	
126944	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	199.56	1551	
126945	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	16.38	1551	
126946	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	453.03	1551	
126947	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	16.38	1551	
126948	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	199.58	1551	
126949	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	23.23	1551	
126950	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	814.18	1551	
126951	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	23.40	1551	
126952	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	41.47	1551	
126953	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	41.47	1551	
126954	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	261.22	1551	
126955	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	1,809.85	1551	
126956	11/24/20	N0006	NEW JERSEY AMERICAN WATER CO.	318.96	1551	
126957	11/24/20	N0017	NJ STATE LEAGUE OF MUNICIPAL.	115.00	1551	
126958	11/24/20	N0064	NEW JERSEY LIBRARY ASSOCIATION	1,360.00	1551	

TOWNSHIP COMMITTEE MINUTES

11/24/2020

126959	11/24/20	N0121	NACCHO	240.00	1551
126960	11/24/20	N0296	NJASRO	395.00	1551
126961	11/24/20	N0419	NIXON, PAMELA	75.00	1551
126962	11/24/20	N0470	NATIONWIDE	99.22	1551
126963	11/24/20	N0513	NJAW HYDRANT METER	3,056.43	1551
126964	11/24/20	O0105	O.C.A. BENEFIT SERVICES, LLC	113.85	1551
126965	11/24/20	O0135	OUTHOUSE LLC	160.00	1551
126966	11/24/20	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1551
126967	11/24/20	P0661	PELLEGRINO, AMY OR MICHAEL	90.00	1551
126968	11/24/20	R0009	REGENT BOOK COMPANY INC.	17.09	1551
126969	11/24/20	R0023	RICHIES TIRE SERVICE, INC.	1,085.12	1551
126970	11/24/20	R0493	RIDGE BAGEL & CAFE	119.19	1551
126971	11/24/20	R0495	ROAD SAFETY SYSTEMS, LLC	10,096.00	1551
126972	11/24/20	R0509	REIVAX CONTRACTING CORPORATION	95,626.21	1551
126973	11/24/20	S0013	SNAP-ON TOOLS CORPORATION	43.74	1551
126974	11/24/20	S0101	STICKEL, KOENIG, SULLIVAN & DRILL	499.50	1551
126975	11/24/20	S0135	CJHRC-CENTRAL JERSEY HOUSING	2,766.00	1551
126976	11/24/20	S0136	SOCIETY HILL AT BERNARDS II	10,559.68	1551
126977	11/24/20	S0659	SANTORO, RANDY	170.00	1551
126978	11/24/20	S0678	SAFE KIDS CERTIFICATION	55.00	1551
126979	11/24/20	S1007	SPRUCE INDUSTRIES	2,089.20	1551
126980	11/24/20	S1077	SATZ, SHERRI	85.00	1551
126981	11/24/20	T0066	CENGAGE LEARNING CREDIT SVCS	221.17	1551
126982	11/24/20	T0366	TOYOTA OF MORRISTOWN	613.01	1551
126983	11/24/20	T0493	TITLE MASTERS LLC	8,000.00	1551
126984	11/24/20	U0090	UNUM LIFE INSURANCE COMPANY	384.79	1551
126985	11/24/20	V0008	VITAL COMMUNICATIONS, INC.	4,222.40	1551
126986	11/24/20	V0037	VILLAGE SUPERMARKET, INC.	4.39	1551
126987	11/24/20	V0056	VERIZON WIRELESS	1,237.56	1551
126988	11/24/20	V0058	VERIZON	329.77	1551
126989	11/24/20	V0073	VAIL INDUSTRIAL SUPPLIES	301.00	1551
126990	11/24/20	V0084	VERIZON	748.96	1551
126991	11/24/20	V0124	VERIZON BUSINESS FIOS	569.98	1551
126992	11/24/20	W0056	WELDON CONCRETE CO.	5,183.87	1551
126993	11/24/20	W0074	WELSH'S MOTOR SALES, INC.	114.90	1551
126994	11/24/20	W0259	VENTURA, MIESOWITZ, KROUGH &	2,978.50	1551
126995	11/24/20	W0287	WOYCE, KEVIN	100.00	1551
126996	11/24/20	W0325	WERNER, ALBERT	125.00	1551
126997	11/24/20	W0347	EDWARD WACKS & ASSOCIATES, LLC	132.80	1551
126998	11/24/20	X0003	XEROX CORPORATION	230.42	1551
126999	11/24/20	X0005	XTEL COMMUNICATION	462.42	1551
127000	11/24/20	Z0086	ZERO9 SOLUTIONS LTD	121.80	1551
Report Totals					
		Paid	Void	Amount Paid	Amount Void
		----	----	-----	-----
	Checks:	132	0	9,141,516.08	0.00
	Direct Deposit:	17	0	30,390.30	0.00
		=====	=====	=====	=====
	Total:	149	0	9,171,906.38	0.00
Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	0-01	8,470,173.44	0.00	0.00	8,470,173.44
DOG FUND	0-12	1,673.80	0.00	0.00	1,673.80
GOLF COURSE UTILITY	0-26	3,169.89	0.00	0.00	3,169.89
	Year Total:	8,475,017.13	0.00	0.00	8,475,017.13
CURRENT FUND	9-01	24,748.60	0.00	0.00	24,748.60
CAPITAL FUND	C-04	403,069.25	0.00	0.00	403,069.25
PUBLIC GRANTS	G-02	223,053.13	0.00	0.00	223,053.13
TRUST FUNDS	T-13	41,475.27	0.00	0.00	41,475.27
PROJECT		4,543.00	0.00	0.00	4,543.00
		=====	=====	=====	=====
Total Of All Funds:		9,171,906.38	0.00	0.00	9,171,906.38

**Resolution #2020-0375** - Agreement for the Provision of Construction Services for Environmental Disposal Corporation Water Street, Camden, New Jersey 08102 from the Township of Bernards November 24, 2020 – December 31, 2020

**WHEREAS**, The Township of Bernards has bid the 2020 Road Improvements Project and the project requires the replacement or resetting of several sanitary sewer manhole castings owned by Environmental Disposal Corporation (hereinafter “EDC”); and

**WHEREAS**, the Township has identified the work needed and informed EDC of the work and costs; and

**WHEREAS**, potential construction costs and scheduling issues of a secondary contractor on site for the EDC were reviewed by both parties; and

**WHEREAS**, the performance of the work by the Township’s contractor will reduce costs and alleviate potential scheduling conflicts; and

**WHEREAS**, both parties agree it is in the best interests of the public to reduce costs; and

**WHEREAS**, the EDC has agreed to reimburse the Township for the actual as-built construction costs once the project is completed.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that a contract in the not-to-exceed amount of \$10,000.00 shall be entered into between the EDC and the Township of Bernards for the Township to replace or reset sanitary sewer manhole castings identified on the 2020 Road Improvements project plans and for the EDC to reimburse the Township for the associated costs.

**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 contract with the Environmental Disposal Corporation (EDC) with an address at 1 Water Street, Camden, New Jersey 08102 on behalf of the Township.

**Resolution #2020-0376 -Unused Vacation Accrual Due Jordan Padovano Municipal Clerk's Office**

**WHEREAS**, the Township Committee adopted Resolution No. 2020-0066 at their regularly scheduled meeting of January 2, 2020, accepting the Personnel Policies and Procedures that outline guidelines for pay-outs when employees leave the Township's payroll; and

**WHEREAS**, Jordan Padovano's employment will terminate on November 30, 2020; and

**WHEREAS**, per the requirements of the Township's Personnel Policy, Jordan Padovano is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$24.25.

	<b>Total Hours Available</b>	<b>Amount Due</b>
Vacation Accrual	76.88	\$1,864.34

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

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, do hereby certify that there are adequate funds for this expenditure. Funds are available in the Municipal Clerk S&W, Line Account #0-01-20-120-101 for an amount not to exceed \$1,864.34



Sean McCarthy, CFO

Date: November 10, 2020

**Resolution #2020-0377 - Personnel Appointment Kevin Sant'Angelo – Deputy Tax Collector – Tax Collector Department**

**WHEREAS**, the full time Deputy Tax Collector position became available due to a retirement; and

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

**WHEREAS**, Kevin Sant'Angelo has applied for and is qualified to fill said position; and

**WHEREAS**, the Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Kevin Sant'Angelo to full time Deputy Tax Collector.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, that Kevin Sant'Angelo be appointed full time Deputy Tax Collector with a hire date of January 4, 2021 at an hourly rate of \$24.00 for a 40-hour work week.

**Resolution #2020-0350 - Resolution of the Township of Bernards Township Committee Adopting Emergency Remote Meeting Protocols, Procedures and Requirements for Public Participation at Remote Meetings**

**WHEREAS**, the purpose of N.J.A.C. 5:39-1 et seq., Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and



**WHEREAS**, a “declared emergency” means a public health emergency pursuant to the Health Powers Act, N.J.S.A. 26:13-1 et seq., or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

**WHEREAS**, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

**WHEREAS**, if during a declared emergency the Township Committee of the Township of Bernards (“Township Committee”) holds a physical meeting in a location where, pursuant to State/Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Township Committee shall either:

- 1) Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
- 2) Hold the public meeting as both an in-person and remote public meeting; and

**WHEREAS**, a public meeting held solely in-person without a remote access alternative provided shall not prohibit members of the public from attending in person; and

**WHEREAS**, adequate notice of the remote public meeting shall also include, in addition to the Open Public Meeting Act requirements of N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on the Township’s website in the manner set forth at N.J.A.C. 5:39-1.5; and

**WHEREAS**, at the commencement of a remote public meeting the Mayor or the Mayor’s designee, or in his or her absence, the Township Clerk, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons such notice was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

**WHEREAS**, prior to the commencement of a remote public meeting, the Township Committee shall make a copy of the agenda available to the public for download on the Township’s website and shall post a copy of same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap accessible entrance to the building, by no later than 3:00 PM on the date of the meeting; and

**WHEREAS**, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

**WHEREAS**, the electronic communications used for a remote public meeting shall have a function that allows the Township Committee to mute the audio of all members of the public, as well as allow members of the public to mute themselves, and same shall be announced at the beginning of every remote public meeting; and

**WHEREAS**, pursuant to N.J.A.C. 5:39-1, if the Township Committee holds a remote meeting to conduct public business, it shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the Township Committee for the type of public meeting being held, and such participant capacity shall, at minimum, not be limited to fewer than 50 public participants (not including persons required to be present to conduct business at the meeting such as the Township Committee members and Township Committee professionals); and

**WHEREAS**, remote public meetings may be held by the Township Committee in a format as selected by the Township Committee, by means including, but not limited to, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

**WHEREAS**, when the Township Committee holds a remote public meeting, it shall allow members of the public to ask questions by audio or by audio and video if the meeting is being held over both; and

**WHEREAS**, any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as audio, and all individuals giving sworn testimony, including members of the public making comments, shall appear by video; and

**WHEREAS**, any presentation or documents that would otherwise be viewed by, or made available to, members of the public physically attending an in-person public meeting shall be made available on the internet website of the Township or made visible during the video broadcast of the remote public meeting; and

**WHEREAS**, in addition to making public comments at any remote public meeting, the Township Committee in advance of the remote meeting shall allow public comments to be submitted to the Clerk by electronic mail and in written letter form by a reasonable deadline to be established and posted on the website in advance of the remote public meeting; and

**WHEREAS**, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

**WHEREAS**, a reasonable time limit shall be placed on the reading of individual written comments, all of which shall be read from the beginning until the established time limit is reached; and

**WHEREAS**, in support of, and respect for, an open, fair and informed decision-making process, the Township Committee recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

**WHEREAS**, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Township Committee decision making, policies and rules shall be established to promote civility and maintain decorum at in-person public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

**WHEREAS**, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor or the Mayor's designee, or in their absence the Clerk, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in the member of the public being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

**WHEREAS**, disruptive conduct at an in-person public meeting or remote public meeting includes sustained inappropriate behaviors including, but not necessarily limited to, shouting, interruption, and use of profanity; and

**WHEREAS**, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

**WHEREAS**, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bernards, that the standards and procedures for emergency remote meetings, as set forth in this resolution and as codified in N.J.A.C. 5:39-1 et seq., are hereby established and adopted; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in any in-person or remote public meetings of the Township Committee of the Township of Bernards and shall apply to all members of the public in attendance at any in-person public or remote public meeting of the Township Committee of the Township of Bernards; and

**NOW, THEREFORE, BE IT FINALLY RESOLVED** by the Township Committee as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full;

Section 2. This Resolution shall take effect immediately.

**Resolution #2020-0378 - Authorization for Tax Refund**

**WHEREAS**, an erroneous tax payment exists because the property owner made a payment after ownership changed on the property; and

**WHEREAS**, the tax collector has suggested that a refund be issued in order to clear the account.

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

Block & Lot	Quarter & Year	Amount	Issue Refund To
6403/9	4Q2020	\$4,999.55	Mark T & Ann K Dunsheath 407 7 <sup>th</sup> Ave Mantoloking NJ 08738

**Resolution #2020-0379 - Bernards Township is Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2420 to Danielle Scolaro and Fernando Murrillo, 3507 Balsam Way, Block 9001, Lot 35.03 in the Amount of Eight Thousand (\$8,000.00) Dollars**

**WHEREAS**, Daniell Scolaro and Fernando Murrillo, couple (the "Homeowners") are the contract purchasers of property designated as Lot 35.03 in Block 9001 (*formerly identified as Lot 35.07 in Block 178.03*) on the Tax Map of the Township of Bernards in the County of Somerset, State of New Jersey, commonly known as 3507 Balsam Way (the "Property"); and

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

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

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

**WHEREAS**, based on the requirements of Ordinance #2420, the Homeowner has met the obligations for and is entitled to an Eight Thousand Dollar (\$8,000.00) grant (the "Grant").

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

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced expenditure in the amount not to exceed \$8,000.00. Monies are available in the 2020 Affordable Housing Trust Fund line acct # T-13-56-055-COA.

Date: November 5, 2020



Sean McCarthy, Chief Financial Officer

**Resolution #2020-0380 - Authorization for Tax Refund**

**WHEREAS**, an erroneous tax payment exists because the property owner and the mortgage company made payment; and

**WHEREAS**, the tax collector has suggested that a refund be issued in order to clear the account.

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

Block & Lot	Quarter & Year	Amount	Issue Refund To
6601/2.02/CONDO	4Q2020	\$2,039.21	Diane Stolbach 6 Valley View Dr Basking Ridge NJ 07920

[Resolution #2020-0381](#) - *Commendation on the Occasion of Your Retirement, Fred Miller – Public Works*  
**WHEREAS**, the Township Committee of the Township of Bernards desires to convey to you an expression of its appreciation and grateful acknowledgment for the valued services rendered by you as an employee of the Township of Bernards for the past 37+ years; and

**WHEREAS**, you have given generously of your time and efforts in a dignified, faithful and professional manner; and

**WHEREAS**, the Township Committee of the Township of Bernards sincerely appreciates the worthwhile contributions you have made towards the material development, communal welfare, safety and quality of life in Bernards Township; and

**WHEREAS**, on the occasion of your 37+ years of service you are retiring to start the next challenging and exciting chapter of your life; and

**WHEREAS**, Fred Miller has worked for the Department of Public Works as a Laborer, Truck Driver, Operator, Crew Chief and Assistant Foreman with excellent success; and

**WHEREAS**, Fred Miller's dependability, attention to detail, work ethic and teamwork will be sorely missed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bernards that its sincere congratulations are expressed on the occasion of your retirement.

[Resolution #2020-0382](#) - *Canceling General Capital Ordinance Appropriation Balance for Completed Capital Projects*

**WHEREAS**, certain General Capital Ordinance Appropriation balances remain dedicated to purchases now completed, to be funded in future years, abandoned, or funded by other means; and

**WHEREAS**, it is necessary to formally cancel said balances to return the unexpended appropriations to the Capital Improvement Fund.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that the following unexpended and dedicated balances of General Capital Ordinance Appropriations be cancelled:

<u>Ordinance#</u>	<u>Year</u>	<u>Purpose</u>	<u>Account</u>	<u>Amount</u>	<u>Cancelled To</u>
2366	2017	Fleet	C-04-55-366-B01	\$ 29,123.76	Capital Imp Fund
2366	2017	Fleet	C-04-55-366-B02	\$ 2,538.00	Capital Imp Fund
2417	2019	Fleet	C-04-55-417-L01	\$ 14,278.29	Capital Imp Fund
2417	2019	Fleet	C-04-55-417-L03	\$ 4,480.91	Capital Imp Fund
2417	2019	Fleet	C-04-55-417-L04	\$ 4,103.87	Capital Imp Fund
2417	2019	Fleet	C-04-55-417-L05	\$ 5,021.00	Capital Imp Fund
2442	2020	Fleet	C-04-55-442-B01	\$ 5,620.00	Capital Imp Fund
2366	2017	Eng	C-04-55-366-A03	\$ 13,253.25	Capital Imp Fund
2387	2018	Eng	C-04-55-387-A03	\$ 55,000.00	Capital Imp Fund
2397	2018	Eng	C-04-55-397-A01	\$ 83,993.03	Capital Imp Fund
2417	2019	Eng	C-04-55-417-A02	\$ 8,975.84	Capital Imp Fund
2446	2020	Eng	C-04-55-446-A06	\$ 380,000.00	Capital Imp Fund

[Resolution #2020-0383](#) - *Authorizing and Approving Purchase of One (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4 from NJ State Contract # T2101 (A88215) to Chas S Winner Inc., d/b/a/ Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 In the Amount Not to Exceed \$71,075.00*

**WHEREAS**, the Township of Bernards Public Works Department wishes to purchase one (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4;

QTY	DESCRIPTION	UNIT TOTAL
1	2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4	\$37,116.00
	Regular Cab 4X4	\$(2,300.00)
	6.7L V8 Diesel	\$9,325.00
	Engine Block Heater	\$90.00
	Spare Tire & Jack	\$350.00
	Limited Slip Rear Axle	\$360.00
	Tow Command Package	\$270.00
	Snow Plow Prep Package	\$250.00
	397 Amp Alternator	\$115.00
	Dual Batteries	\$210.00
	Cab Steps (Reg Cab)	\$320.00
	Power Equipment Group (Reg Cab)	\$865.00
	Rear Window Defrost	\$60.00
	Privacy Glass	Included
	Green Gem Exterior Color	\$660.00
	<b>OPTIONS AFTER MARKET</b>	
	Western 9.0' Pro Plus Snow Plow	\$5,995.00
	Western Snow Deflector	\$295.00
	9' 3-4 CU YD dump	\$7,650.00
	Manual Tarp	\$395.00
	Stainless Steel	\$5,645.00
	Steel stone shields in front of rear wheels	\$175.00
	18" x 18" x 36" aluminum tool box mounted under dump body	\$595.00
	Full plate combo hitch w/2" ball	\$595.00
	Trailer Plug Flat 7 Prong	\$195.00
	DOT 6, 4 LED strobes in cab shield, 2 at rear of body	\$1,595.00
	DOT safety kit. 1 <sup>st</sup> aid kit, fire extinguisher & safety triangles	\$249.00
	<b>TOTAL</b>	<b>\$71,075.00</b>

and

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Chas S Winner Inc., d/b/a Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount of \$71,075.00; 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-04-55-382-B05; 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 for one (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4 from NJ State Contract # T2101 (A88215) to Chas S Winner Inc., d/b/a Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount not to exceed \$71,075.00.

**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 \$71,075.00. Monies are available in line account #C-04-55-382-B05.



Date: November 17, 2020

Sean McCarthy, Treasurer

[Resolution #2020-0384](#) - Authorizing and Approving Purchase of One (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4 with Lift Gate from NJ State Contract # T2101 (A88215) to Chas S Winner Inc., d/b/a/ Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 In the Amount Not to Exceed \$76,670.00

**WHEREAS**, the Township of Bernards Public Works Department wishes to purchase one (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4 with Lift Gate;

QTY	DESCRIPTION	UNIT TOTAL
1	2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4	\$37,116.00
	Regular Cab 4X4	\$(2,300.00)
	6.7L V8 Diesel	\$9,325.00
	Engine Block Heater	\$90.00
	Spare Tire & Jack	\$350.00
	Limited Slip Rear Axle	\$360.00
	Tow Command Package	\$270.00
	Snow Plow Prep Package	\$250.00
	397 Amp Alternator	\$115.00
	Dual Batteries	\$210.00
	Cab Steps (Reg Cab)	\$320.00
	Power Equipment Group (Reg Cab)	\$865.00
	Rear Window Defrost	\$60.00
	Privacy Glass	Included
	Green Gem Exterior Color	\$660.00
	<b>OPTIONS AFTER MARKET</b>	
	Western 9.0' Pro Plus Snow Plow	\$5,995.00
	Western Snow Deflector	\$295.00
	9' 3-4 CU YD dump	\$7,650.00
	Manual Tarp	\$395.00
	Stainless Steel	\$5,645.00
	Tommy Gate Dump Through Lift Gate 1600lb	\$5,595.00
	Steel stone shields in front of rear wheels	\$175.00
	18" x 18" x 36" aluminum tool box mounted under dump body	\$595.00
	Full plate combo hitch w/2" ball	\$595.00
	Trailer Plug Flat 7 Prong	\$195.00
	DOT 6, 4 LED strobes in cab shield, 2 at rear of body	\$1,595.00
	DOT safety kit. 1 <sup>st</sup> aid kit, fire extinguisher & safety triangles	\$249.00
	<b>TOTAL</b>	<b>\$76,670.00</b>

and

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Chas S Winner Inc., d/b/a Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount of \$76,670.00; 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-04-55-382-B05 (\$18,040.14) and #C-04-55-446-L03 (\$58,629.86); 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 for one (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4 with Lift Gate from NJ State Contract # T2101 (A88215) to Chas S Winner Inc., d/b/a Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount not to exceed \$76,670.00.

**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 \$76,670.00. Monies are available in line accounts #C-04-55-382-B05 (\$18,040.14) and #C-04-55-446-L03 (\$58,629.86).



Date: November 17, 2020

Sean McCarthy, Treasurer

[Resolution #2020-0385](#) - Authorizing and Approving Purchase of One (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4 from NJ State Contract # T2101 (A88215) to Chas S Winner Inc., d/b/a/ Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 In the Amount Not to Exceed \$65,890.00

**WHEREAS**, the Township of Bernards Public Works Department wishes to purchase one (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4;

QTY	DESCRIPTION	UNIT TOTAL
1	2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4	\$37,116.00
	Regular Cab 4X4	\$(2,300.00)
	Spare Tire & Jack	\$350.00
	Limited Slip Rear Axle	\$360.00
	Tow Command Package	\$270.00
	Snow Plow Prep Package	\$250.00
	397 Amp Alternator	\$115.00
	Dual Batteries	\$210.00
	Cab Steps (Reg Cab)	\$320.00
	Power Equipment Group (Reg Cab)	\$865.00
	Rear Window Defrost	\$60.00
	Privacy Glass	Included
	Green Gem Exterior Color	\$660.00
	<b>OPTIONS AFTER MARKET</b>	
	Western 9.0' Pro Plus Snow Plow	\$5,995.00
	Western Snow Deflector	\$295.00
	Base Coat/Clear Coat	\$950.00
	Full Plate Combo Hitch w/2" ball	\$595.00
	Trailer Plug Flat 7 Prong	\$195.00
	DOT 4, 2 LED Hood, 2 Rear of body	\$1,195.00
	9' Utility Body	\$6,985.00
	Master Lock	\$595.00
	Aluminum 2 Piece Liftgate 1300# Capacity	\$4,540.00
	Spray in Liner Cargo Area	\$935.00
	Spray in Liner Compartment Tops Only	\$495.00
	Cab Roof Light Bar, LED amber	\$1,995.00
	DOT Safety Kit, 1 <sup>st</sup> aid kit, fire extinguisher & safety triangles	\$249.00
	System 1 aluminum ladder rack with cab window screen – includes winches	\$2,595.00
	<b>TOTAL</b>	<b>\$65,890.00</b>

and


**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Chas S Winner Inc., d/b/a Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount of \$65,890.00; 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-L02 (\$65,890.00); 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 for one (1) 2021 Ford F450 CAB & CHASSIS CREW CAB 4 X 4 from NJ State Contract # T2101 (A88215) to Chas S Winner Inc., d/b/a Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount not to exceed \$65,890.00.

<b>CHIEF FINANCIAL OFFICER CERTIFICATION</b>
<p>I, Sean McCarthy, Treasurer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$65,890.00. Monies are available in the Capital Ordinance #2446, line account #C-04-55-446-L02.</p> <div style="text-align: center; margin-top: 20px;">  </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span>Date: November 17, 2020</span> <span>Sean McCarthy, Treasurer</span> </div>

[Resolution #2020-0386](#) - Authorizing and Approving Purchase of one (1) 2021 Ford F350 4WD Pickup Truck from NJ State Contract # T2101 (A88758) to Chas S Winner Inc. DBA Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 In the Amount Not to Exceed \$41,143.00

**WHEREAS**, the Township of Bernards Department of Public Works wishes to purchase one (1) 2021 Ford F350 4WD Pickup Truck;

QTY	DESCRIPTION	UNIT TOTAL
1	2021 Ford F350 4WD Pickup Truck, Regular Cab	\$26,874.00
	<b>WITH ADDITIONAL OPTIONS</b>	
	Axle, Limited Slip (Ratio 3.73)	\$390.00
	Vinyl 40/20/40 Split Bench (Regular Cab)	STD
	240 Amp Alternator (Gas Engine)	\$85.00
	Cab Steps (w/ Regular Cab XL)	\$320.00
	Roof Clearance Lights	\$95.00
	Up Fitter Switches (6)	\$165.00
	Snow Plow Package	\$250.00
	Tow Command Integrated Trailer Brake Controller	\$270.00
	Rear Window Defrost	\$60.00
	Privacy Glass	Included
	Tough Bed Spray-in bedliner	\$595.00
	Front & Rear Wheel Well Liner	\$325.00
	Exterior Back-up Alarm	\$140.00
	Power Equip Group Reg Cab	\$865.00
	Reverse Vehicle Aid Sensor	\$245.00
	Green Gem Exterior Color	\$660.00
	<b>OPTIONS AFTER MARKET</b>	
	Western 8' Pro Plus Plow	\$5,820.00
	Snow deflector, rubber	\$250.00
	Combination ball/pintle-2"	\$295.00
	Cab roof light bar, LED amber	\$1,995.00
	DOT 4 amber LEDs, 2 in grille and 2 rear tail light	\$1,195.00
	DOT safety kit, 1 <sup>st</sup> aid kit, fire extinguisher & safety triangles	\$249.00
	<b>TOTAL</b>	<b>\$41,143.00</b>

and

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Chas S Winner Inc. DBA Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount of \$41,143.00; 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-L01 (\$41,143.00); 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 for one (1) 2021 Ford F350 4WD Pickup Truck from NJ State Contract # T2101 (A88758) to Chas S Winner Inc. DBA Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 in the amount not to exceed \$41,143.00.

**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 \$41,143.00. Monies are available in the Capital Ordinance #2446, line account #C-04-55-446-L01.



Date: November 17, 2020

Sean McCarthy, Chief Financial Officer

**Resolution #2020-0387 - Tax Exemption Approval for Robert Vanderhoof**

**WHEREAS**, the owner for Block 9202, Lot 30.18 CONDO has filed an application for total exemption on taxes as a total and permanent disability of a veteran; and

**WHEREAS**, the owner is entitled to the exemption as a result of the total and permanent disability per NJSA 54:4-3.30; and

**WHEREAS**, the Tax Assessor has approved said application effective November 17, 2020 and every year the applicant is qualified; and

**WHEREAS**, the Tax Collector for the Township of Bernards recommends that the taxes on Block 9202, Lot 30.18 CONDO, otherwise known as 201 English Pl., currently owned by Robert & Denise Vanderhoof be canceled for November 17, 2020 and forward and therefore exempt for the duration of ownership and as long as the applicant meets all qualifications for said exemption.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the taxes be canceled as per recommendation of the Tax Collector.

**Resolution #2020-0389 - Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Katherine Borra to Use Space Solely as an artist (writer's) studio**

**WHEREAS**, the Township of Bernards owns the real property identified as Block 8401, Lot 23 (formally known as Block 185, Lot 20.03), consisting of approximately 4.397± acres, and located at 450 King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the "Property"); and

**WHEREAS**, the Property contains an "English Barn," "Farm House," "Wagon House," "Cow Shed," and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and

**WHEREAS**, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. ("Friends") entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the "Lease"), which was thereafter amended to increase the term of the Lease; and

**WHEREAS**, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and

**WHEREAS**, by email dated November 17, 2020 the Friends requested approval to permit a lease agreement with Kathe Borra for use of space solely as an artist studio; and

**WHEREAS**, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Katherine Borra, 125 Ashland Road, Summit, NJ 07901-3240 from December 1, 2020 – December 1, 2021.

**BE IT FURTHER RESOLVED** that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.

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

*Approval of Minutes:*

*Closed Session – 11/10/2020*

Baldassare recused himself. Motion by Fields, second by Harris, and unanimously agreed that the 11/10/2020 Executive Meeting minutes be approved for content.

*Open Session – 11/10/2020*

Motion by Harris, second by Fields, and unanimously agreed that the 11/10/2020 Open Session minutes be approved for content and release.

[Resolution #2020-0390](#) - *Approval of the Memorandum of Agreement Between Bernards Township and the PBA/SOA Local No. 375, January 1, 2020 through December 31, 2023*

Baldassare recused himself. Motion by Fields, second by Harris, that Resolution #2020-0390 be approved.

Roll Call

Aye: Carpenter, Esposito, Fields, Harris

Nay:

Abstain:

Motion carried.

**WHEREAS**, the Township of Bernards and the PBA/SOA Local No. 357 had an Agreement in place for the period of time from January 1, 2016 through December 31, 2019; and

**WHEREAS**, the Township of Bernards and the PBA/SOA Local No. 357 have negotiated in good faith for terms to replace the expired Agreement; and

**WHEREAS**, the Township of Bernards and the PBA/SOA Local No. 357 have commemorated the terms of this agreement into a formal Memorandum of Agreement to cover the period of time from January 1, 2019 through December 31, 2023; and

**WHEREAS**, the Township Committee of the Township of Bernards has reviewed the terms of settlement and is in agreement, and

**WHEREAS**, the Township Committee of the Township of Bernards directs that the terms defined in the Memorandum of Agreement between the Township of Bernards and the PBA/SOA Local No. 357 be commemorated to a new contract for the period of time between from January 1, 2019 through December 31, 2023.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that the Memorandum of Agreement dated November 24, 2020 between Bernards Township and the PBA/SOA Local No. 357 be and is hereby approved and hereby authorizes the Mayor to sign the original of this agreement.

## **PUBLIC COMMENT**

Esposito opened public comment.

Kaitlin Lorio, 191 Patriot Hill Dr. – commented on Thanksgiving, schools, and the process/tradition of the selection of Mayor and Deputy Mayor.

Todd Edelstein, 172 Riverside Dr. – commented on DPW retirement, and the selection of Mayor and Deputy Mayor.

**EXECUTIVE SESSION (continued from earlier session)**

At 8:48 PM the committee took a 15-minute recess and at 9:03 resumed their Executive Session discussions authorized under Resolution #2020-0388 adopted earlier in the meeting.

**ADJOURNMENT**

The meeting resumed in open session at 10:22 and by unanimous consent immediately adjourned.

Respectfully submitted,

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Rhonda Pisano  
Municipal Clerk

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James Baldassare, Jr.  
Mayor

Approved: 12/15/2020