

TABLE OF CONTENTS

BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE MINUTES

September 14, 2021 – COMBINED AGENDA/REGULAR MEETING

(Click on the page number to go directly to that page)

CALL TO ORDER	3
ROLL CALL	3
EXECUTIVE SESSION (IF REQUIRED)	3
PUBLIC WORK SESSION (IF REQUIRED)	3
PRESENTATION.....	3
<i>Resolution #2021-0325 - In Recognition of 2021 Reusable Bag Design Challenge Winners: Joao Pedro Yoshimoto, Mariabella Milelli, Gwynivere Elefante, Evelyn McGoldrick.....</i>	
REPORTS	3
CORRESPONDENCE.....	3
PUBLIC COMMENT.....	3
TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS.....	4
FIRE & RESCUE APPOINTMENT	4
UNFINISHED BUSINESS.....	4
<i>Ordinance #2476 – An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 25 “Flood Damage Prevention” – Public Hearing</i>	
NEW BUSINESS	14
CONSENT AGENDA	14
<i>Resolution #2021-0321 - Approval of the Bill List Dated 09/14/2021.....</i>	
<i>Resolution #2021-0322- Authorization for Tax Refund</i>	
<i>Resolution #2021-0324 - Unused Vacation Accrual Due Ryan Wallace Public Works Department</i>	
<i>Resolution #2021-0326 - Authorization to Participate in the Union County Cooperative Pricing Agreement for the Purchase of Goods and Services.....</i>	
<i>Resolution #2021-0327- Authorization of the Sale at Public Auction of the Township’s Personal Property Not Needed for Public Use through USGovBid.....</i>	
<i>Resolution #2021-0328 - Authorizing Submission of a Grant Application to the Somerset County Cultural and Heritage Commission for a State/County Partnership Local Arts Program Grant: \$8,000 for the Department of Parks & Recreation</i>	
<i>Resolution #2021-0329 - Award of Purchase Orders for Identified Vendors – Aspire Technology Partners, LLC, Stavola Construction Materials, Inc., Stonefield Engineering & Design, LLC.....</i>	
<i>Resolution #2021-0330 - Award of Bid Renewal for 2021-2022 Municipal HVAC Services to Unitemp Inc., 26 World’s Fair Drive, Unit D, Somerset, NJ 08873</i>	
<i>Resolution #2021-0331 - Awarding Professional Services Contract for NJDOT Local Aid Grant Reconstruction of Keats Road, Highland Avenue & Thackeray Drive to Thomas Miller, NJ License #24GS03626400 of the firm Stonefield Engineering and Design, LLC- In the Not to Exceed Amount of \$14,850.00.....</i>	
<i>Resolution #2021-0332 - Awarding Professional Services Contract for Lyons Road ROW and Location Survey to Thomas Miller, NJ License #24GS03626400, of the firm Stonefield Engineering and Design, LLC- In the Not to Exceed Amount of \$4,200.00</i>	
<i>Resolution #2021-0333 - Award of Bid - 2021-2024 Municipal Trash Services to Republic Services of New Jersey LLC. 9 Frontage Road, Clinton, New Jersey 08809</i>	

<i>Resolution #2021-0334 - Acceptance of Grant and Insertion of Revenue Item Into the 2021 Budget\$1,415,014.19 from the US Department of the Treasury – Coronavirus Local Fiscal Recovery Fund Program for the Purpose of Offsetting COVID-19 Revenue Losses</i>	<i>23</i>
<i>Resolution #2021-0335 - Return of Maintenance Surety for Somerset Country Living LLC – Pinewoods of Bernards (Tall Timber Lane)</i>	<i>24</i>
<i>RESOLUTION #2021-0323 - COMMENDATION ON THE OCCASION OF YOUR EMPLOYMENT WITH THE TOWNSHIP OF BERNARDS.....</i>	<i>24</i>
<i>ORDINANCE #2477 - ACCEPTING A STREAM BUFFER CONSERVATION EASEMENT ON PROPERTY LOCATED AT 24 NORTH MAPLE AVENUE; BLOCK 1608, LOT 22, FROM SUSAN M. PHILIPSHECK TO THE TOWNSHIP OF BERNARDS – MAP – INTRODUCTION.....</i>	<i>25</i>
<i>ORDINANCE #2478 - ACCEPTING A STREAM BUFFER CONSERVATION EASEMENT ON PROPERTY LOCATED AT 263 CHILDS ROAD; BLOCK 502, LOT 3, FROM THOMPSON AND SUSAN SWAYNE TO THE TOWNSHIP OF BERNARDS – MAP – INTRODUCTION.....</i>	<i>25</i>
<i>APPROVAL OF MINUTES:</i>	<i>25</i>
<i>08/24/2021 Open Session Minutes</i>	<i>25</i>
PUBLIC COMMENT.....	25
EXECUTIVE SESSION (IF REQUIRED).....	25
ADJOURNMENT.....	25

CALL TO ORDER

The mayor called the meeting to order at 8:00 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Baldassare, Jr., Bannan (via telephone), McNally, Fields
Absent: Grochala (excused)
Also Present: Administrator Monaco, Attorney Belardo, Engineer Timko, and Municipal Clerk Pisano

EXECUTIVE SESSION (if required)

None.

PUBLIC WORK SESSION (if required)

None.

PRESENTATION

Bannan provided an overview of the Environmental Commission's Re-Usable Bag Challenge and acknowledged the winners. Those winners present, received a copy of the resolution.

[Resolution #2021-0325 - In Recognition of 2021 Reusable Bag Design Challenge Winners: Joao Pedro Yoshimoto, Mariabella Milelli, Gwynivere Elefante, Evelyn McGoldrick](#)

Motion by Baldassare, second by Bannan, an unanimously agreed that Resolution #2021-0325 be approved.

WHEREAS, it is the desire of the Township Committee of the Township of Bernards to promote matters which benefit the health, welfare, comfort, and safety of the citizens of the community; and

WHEREAS, Bernards Township wishes to encourage positive, environmentally-sound choices; and

WHEREAS, a substantial quantity of non-biodegradable single use plastic bags ends up as unsightly litter on our roadsides and in our trees, in our storm drains and consequently in our waterways where they can be devastating to marine life and seabirds; and

WHEREAS, plastic bags do not decompose and only break down into smaller pieces that pollute our seas and the Township Committee wishes to promote the use of reusable bags; and

WHEREAS the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey adopted on April 13, 2021 Resolution 2021-0179 endorsing the encouragement of the residents of Bernards Township to use re-usable shopping bags and reduce the number of single use bags that are currently being used; and

WHEREAS, to communicate this need, the Environmental Commission sponsored a *2021 Reusable Bag Design Challenge* for children who attend school in Bernards Township with the winning designs to be used to decorate reusable bags and that these bags will be distributed to the residents of Bernards Township, free of charge, while supplies last; and

WHEREAS, more than 400 Bernards Township school children submitted designs with five students designs selected as the winning designs:

Joao Pedro Yoshimoto
Mariabella Milelli
Gwynivere Elefante
Evelyn McGoldrick.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby congratulate all participants and the winning students on their accomplishment.

REPORTS

None.

CORRESPONDENCE

None.

PUBLIC COMMENT

The mayor opened public comment.

Janet Baker, 31 Newell Dr. – commented on Tropical Depression Ida’s destruction of her home and that no assistance from obtained from 911.

Todd Edelstein, 172 Riverside Dr. – commented on storm Ida’s flooding, expanded hours for Pill Hill due to Ida, and trying to obtain a vehicle that could respond in these conditions.

Mike Barth, 14 Annin Rd. – commented on storm Ida’s flooding and the Warren Township Sewerage Treatment plant.

The mayor closed public comment.

TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS

The Mayor, Timko, and Monaco provided comments on Tropical Storm Ida, the County and Township’s responses, and the resources available. Somerset County has also responded that they could assist Bernards Township with curbside pickup, but this service would be delayed due to the overwhelming needs in other areas of the County. Therefore, Bernards Township will instead offer curbside pickup to residents of Newell Dr., parts of Harrison Brook Dr. and parts of Goltra Dr.

Staff provided comments on other operational items and Committee members reported on their appointed boards and activities.

FIRE & RESCUE APPOINTMENT

None.

UNFINISHED BUSINESS

[*Ordinance #2476 – An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 25 “Flood Damage Prevention” – Public Hearing*](#)

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

Motion by Baldassare, second by McNally, that Ordinance #2476 be adopted and advertised as required by law.

Roll Call:

Aye: Baldassare, Bannan, McNally, Fields

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 25 “Flood Damage Prevention,” of the Revised General Ordinances of the Township of Bernards is amended. (new text is in double underline; deletions are ~~stricken~~):

SECTION 25-1

Statutory Authorization, Findings of Fact, Purpose and Objectives

§ 25-1.1. Statutory Authorization.

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey does ordain the following. (Ord. #841, § 1.0)

§ 25-1.2. Findings of Fact.

- a. The flood hazard areas of The Township of Bernards are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage

uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Ord. #841, § 1.0)

§ 25-1.3. Statement of Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To insure that potential buyers are notified that property is in area of special flood hazard; and
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. #841, § 1.0)

§ 25-1.4. Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. #841, § 1.0)

SECTION 25-2

Definitions unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

APPEAL shall mean a request for a review or reconsideration of the Township Engineer's interpretation of any provision of this chapter or a request for a variance. (Ord. #1527, 2-26-2002, amended)

AREA OF SHALLOW FLOODING shall mean a designated AO or VO Zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one foot to three feet; a clearly defined channel does not

exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (Ord. #1527, 2-26-2002, amended)

AREA OF SPECIAL FLOOD HAZARD shall mean the land in the flood plain within a community subject to a 1% percent or greater chance of flooding in any given year.

BASE FLOOD shall mean the flood having a 1% percent chance of being equaled or exceeded in any given year.

BASEMENT shall mean any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL shall mean a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

DEVELOPMENT shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard. (Ord. #1527, 2-26-2002, amended)

ELEVATED BUILDING shall mean a non-basement building built in the case of a building in an area of special flood hazard to have the top of the elevated floor elevated above ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard "elevated building" shall also include a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. (Ord. #1527, 2-26-2002, amended)

ELEVATION CERTIFICATE shall mean the FEMA form that shows new buildings and substantial improvements in all identified Special Flood Hazard Areas (SFHAs) are properly elevated in accordance with FEMA regulations and Township Ordinance

FEMA shall mean the Federal Emergency Management Agency

FLOOD or FLOODING shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) shall mean the official map on which ~~the Federal Insurance Administration~~FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY shall mean the official report provided in which the ~~Federal Insurance Administration~~FEMA has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood. (Ord. #1527, 2-26-2002, amended)

FLOODPLAIN MANAGEMENT REGULATIONS shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance or erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. (Ord. #1527, 2-26-2002, added)

FLOODWAY shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

HIGHEST ADJACENT GRADE shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Ord. #1527, 2-26-2002, added)

HISTORIC STRUCTURE shall mean any structure that is:

- a. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or area preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation

programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs. (Ord.

#1527, 2-26-2002, added)

LOWEST FLOOR shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

MANUFACTURED HOME shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreational vehicle. (Ord. #1527, 2-26-2002, amended)

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION shall mean structures for which the start of construction commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures. (Ord. #1527, 2-26-2002, amended)

NEW MANUFACTURED HOME PARK OR SUBDIVISION shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter. (Ord. #1527, 2-26-2002, added)

RECREATIONAL VEHICLE shall mean a vehicle which is built on a single chassis; 400 square feet or less when measured at the longest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. #1527, 2-26-2002, added)

START OF CONSTRUCTION [(For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)] shall include substantial improvement and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Ord. #1527, 2-26-2002, amended)

SUBSTANTIAL DAMAGE shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (Ord. #1527, 2-26-2002, added)

STRUCTURE shall mean a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred

substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

UCC shall mean the State of New Jersey Uniform Construction Code

(Ord. #1527, 2-26-2002, amended)

VARIANCE shall mean a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. #841, § 2.0)

SECTION 25-3

General Provisions

§ 25-3.1. Lands to Which this Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of The Township of Bernards. (Ord. #841, § 3.0)

§ 25-3.2. Basis for Establishing the Areas of Special Flood Hazard.

The area of special flood hazard identified by ~~the Federal Insurance Administration~~FEMA in a scientific and engineering report entitled "The Flood Insurance Study for the Township of Bernards" dated March 4, 2002, or later with accompanying Flood Insurance Rate Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the Engineering Services Building, 277 South Maple Avenue, Basking Ridge, New Jersey 07920. (Ord. #841, § 3.0; Ord. #1527, 2-26-2002, amended)

§ 25-3.3. Abrogation and Greater Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. #841, § 3.0)

§ 25-3.4. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord.

#841, § 3.0)

§ 25-3.5. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on part of the Township of Bernards, any officer or employee thereof or ~~the Federal Insurance Administration~~FEMA for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder. (Ord. #841, § 3.0)

SECTION 25-4

Administration and General Regulations

§ 25-4.1. Establishment of Development Permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 25-3.2. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. The permit shall initially only release footings and foundation as per subsection c below. Specifically, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures on an elevation certificate marked "Construction Drawings" at the time of application.
- b. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- ~~a.c.~~ As-built elevation certificate after the foundation is built marked "Under Construction" and submitted prior to release of the balance of the UCC permit by the Construction Official.;
- ~~b.d.~~ Elevation in relation to mean sea level to which any structure has been floodproofed;
- e. Floodproofing Certificate~~Certification~~ by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 25-5.2b prior to CO.; and
- f. Engineered Opening Certificate in the form of the International Code Council® Evaluation Service (ICC-ES) form for the engineered opening or an individual certification prior to CO. Individual certifications must cover the following at minimum:
 - i. Must identify the building (address) with the installed engineered openings;
 - ii. The design professional's name, title, address, type of license, the state issuing the license, signature and seal;
 - iii. A statement certifying the design of the openings will automatically equalize hydrostatic flood loads on exterior walls by allowing for the automatic entry and exit of floodwaters; and
 - ~~A-iv.~~ A description of the range of flood characteristics tested or computed for which the certification is valid, such as rates of rise and fall of floodwaters.
 - ~~B.~~ Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. #841, § 4.0)

§ 25-4.2. Designation of the Program Administrator.

The Township Engineer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. #841, § 4.0; Ord. #1527, 2-26-2002, amended)

§ 25-4.3. Duties and Responsibilities of the Program Administrator.

Duties of the program administrator shall include, but not be limited to:

- a. Permit Review.
 - 1. Review all application development permits to determine that the permit requirements of this chapter have been satisfied.
 - 2. Review all application development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

3. Review all application development permits to determine if the proposed development is located in the floodway and assure that the encroachment provisions of Subsection 25-5.3a are met.
 4. Review plans for walls to be used to enclose space below the base flood level in accordance with Subsection 25-5.le.
- b. Use of Other Base Flood and Floodway Data. When base flood elevations and floodway data has not been provided in accordance with Subsection 25-3.2, Basis for Establishing the Areas of Special Flood Hazard, the program administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Subsections 25-5.2, Specific Standards, Paragraph a, Residential Construction, and Paragraph b, Specific Standards, Nonresidential Construction.
- c. Information to Be Obtained and Maintained.
1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 2. For all new substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in Subsection 25-4.1c.
 3. Maintain for public inspection all records pertaining to the provisions of this chapter.
- d. Alteration of Watercourses.
1. Notify adjacent communities and the NJDEP prior to any alteration or relocation of a watercourse and submit evidence of such notification to ~~the Federal Insurance Administration~~FEMA.
 2. Require that maintenance is provided within altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual filed conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 25-4.4.

The program administrator shall not approve any development permit required by this chapter unless and until it is satisfied that the requirements of Section 25-5 have been met.

(Ord. #841, § 4.0)

§ 25-4.4. Variance Procedure.

- a. Appeal Board.
1. The Township Committee of the Township of Bernards shall hear and decide appeals and requests for variances from the requirements of this chapter.
 2. The Township Committee shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by any township officer in the enforcement or administration of this chapter.
 3. Those aggrieved by the decision of the Township Committee, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by law.
- (a) In passing upon such appeals or requests for variances, the Township Committee shall

consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and: The danger that materials may be swept onto other lands to the injury of others;

- (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors of Subsection 25-4.4a4 above and the purposes of this chapter, the Township Committee may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
5. The Township Committee shall maintain the records of all appeal actions, including technical information, and report any variances to the ~~Federal Insurance Administration~~FEMA upon request.

b. Conditions for Variances.

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below base flood level, providing items (a) through (k) in Subsection 25-4.4a4 have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases. (Ord. #1527, 2-26-2002, amended)
- 2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. (Ord. #1527, 2-26-2002, amended)
- 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;

- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection 25-4.4a4 or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- c. Notice. Any person who files an appeal or a request for variance with the Township Committee under Subsection 25-5.4 shall give notice of the hearing upon such appeal or request in the same time and manner, and to the same persons, as would be required by the Bernards Township Land Development Ordinance for a public hearing upon application for subdivision or site plan approval or a zoning variance for the property and the proposed development in question.

(Ord. #841, § 4.0)

SECTION 25-5

Provisions for Flood Hazard Reduction

§ 25-5.1. General Standards.

In all areas of special flood hazards the following standards are required:

- a. Anchoring.
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - 2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. Construction Materials and Methods.
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Utilities.
 - 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
 - 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
 - 4. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed ~~/and/or~~ located and elevated one foot above base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 4. Base flood elevation data shall be provided for subdivision proposals and other proposed development.
- e. **Enclosure Openings.** For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or, devices, provided that they permit the automatic entry and exit of floodwaters. (Ord. #841, § 5.0; Ord. #1527, 2-26-2002, amended)§ 25-5.2. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection 25-3.2, Basis for Establishing the Areas of Special Flood Hazard, or in Subsection 25-4.3b, Use of Other Base Flood Data, the following standards are required:

a. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above base flood elevation.
2. Within any AO Zone on the municipality's FIRM, all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified), and adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.

b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation or, together with the attendant utility and sanitary facilities, shall:

1. Within any AO or AH Zone on the municipality's FIRM, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified), and adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures; or
2. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
3. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
4. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Subsection 25-4.1c.

c. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with Subsection 25-5.1a, 2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is elevated one foot at or above the base flood elevation.

d. Mobile Homes.

1. Mobile homes, mobile home parks and mobile home subdivisions are prohibited in areas of special flood hazards.

(Ord. #841, § 5.0; Ord. #1527, 2-26-2002, amended)

§ 25-5.3. Floodways.

Located within areas of special flood hazard established in Subsection 25-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b. If Subsection 25-5.3a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 25-5, Provision for Flood Hazard Reduction.
- c. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development on and off the site, shall not increase the water surface elevation of the base flood more than 0.2 of a foot at any point.

(Ord. #841, § 5.0)

SECTION 25-6

Penalties, Validity and Effective Date

§ 25-6.1. Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter shall include failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions).

Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case.

Nothing herein contained shall prevent the Township of Bernards from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 841, § 6.0)

§ 25-6.2. Validity.

If any section, paragraph, sentence, clause, or other portion of this chapter shall for any reason be held invalid in any court, the same shall not affect the validity or effect the remaining provisions of this chapter. (Ord. #841, § 6.0)

§ 25-6.3. Effective Date.

This chapter shall take effect upon final passage and publication by law. (Ord. #841, § 6.0)

NEW BUSINESS

Consent Agenda

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

Motion by Baldassare, second by McNally that Resolution #2021-0323 be removed from the Consent Agenda and the remaining items be approved.

Roll Call:

Aye: Baldassare, Bannan, McNally, Fields

Nay:

Abstain:

Motion carried.

****Begin Consent Agenda****

Resolution #2021-0321 - Approval of the Bill List Dated 09/14/2021

BE IT RESOLVED, that the bill list dated 09/14/2021 be audited, and if found correct, be paid.

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
129822	09/14/21	90026 DEPOORTERE, PAT	79.29	1602 Direct Deposit	
129823	09/14/21	90219 PISANO, RHONDA	45.00	1602 Direct Deposit	
129824	09/14/21	90220 BETTLER, DENNIS	28.00	1602 Direct Deposit	
129825	09/14/21	90228 WARD, SCOTT	138.51	1602 Direct Deposit	
129826	09/14/21	90327 MCKNIGHT, ALEX	47.97	1602 Direct Deposit	
129827	09/14/21	90399 ZOLNIEROWSKI, SLAWOMIR	206.65	1602 Direct Deposit	
129828	09/14/21	90507 GANDER, JENNIFER	300.00	1602 Direct Deposit	
129829	09/14/21	90529 SEVERINO, ANTHONY	78.99	1602 Direct Deposit	
129830	09/14/21	90563 CARTOCCIO, KAITLIN	112.88	1602 Direct Deposit	
129831	09/14/21	90667 LOPEZ, DUSTIN	1,994.93	1602 Direct Deposit	
129832	09/14/21	A0398 STERLING TALENT SOLUTIONS	114.93	1602 Direct Deposit	
129833	09/14/21	A0453 AMAZON.COM	1,769.38	1602 Direct Deposit	
129834	09/14/21	A0457 ATLAS BUSINESS SOLUTIONS	972.00	1602 Direct Deposit	
129835	09/14/21	A0589 AFTERMATH SERVICES, LLC	275.00	1602 Direct Deposit	
129836	09/14/21	A0611 AMERICAN WEAR, INC	1,135.10	1602 Direct Deposit	
129837	09/14/21	B0203 DIFRANCESCO BATEMAN, PC	3,114.00	1602 Direct Deposit	
129838	09/14/21	B0581 BUY WISE AUTO PARTS	1,430.13	1602 Direct Deposit	
129839	09/14/21	B0724 BIO-SHINE, INC	1,112.60	1602 Direct Deposit	
129840	09/14/21	C0083 CDW GOVERNMENT, INC.	13,721.70	1602 Direct Deposit	
129841	09/14/21	D0033 DEMCO, INC	104.28	1602 Direct Deposit	
129842	09/14/21	D0339 DEER CARCASS REMOVAL SVC, LLC	2,913.17	1602 Direct Deposit	
129843	09/14/21	D0754 DC EXPRESS	820.80	1602 Direct Deposit	
129844	09/14/21	G0133 GARDEN STATE LABORATORIES, INC	110.00	1602 Direct Deposit	
129845	09/14/21	G0674 GALLS, LLC	25.00	1602 Direct Deposit	
129846	09/14/21	H0029 HUMPHREYS PEST CONTROL, INC.	75.00	1602 Direct Deposit	
129847	09/14/21	K0354 KANOPY INC	381.00	1602 Direct Deposit	
129848	09/14/21	M0353 MIDWEST TAPE LLC	1,569.04	1602 Direct Deposit	
129849	09/14/21	M0830 MOTT MACDONALD LLC	130.00	1602 Direct Deposit	
129850	09/14/21	N0069 NATIONAL BUSINESS FURNITURE	1,801.95	1602 Direct Deposit	
129851	09/14/21	N0297 NORTHERN SAFETY CO., INC.	314.80	1602 Direct Deposit	
129852	09/14/21	O0021 OFFICE DEPOT	370.24	1602 Direct Deposit	
129853	09/14/21	P0706 PARTS AUTHORITY LLC	132.94	1602 Direct Deposit	
129854	09/14/21	R0071 RENDA ROADS, INC.	77,712.00	1602 Direct Deposit	
129855	09/14/21	S0016 STORR TRACTOR COMPANY	548.63	1602 Direct Deposit	
129856	09/14/21	S0202 SUBURBAN PROPANE	617.34	1602 Direct Deposit	
129857	09/14/21	S0443 STAPLES ADVANTAGE	390.06	1602 Direct Deposit	
129858	09/14/21	T0055 T & M ASSOCIATES	4,250.00	1602 Direct Deposit	
129859	09/14/21	T0066 CENGAGE LEARNING CREDIT SVCS	50.98	1602 Direct Deposit	
129860	09/14/21	T0192 TURN OUT UNIFORMS INC	336.93	1602 Direct Deposit	
129861	09/14/21	T0497 THE W-T GROUP, LLC	225.50	1602 Direct Deposit	
129862	09/14/21	U0001 UNITEMP INC.	7,275.00	1602 Direct Deposit	
129863	09/14/21	V0020 VILLAGE OFFICE SUPPLY	190.36	1602 Direct Deposit	
129864	09/14/21	W0241 W.B. MASON CO INC.	449.55	1602 Direct Deposit	
129865	09/14/21	W0339 W.B. MASON	598.50	1602 Direct Deposit	
129866	09/14/21	A0168 ALLIED OIL COMPANY, LLC	11,576.13	1603	
129867	09/14/21	A0174 ALL SPORTS STADIUM, LLC	578.75	1603	
129868	09/14/21	A0232 ARROW ELEVATOR, INC.	325.00	1603	
129869	09/14/21	A0425 ATLANTIC TACTICAL	18.99	1603	
129870	09/14/21	A0474 AIR GROUP, LLC	2,500.00	1603	
129871	09/14/21	A0722 AMERICAN HOME REMODELING	1,100.00	1603	
129872	09/14/21	B0001 BAKER & TAYLOR, INC.	1,903.68	1603	
129873	09/14/21	B0017 BRIDGEWATER RESOURCES, INC.	2,821.54	1603	
129874	09/14/21	B0026 BERNARDS TOWNSHIP CURRENT	206,815.50	1603	
129875	09/14/21	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	579,544.43	1603	
129876	09/14/21	B0037 BERNARDSVILLE CAR WASH	117.00	1603	
129877	09/14/21	B0261 BONNIE BRAE	1,623.29	1603	
129878	09/14/21	B0750 BEYER OF MORRISTOWN	59,676.00	1603	
129879	09/14/21	B0756 BRITISH SWIM SCHOOL	15,400.00	1603	
129880	09/14/21	B0828 BIG BEAR DESIGN	190.00	1603	
129881	09/14/21	C0024 GANNETT NEW JERSEY NEWSPAPERS	24.08	1603	
129882	09/14/21	C0028 CY DRAKE LOCKSMITHS, INC.	29.70	1603	
129883	09/14/21	C0073 CAMPBELL FOUNDRY COMPANY	1,500.00	1603	
129884	09/14/21	C0136 RUTGERS, THE STATE UNIVERSITY	1,129.00	1603	
129885	09/14/21	C0482 OPTIMUM	138.44	1603	
129886	09/14/21	C0482 OPTIMUM	11.45	1603	
129887	09/14/21	C0482 OPTIMUM	44.95	1603	
129888	09/14/21	C0482 OPTIMUM	33.32	1603	
129889	09/14/21	C0522 CHATHAM LAWNMOWER SALES & SVC	559.95	1603	
129890	09/14/21	C0597 CLIFFSIDE BODY CORPORATION	2,672.91	1603	
129891	09/14/21	C0613 CIGNA GROUP INSURANCE	1,575.07	1603	
129892	09/14/21	C0697 BB&T/CPS	57.86	1603	
129893	09/14/21	C0774 COLONIAL LIFE & ACC INSURANCE	669.16	1603	
129894	09/14/21	C0927 CAPITAL PAVING & CONTRACTING	118,725.39	1603	
129895	09/14/21	D0040 DORELL & SONS, INC.	1,335.00	1603	
129896	09/14/21	D0322 DELL MARKETING, L.P.	898.70	1603	

129897	09/14/21	D0740	DOVER BRAKE & CLUTCH	46.80	1603
129898	09/14/21	D0783	DFFLM, LLC	24.34	1603
129899	09/14/21	D0852	DH OF BASKING RIDGE	21,060.00	1603
129900	09/14/21	E0185	EDWARDS TIRE COMPANY	3,578.96	1603
129901	09/14/21	E0231	EKA ASSOCIATES, P.A.	742.50	1603
129902	09/14/21	E0284	ENVIROPROBE SERVICE, INC	850.00	1603
129903	09/14/21	E0297	EMR POWER SYSTEMS LLC	340.00	1603
129904	09/14/21	E0310	ERYAN, PIERRE	280.00	1603
129905	09/14/21	F0024	FISCHER, JOSEPH	1,000.00	1603
129906	09/14/21	F0047	FULLERTON FORD	506.84	1603
129907	09/14/21	F0148	FAIRFIELD MAINTENANCE INC	700.11	1603
129908	09/14/21	F0158	FLEMINGTON DEPARTMENT STORE	221.45	1603
129909	09/14/21	F0324	FLAGSHIP DENTAL PLANS	310.66	1603
129910	09/14/21	F0326	FX AUTOMOTIVE LLC	731.18	1603
129911	09/14/21	F0330	FIDELITY SECURITY LIFE INS	271.34	1603
129912	09/14/21	F0378	FAIRWAY GREEN, INC.	2,430.00	1603
129913	09/14/21	G0033	GREAT SWAMP GREENHOUSES	343.27	1603
129914	09/14/21	G0066	GRAINGER INC	559.23	1603
129915	09/14/21	G0098	JCP&L	2,596.46	1603
129916	09/14/21	G0202	GRASS ROOTS TURF PRODUCTS, INC	474.98	1603
129917	09/14/21	G0333	BEDMINSTER CAR WASH	140.95	1603
129918	09/14/21	G0509	GREEN ROCK RECYCLING	4,200.00	1603
129919	09/14/21	G0654	GLAZIER, THERESA	135.00	1603
129920	09/14/21	H0061	HARRAH'S RESORT ATLANTIC CITY	291.00	1603
129921	09/14/21	H0178	HOSE SHOP, INC.	135.54	1603
129922	09/14/21	H0246	HOME DEPOT CREDIT SERVICES	844.74	1603
129923	09/14/21	H0297	DIRECT ENERGY BUSINESS	182.67	1603
129924	09/14/21	H0443	HEALY, CHRISTINE	405.00	1603
129925	09/14/21	H0480	HOUGH, CALEB OR CHRISTINE	270.00	1603
129926	09/14/21	I0010	INTERNATIONAL ASSN.OF ARSON	325.00	1603
129927	09/14/21	I0013	INSTITUTE FOR PROF.DEVELOPMENT	50.00	1603
129928	09/14/21	I0036	IPMA-HR	114.00	1603
129929	09/14/21	I0137	INTERSTATE WASTE SERVICES NJ	1,871.40	1603
129930	09/14/21	J0206	JOY AUTOMOTIVE PRODUCTS, INC	35.65	1603
129931	09/14/21	J0243	KANG, JOHN	130.00	1603
129932	09/14/21	K0024	KEYSTONE PLASTICS, INC.	555.91	1603
129933	09/14/21	K0039	KOBESKY, GREGG S.	127.95	1603
129934	09/14/21	K0259	KONICA MINOLTA PREMIER FINANCE	123.54	1603
129935	09/14/21	K0331	KONICA MINOLTA PREMIER FINANCE	82.60	1603
129936	09/14/21	K0331	KONICA MINOLTA PREMIER FINANCE	133.02	1603
129937	09/14/21	K0331	KONICA MINOLTA PREMIER FINANCE	192.89	1603
129938	09/14/21	K0336	KUHTA, JENNIFER OR ERIK	125.00	1603
129939	09/14/21	L0468	LEE, LEONARD	85.00	1603
129940	09/14/21	L0491	LAW OFFICE OF ROTIMI OWOH	2,500.00	1603
129941	09/14/21	M0015	MCKESSON MEDICAL SURGICAL	23.13	1603
129942	09/14/21	M0441	MAIN LINE COMMERCIAL POOLS,INC	3,542.39	1603
129943	09/14/21	M0498	MP OVERHEAD DOORS	787.00	1603
129944	09/14/21	M0518	KONICA MINOLTA BUSINESS SOL.	100.00	1603
129945	09/14/21	M0518	KONICA MINOLTA BUSINESS SOL.	26.86	1603
129946	09/14/21	M0518	KONICA MINOLTA BUSINESS SOL.	26.00	1603
129947	09/14/21	M0767	MOSIO, INC	480.00	1603
129948	09/14/21	M0872	MELILLO, DEBBIE	180.00	1603
129949	09/14/21	M1003	MASI, ANGELA	70.00	1603
129950	09/14/21	N0032	NJ STATE DEPT HEALTH/SR SVCS	75.60	1603
129951	09/14/21	N0130	NJ JUVENILE OFFICERS ASSN.	175.00	1603
129952	09/14/21	N0304	NRPA	675.00	1603
129953	09/14/21	N0333	NJ PUBLIC SAFETY ACCRED COAL	747.00	1603
129954	09/14/21	N0415	NATIONAL FUEL OIL INC	9,459.00	1603
129955	09/14/21	N0470	NATIONWIDE	146.70	1603
129956	09/14/21	O0003	ORIENTAL TRADING COMPANY, INC.	233.01	1603
129957	09/14/21	O0068	O'BAGEL BAGELRY & DELI	317.50	1603
129958	09/14/21	O0105	O.C.A. BENEFIT SERVICES, LLC	94.05	1603
129959	09/14/21	O0135	OUTHOUSE LLC	540.00	1603
129960	09/14/21	P0005	PITNEY BOWES, INC.	795.06	1603
129961	09/14/21	P0014	PUBLIC SERVICE ELEC. & GAS CO	442.98	1603
129962	09/14/21	P0046	RESERVE ACCOUNT	1,583.72	1603
129963	09/14/21	P0222	PALLUZI, ELIZABETH H	500.00	1603
129964	09/14/21	P0525	POWER PLACE, INC.	62.68	1603
129965	09/14/21	P0602	LINDE GAS & EQUIPMENT INC	38.93	1603
129966	09/14/21	P0718	PURCHASE POWER	170.10	1603
129967	09/14/21	Q0002	CINTAS CORP. - #062	451.01	1603
129968	09/14/21	R0005	RECORDER PUBLISHING CO., INC	67.32	1603
129969	09/14/21	R0005	RECORDER PUBLISHING CO., INC	127.16	1603
129970	09/14/21	R0023	RICHIES TIRE SERVICE, INC.	1,084.62	1603
129971	09/14/21	R0050	ROTO-ROOTER	10,495.00	1603
129972	09/14/21	R0501	RUGGIERO, AMY	20.00	1603
129973	09/14/21	R0522	RIVERA, DANIEL	500.00	1603
129974	09/14/21	R0821	RER SUPPLY LLC	2,720.00	1603
129975	09/14/21	S0191	SOMERSET COUNTY RECYCLING PROG	67,911.45	1603
129976	09/14/21	S0223	STATEWIDE STRIPING CORPORATION	4,700.00	1603
129977	09/14/21	S0227	SHEARON ENVIRONMENTAL DESIGN	24,755.56	1603
129978	09/14/21	S0367	SOMERSET CTY HUMAN RESOURCES	25.00	1603
129979	09/14/21	S0378	STAVOLA ASPHALT	8,730.72	1603
129980	09/14/21	S0415	SPORTWORLD	1,840.00	1603
129981	09/14/21	S0628	STATE OF NEW JERSEY-HB	189,486.69	1603
129982	09/14/21	S0691	SUPERIOR DISTRIBUTORS	236.12	1603
129983	09/14/21	S0847	SHI INTERNATIONAL	55,000.00	1603
129984	09/14/21	S0854	SOMERSET COUNTRY LIVING	1,211.98	1603
129985	09/14/21	S0875	SUNLIGHT GENERAL CAPITAL	252.05	1603
129986	09/14/21	S0962	SCIENCE PRESS USA INC.	1,146.13	1603
129987	09/14/21	S0977	STAVOLA CONSTRUCTION MATERIALS	1,281.56	1603
129988	09/14/21	S1134	SARTORIO, DIEGO	95.00	1603
129989	09/14/21	T0023	TRILOGY REPERTORY CO INC	10,041.00	1603
129990	09/14/21	T0024	TRIUS OF NJ INC	1,187.07	1603
129991	09/14/21	T0049	TROPICANA ATLANTIC CITY	248.00	1603
129992	09/14/21	T0049	TROPICANA ATLANTIC CITY	124.00	1603
129993	09/14/21	T0049	TROPICANA ATLANTIC CITY	248.00	1603
129994	09/14/21	T0142	TODD HARRIS CO., INC.	5,357.00	1603
129995	09/14/21	T0154	TILCON NEW YORK, INC.	1,956.38	1603
129996	09/14/21	T0338	TMDE CALIBRATION LABS, INC.	127.68	1603
129997	09/14/21	T0372	TLO, LLC	382.60	1603
129998	09/14/21	T0496	THE FUEL OX LLC	179.88	1603
129999	09/14/21	T0503	TOBIA, PETER	130.00	1603
130000	09/14/21	T0504	TO, CHI MAN	35.00	1603

TOWNSHIP COMMITTEE MINUTES

09/14/2021

Page 16 of 25

130001	09/14/21	V0037	VILLAGE SUPERMARKET, INC.	38.27	1603
130002	09/14/21	V0056	VERIZON WIRELESS	217.37	1603
130003	09/14/21	V0056	VERIZON WIRELESS	684.36	1603
130004	09/14/21	V0056	VERIZON WIRELESS	845.64	1603
130005	09/14/21	V0058	VERIZON	39.55	1603
130006	09/14/21	V0058	VERIZON	39.55	1603
130007	09/14/21	V0058	VERIZON	172.92	1603
130008	09/14/21	V0058	VERIZON	82.10	1603
130009	09/14/21	V0058	VERIZON	2,454.14	1603
130010	09/14/21	V0058	VERIZON	84.96	1603
130011	09/14/21	V0058	VERIZON	39.10	1603
130012	09/14/21	V0058	VERIZON	403.97	1603
130013	09/14/21	V0058	VERIZON	84.96	1603
130014	09/14/21	V0058	VERIZON	36.29	1603
130015	09/14/21	V0058	VERIZON	44.75	1603
130016	09/14/21	V0073	VAIL INDUSTRIAL SUPPLIES	299.99	1603
130017	09/14/21	V0084	VERIZON	156.99	1603
130018	09/14/21	V0084	VERIZON	79.99	1603
130019	09/14/21	V0124	VERIZON BUSINESS FIOS	204.99	1603
130020	09/14/21	V0177	VERIZON	590.52	1603
130021	09/14/21	V0186	FISHER AND SON COMPANY, INC	346.58	1603
130022	09/14/21	V0197	VENTRICE, JOSEPH	25.00	1603
130023	09/14/21	V0219	VARGAS, LAURA	155.00	1603
130024	09/14/21	W0016	WARRENVILLE TRUE VALUE	606.76	1603
130025	09/14/21	W0056	WELDON CONCRETE CO.	12,853.52	1603
130026	09/14/21	W0074	WELSH'S MOTOR SALES, INC.	434.00	1603
130027	09/14/21	W0259	VENTURA, MIESOWITZ, KEOUGH &	6,937.50	1603
130028	09/14/21	W0271	WEATHER WORKS	1,725.00	1603
130029	09/14/21	W0275	WINNING TEAMS BY NISSEL LLC	1,551.20	1603
130030	09/14/21	W0347	EDWARD WACKS & ASSOCIATES, LLC	289.00	1603
130031	09/14/21	W0409	WEATHERTITE SOLUTIONS	1,950.00	1603
130032	09/14/21	X0003	XEROX CORPORATION	264.66	1603
130033	09/14/21	X0005	XTEL COMMUNICATION	451.37	1603
130034	09/14/21	X0005	XTEL COMMUNICATION	1,551.18	1603
130035	09/14/21	Z0059	ZUFALL HEALTH CENTER, INC	1,007.00	1603
130036	09/14/21	Z0077	ZIMMET, KATHRYN	170.00	1603

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	171	0	1,514,084.14	0.00
Direct Deposit:	44	0	128,070.13	0.00
Total:	215	0	1,642,154.27	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	171	0	1,514,084.14	0.00
Direct Deposit:	44	0	128,070.13	0.00
Total:	215	0	1,642,154.27	0.00

Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	0-01	196,256.50	0.00	0.00	196,256.50
CURRENT FUND	1-01	1,031,031.51	0.00	0.00	1,031,031.51
DOG FUND	1-12	598.11	0.00	0.00	598.11
GOLF COURSE UTILITY	1-26	30,285.84	0.00	0.00	30,285.84
Year Total:		1,061,915.46	0.00	0.00	1,061,915.46
CAPITAL FUND	C-04	160,809.97	0.00	0.00	160,809.97
PUBLIC GRANTS	G-02	92,448.08	0.00	0.00	92,448.08
TRUST FUNDS	T-13	116,786.67	0.00	0.00	116,786.67
PROJECT		13,937.59	0.00	0.00	13,937.59
Total Of All Funds:		1,642,154.27	0.00	0.00	1,642,154.27

Resolution #2021-0322- Authorization for Tax Refund

WHEREAS, an overpayment exists due to a double payment from a title company due to a refinance; and

WHEREAS, the tax collector has suggested that a refund be issued to the title company per the title company's written request.

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
9703/37	3Q2021	\$5,100.87	Vested Land Services LLC

			165 Passaic Avenue, Suite 101 Fairfield, NJ 07004
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Resolution #2021-0324 - Unused Vacation Accrual Due Ryan Wallace Public Works Department

WHEREAS, the Township Committee adopted Resolution No. 2021-0066 at their regularly scheduled meeting of January 5, 2021, accepting the Personnel Policies and Procedures that outline guidelines for pay-outs when employees leave the Township's payroll; and

WHEREAS, Ryan Wallace's employment terminated on August 30, 2021; and

WHEREAS, per the requirements of the Township's Personnel Policy, Ryan Wallace is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$45.67.

	Total Hours Available	Amount Due
Vacation Accrual	128.50	\$5,868.60

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

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, do hereby certify that there are adequate funds for this expenditure. Funds are available in the Streets and Roads S&W, Line Account #1-01-26-290-101 for an amount not to exceed \$5,868.60



Sean McCarthy, CFO

Date: August 24, 2021

Resolution #2021-0326 - Authorization to Participate in the Union County Cooperative Pricing Agreement for the Purchase of Goods and Services

WHEREAS, Bernards Township is a leader in the concept of shared services; and

WHEREAS, Bernards Township is desirous of participating in a Cooperative Pricing Agreement pursuant to N.J.S.A. 40A:11-1 et seq., with the Union County Cooperative Pricing Agreement a copy of which is attached hereto and made a part hereof; and

WHEREAS, pursuant to the terms of this Agreement, the Lead Agency, which is designated as the Union County Cooperative Pricing Agreement shall enter into pricing contracts for certain work, materials and supplies, of which Bernards Township, through its representative, will have input into the awarding of such contracts and is only responsible for such work, materials and supplies in which it orders under the pricing contract; and

WHEREAS, Bernards Township is not restricted from awarding contracts for work, materials and supplies outside of the pricing contracts, provided that such bids are not advertised for or received during the period in which the Union County Cooperative Pricing Agreement is advertising for and receiving the same bids; and

WHEREAS, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and all other provisions of the revised statutes of the State of New Jersey; and

WHEREAS, this Agreement will take effect when contract is executed by Union County and approved by the State; and

WHEREAS, Bernards Township Purchasing Agent Francis J. Decibus, QPA, is hereby designated as representative on behalf of the township.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, hereby authorizes the Township to enter into the Union County Cooperative Pricing Agreement for a period not to exceed five years.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign such Agreement on behalf of the Township.

Resolution #2021-0327- Authorization of the Sale at Public Auction of the Township's Personal Property Not Needed for Public Use through USGovBid

WHEREAS, the Purchasing Agent has presented the following listing of personal property which are no longer needed for public use by the Township of Bernards:

F250 Pickup w/Plow	2005 Dodge RAM	Vin# 1FTNF2156EB71717
F450 Dump Truck w/Plow	2008 Ford	Vin# 1FDXF47RX81EA01773
F250 Pickup w/Plow	2004 Ford	Vin# 1FTNF21144EE09572
Crown Victoria w/Hitch	2008 Ford	Vin# 2FAHP71V78X171722
580D Wide Area Mower	Toro	Ser# 30580-30117
Model CKB3/Kohler CH22S	2007 Buffalo Blower	Ser# 13598
Turf Groomer	2015 Wiedenmann	Ser# 21405080003151000

WHEREAS, pursuant to N.J.S.A.40A:11-36, “Sale or other disposition of personal property,” the governing body may authorize the public sale of municipal owned property no longer needed for public use; and

WHEREAS, the sale of surplus property shall be conducted through USGovBid pursuant to State Contract T2581/A-70967 in accordance with the terms and conditions of the state contract; and

WHEREAS, the terms and conditions of the agreement entered into with USGovBid is available on-line at; www.USGovBid.com and placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the sale will be conducted online and the address of the auction site is; www.USGovBid.com; and

WHEREAS, no express or implied warranty is made for the property subject to sale. All property is being sold in “as is”-“where is” condition; and

WHEREAS, all sales are final; and

WHEREAS, method of payment is Cash, Certified Check, Money Order or Company Check (with bank letter guaranteeing funds-mandatory); and

WHEREAS, all merchandise shall be removed within 10 business days from the time and date of issuance of the Buyers Certification otherwise buyers will be charged \$ 10.00 per day per item storage fee; and

WHEREAS, this resolution shall be published in accordance with provisions of N.J.S.A. 40A-11-36.

BE IT RESOLVED, that the Resolution (or Notice of the date, time and place of the auction, with a description of the items to be sold) shall be published in an official newspaper as required by N.J.S.A. 40A:11-36(3).

BE IT FURTHER RESOLVED, that the Bernards Township Committee does hereby declare that the personal property listed above are surplus and no longer needed for Township use; and

NOW, THEREFORE BE IT RESOLVED, that the Township Committee does hereby authorize the purchasing agent to enter into an agreement with USGovBids to conduct an internet auction of surplus property identified.

[Resolution #2021-0328](#) - Authorizing Submission of a Grant Application to the Somerset County Cultural and Heritage Commission for a State/County Partnership Local Arts Program Grant: \$8,000 for the Department of Parks & Recreation

WHEREAS, the Director of Parks and Recreation is recommending the Township Committee approve a grant application to the Somerset County Cultural and Heritage Commission for the NJ State Council on the Arts State/County Partnership Local Arts Program Grant, which would provide up to \$8,000 towards the 2022 production of Plays in the Park.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that it does hereby authorize submission of a grant application to the Somerset County Cultural and Heritage Commission for a State/County Partnership Local Arts Program Grant; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that Jennifer Gander of the Bernards Township Parks & Recreation Department serves as the Project Manager for this grant application and the Project Manager and CFO are hereby authorized to sign the grant on behalf of the Township.

[Resolution #2021-0329](#) - Award of Purchase Orders for Identified Vendors – Aspire Technology Partners, LLC, Stavola Construction Materials, Inc., Stonefield Engineering & Design, LLC

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
Aspire Technology Partners, LLC	\$ 44,000.00
Stavola Construction Materials, Inc	\$ 44,000.00
Stonefield Engineering & Design, LLC	\$ 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.

[Resolution #2021-0330](#) - Award of Bid Renewal for 2021-2022 Municipal HVAC Services to Unitemp Inc., 26 World's Fair Drive, Unit D, Somerset, NJ 08873

WHEREAS, The Township received bids on Tuesday, July 28, 2020 at 10:30 A.M. for Municipal HVAC Services; and

WHEREAS, Unitemp Inc., has satisfactorily performed such services in 2020-2021; and

WHEREAS, this is the second year of a three year contract; and

WHEREAS, it is a combined recommendation of the Director of Public Works, Township Administrator, and Purchasing Agent that a renewal for the second year of the initial contract be awarded to Unitemp Inc., 26 World's Fair Drive, Unit D, Somerset, NJ 08873.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to Unitemp Inc., 26 World's Fair Drive, Unit D, Somerset, NJ 08873.

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

Ray Haydian, President

[Resolution #2021-0331](#) - Awarding Professional Services Contract for NJDOT Local Aid Grant Reconstruction of Keats Road, Highland Avenue & Thackeray Drive to Thomas Miller, NJ License #24GS03626400 of the firm Stonefield Engineering and Design, LLC- In the Not to Exceed Amount of \$14,850.00

WHEREAS, the Township of Bernards requires services for Professional Surveying Services; and

WHEREAS, Thomas Miller, License #24GS03626400 of the firm Stonefield Engineering and Design, LLC, 15 Spring Street, Princeton, NJ 08542, has submitted a proposal dated August 9, 2021, outlining Professional Surveying services to the Township; 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 line account # C-05-55-417-A01 line-item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Thomas Miller, License #24GS03626400 of the firm Stonefield Engineering and Design, LLC, 15 Spring Street, Princeton, NJ 08542 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated August 9, 2021.
2. The contract term is from September 15, 2021, through October 15, 2021, for professional surveying services not to exceed an amount of \$14,850.00.
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 Thomas Timko, Township Engineer 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 that notice of this contract award and a copy of the resolution be on file and available for public inspection, in the office of the Bernards Township Purchasing Department.

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.

Thomas Miller, PLS, PP, MBA NJ License #24GS03626400

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 \$14,850.00. Monies are available in line account #C-04-55-417-A01.

Date: September 3, 2021



Sean McCarthy, Chief Financial Officer

Resolution #2021-0332 - Awarding Professional Services Contract for Lyons Road ROW and Location Survey to Thomas Miller, NJ License #24GS03626400, of the firm Stonefield Engineering and Design, LLC- In the Not to Exceed Amount of \$4,200.00

WHEREAS, the Township of Bernards requires services for Professional Surveying Services; and

WHEREAS, Thomas Miller, NJ License #24GS03626400 of the firm Stonefield Engineering and Design, LLC, 15 Spring Street, Princeton, NJ 08542, has submitted a proposal dated August 9, 2021, outlining Professional Surveying services to the Township; 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 line account # C-04-55-417-A01 line-item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Thomas Miller, License #24GS03626400 of the firm Stonefield Engineering and Design, LLC, 15 Spring Street, Princeton, NJ 08542 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated August 9, 2021.
2. The contract term is from September 15, 2021, through October 15, 2021, for professional surveying services not to exceed an amount of \$4,200.00.
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 Thomas Timko, Township Engineer 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 that notice of this contract award and a copy of the resolution be on file and available for public inspection, in the office of the Bernards Township Purchasing Department.

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.

Thomas Miller, PLS, PP, MBA, NJ License #24GS03626400

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 \$4,200.00. Monies are available in line account #C-04-55-417-A01.

Date: September 3, 2021



Sean McCarthy, Chief Financial Officer

[Resolution #2021-0333](#) - Award of Bid - 2021-2024 Municipal Trash Services to Republic Services of New Jersey LLC. 9 Frontage Road, Clinton, New Jersey 08809

WHEREAS, The Township received bids on Tuesday, August 3, 2021 at 10:30 A.M. for Municipal Trash Services. The Bid Summary is as follows:

Bidder	2021-2022 Yearly Cost	2022-2023 Yearly Cost	2023-2024 Yearly Cost	Total
Republic Services of New Jersey LLC	\$16,075.00 *	\$16,580.00*	\$17,085.00*	\$49,740.00*
30 cy container price/trip	\$225.00	\$230.00	\$235.00	\$690.00
Interstate Waste Services	\$20,831.36	\$21,871.59	\$22,527.10	\$65,230.05
30 cy container price/trip	\$225.00	\$236.25	\$243.34	\$704.59

**Represents corrected total due to arithmetic error in bid proposal*

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award a contract to the lowest responsible bidder, Republic Services of New Jersey LLC., 9 Frontage Road, Clinton, New Jersey 08809; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line-item appropriations to be charged is #1-01-32-465-23E/2-01-32-465-23E/3-01-32-465-23E/4-01-32-465-23E/1-01-29-390-233/2-01-29-390-233/3-01-29-390-233 and 4-01-29-390-233 (pending Township Committee budget year approval); and

WHEREAS, this contract has been awarded to Republic Services of New Jersey LLC., 9 Frontage Road, Clinton, New Jersey 08809; through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq; and

WHEREAS, as provided by Local Public Contract Law 40A:11-15, this contract is for one (1) year with an option for renewal for two (2) additional one year (1) year periods providing that funds are appropriated in the respective operating budgets for the expenditure and performance is satisfactory.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township ("Owner") and Republic Services of New Jersey LLC., ("Contractor") shall contain:

1. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
2. This contract shall, for all-purpose be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. Billing must be rendered within 30 days of service delivery.
5. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit A.
6. The Township may terminate this contract if contractor does not full its obligations as set forth in the Bid Specification, upon thirty days written notice via certified mail.
7. To the extent the terms of the resolution are inconsistent with the contract the terms of the contract shall govern.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Republic Services of New Jersey LLC., 9 Frontage Road, Clinton, New Jersey 08809.

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

Elliot Crowley, General Manager

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced contract. Monies are available in #1-01-32-465-23E/2-01-32-465-23E/3-01-32-465-23E/4-01-32-465-23E/1-01-29-390-233/2-01-29-390-233/3-01-29-390-233 and 4-01-29-390-233 (pending Township Committee budget year approval).



Sean McCarthy, Chief Financial Officer

Date: September 3, 2021

Resolution #2021-0334 - Acceptance of Grant and Insertion of Revenue Item Into the 2021 Budget \$1,415,014.19 from the US Department of the Treasury – Coronavirus Local Fiscal Recovery Fund Program for the Purpose of Offsetting COVID-19 Revenue Losses

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received an award of \$1,415,014.19 from the US Department of the Treasury for the purpose of offsetting COVID-19 related revenue losses and wishes to amend its 2021 budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written

Consent of Director of Local Government Services - Public and Private Revenues Offset with

Appropriations:

LFRF 2021 – Tranche #1

BE IT FURTHER RESOLVED that a like sum of \$1,415,014.19 is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Appropriations Offset by Revenues:

LFRF 2021 – Tranche #1

Resolution #2021-0335 - Return of Maintenance Surety for Somerset Country Living LLC – Pinewoods of Bernards (Tall Timber Lane)

WHEREAS, the Township Engineer of the Township of Bernards, Somerset County, New Jersey, 07920, has received a request for the return of the following Maintenance Surety:

Name of Applicant: Somerset Country Living Properties LLC
Address: 2560 #345 US Highway 22, Scotch Plains, NJ, 07076

Maintenance Surety: LOC # 0932-1

Insurance Company: Magyar Bank
Address: 400 Somerset Street, New Brunswick, NJ 08901
Maintenance Surety Amount: \$73,189.80

WHEREAS, the aforesaid applicant is requesting return of their Maintenance Surety; and

WHEREAS, the Township Engineer, after inspection, advises that the site has now been completed in compliance with Township regulations and recommends return of the Maintenance Surety to the applicant.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that the aforesaid Maintenance Surety be released to the above-named applicant.

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

Motion by Bannan, second by McNally, that Resolution #2021-0323 be approved.

Roll Call:

Aye: Baldassare, Bannan, McNally, Fields

Nay:

Abstain:

Motion carried.

Resolution #2021-0323 - Commendation on the Occasion of Your Employment with the Township of Bernards

Eichler, Samuel – 40 Years	Hall, James – 40 Years	Bettler, Dennis – 25 Years
Herndon, Robert – 25 Years	Little, Kevin – 25 Years	Masaitis, George – 25 Years
Shimsky, Michael – 25 Years	Ward, Scott – 25 Years	Connor, Anthony – 20 Years
Farnham, Justin – 20 Years	French, Elaine – 20 Years	Home, Charles – 20 Years
Long, Susan – 20 Years	Salazar, Roberto – 20 Years	Andriolo, Karen – 15 Years
Franc, Carol – 15 Years	Hilf, Lynne – 15 Years	Hrabovsky II, George – 15 Years
Millus, Lawrence – 15 Years	Rainey, Sybil – 15 Years	Thornton, Brian – 15 Years
Buley, Elizabeth – 10 Years	Edelstein, Todd – 10 Years	McCarthy, Gindy – 10 Years
Vanderhoof, Roger – 10 Years	LaGola IV, Peter – 5 Years	Mulhall, John – 5 Years
Rivera, Annmarie – 5 Years	Sant'Angelo, Stephen – 5 Years	Untamo, Travis – 5 Years
Wallace, Ryan – 5 Years	Whitmore, Zachay – 5 Years	

WHEREAS, the Township Committee of the Township of Bernards desires to convey to you an expression of its appreciation and grateful acknowledgment for the valued services rendered by you as a member of the Township of Bernards Employee Family; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that its sincere appreciation is given to acknowledge your worthwhile contribution towards the material development, communal welfare and quality of life in the Township of Bernards.

BE IT FURTHER RESOLVED a heartfelt congratulations is extended to you on the occasion of your anniversary of employment with the Township of Bernards.

[Ordinance #2477](#) - *Accepting a Stream Buffer Conservation Easement on Property Located at 24 North Maple Avenue; Block 1608, Lot 22, from Susan M. Philipsheck to the Township of Bernards* – [Map](#) – *Introduction*

The clerk read the ordinance by title. Motion by Baldassare, second by McNally that Ordinance #2477 be introduced on first reading, advertised as required by law and scheduled for a public hearing on 09/28/2021.

Roll Call:

Aye: Baldassare, Bannan, McNally, Fields

Nay:

Abstain:

Motion carried.

[Ordinance #2478](#) - *Accepting a Stream Buffer Conservation Easement on Property Located at 263 Childs Road; Block 502, Lot 3, from Thompson and Susan Swayne to the Township of Bernards* – [Map](#) – *Introduction*

The clerk read the ordinance by title. Motion by Baldassare, second by McNally that Ordinance #2478 be introduced on first reading, advertised as required by law and scheduled for a public hearing on 09/28/2021.

Roll Call:

Aye: Baldassare, Bannan, McNally, Fields

Nay:

Abstain:

Motion carried.

Approval of Minutes:

08/24/2021 Open Session Minutes

Motion by Baldassare, second by Bannan, and unanimously agreed that the 08/24/2021 Open Session minutes be approved for content and release. All were in favor, motion carried.

PUBLIC COMMENT

The mayor opened public comment.

Todd Edelstein, 172 Riverside Dr. – commented on elections.

The mayor closed public comment.

EXECUTIVE SESSION (if required)

None.

ADJOURNMENT

Motion by McNally, second by Baldassare, and unanimously agreed to adjourn the meeting at 8:48 PM.

Rhonda Pisano, Municipal Clerk

Janice M. Fields, Mayor

Approved: 09/28/2021