

**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE**  
**COMBINED AGENDA - REGULAR MEETING**  
**May 25, 2021 – 8:00 PM Open Session**

The Municipal Building, 1 Collyer Ln., Basking Ridge, is open and will adhere to Executive Order #196 & #219 with indoor gatherings limited to 35 percent of this room's capacity. 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**

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**A G E N D A**

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- |         |  |
|---------|--|
| 8:00 PM | <b>1. CALL TO ORDER</b> <span style="float: right; color: red;">Video</span>   |
|         | <b>2. FLAG SALUTE</b>  |
|         | <b>3. MAYOR'S OPENING MEETING STATEMENT</b>  |
|         | <b>4. ROLL CALL</b>  |
|         | <b>5. EXECUTIVE SESSION (if required)</b>  |
| 8:05 PM | <b>6. FILLING THE TOWNSHIP COMMITTEE VACANCY LEFT BY RESIGNATION OF JOSEPH ESPOSITO</b><br>A. <i>Recommendations from the Republican Municipal Committee</i><br>B. <i>Resolution #2021-0216 - Filling the Vacancy on the Bernards Township Committee Left by the Resignation of Joseph Esposito</i><br>C. <i>Oath of Office</i>  |
| 8:10 PM | <b>7. NOMINATION FOR DEPUTY MAYOR</b>  |
|         | <b>8. PUBLIC WORK SESSION (if required)</b>  |
|         | <b>9. REPORTS</b>  |
|         | <b>10. CORRESPONDENCE</b>  |
|         | <b>11. PUBLIC COMMENT</b>  |
|         | <b>12. TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS</b>   |
|         | <b>13. FIRE &amp; RESCUE APPOINTMENT</b>   |
| 8:20 PM | <b>14. UNFINISHED BUSINESS</b><br>A. <i>Ordinance #2473 - Accepting a Wetlands Conservation Easement and a Stream Buffer Conservation Easement on Property Located at 8 Wedgewood Drive; Block 7702, Lot 8, from Robert B. Muderick and Joyce L. Singer to the Township of Bernards – Map – Public Hearing</i><br>B. <i>Ordinance #2471 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the General Revised Ordinances of the Township of Bernards, To Address Cannabis Uses – Public Hearing</i><br>C. <i>Ordinance #2472 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Revised Land Use Ordinances", To Add Licensed Cannabis Businesses as Prohibited Uses in All Zones Within the Township – Planning Board Report – Public Hearing</i> |



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

## 15. NEW BUSINESS

8:35 PM

### A. Consent Agenda

*The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, are posted on the 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.*

8:40 PM

- 1) Resolution #2021-0211 - Approval of the Bill List Dated 05/25/2021
- 2) Resolution #2021-0212 - Release of Executive Session Minutes
- 3) Resolution #2021-0213 - Bernards Township Housing Rehabilitation Program Authorizing and Approving Deferred Loan Agreement to Maria Blaszczyk 251 English Place Block 9202 Lot 35.12
- 4) Resolution #2021-0214 - Acknowledgement of Additional Fire Police Appointment, Robert K. Fullagar III, Basking Ridge Fire Company #1
- 5) Resolution #2021-0218 - Awarding Professional Services Contract for American's With Disabilities Act (ADA) Transition Plan Update to Jeff Gutowsky, PE, NJ License #24GE05037700 of the firm WT Group, LLC Accessibility Practice, 2675 Pratum Ave., Hoffman Estates, IL 60192 In the Not to Exceed Amount of \$35,955.50
- 6) Resolution #2021-0219 – Authorization for Tax Refund
- 7) Resolution #2021-0221 - Memorializing Resolution of Approval of Cross-Street Banner Display, "Home of the UCA Ridge Cheerleading National Champions Bernards Township School District"
- 8) Resolution #2021-0222 - Bernards Township is Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2420 to Lorena Perez and Cesar Paz, 3811 Balsam Way, Block 9001, Lot 38.08 in the Amount of Eight Thousand (\$8,000.00) Dollars
- 9) Resolution #2021-0223 - Bernards Township is Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2420 to Geoffrey Porasky, 4005 Hackleberry Square, Block 9001, Lot 40.07 in the Amount of Six Thousand Five Hundred Eight-Six (\$6,586.00) Dollars
- 10) Resolution #2021-0224 - Award of Change Order #1 for Department of Public Works Road Repairs to Reivax Contracting Corp. Increase of \$22,671.44 (+ 8.81%)
- 11) Resolution #2021-0225 - Replacing Resolution #2021-0143 Establishing a Partnership Agreement with the New Jersey Golf Foundation for the Operation of the Golf Driving Range
- 12) Resolution #2021-0226 - Revising Resolution #2021-0137 Agreement with the Veterans Administration (VA) New Jersey Health Care System, Lyons NJ for the Maintenance and Operation of the Golf Complex From March 30, 2021 – March 29, 2031 to June 1, 2021 – May 31, 2031
- 13) Resolution #2021-0227 - 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 Ed Walter to Use Space Solely as an artist's studio
- 14) Resolution #2021-0228 - Renewal of Agreement and Permit for Recycling Clothing Bins with ART (American Recycling Technologies Inc.) For a Three-Year Period October 1, 2021 through September 30, 2023
- 15) Resolution #2021-0207 – Awarding Professional Services Contract for Grant Application Assistance at Bernards Township Library to Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21A101172000 of the firm Arcari & Iovino Architects, P.C. In the Not to Exceed Amount of \$7,500.00
- 16) Resolution #2021-0230 - Supporting the Proposed NJDOT Temporary Detour through Bernards Township due to replacement of the bridge decks of the NJDOT Somerville Road Bridges over Route 78

8:45 PM

### B. Resolution #2021-0217 - Recognizing June as LGBTQ Pride Month

### C. Resolution #2021-0220 - Award of Purchase Orders for Identified Vendors – Applied Concepts, Inc. d/b/a Stalker Radar

### D. Approval of Minutes:

05/11/2021 Open Session Minutes



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

*E. Appointments, Filling Vacancy left by the Resignation of Joseph Esposito*

- 1) *Mayoral Appointments:*
  - a. *Somerset County Solid Waste Advisory Committee, term expiring 12/31/2021.*
  - b. *Police Subcommittee, term expiring 12/31/2021*
- 2) *Mayoral Appointment with Township Committee Consent:*
  - a. *Library Board, term expiring 12/31/2021*
- 3) *Township Committee Appointment:*
  - a. *Sewerage Authority, term expiring 12/31/2021*
  - b. *Planning Board, Class III, term expiring 12/31/2021*
- 4) *TC liaison - BRFC, term expiring 12/31/2021*

**16. PRESENTATION – Resolution #2021-0215 - Recognizing Ridge High School Varsity Cheerleading Team's UCA National Championship Win in the Small Varsity Cheer Division 1**

**17. PUBLIC COMMENT**

**18. EXECUTIVE SESSION (if required)**

**19. ADJOURNMENT**

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

(Note: Copies of Resolutions and other supporting documents listed on this agenda can be found on the pages below)



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

**Rhonda Pisano**

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**From:** Scott Mitzner [REDACTED]  
**Sent:** Tuesday, May 18, 2021 10:28 AM  
**To:** Christine Andres  
**Cc:** Pat Monaco; Rhonda Pisano; John P. Belardo; nferreira [REDACTED] Janice Fields  
**Subject:** Re: Bernards Township Committee Vacancy - May 17, 2021

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning all -

I am happy to report that the Bernards Township Republican Municipal Committee has met and unanimously decided to present the following 3 nominees to the Township Committee to fill the vacancy left by Deputy Mayor Esposito's resignation:

Jennifer Asay  
Andrew McNally  
Tyler Seville

Thank you all for your hard work and all that you do for Bernards Township. If you require anything further, please just let me know.

All my best -  
Scott Mitzner



# Resolution of the Township of Bernards

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

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## **Resolution #2021-0216**

Filling the Vacancy on the Bernards Township Committee  
Left by the Resignation of Joseph Esposito

**WHEREAS**, on May 4<sup>th</sup>, with an effective date of May 17<sup>th</sup>, 2021, Township Committeeman Joseph Esposito rendered his formal resignation from the Bernards Township Committee, the Library Board, the Planning Board, the Police Subcommittee, the Sewerage Authority, and the Somerset County Solid Waste Advisory Committee, due to his relocation to South Carolina; and

**WHEREAS**, vacancies on the Township Committee are governed by the Municipal Vacancy Law, NJSA 40A:16-1, et seq; and

**WHEREAS**, the 3-year term of Joseph Esposito was to have expired 12/31/2021 and is now considered vacant (“the vacancy”); and

**WHEREAS**, pursuant to NJSA 40A:16-5, the governing body has agreed to fill the vacancy through the end of Joseph Esposito’s 3 yr. term; and

**WHEREAS**, Joseph Esposito is a member of the Republic party, and that party has presented to the Township Committee the names of three potential successors to fill the vacancy, per Scott Mitzer’s email of xx/xx/2021; and

**WHEREAS**, the Township Committee agrees that \_\_\_\_\_, of Basking Ridge, NJ 07920, is qualified to fill the vacancy on the Township Committee.

**NOW THEREFORE BE IT RESVOLED**, by the Township Committee of the Township of Bernards as follows:

1. \_\_\_\_\_ is hereby appointed to fill the vacancy on the Township Committee, to complete the unexpired 3 yr. term of Joseph Esposito, expiring 12/31/2021.

Agenda and Date Voted: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

\_\_\_\_\_  
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)

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## **ORDINANCE #2473**

Accepting a Wetlands Conservation Easement and a  
Stream Buffer Conservation Easement on  
Property Located at 8 Wedgewood Drive; Block 7702, Lot 8, from  
Robert B. Muderick and Joyce L. Singer 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 Robert B. Muderick and Joyce L. Singer, with a mailing address at 8 Wedgewood Drive, Basking Ridge, NJ, 07920, a Wetlands Conservation Easement and a Stream Buffer Conservation Easement on Block 7702, Lot 8, in Bernards Township.
2. The easements are 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**

These easements are provided in conjunction with the property owners' request for a permit to construct an addition to their existing dwelling. The purpose of the easements is to protect the wetlands, wetlands transition area and stream buffer conservation area located on the property. The property owners have submitted fees to reimburse the Township for costs incurred in the processing of the easements.

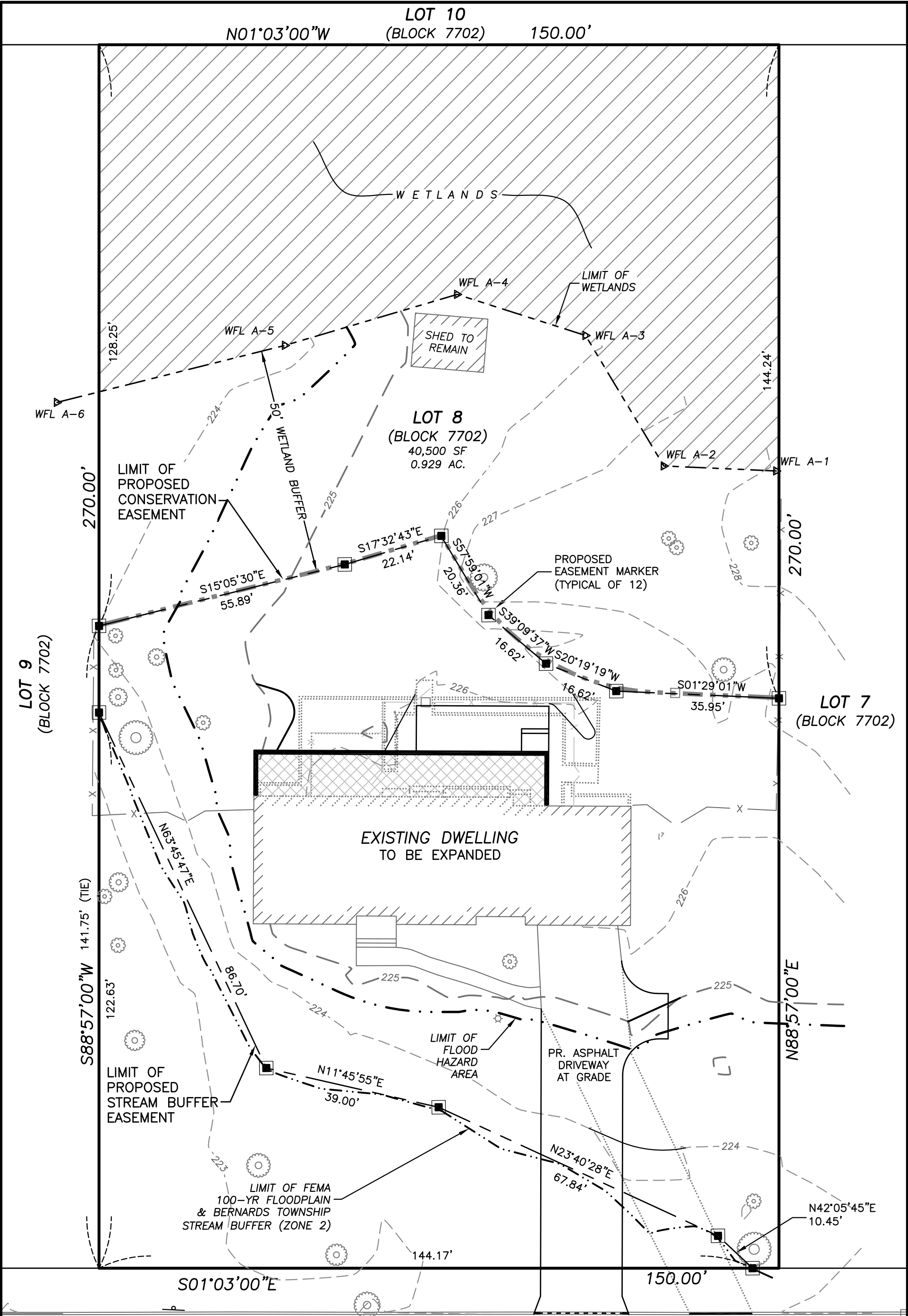
Date: 05/11/2021

David Schley, PP, AICP, Township Planner

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

Ordinance #2473 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 05/11/2021 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 05/25/2021, 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 via e-mail from [rpisano@bernards.org](mailto:rpisano@bernards.org).

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk



**WEDGEWOOD DRIVE**  
(50' R.O.W.)



PAGE-MUELLER ENGINEERING CONSULTANTS, PC  
POST OFFICE BOX 4619  
WARREN, NEW JERSEY 07059  
(732) 805 - 3978 \* FAX (732) 805 - 3978

project name <div>8 WEDGEWOOD DRIVE BLOCK 7702: LOT 8 (TAX MAP SHEET 77) TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY</div>					
drawing name <div>PROPOSED EASEMENT MAP</div>				drawing no. <div>E-1</div>	
drawn by <div>TBB</div>	checked by <div>CAM</div>	date <div>3/25/21</div>	scale <div>1"= 20'</div>	project no. <div>2147-000</div>	



# Ordinance of the Township of Bernards

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

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## **ORDINANCE #2471**

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, by Creating and Inserting a New Chapter “Cannabis Regulations” to Address Cannabis Uses.

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to permit the legalization of cannabis for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which regulates the development and enforcement of a recreational cannabis marketplace; and

**WHEREAS**, the Administration and Township Committee of the Township of Bernards has already determined that the licensing of cannabis establishments within Township jurisdiction would be detrimental to the public health, safety, and welfare of the Township and its residents; and

**WHEREAS**, the Act provides that fines or civil penalties may be imposed for the public smoking, vaping, or aerosolizing of cannabis items; and

**WHEREAS**, the Act permits municipalities to enact an ordinance making it unlawful for any person who is of legal age to consume a cannabis item in a manner not from smoking, vaping, or aerosolizing; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that a new Chapter entitled “Cannabis Regulations,” shall be inserted as Chapter 30 into the Revised General Ordinances of the Township of Bernards, as follows:

### **Chapter 30 Cannabis Regulations**

#### **SECTION § 30-1.1 Purpose.**

The purpose of this Chapter is to regulate the use and consumption of cannabis and cannabis items in public places, as outlined in Section 46 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. Pursuant to Section 46 and N.J.S.A. 26:3D-65(a), a municipality may, by ordinance, fine an individual who smokes or carries lighted cannabis, or consumes cannabis or cannabis items by any other means in any public place.



In connection therewith, the Township of Bernards finds that in public places, the right of nonsmokers to breathe clean air outweighs the right of smokers to smoke, and also finds that the consumption of cannabis in public places is inimical to the health, safety, and welfare of the Township and its residents.

### **§ 30-1.2 Definitions.**

Public Place shall mean “any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, roadway, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.”

## **SECTION 30-2 Prohibition on Public Consumption of Cannabis**

**§ 30-2.1** No person shall engage in the smoking, vaping, aerosolizing, or consumption of cannabis by any other means in a public place as defined in this Chapter.

## **SECTION 30-3 Enforcement.**

### **§ 30-3.1 Signs**

“No smoking, vaping, aerosolizing, or otherwise consuming cannabis or cannabis items” signs adequately providing notice of the prohibition on the smoking, vaping, aerosolizing, or otherwise consuming of cannabis or cannabis items shall be clearly, sufficiently, and conspicuously posted in all public places affected by this section. Such signs shall also indicate that violators are subject to the penalty provision of this Chapter.

## **SECTION 30-4 Violations and Penalties**

### **§30-4.1 Penalty.**

Any person who violates this Chapter by smoking, vaping, aerosolizing, or consuming cannabis or cannabis items by other means in a public place is subject to a civil penalty of up to \$200, which shall be recovered in a civil action by a summary proceeding in the name of the Township pursuant to the “Penalty Enforcement Law of 1999,” (P.L. 1999, c. 274) (C.2A:58-10 et. seq.).

**NOW, THEREFORE, BE IT FURTHER ORDAINED** by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that the Revised General Ordinance of the Township, Chapter 3. “Police Regulations” shall be amended as follows: (new text is in double underline; deletions are ~~stricken~~)

## **SECTION 3-3 Alcoholic Beverages on School Board Property Prohibited Substances on School Board Property**

### **§3-3.4 Use of Cannabis and Cannabis Items Prohibited**

No person or group shall use cannabis or cannabis items on any school district property within the Township of Bernards. This will include the smoking, vaping, aerosolizing, or consumption by any other means of cannabis in any of its forms.

## **SECTION 3-16 Alcoholic Beverages And Tobacco Products on Municipal Properties Prohibited Substances on Municipal Property**

### **§3-16.4 Use of Cannabis and Cannabis Items Prohibited**

No person or group shall use cannabis or cannabis items on municipal property or within any enclosed municipal facility within the Township of Bernards. This will include the smoking, vaping, aerosolizing, or consumption by any other means of cannabis in any of its forms.

**NOW, THEREFORE BE IT FURTHER ORDAINED** by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that the Revised General Ordinances of the Township of Bernards, Chapter 10, “Municipal Parks, Playgrounds and Pools” shall be amended as follows: (new text is in double underline; deletions are ~~stricken~~)

## **SECTION 10 Municipal Parks, Playgrounds and Pools**

### **SECTION 10-1 Park Regulations**

#### **§10.1.1.5 Prohibited Conduct**

The following conduct and activities are prohibited at any park or recreation facility. Any exceptions are noted. A request to deviate from this list of prohibited conduct may be submitted in the form of a special event and amusement device application, which is subject to Township Committee approval.

- a. Disposal of solid waste as defined in Subsection 18-7.1 into any park refuse container is prohibited except for solid waste generated by the customary use of park facilities.
- b. Petting zoos, farm animals, horses, camels, elephants or any other circus animals shall be prohibited.
- c. Amusement rides, both mechanical and inflatable, are prohibited.
- d. The discharge of firearms and explosives shall be prohibited at all times except as authorized by resolution of the Township Committee for purposes of wildlife management.
- e. The shooting of bow and arrows and the setting of animal traps shall be prohibited at all times except as authorized by resolution of the Township Committee for purposes of wildlife management.
- f. Repair, cleaning or polishing of motor vehicles is prohibited.
- g. Hitting of golf balls is prohibited.
- h. Tossing of eggs is prohibited.
- i. Bonfires, fire pits and any use of open flame is prohibited except the use of open flame in park provided grills.
- j. The flying and/or launching of unmanned aircraft by the public, including model or remote control airplanes, helicopters, recreational drones and rockets, is prohibited. This shall not prohibit any federal, state, county or municipal agency, law enforcement agency or emergency services organization from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to applicable regulation.
- k. Pursuant to Subsection 4-2.11, solicitation is prohibited except in accordance with Subsection 4-2.7.1 and 4-2.2k, and policies recommended by the Department of Parks and Recreation and adopted by resolution of the Township Committee to allow limited solicitation by Township-based nonprofit, community service groups. Said policies are to be on file with the Municipal Clerk.
- l. Pursuant to Subsection 3-16.2, no person or group shall bring into, possess, sell, buy, consume, or give away any alcoholic beverage in any municipal property within the Township of Bernards with the exception that a resident may obtain a permit for consumption of alcoholic beverages within a Township park in conjunction with a

special event or private event after obtaining a permit as described in Subsection 10-1.6, at the following park facilities:

1. Pleasant Valley Park, Dunham Park and Southard Park picnic shelters.
2. Pleasant Valley Park warming hut.
3. Dunham Park indoor pavilion.

m. Smoking, vaping, aerosolizing, or consumption by any other means of cannabis or cannabis items.

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At least three copies of this Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and on the Township website.

This ordinance shall take effect upon final passage and publication according to law.

The Township Clerk shall execute Affidavits of Proof of Service of any notices required by this section and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

All ordinances or parts of ordinances inconsistent with this ordinance are repealed.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

TOWNSHIP OF BERNARDS  
PUBLIC NOTICE

Ordinance #2471 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 04/27/2021 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 05/25/2021, 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 via e-mail from [rpisano@bernards.org](mailto:rpisano@bernards.org).

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk

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## MEMORANDUM

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

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

CC: Kippy Piedici, Planning Board Chairwoman  
Jonathan E. Drill, Esq., Planning Board Attorney  
Thomas Timko, PE, CME, Township Engineer  
David Schley, PP, AICP, Township Planner  
David Banisch, PP, AICP, Planning Board Planner

FROM: Cyndi Kiefer, Board Secretary 

DATE: May 5, 2021

SUBJECT: ORDINANCE #2472 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, " Land Development ", to Add Licensed Cannabis Businesses as Prohibited Uses in All Zones Within the Township.

The Planning Board discussed the above proposed ordinances at its public meeting on May 4, 2021.

A motion was made by Ms. Asay and seconded by Mr. Crane finding that Ordinance #2472 is *not inconsistent* with the Township Master Plan.

Roll call:	Aye:	Asay, Crane, Eorio, Fields, Esposito, Manduke, Mastrangelo, Piedici
	Nay:	NONE
	Abstain:	NONE

Motion carried.



# Ordinance of the Township of Bernards

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

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## **ORDINANCE #2472**

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, “ Land Development ”, to Add Licensed Cannabis Businesses as Prohibited Uses in All Zones Within the Township

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to permit the legalization of cannabis for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which regulates the development and enforcement of a recreational cannabis marketplace; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in manufacturing and packaging cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis items in bulk from one licensee to another licensee;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer to make deliveries of the purchase items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis licenses, as well as the location, manner, and times of operation for such businesses, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in

the municipality; and

**WHEREAS**, the Act states that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act; and

**WHEREAS**, the failure to enact such an ordinance shall mean that, for a period of five years, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial five-year period, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any existing cannabis business in the municipality; and

**WHEREAS**, the Township Committee has determined that, due to present uncertainties regarding the potential future impacts from allowing one or more classes of cannabis businesses might have on the Township of Bernards, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of residents, to amend the Township of Bernards zoning regulations to prohibit cannabis licenses within the geographic boundaries of the Township of Bernards; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the Revised General Ordinances of the Township of Bernards, Chapter 21, "Land Development", shall be amended, revised and supplemented as follows:

**Section § 21-3.1, Definitions** is amended to add as follows: (new text is in double underline; deletions are ~~stricken~~):

**CANNABIS CULTIVATOR** - Shall mean any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

**CANNABIS MANUFACTURER** - Shall mean any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

**CANNABIS WHOLESALER** – Shall mean any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

**CANNABIS DISTRIBUTOR**– Shall mean any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from one licensed cannabis establishment to another licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

**CANNABIS RETAILER** - Shall mean any licensed person or entity that purchases or

otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer license shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

**CANNABIS DELIVERY SERVICE** – Shall mean any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

**SECTION § 21-10.3 Prohibited Uses** is amended and supplemented as follows: (new text is in double underline; deletions are ~~stricken~~):

Where a use is not specifically permitted in any zone, it is prohibited. Smoke shops and vape shops are expressly prohibited as uses in all zones within the Township.

This general-use restriction shall apply to any and all classes of cannabis establishments, cannabis distributors, or cannabis delivery services for recreational purposes, including but not limited to, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers, and cannabis delivery services. Such use shall be prohibited in all zones as stated herein. This prohibition does not apply to the delivery of cannabis items and related supplies by an outside delivery service.

\* \* \* \*

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). After introduction of this Ordinance, the Township Clerk shall refer the Ordinance to the Planning Board pursuant to N.J.S.A. 40:55D-26 and 40:55D-64. Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

At least three copies of this Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and on the Township website.

This ordinance shall take effect upon final passage and publication according to law.

The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this section and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

All ordinances or parts of ordinances inconsistent with this ordinance are repealed.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

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

Ordinance #2471 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 04/27/2021 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 05/25/2021, 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 via e-mail from [rpisano@bernards.org](mailto:rpisano@bernards.org).

By Order of the Township Committee  
Rhonda Pisano, Municipal Clerk





# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920

908-766-2510; www.bernards.org

## Resolution #2021-0211

Approval of the Bill List Dated 05/25/2021

**BE IT RESOLVED**, that the bill list dated 05/25/2021 be audited, and if found correct, be paid.

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
128616	05/25/21	90267 AMERMAN, GLEN	252.00	1583 Direct Deposit
128617	05/25/21	90327 MCKNIGHT, ALEX	2,085.00	1583 Direct Deposit
128618	05/25/21	90400 ALBANESE, CHRISTOPHER	104.48	1583 Direct Deposit
128619	05/25/21	90563 CARTOCCIO, KAITLIN	539.89	1583 Direct Deposit
128620	05/25/21	90569 TALBERT, RACHEL	128.99	1583 Direct Deposit
128621	05/25/21	90574 JASINA, PHILIP	161.93	1583 Direct Deposit
128622	05/25/21	A0044 APPROVED FIRE PROTECTION SYS	439.80	1583 Direct Deposit
128623	05/25/21	A0398 STERLING TALENT SOLUTIONS	76.62	1583 Direct Deposit
128624	05/25/21	A0453 AMAZON.COM	812.23	1583 Direct Deposit
128625	05/25/21	B0758 BCI TRUCK, INC	127.08	1583 Direct Deposit
128626	05/25/21	C0434 CENTRAL JERSEY CONSTRUCTION	3,979.55	1583 Direct Deposit
128627	05/25/21	D0339 DEER CARCASS REMOVAL SVC, LLC	1,944.50	1583 Direct Deposit
128628	05/25/21	F0003 FOLEY, INCORPORATED	672.47	1583 Direct Deposit
128629	05/25/21	F0299 FASTENAL CO.	71.10	1583 Direct Deposit
128630	05/25/21	G0305 GREAT AMERICAN SIGN COMPANY	200.00	1583 Direct Deposit
128631	05/25/21	G0674 GALLS, LLC	197.32	1583 Direct Deposit
128632	05/25/21	H0029 HUMPHREYS PEST CONTROL, INC.	425.00	1583 Direct Deposit
128633	05/25/21	H0312 HEFFERNAN, ROBERT F	2,916.67	1583 Direct Deposit
128634	05/25/21	K0354 KANOPY INC	438.00	1583 Direct Deposit
128635	05/25/21	M0032 MICRO PAVE SYSTEMS INC.	23,999.58	1583 Direct Deposit
128636	05/25/21	M0342 MORTON'S MARKETING RESOURCES	1,635.50	1583 Direct Deposit
128637	05/25/21	M0488 SAFETY DOWN UNDER, INC.	2,250.00	1583 Direct Deposit
128638	05/25/21	M0830 MOTT MACDONALD LLC	3,080.00	1583 Direct Deposit
128639	05/25/21	M0856 MCGRATH MUNICIPAL	69.50	1583 Direct Deposit
128640	05/25/21	O0021 OFFICE DEPOT	311.64	1583 Direct Deposit
128641	05/25/21	P0687 PETROCHOICE LLC	1,188.70	1583 Direct Deposit
128642	05/25/21	P0706 PARTS AUTHORITY LLC	136.81	1583 Direct Deposit
128643	05/25/21	S0016 STORR TRACTOR COMPANY	1,942.37	1583 Direct Deposit
128644	05/25/21	S0443 STAPLES ADVANTAGE	10.35	1583 Direct Deposit
128645	05/25/21	T0066 CENGAGE LEARNING CREDIT SVCS	205.45	1583 Direct Deposit
128646	05/25/21	T0192 TURN OUT UNIFORMS INC	1,796.57	1583 Direct Deposit
128647	05/25/21	T0378 THE GUARDIAN LIFE INS CO OF AM	91.08	1583 Direct Deposit
128648	05/25/21	U0001 UNITEMP INC.	2,894.00	1583 Direct Deposit
128649	05/25/21	W0213 WT COX SUBSCRIPTIONS, INC.	35.47	1583 Direct Deposit
128650	05/25/21	A0126 AFLAC NEW YORK	137.94	1584
128651	05/25/21	A0168 ALLIED OIL COMPANY, LLC	11,085.36	1584
128652	05/25/21	A0250 AMBASSADOR MEDICAL SERVICES	322.00	1584
128653	05/25/21	A0338 AFLAC	516.61	1584
128654	05/25/21	A0425 ATLANTIC TACTICAL	74.99	1584
128655	05/25/21	A0619 ASCH, NOLAN	125.00	1584
128656	05/25/21	B0001 BAKER & TAYLOR, INC.	3,760.43	1584
128657	05/25/21	B0026 BERNARDS TOWNSHIP CURRENT	9,390.67	1584
128658	05/25/21	B0029 BERNARDS TWP BD OF EDUCATION	7,832,136.00	1584
128659	05/25/21	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	555,916.23	1584
128660	05/25/21	B0518 BERNARDSVILLE HARDWARE	4.29	1584
128661	05/25/21	B0646 BROADCAST MUSIC, INC	368.00	1584
128662	05/25/21	B0690 BIBLIOTHECA LLC	4,211.74	1584
128663	05/25/21	B0732 BRINKWORTH, GREG	155.00	1584
128664	05/25/21	B0762 BERKELEY HEATING & AIR COND CO	7,890.00	1584
128665	05/25/21	B0831 BADGE COMPANY OF NJ LLC	15.00	1584
128666	05/25/21	C0024 GANNETT NEW JERSEY NEWSPAPERS	99.33	1584
128667	05/25/21	C0669 COLLEEN A MCCARTHY	8,000.00	1584
128668	05/25/21	C0919 CENTRAL JERSEY TRAILER & HITCH	781.41	1584
128669	05/25/21	C0920 CENTRAL JERSEY EQUIP SALES LLC	981.75	1584
128670	05/25/21	D0020 DELTA DENTAL OF NJ	12,172.14	1584
128671	05/25/21	D0309 DAILY RECORD - SUBSCRIPTIONS	429.55	1584
128672	05/25/21	D0319 DRAEGER, INC	179.00	1584
128673	05/25/21	D0322 DELL MARKETING, L.P.	2,810.00	1584
128674	05/25/21	D0740 DOVER BRAKE & CLUTCH	260.53	1584
128675	05/25/21	D0783 DFFLM, LLC	222.53	1584
128676	05/25/21	D0851 DASILVA, DAVID & JENNIFER	500.00	1584
128677	05/25/21	E0180 ENFORSSYS POLICE SYSTEMS, INC	17,000.00	1584
128678	05/25/21	E0224 EXCELLENT BUILDING SERVICES	9,744.00	1584
128679	05/25/21	E0284 ENVIROPROBE SERVICE, INC	850.00	1584
128680	05/25/21	E0325 EDWARD S. SERADZKY, ESQ.	6,586.00	1584
128681	05/25/21	F0001 FEDEX	43.82	1584
128682	05/25/21	F0075 FISHER SCIENTIFIC	249.42	1584
128683	05/25/21	F0148 FAIRFIELD MAINTENANCE INC	1,050.36	1584
128684	05/25/21	F0179 FASTSIGNS	86.88	1584
128685	05/25/21	F0273 FLOWERS ON THE RIDGE	59.00	1584
128686	05/25/21	F0289 FIREFIGHTER ONE	3,646.40	1584
128687	05/25/21	F0326 FX AUTOMOTIVE LLC	890.88	1584
128688	05/25/21	G0066 GRAINGER INC	191.25	1584
128689	05/25/21	G0098 JCP&L	16,156.45	1584
128690	05/25/21	G0300 GOLD TYPE BUSINESS MACHINES	10,443.92	1584
128691	05/25/21	G0509 GREEN ROCK RECYCLING	4,700.00	1584
128692	05/25/21	H0051 HUNTERDON EQUIPMENT RENTAL	1,242.00	1584
128693	05/25/21	H0241 HASTY AWARDS INC.	312.97	1584
128694	05/25/21	H0246 HOME DEPOT CREDIT SERVICES	964.25	1584
128695	05/25/21	H0402 HANBURY, PHD, RAYMOND F	500.00	1584
128696	05/25/21	H0403 HIGH SPEED GEAR	33.00	1584
128697	05/25/21	I0013 INSTITUTE FOR PROF.DEVELOPMENT	50.00	1584
128698	05/25/21	I0137 INTERSTATE WASTE SERVICES NJ	285.40	1584
128699	05/25/21	J0025 MEEKER SHARKEY & HURLEY	950.00	1584
128700	05/25/21	K0259 KONICA MINOLTA PREMIER FINANCE	108.92	1584

128701	05/25/21	K0331	KONICA MINOLTA PREMIER FINANCE	110.74	1584
128702	05/25/21	K0331	KONICA MINOLTA PREMIER FINANCE	266.04	1584
128703	05/25/21	K0331	KONICA MINOLTA PREMIER FINANCE	133.42	1584
128704	05/25/21	K0331	KONICA MINOLTA PREMIER FINANCE	148.97	1584
128705	05/25/21	L0116	LAWMEN SUPPLY	2,106.76	1584
128706	05/25/21	L0486	LIBRARYWORKS INC	49.00	1584
128707	05/25/21	M0261	M.A.I.N., INC.	175.00	1584
128708	05/25/21	M0353	MIDWEST TAPE	1,487.12	1584
128709	05/25/21	M0493	MCELROY, DEUTSCH, MULVANEY &	9,870.92	1584
128710	05/25/21	M0999	MVP TEAM GEAR LLC	400.00	1584
128711	05/25/21	M1000	MODERN SPORTSWEAR CORP	1,222.56	1584
128712	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	79.70	1584
128713	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	68.46	1584
128714	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	30.36	1584
128715	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	179.40	1584
128716	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	124.44	1584
128717	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	15.56	1584
128718	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	509.23	1584
128719	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	15.56	1584
128720	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	390.83	1584
128721	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	176.24	1584
128722	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	30.36	1584
128723	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	38.86	1584
128724	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	38.86	1584
128725	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	265.03	1584
128726	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	844.60	1584
128727	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	191.04	1584
128728	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	40,347.20	1584
128729	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	319.00	1584
128730	05/25/21	N0006	NEW JERSEY AMERICAN WATER CO.	1,147.99	1584
128731	05/25/21	N0017	NJ STATE LEAGUE OF MUNICIPAL.	25.00	1584
128732	05/25/21	N0017	NJ STATE LEAGUE OF MUNICIPAL.	115.00	1584
128733	05/25/21	O0105	O.C.A. BENEFIT SERVICES, LLC	94.05	1584
128734	05/25/21	O0135	OUTHOUSE LLC	460.00	1584
128735	05/25/21	P0415	PERTH AMBOY SPRING WORKS	5,615.56	1584
128736	05/25/21	P0525	POWER PLACE, INC.	169.29	1584
128737	05/25/21	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	68.70	1584
128738	05/25/21	P0538	PROVIDENT LIFE & ACCIDENT	60.04	1584
128739	05/25/21	P0644	POWERDMS, INC.	6,828.21	1584
128740	05/25/21	R0436	ROSE VALLEY NURSERY, LLC	368.00	1584
128741	05/25/21	S0013	SNAP-ON TOOLS CORPORATION	846.53	1584
128742	05/25/21	S0056	RWJHN - MOBILE HEALTH SERVICE	152.00	1584
128743	05/25/21	S0116	SCHIFANO CONSTRUCTION	13,421.03	1584
128744	05/25/21	S0135	CJHRC-CENTRAL JERSEY HOUSING	59,652.00	1584
128745	05/25/21	S0202	SUBURBAN PROPANE	149.95	1584
128746	05/25/21	S0227	SHEARON ENVIRONMENTAL DESIGN	24,755.56	1584
128747	05/25/21	S0367	SOMERSET CTY HUMAN RESOURCES	50.00	1584
128748	05/25/21	S0736	SOMERSET COUNTY	173.62	1584
128749	05/25/21	S0770	SKYLANDS AREA FIRE EQUIPMENT &	14,245.43	1584
128750	05/25/21	S0847	SHI INTERNATIONAL	620.00	1584
128751	05/25/21	S0913	SHEDLOCK CAR CARE	495.00	1584
128752	05/25/21	S0992	SMALLWOOD FINANCIAL	1,510.75	1584
128753	05/25/21	S0997	STREET COP TRAINING LLC	149.00	1584
128754	05/25/21	S1003	SOLORIDER	45.95	1584
128755	05/25/21	S1167	SUMMIT APPLIANCE / ACCUCOLD	1,016.00	1584
128756	05/25/21	S1168	SNAP LOCK INDUSTRIES, INC.	6,828.35	1584
128757	05/25/21	S1170	SAMUEL STOTHOFF CO., INC.	8,800.00	1584
128758	05/25/21	T0109	TREASURER, STATE OF NEW JERSEY	182.00	1584
128759	05/25/21	T0109	TREASURER, STATE OF NEW JERSEY	258.00	1584
128760	05/25/21	T0227	T.R.M. TRANSMISSIONS INC.	1,717.10	1584
128761	05/25/21	T0372	TLO, LLC	510.00	1584
128762	05/25/21	T0471	THE OFFICIAL FUN GUYS	1,085.00	1584
128763	05/25/21	V0037	VILLAGE SUPERMARKET, INC.	27.96	1584
128764	05/25/21	V0056	VERIZON WIRELESS	1,013.62	1584
128765	05/25/21	V0056	VERIZON WIRELESS	682.86	1584
128766	05/25/21	V0058	VERIZON	39.44	1584
128767	05/25/21	V0058	VERIZON	41.31	1584
128768	05/25/21	V0073	VAIL INDUSTRIAL SUPPLIES	216.84	1584
128769	05/25/21	V0084	VERIZON	178.99	1584
128770	05/25/21	V0084	VERIZON	189.99	1584
128771	05/25/21	V0084	VERIZON	289.99	1584
128772	05/25/21	V0084	VERIZON	7.34	1584
128773	05/25/21	V0186	FISHER AND SON COMPANY, INC	1,246.35	1584
128774	05/25/21	W0014	BEYER-WARNOCK FLEET	453.60	1584
128775	05/25/21	W0056	WELDON CONCRETE CO.	6,335.52	1584
128776	05/25/21	W0074	WELSH'S MOTOR SALES, INC.	411.86	1584
128777	05/25/21	W0259	VENTURA, MIESOWITZ, KEOUGH &	4,477.00	1584
128778	05/25/21	W0287	WOYCE, KEVIN	100.00	1584
128779	05/25/21	W0347	EDWARD WACKS & ASSOCIATES, LLC	459.00	1584
128780	05/25/21	X0003	XEROX CORPORATION	198.42	1584
128781	05/25/21	X0005	XTEL COMMUNICATION	452.97	1584
128782	05/25/21	Z0041	ZERO WASTE USA	435.49	1584

Checking Account Totals		Paid	Void	Amount Paid	Amount Void
		----	----	-----	-----
Checks:	133	0		8,757,199.34	0.00
Direct Deposit:	34	0		55,219.65	0.00
		=====	=====	=====	=====
Total:	167	0		8,812,418.99	0.00
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Report Totals		Paid	Void	Amount Paid	Amount Void
		----	----	-----	-----
Checks:	133	0		8,757,199.34	0.00
Direct Deposit:	34	0		55,219.65	0.00
		=====	=====	=====	=====
Total:	167	0		8,812,418.99	0.00
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Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
-----					
CURRENT FUND	1-01	8,636,602.84	0.00	0.00	8,636,602.84
DOG FUND	1-12	114.69	0.00	0.00	114.69
GOLF COURSE UTILITY	1-26	32,401.61	0.00	0.00	32,401.61
	Year Total:	8,669,119.14	0.00	0.00	8,669,119.14
CAPITAL FUND	C-04	49,413.17	0.00	0.00	49,413.17
PUBLIC GRANTS	G-02	2,106.76	0.00	0.00	2,106.76
TRUST FUNDS	T-13	86,402.92	0.00	0.00	86,402.92
PROJECT		5,377.00	0.00	0.00	5,377.00
		=====	=====	=====	=====
Total Of All Funds:		8,812,418.99	0.00	0.00	8,812,418.99

Agenda and Date Voted: 05/25/2021

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.**

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



# Resolution of the Township of Bernards

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

## **Resolution #2021-0212** Release of Executive Session Minutes

**WHEREAS**, the topics discussed in the minutes below no longer need to be kept private.

**NOW THEREFORE BE IT RESVOLED**, by the Township Committee of the Township of Bernards that the following minutes, previously approved for content, now be approved for release.

<i><b>DATE</b></i>	<i><b>TOPIC</b></i>
8/13/2002	Personnel, Tasso, Medical Leave
8/27/2002	Personnel, Tasso, Medical Leave
6/14/2016	Contract Negotiations – AT&T Cell Tower at Townhall
7/14/2020	Personnel - Board Appointment - Municipal Alliance
1/12/2021	Personnel - 2021 Board Appointments
2/9/2021	Contract Negotiation - Fire Prevention Shared Services Agreement
2/9/2021	Personnel - Restructure Tax Assessor Department
2/9/2021	Personnel - Restructure Public Works Department
2/9/2021	Personnel - 2021 Board Appointments
3/23/2021	Attorney-Client Privilege – Governor Murphy Cannabis Laws – S21/A21; A1897 and A4629 and S3454

Agenda Date and Vote: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021

\_\_\_\_\_  
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)

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## **Resolution #2021-0213**

Bernards Township Housing Rehabilitation Program  
Authorizing and Approving Deferred Loan Agreement to Maria Blaszczyk  
251 English Place Block 9202 Lot 35.12

**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**, Maria Blaszczyk (the “Homeowner”) whose principal address is 251 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**, The Homeowner 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 front door, a slider door and two windows; and

**WHEREAS**, The Homeowner 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 Homeowner by way of a ten-year, interest free, amortized depreciating loan in the amount of Six Thousand Four Hundred and Eighty-Seven Dollars (\$ 6,487.00); and

**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 the Homeowner 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 Monies are available in the 2019 Affordable Housing Trust Fund line account #T-13-56-055-COA.

Date: May 5, 2021



Sean McCarthy, Chief Financial Officer

Agenda and Date Voted: 05/25/2021

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.**

\_\_\_\_\_  
**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 #2021-0214**

Acknowledgement of Additional Fire Police Appointment,  
Robert K. Fullagar III, Basking Ridge Fire Company #1

**WHEREAS**, pursuant to §2-14.1 of the Revised General Ordinances of the Township of Bernards, the volunteer fire department consisting of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company, Inc., are hereby made the fire departments for the Township of Bernards; and

**WHEREAS**, pursuant to N.J.S.A. 15:8-4, any duly organized volunteer fire company may provide for the appointment of certain of its members to perform certain police duties at fire and fire drills, for a term of office not to exceed five years from the date of appointment; and

**WHEREAS**, the Basking Ridge Fire Company #1 has requested appointment of Robert K. Fullagar III, 122 Spencer Rd, Basking Ridge, NJ as fire police for a term to expire 12/31/2021.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby acknowledge the additional fire police appointment of Robert K. Fullagar III to the Basking Ridge Fire Company #1.

Agenda Date and Vote: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

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

### **EXPLANTORTY STATEMENT**

Robert K. Fullagar III has successful completed training and received certification to become a Fire Police member and has been recommended by the Chief of Basking Ridge Fire Company #1  
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)

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## **Resolution #2021-0218**

Awarding Professional Services Contract for  
American's With Disabilities Act (ADA) Transition Plan Update  
to Jeff Gutowsky, PE, NJ License # 24GE05037700 of the firm  
WT Group LLC., Accessibility Practice, 2675 Pratum Ave., Hoffman Estates, IL 60192  
In the Not to Exceed Amount of \$35,955.50

**WHEREAS**, the ADA became effective for Bernards Township on January 26, 1992 and title II regulation published by the United States Department of Justice (US DOJ), section 35.105 requires the Township to audit all existing sites, programs, communications, and policies for compliance with the ADA non-discrimination requirements; and

**WHEREAS**, a transition plan is a phased schedule of retrofits that meets the ADA mandate and the resources of the Township; and

**WHEREAS**, Bernards Township's ADA Transition Plan of 1995, updated in 1999, and 2008, with an Addendum I (Golf Courses) in 2010; and

**WHEREAS**, there is a need to update the transition plan to ensure continued compliance, identify areas in need of improvement, and to enable grant opportunities by having a current updated transition plan; and

**WHEREAS**, WT Group has submitted a proposal dated April 23, 2021 outlining the scope of services to the Township; and

**WHEREAS**, WT Group has the qualifications to conduct access audits of Township facilities and parks, prepare reports to identify deficits and solutions, and prepare a transition plan; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, this contract is awarded without public advertisement as defined in N.J.S.A. 19:44A-20-7 and pursuant to the provisions of N.J.S.A. 19:44A-20-4; and

**WHEREAS**, the Chief Financial Officer has certified funds are available in account Buildings and Grounds O.E. Public Buildings - Fees and Compensation line account #1-01-26-310-204.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that a professional service contract be awarded to WT Group, LLC Accessibility Practice, 2675 Pratum Ave., Hoffman Estates, IL 60192 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated April 23, 2021.
2. The contract term is from May 25, 2021 to December 31, 2021 for professional services in the amount not to exceed \$35,955.50.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. **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.**



5. **No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance 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 this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Rhonda Pisano, RMC/CMC, Municipal Clerk, who will be the chief contact for the Township of Bernards on this project.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

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

\_\_\_\_\_  
John N. McGovern, JD, Partner, Principal-in-Charge, WT Group, LLC Accessibility Practice

Agenda and Date Voted: 05/25/2021

**EXPLANATORY STATEMENT**

This is to update Bernards Township's ADA Transition Plan dated 1995, updated, 1999 and 2008, with Addendum I dated 2021 in order to ensure compliance with the Americans with Disabilities Act and to enable grant opportunities by having such an updated plan on record.

Rhonda Pisano, Municipal Clerk

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are requested in the 2021 operating budget for the above referenced purchase in the amount not to exceed \$35,955.50. Monies will be made available in the 2021 Building and Grounds O.E.; Public Buildings – Fees and Comp line account # 1-01-26-310-204.

Date: May 18, 2021



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  
Purchasing Agent

Date: May 18, 2021

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

\_\_\_\_\_  
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)

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## **Resolution #2021-0219** Authorization for Tax Refund

**WHEREAS**, an overpayment exists due to the payee, a title company, providing incorrect detail on allocation of payment; and

**WHEREAS**, the tax collector has suggested that a refund be issued to correct the tax account and post the portion intended as utility payment to sewerage authority and clear both accounts.

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

Block & Lot	Quarter & Year	Amount	Issue Refund To
8701/183/C	2Q2021	\$522.26	Bernards Twp. Sewer Authority for account #6720-0 1 Collyer Lane Basking Ridge, NJ 07920

Agenda and Date Voted: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

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

### **INTERPRETIVE STATEMENT:**

*This property has an overpayment due to an erroneous payment. I recommend a refund be issued to clear the account. Refund will be posted to utility account as intended.*

*Kevin Sant'Angelo, Tax Collector*



# Resolution of the Township of Bernards

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

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## **Resolution #2021-0221**

Memorializing Resolution of Approval of Cross-Street Banner Display,  
“Home of the UCA Ridge Cheerleading National Champions  
Bernards Township School District”

**WHEREAS**, Ridge High School’s Black Varsity Competition Cheerleading Team won 1<sup>st</sup> Place at the UCA’s National Championship in the Small Varsity Cheer Division 1; and

**WHEREAS**, Lisa Vick, on behalf of Ridge High School’s Varsity Competition Cheerleading Team, submitted an application as per Resolution #070491 requesting the display of a temporary banner recognizing this accomplishment; and

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

**WHEREAS**, the hanging of this banner occurred prior to the township committee meeting of 05/25/2021.

**NOW, THEREFORE BE IT RESOLVED**, that this resolution memorializes the approval granted by the Township Committee of the Township of Bernards for the display of “Home of the UCA Ridge Cheerleading National Champions, Bernards Township School District” temporary cross-street banner.

Agenda and Date Voted: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 05/25/2021.

\_\_\_\_\_  
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 #2021-0222

Bernards Township is Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2420 to Lorena Perez and Cesar Paz, 3811 Balsam Way, Block 9001, Lot 38.08 in the Amount of Eight Thousand (\$8,000.00) Dollars

**WHEREAS**, Lorena Perez and Cesar Paz, husband and wife (the "Homeowners") are the contract purchasers of property designated as Lot 38.08 in Block 9001 (*formerly identified as Lot 38.11 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 3811 Balsam Way (the "Property"); and

**WHEREAS**, the Homeowners 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 Homeowners have met the obligations for and are entitled to an Eight Thousand Dollars (\$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.

Agenda and Date Voted: 05/25/2021

### EXPLANATORY STATEMENT:

There is established a down payment affordability assistance program, funded by developer fees, payable only from the Township Housing Trust Fund and administered through the Township of Bernards affordable housing program, for purchasers who seek to purchase low- or moderate-income condominium units as part of program. Prospective homeowners will not receive direct funds. Funds will be made available at closing to the appropriate attorney trust account. The assistance dollars will be supplied to the appropriate entity/entities.

Susan Long, Municipal Housing Liaison

### 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 2021 Affordable Housing Trust Fund line acct # T-13-56-055-COA.

Sean McCarthy, Chief Financial Officer

Date: May 18, 2021

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

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 #2021-0223

Bernards Township is Authorizing a Down Payment Affordability Assistance Grant Pursuant to the Township Ordinance #2420 to Geoffrey Porasky, 4005 Hackleberry Square, Block 9001, Lot 40.07 in the Amount of Six Thousand Five Hundred Eight-Six (\$6,586.00) Dollars

**WHEREAS**, Geoffrey Porasky, single (the "Homeowner") is the contract purchaser of property designated as Lot 40.07 in Block 9001 (*formerly identified as Lot 40.05 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 4005 Hackleberry Square (the "Property"); and

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

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

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

**WHEREAS**, based on the requirements of Ordinance #2420, the Homeowner has met the obligations for and is entitled to a Six Thousand Five Hundred Eight-Six (\$6,586.00) grant (the "Grant").

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

Agenda and Date Voted: 05/25/2021

### EXPLANATORY STATEMENT:

There is established a down payment affordability assistance program, funded by developer fees, payable only from the Township Housing Trust Fund and administered through the Township of Bernards affordable housing program, for purchasers who seek to purchase low- or moderate-income condominium units as part of program. Prospective homeowners will not receive direct funds. Funds will be made available at closing to the appropriate attorney trust account. The assistance dollars will be supplied to the appropriate entity/entities.

Susan Long, Municipal Housing Liaison

### CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced expenditure in the amount not to exceed \$6,586.00. Monies are available in the 2021 Affordable Housing Trust Fund line acct # T-13-56-055-COA.

Sean McCarthy, Chief Financial Officer

Date: May 18, 2021

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021

Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

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

## Resolution #2021-0224

Award of Change Order #1 for Department of Public Works Road Repairs to  
Reivax Contracting Corp. Increase of \$22,671.44 (+ 8.81%)

**WHEREAS**, the Department of Public Works requests the following change order be authorized by the Township Committee:

Vendor	CO	Original Award	Amount of Increase	New Total
	Number 1	\$257,300.00	\$22,671.44 & 8.81% Increase	\$279,971.44
<b>TOTAL CO</b>	<b>CO #1</b>		<b>\$22,671.44 &amp; 8.81% Increase</b>	<b>\$279,971.44</b>

**WHEREAS**, it is the recommendation of the Director of Public Works and Purchasing Agent to award this change order to Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater NJ 08807; and

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

**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 change order Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater NJ 08807 in the amount of \$22,671.44 for a new total award of \$279,971.44.

Agenda and Date Voted: 05/25/2021

### EXPLANATORY STATEMENT

This change order represents the net contract change as a result of quantities measured in the field.

Date: 05/17/2021

Jorge L. Casacuberta, Director of Public Works

### CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the in the budget or the line-item appropriation Capital Ordinance (as applicable) # 2446 in the not to exceed amount of \$ 22,671.44. Monies are available in account # C-04-55-446-C01.

Date: May 18, 2021

Sean McCarthy, Chief Financial Officer

### PURCHASING CERTIFICATION

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

Date:

Francis J. Decibus, QPA  
Purchasing Agent

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 05/25/2021.

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)

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## **Resolution #2021-0225**

Replacing Resolution #2021-0143 Establishing a Partnership Agreement with the New Jersey Golf Foundation for the Operation of the Golf Driving Range

**WHEREAS**, the Township Committee of the Township of Bernards is entering into Agreement Number 36C24221S0006 with the Department of Veterans Affairs for the operation of the Golf Complex, which includes the Coakley-Russo Memorial Golf Course and the adjacent driving range facility and café building; and

**WHEREAS**, section 6.B of Agreement Number 36C24221S0006 states that the Township may manage all or part of the complex by entering into its own arrangement with an organization with an associated mission; and

**WHEREAS**, the New Jersey Golf Foundation is the charitable arm of the New Jersey Section, PGA of America which is committed to positively impacting lives and communities through the game of golf with a focus on youth, military and special needs; and

**WHEREAS**, the New Jersey Golf Foundation has expressed interest in managing the day-to-day operation of the golf driving range and café building at their own expense; and

**WHEREAS**, the desire is to establish a partnership with the New Jersey Golf Foundation to operate the golf driving range on the Township's behalf for the duration of Agreement Number 36C24221S0006, with no financial liability on the part of the Township;

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that we do hereby establish the following partnership agreement with the New Jersey Golf Foundation for the operation of the golf driving range and café building:

1. The New Jersey Golf Foundation is to provide Commercial or Comprehensive General Liability insurance naming the Township as an additional insured with limits of not less than the following:
  - a. Combined Single Limits of Bodily Injury and Property Damage for
    - i. \$1,000,000.00 each occurrence (Bodily Injury & Property Damage)
    - ii. Umbrella Liability Insurance for a limit of liability of not less than \$2,000,000.00 each occurrence.
2. The New Jersey Golf Foundation is to sign a Hold Harmless waiver which shall indemnify and hold the Township harmless against any and all claims that should arise out of their operation of the golf driving range and café building.
3. The New Jersey Golf Foundation is to adhere to all terms and conditions as outlined in the Agreement Number 36C24221S0006 as it pertains to the driving range and café building.

4. All expenses associated with the operation of the golf driving range and the café building are the sole responsibility of the New Jersey Golf Foundation. In turn, the New Jersey Golf Foundation is the sole recipient of all revenues associated with the operation of the golf driving range and café building.
5. The New Jersey Golf Foundation shall be responsible for the payment of an annual usage fee of 25% of the net revenues of the golf driving range and café building or \$1,000.00, whichever is greater as outlined in Agreement Number 36C24221S0006.
6. The term of this partnership agreement shall commence on June 1, 2021 and expire on May 31, 2031.

and

**NOW, THEREFORE BE IT FURTHER RESOLVED** by the Township Committee of the Township of Bernards that the Mayor be authorized to sign this agreement.

\_\_\_\_\_  
Signature on behalf of Bernards Township

\_\_\_\_\_  
Signature on behalf of the New Jersey Golf Foundation

Agenda and Date Voted: 05/25/2021

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.**

\_\_\_\_\_  
**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)

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## **Resolution #2021-0226**

Revising Resolution #2021-0137 Agreement with the Veterans Administration (VA) New Jersey Health Care System, Lyons NJ for the Maintenance and Operation of the Golf Complex  
From March 30, 2021 – March 29, 2031 to June 1, 2021 – May 31, 2031

**WHEREAS**, the Township of Bernards and the Veteran Administration had previously entered into Agreement V10N3-S-04 for the operation and management of the Coakley-Russo Memorial Golf Course, which was set to expire on March 29, 2021 and subsequently extended six months through September 28, 2021 or until a new agreement was finalized; and

**WHEREAS**, the VA New Jersey Health Care System, Lyons Campus is the owner of a Golf Complex which includes a 9-hole golf course, driving range and café building; and

**WHEREAS**, VA has determined that the best interests of the VA mission are not served by the allocation of VA resources for maintenance and operation of the golf complex; and

**WHEREAS**, Bernards Township has shown interest in utilizing the golf complex for the benefit of its residents and is willing to continue to undertake the management of the golf course and expand operations to include the driving range and café building; and

**WHEREAS**, the VA and Bernards Township have reached an accord that allows for the operation and maintenance of the golf complex which also allows the facilities to be utilized by Bernards Township residents, non-residents and patients qualified by the VA; and

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Bernards agrees to the Department of Veterans Affairs Sharing Agreement Number 36C242-21-S-0006; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that the Mayor and Director of Parks & Recreation be authorized to sign Sharing Agreement Number 36C242-21-S-0006.

Agenda and Date Voted: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

\_\_\_\_\_  
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 #2021-0227**

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 Ed Walter to Use Space Solely as an artist'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 May 19, 2021 the Friends requested approval to permit a lease agreement with Ed Walter 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 Edward Walter of Ed Walter Design Inc., dba Strategy Studio; 21 Brownlee Place, Ste 274, Basking Ridge, NJ 07920 from July 1, 2021 – December 31, 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.

Agenda and Date Voted: 05/25/2021

### **CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.**

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

### **EXPLANATORY STATEMENT:**

This resolution authorizes a six-month non-exclusive license agreement for Ed Walter at KMS Farmstead, for use as an art studio.

Dated: 05/18/2021

Leslie Workman, President



# Resolution of the Township of Bernards

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

## Resolution #2021-0228

Renewal of Agreement and Permit for Recycling Clothing Bins with  
ART (American Recycling Technologies Inc.)

For a Three Year Period October 1, 2021 through September 30, 2023

**WHEREAS**, ART (American Recycling Technologies Inc.), is a New York corporation in the business of trucking and dealing in recycled goods; and

**WHEREAS**, ART (American Recycling Technologies Inc.) desires to enter into an arrangement with Bernards Township in the County of Somerset, whereby ART shall sell used clothing collected from the public by ART using Bernards Township name and/or logo in return for ART (American Recycling Technologies Inc.) making a royalty contribution to Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby authorize renewal of the Agreement and Permit with ART (American Recycling Technologies Inc.) upon the terms and conditions set forth in the contract on file with the municipal clerk, for a three-year term commencing October 1, 2021 through September 30, 2023.

Agenda and Date Voted: 05/25/2021

### PURCHASING CERTIFICATION

I hereby certify that I have reviewed this resolution for accuracy.

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: 05/19/2021

### EXPLANATORY STATEMENT

This renewal agreement allows ART (American Recycling Technologies, Inc.) to place clothing bins on township property. A royalty of \$1850.00 per bin, per year, will be paid to Bernards Township which will be used to offset Green Initiatives and Recycling Efforts of the township. In addition to the loyalty paid, ART will also obtain a permit for the bins pursuant to the ordinance.

Date: 05/19/2021

Rhonda Pisano  
Municipal Clerk

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 05/25/2021.

\_\_\_\_\_  
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)

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## **Resolution #2021-0207**

Awarding Professional Services Contract for  
Grant Application Assistance at Bernards Township Library  
to Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000  
of the firm Arcari & Iovino Architects, P.C.  
In the Not to Exceed Amount of \$7,500.00

**WHEREAS**, the Township of Bernards requires professional services for Grant Application Assistance at Bernards Township Library for the purpose of applying to the New Jersey Library Construction Bond Act Solicitation for Grant Applications, P.L. 2017,c.149, N.J.A.C. 15:24-1 et seq.; and

**WHEREAS**, Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000, Principal of the firm Arcari & Iovino Architects, P.C., One Katherine Street, Little Ferry, NJ 07643 has submitted a proposal dated April 14, 2021 outlining professional services and grant application assistance including the completion of building data forms, building analysis, schematic plans, necessary certifications and cost estimates; and

**WHEREAS**, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

**WHEREAS**, this professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

**WHEREAS**, the Chief Financial Officer has certified funds are available in the Library's Reserve Account #1-01-LI-R01-D01.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that a professional services contract be awarded to Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000 of the firm Arcari & Iovino Architects, P.C., One Katherine Street, Little Ferry, NJ 07643 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated April 14, 2021.
2. The contract term is from May 13, 2021 through June 4, 2021 for professional architecture services not to exceed an amount of \$ 7,500.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. **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.**
5. **No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance 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 this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.

8. The contractor shall report directly to Lyn Begraft, Library Director who will be the chief contact for the Township of Bernards on this project.

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

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

\_\_\_\_\_  
Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000

Agenda and Date Voted: 05/25/2021

**EXPLANATORY STATEMENT**

Arcari & Iovino Architects P.C. was solicited because of their vast experience of specialization in the area of public library design and ample experience with the public sector building and construction process. In over 25 years of service, they have completed needs assessments feasibility studies and extensive library construction projects. Anthony Iovino, AIA, PP, LEED - Principal will be the designated contact for the project and will assist the Library in applying for New Jersey Library Construction Bond Act, Solicitation for Grant Application, P.L. 2017, c. 149, N.J.A.C. 15:24-1 et seq.

Date: 04/27/2021

Lyn Begraft, Library Director

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$7,500.00. Monies are available in Library's Reserve Account #1-01-LI-R01-D01.

Date: 05/19/2021



Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

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

  
*For Purchasing Agent*

Date: April 22, 2021

Francis J. Decibus, QPA  
Purchasing Agent

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.**

\_\_\_\_\_  
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)

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## **Resolution #2021-0230**

Supporting the Proposed NJDOT Temporary Detour through Bernards Township due to replacement of the bridge decks of the NJDOT Somerville Road Bridges over Route 78

**WHEREAS**, the NJ Department of Transportation (NJDOT) has proposed the replacement of the bridge decks of the NJDOT Somerville Road Bridges over Route 78 which are need of replacement due to their age and condition and address rockfall mitigation in the immediate area; and

**WHEREAS**, the NJDOT has proposed a detour plan to accommodate the project which will temporarily divert traffic through Bernards Township; and

**WHEREAS**, the proposed detour plan has been reviewed by the Bernards Township Police and Engineering Departments; and while the proposed detour will cause temporary delays on some Bernards Township roadways, there is no better alternative.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby support the temporary, proposed detour and project.

Agenda and Date Voted: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

\_\_\_\_\_  
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)

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## **Resolution #2021-0217** Recognizing June as LGBTQ Pride Month

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

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

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

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

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

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

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

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Bernards hereby recognizes June 2021 as LGBTQ Pride Month and approves displaying banners in front of the Municipal Building during the month of June.

Agenda and Date Voted: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

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



# Resolution of the Township of Bernards

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

## Resolution #2021-0220

Award of Purchase Orders for Identified Vendors – Applied Concepts, Inc. d/b/a/Stalker Radar

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

**WHEREAS**, pursuant to the ordinance window contracts determined to exceed \$17,500.00 and within the bid threshold of \$44,000.00 requires governing body approval; and

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

Vendor	Not to Exceed
Applied Concepts, Inc. d/b/a/Stalker Radar	\$44,000.00

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

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendors listed above to maintain continuity and facilitate the ordering process through December 31, 2021.

Agenda and Date Voted: 05/25/2021

### EXPLANATORY STATEMENT

Pursuant to the adoption of the Bernards Township Pay to Play ordinance #1854 and P. L. 2004, Chapter 19, adoption will permit the purchases from noted vendor(s) relative to the day to day operation of the township departments.

Date: May 17, 2021

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

### PURCHASING CERTIFICATION

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

Date: May 17, 2021

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 05/25/2021.

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)

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## **Resolution #2021-0215**

Recognizing Ridge High School's Black Varsity Competition Cheerleading Team's  
UCA's National Championship 1<sup>st</sup> Place Win in the Small Varsity Cheer Division 1

**WHEREAS**, Ridge High School Varsity Competition Cheerleading Team won 1<sup>st</sup> Place in the National Championship in the Small Varsity Cheer Division 1, at the UCA's National Competition Virtually, in Orlando, Florida; and

**WHEREAS**, this is the first team to bring home a National Championship for Ridge High School and the first time a Small Varsity Division 1 has been won by a New Jersey Team in over 40 years; and

**WHEREAS**, the Varsity Competition Cheerleading Team consists of 13 girls, Abby Szikman, Alexa McCabe, Brianna Vick, Emily Harmon, Jillian Ring, Lauren Kennedy, Macy Clark, Meghan Laffey, Reese Wylie, Shannon Bowen, Skyla Young, Sophia Giordano, and Sophia Venturi who exhibited tremendous teamwork, flexibility, and ingenuity under Head Competition Coach Dom Vignali, and Competition Coaches Kelsey Sible, Hannah Factor, and Julia Mueller's leadership to win at Nationals.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Bernards, hereby recognizes and congratulates the Ridge High School Varsity Competition Cheerleading Team and their Coaches on their impressive accomplishments and their extraordinary commitment to teamwork, perseverance, and sportsmanship.

Signed and sealed on behalf of the Township Committee on this 25th Day of May, Two Thousand and Twenty-One.

Agenda Date and Vote: 05/25/2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by  
the Bernards Township Committee on 05/25/2021.

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

\_\_\_\_\_  
Janice M. Fields, Mayor

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James Baldassare Jr., Deputy Mayor

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Joan M. Bannan

\_\_\_\_\_  
Kathleen M. Grochala