

**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE**

**COMBINED AGENDA - REGULAR MEETING**

**March 15, 2022 – 8:00 PM Public Open Session**

The Municipal Building, 1 Collyer Lane, Basking Ridge, is open and is following the CDC's current guidelines. 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

- 1. CALL TO ORDER** Video
- 2. FLAG SALUTE**
- 3. MAYOR'S OPENING MEETING STATEMENT**
- 4. ROLL CALL**
- 5. EXECUTIVE SESSION (if required)**
- 6. PUBLIC WORK SESSION (if required)**

8:05 PM

- 7. REPORTS**
- 8. CORRESPONDENCE**
  - A. *Community Development Block Grant Application – Community Hope, Inc.*
  - B. *02/04/2022 Letter from KMS Farmstead requesting permission to permit serving alcohol at KMS Farmstead fundraising event*

8:20 PM

- 9. PRESENTATION**
  - A. *Bernards Township Police Department Awards – Chief Michael Shimsky*

**10. PUBLIC COMMENT**

**11. TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS**

8:55 PM

- 12. FIRE & RESCUE APPOINTMENT**
  - A. *Resolution #2022-0151 - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 Jonathan Anthony Sacco, Full Member*
  - B. *Resolution #2022-0155 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad Robin Satty*
  - C. *Resolution #2022-0158 - Appointment to Membership in Township of Bernards Liberty Corner First Aid Squad, Caroline Kang*
- 13. UNFINISHED BUSINESS**
  - A. *Ordinance #2487 - Authorizing the Vacation of an Emergency Road Easement on Property Located at 181 Mountain Road (Block 11401, Lot 42; formerly Block 187, Lot 32.01) and 16 Harvest Way (Block 11401, Lot 37.01; formerly Block 187, Lot 32.03) relating to the Emerald Valley Estates Development in the Township of Bernards – Public Hearing*



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

- B. Ordinance #2492 - Accepting a Detention Basin, Drainage & Access Easement on Property Located at 3265 Valley Road, Block 8903, Lot 36, from Lincoln Avenue Gospel Hall to the Township of Bernards - Map – Public Hearing

#### 14. NEW BUSINESS

##### 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.*

- 1) Resolution #2022-0144 - Approval of the Bill List Dated 03/15/2022
  - 2) Resolution #2022-0148 - Urging the Swift Passage Of S-330 Which Restores Energy Tax Receipts
  - 3) Resolution #2022-0152 - Return of Maintenance Surety for Our Lady of Perpetual Help, 145 Mt Airy Road, B 2301 L 23, Holy Cross Cemetery Mausoleum
  - 4) Resolution #2022-0153 - Tax Collector's Report
  - 5) Resolution #2022-0154 - Authorization for Tax Refund
  - 6) Resolution #2022-0156 - Acceptance of Bernards Township Environmental Commission 2021 Annual Report
  - 7) Resolution #2022-0157 - Amending Resolution 2021-0390 "2022 Fee Schedule for the Coakley-Russo Memorial Golf Course" to include Veteran's Discount
  - 8) Resolution #2022-0159 - In Recognition of Girl Scouts Week March 6th to 12th
  - 9) Resolution #2022-0160 - Approval of Special Event Permit 2nd Annual Car Show 06/12/2022 Rain Date 06/19/2022
  - 10) Resolution #2022-0161 - Recognition of National Agricultural Month
  - 11) Resolution #2022-0162 - Award of Purchase Orders for Identified Vendors, Overdrive Inc., Rec Trac, LLC d/b/a Vermont Systems and Todd Harris Co, Inc.
  - 12) Resolution #2022-0163 - Appointment to the Green Team Advisory Committee Ryan Wallace
  - 13) Resolution #2022-0165 - Award of Change Order #1 for Department of Public Works Road Repairs (Alt #2) to Renda Roads Inc. Increase of \$ 6,303.73 (+ 1.26 %)
- B. Resolution #2022-0120 - Authorizing and Approving Purchase of three (3) 2022 Ford Utility Police Interceptor vehicles from the Morris County Cooperative Pricing Council Contract 15-A Item #2 to Maplecrest Ford Inc., 102 E. Main St, Mendham, New Jersey 07945 In the Amount Not to Exceed \$102,818.85
- C. Resolution #2022-0134 - Authorizing the Township of Bernards Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Bernards Township Police Department to Request and Acquire Excess Department of Defense Equipment.
- D. Resolution #2022-0135 - Authorizing the Township of Bernards to Execute an Agreement with the County of Somerset Relative to the Use of Township Police Officers for Various County Initiatives
- E. Resolution #2022-0142 - Personnel Appointment Richard Panzarella – Substitute Crossing Guard – Police Department
- F. Resolution #2022-0145 - Commendation on the Occasion of Your Retirement Sergeant Margaret Corsentino – Police Department
- G. Resolution #2022-0149 - Unused Vacation Accrual Due Thomas Dill Police Department
- H. Resolution #2022-0164 - Personnel Appointment Corinne Batsides – Patrol Officer – Police Department
- I. Resolution #2022-0166 - Unused Accrued Time Payment Due Sergeant Margaret Corsentino Police Department



- J. Ordinance #2490 - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 6 "Alcoholic Beverage Control" Section 3 "Classes of License, Number of Licenses and Annual License Fees" Subsection b "Number of Licenses Permitted"- Introduction*
- K. Ordinance #2493 - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 4 "General Licensing, "Section 4-7 "Municipal Police Rotation Towing Services; Nonconsensual Towing Regulations" - Introduction*
- L. *Approval of Minutes:  
02/15/2022 Open and Closed Session Minutes*
- M. *Designation by Mayor with Township Committee Advise  
Environmental Committee - 2022 Chairperson, Debra DeWitt and Vice Chairperson, Alice Smyk*

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

**16. 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).

## Christine Andres

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**From:** Christine Andres  
**Sent:** Wednesday, March 9, 2022 12:24 PM  
**To:** Christine Andres  
**Subject:** Municipal Certification

A summary of the Community Development Block Grant Application to Somerset County to be submitted by Community Hope can be found below.

A full copy of the application is on file, and can be viewed at, the Municipal Clerk's Office, 1 Collyer Lane, Basking Ridge, NJ, M – F, 8:30Am – 4:30 PM.

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**From:** Sharon Jacobs <[sjacobs@communityhope-nj.org](mailto:sjacobs@communityhope-nj.org)>  
**Sent:** Tuesday, February 15, 2022 11:23 AM  
**To:** Rhonda Pisano <[rpisano@bernards.org](mailto:rpisano@bernards.org)>  
**Cc:** Peggy Banko <[MBanko@communityhope-nj.org](mailto:MBanko@communityhope-nj.org)>  
**Subject:** FW: Municipal Certification

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

Good Morning Rhonda:

I hope you are doing well! It is that time of year again, and we are preparing our CDBG application to Somerset County Community Development for 2022. We will be submitting the full application to the County by their deadline of March 23, 2022.

Our application is the same as last year, wherein Community Hope, Inc. seeks \$ 43,264 , from Somerset County to maintain the Employment Training Program within the Hope for Veterans® Program. The County has supported this program for 17 years with a CDBG grant which helps to fund the position of a Job Coach who works with formerly homeless veterans in our 95-bed Veterans Program providing: Employment skills assessments and work readiness skills training, Technology training; Identification of each veteran's skill set and area of expertise; Counseling veterans on pursuing job prospects and Establishing connections to employment opportunities.

**As in the past, I will need to secure municipal certification. I believe your town meeting is being held March 15, 2022?**

Please confirm and let me know if we can be included on the agenda. **If so, by what date do you need our application and the certification page in order to present at the meeting?** I was planning on getting it to you around March 2. Please let me know if that works.

Thanks so much for your help!

Best Regards,

Sharon Jacobs

Grants Officer  
Community Hope, Inc.  
959 Route 46 East  
Parsippany, NJ 07054  
O: 973-463-9600 x311  
[www.communityhope-nj.org](http://www.communityhope-nj.org)



150 KING GEORGE ROAD, PO BOX 155, BASKING RIDGE, NJ 07920

FARMSTEADARTSCENTER.ORG | CALL 908-636-7576



February 4, 2022

Bernards Township Committee  
1 Collyer Lane  
Basking Ridge, NJ 07920

RECEIVED

FEB 07 2022

Attention: Rhonda Pisano, Municipal Clerk

TWP. OF BERNARDS  
MUNICIPAL CLERK

Dear Committee Members,

The Friends of the Kennedy Martin Stelle Farmstead, dba Farmstead Arts, 450 King George Road, Basking Ridge (*the "Friends"*), are again asking for permission to serve alcoholic beverages at a Gala fundraising event. This year will build upon the success of last year's inaugural Gala, with live music, Colonial-era Farm-to-Table food selections, and more. The Pandemic continues to take a toll on individuals, businesses and nonprofits alike and we are no exception. Our ability to successfully pivot to on-line virtual art classes has allowed us to survive, but we need to do more if we are to grow and fully leverage the historical significance and beauty of the property.

Last year's Gala was a great success: selling out, raising funds, and most importantly, we started to build more community awareness and appreciation for our mission, the buildings, and our on and off-site classes and activities, despite the Pandemic.

We learned a lot last year, and will be scaling back a bit this year to address some feedback from the community and our membership. In particular, Somerset County asked us to lower the per-seat price. In order to do this, we will be hosting a Farmstead Arts Birthday Cocktail Party instead of a full dinner. It will still be a historically accurate, colonial farm-to-table celebration, but with simpler logistics in terms of food. This year's date is set for Saturday, September 24, 2022. As always, we will comply with any state-or-locally mandated COVID-19 or other health and safety precautions. The fundraiser will be held on

the grounds of the Farmstead Arts, leveraging our brand-new patio with an outdoor tent in case of inclement weather.

Last year's Gala included serving alcoholic beverages which included beer, wine and a Signature Cocktail with each guest able to have up to two drinks using tickets. This worked quite smoothly and the patrons were satisfied. In addition, since we have the patio and outdoor tent, we believe we can safely accommodate up to 150 people, which will help us increase the funds we raise and to cover a lower price. The event will be available by reservation/pre-payment only so we can control the number of attendees. We will again use parking attendants to ensure safety in terms of car parking and logistics.

If COVID-19 (or another strain) remains in effect, this event will comply with all applicable requirements then in effect. We fully understand that this will require permits and insurance coverage to serve alcoholic beverages. We will comply with town/State requirements and secure all permits and insurance protections as required by the Lease in a manner consistent with recommendations from the Township Risk Manager to serve alcoholic beverages.

It is our desire to be a good neighbor and we continue to be engaged in an ongoing, open dialogue with our neighbors. Tom Whitehouse was invited to serve as an advisory Trustee to the Board and he accepted. In our initial discussions with the Whitehouses it was agreed that since many of our patrons are older we would limit Gala fundraiser attendees to those over 21 (for fundraisers that allow alcoholic beverages to be served) and this mitigated their concerns. Another immediate neighbor, John Catapano, has voiced his support for "soft" alcohol to be served, only at fundraisers ("soft" meaning beer, wine and/or a signature drink). He attended last year's event, filling an entire table with friends who enjoyed it very much.

At this time, the Friends seek permission to serve alcoholic beverages only at this once-a-year signature event.

Fundraising events are very important to us given that our Lease with the Township requires that the Friends raise or provide all funds necessary for preservation, restoration, development, operation and maintenance of the Leased Premises. To do this we need to increase our ability to raise funds to build reserves for big maintenance items, to have matching funds for grants that require this, as well as to continue operations. This has been significantly

challenging even with all the art studios in the Farmhouse fully rented, and with most of our events, including classes, concerts, theater and other events in the barn and house, sold out to capacity, before COVID.

This is not an unprecedented request for non-profits in the Somerset Hills area. Some examples include:

- The Friends of the Ross Estate, located in Bernards Township and owned by the County, obtained a special permit from Somerset County to be able to serve alcohol at their fundraising events.
- The Center for Contemporary Art, which is owned by the Township of Bedminster and run by a nonprofit, offers many events at their facility that include alcohol such as their major fall fundraiser, "Spirits in the Night".

I would be happy to discuss and answer any questions about this request that you may have and can be reached at 908-403-3624. If this request requires an appearance at an upcoming Township Committee meeting, we request to be included in the soonest available meeting, ideally the first meeting in February. We would be delighted to present a recap of last year's Gala, including some pictures and quotes from attendees about their experience, if you can accommodate it. We very much appreciate your consideration of this request in this timeframe so as to not negatively impact our ability to fulfill the logistical considerations of serving alcoholic beverages here.

We appreciate your support and consideration of our proposal.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Leslie Workman', with a long, sweeping horizontal line extending to the right.

Leslie Workman  
President

c.c. via email

Honorable Committeeperson Janice Fields  
Bernards Township Committee ([jfields@bernards.org](mailto:jfields@bernards.org))  
Rhonda Pisano, Municipal Clerk ([rpisano@bernards.org](mailto:rpisano@bernards.org))



# 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 #2022-0151**

Appointment to Membership in Township of Bernards Volunteer  
Basking Ridge Fire Company #1  
Jonathan Anthony Sacco, Full Member

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

**WHEREAS**, the Basking Ridge Fire Company #1 is recommending Jonathan Anthony Sacco, residing at 33 Appletree Lane, Basking Ridge, NJ, for appointment as a Full Member.

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

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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

### **EXPLANATORY STATEMENT**

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

Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

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

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## **Resolution #2022-0155**

Appointment to Membership in Township of Bernards Volunteer  
Liberty Corner First Aid Squad  
Robin Satty

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

**WHEREAS**, the Liberty Corner First Aid Squad is recommending Robin Satty, residing at 2 Yorkshire Court, Basking Ridge, NJ, for appointment.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the above individual is hereby appointed to the Liberty Corner First Aid Squad effective this date.

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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

### **EXPLANATORY STATEMENT**

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

Rhonda Pisano, Municipal Clerk



# Resolution of the Township of Bernards

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

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## **Resolution #2022-0158**

Appointment to Membership in Township of Bernards Volunteer  
Liberty Corner First Aid Squad  
Caroline Kang

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

**WHEREAS**, the Liberty Corner First Aid Squad is recommending Caroline Kang, residing at 33 Lyons Road, Basking Ridge, NJ, for appointment.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the above individual is hereby appointed as member of the Liberty Corner First Aid Squad effective this date.

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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

### **EXPLANATORY STATEMENT**

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

Rhonda Pisano, Municipal Clerk



# 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 #2487**

Authorizing the Vacation of an Emergency Road Easement on Property Located at 181 Mountain Road (Block 11401, Lot 42; formerly Block 187, Lot 32.01) and 16 Harvest Way (Block 11401, Lot 37.01; formerly Block 187, Lot 32.03) relating to the Emerald Valley Estates Development in the Township of Bernards

**WHEREAS**, the existing residential development known as Emerald Valley Estates was developed in accordance with subdivision approvals granted by the Bernards Township Planning Board as set forth in resolutions adopted on February 8, 2000, May 16, 2000, October 16, 2001, and August 28, 2002; and

**WHEREAS**, in accordance with the above Planning Board approvals, there exists an emergency access road within an easement on private property located at 181 Mountain Road (Block 11401, Lot 42; formerly Block 187, Lot 32.01) and 16 Harvest Way (Block 11401, Lot 37.01; formerly Block 187, Lot 32.03), as shown on Exhibit A attached hereto; and

**WHEREAS**, pursuant to an Emergency Road Easement Agreement recorded in the office of the Somerset County Clerk on March 8, 2001 (Deed Book 2343, Pages 154-165) and accepted by the Township, as grantee, on April 24, 2001 (Ordinance #1446), Emerald Valley Homeowners Association, Inc. is responsible for maintenance of the emergency road; and

**WHEREAS**, Emerald Valley Homeowners Association, Inc. filed an application with the Bernards Township Planning Board seeking amended subdivision approval to relieve Emerald Valley Homeowners Association, Inc. of the requirement to maintain the emergency road; and

**WHEREAS**, the Planning Board approved the application of Emerald Valley Homeowners Association, Inc., subject to various conditions, as set forth in a resolution adopted on August 18, 2020; and

**WHEREAS**, condition 3 of the Planning Board's August 18, 2020, resolution states "(a)ny amendment to and/or vacation of the emergency access easement shall be subject to the consent of the Township Committee;" and

**WHEREAS**, in paragraphs A.5 and B.2 of the Planning Board's August 18, 2020, resolution, the Board recommends that the Township Committee consent to the vacation of the easement; and

**WHEREAS**, Emerald Valley Homeowners Association, Inc., has satisfied all conditions of the Planning Board's August 18, 2020, resolution with the exception of aforesaid condition 3, which is the subject of this Ordinance.

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

1. The Township of Bernards is hereby authorized to vacate, release, terminate and forever discharge the Township's rights under the aforesaid Emergency Road Easement Agreement.
2. The Mayor and Municipal Clerk are hereby authorized to sign and execute an appropriate instrument in order to affect the vacation of the aforesaid Emergency Road Easement Agreement.
3. This Ordinance shall take effect upon its final passage and publication according to law.

**EXPLANATORY STATEMENT**

This ordinance provides for the vacation of an existing emergency access easement maintained by the Emerald Valley Homeowners Association, which is comprised of 22 single-family homeowners residing on Emerald Valley Lane and Harvest Way. The vacation is consistent with an amended subdivision approval granted by the Planning Board on August 18, 2020 (Application #PB20-001). The existing easement was established in 2001 in accordance with earlier Planning Board approvals. As set forth in their 2020 resolution granting amended subdivision approval, the Planning Board has found that the emergency access road is no longer warranted, and the Board has recommended that the Township Committee consent to the vacation of the easement. An escrow account is maintained by the Planning Board to reimburse the Township for costs incurred in vacating the easement.

Date: January 4, 2022

David Schley, PP, AICP, Township Planner

**TOWNSHIP OF BERNARDS  
PUBLIC NOTICE**

Ordinance #2487 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 01/11/2022 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 01/25/2022, 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

NOTE: At the 01/25/2022 meeting, the township committee adjourned the public hearing to 3/15/2022 at the request of the Planning Board.

**EXHIBIT A**

114

\* THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/2D) AND COORDINATE GEOMETRY (COCO).



# 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 #2492**

Accepting a Detention Basin, Drainage & Access Easement  
on Property Located at 3265 Valley Road, Block 8903, Lot 36,  
from Lincoln Avenue Gospel Hall 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 Lincoln Avenue Gospel Hall, whose address is 9 Lexington Drive, Warren, New Jersey, 07059, a Detention Basin, Drainage & Access Easement on Block 8903, Lot 36, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

### **EXPLANATORY STATEMENT**

This easement is provided in conjunction with a site plan approval granted by the Board of Adjustment on September 9, 2020 (Application #ZB20-006). The approval allows redevelopment of the existing residential property for use as a house of worship. The purpose of the Detention Basin, Drainage & Access Easement is to provide for proper maintenance of the approved stormwater management system. The grantor maintains an escrow account with the Board of Adjustment to reimburse the Township for costs incurred in the processing of the easement.

Date: January 25, 2022

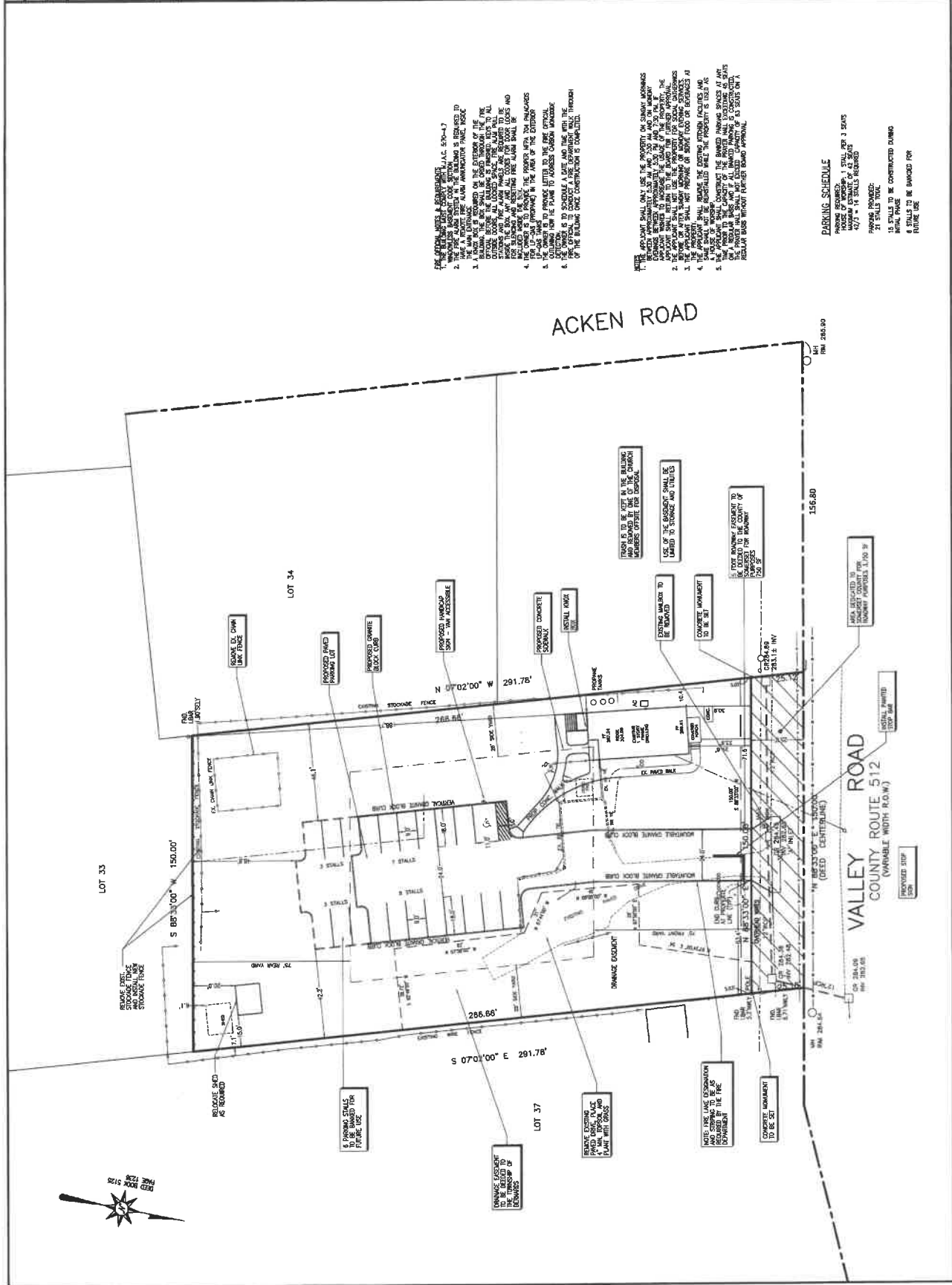
David Schley, PP, AICP, Township Planner

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

Ordinance #2492 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 02/15/2022 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 03/15/2022, 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

DRAWN BY: SP		CHECKED BY: WGH
JOB NO. 05-157		
BOOK		
SCALE 1" = 20'		
DATE MARCH 3, 2020		
PROJECT: 3285 VALLEY ROAD TOWNSHIP OF BERNARDS SOMERSET COUNTY NEW JERSEY LOT 36 BLOCK 8903 TOWNSHIP OF BERNARDS SOMERSET COUNTY NEW JERSEY LAYOUT PLAN		
DESIGNER: MURPHY & HOLLOWES ASSOCIATES LLC 1000 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202 PHONE: (303) 733-1111 FAX: (303) 733-1112 EMAIL: INFO@MURPHYHOLLOWES.COM WEBSITE: WWW.MURPHYHOLLOWES.COM		
CERTIFICATE OF AUTHORIZATION NO. 20040289000		
NOTES: THIS SET OF SITE PLAN DRAWINGS ARE PRELIMINARY AND FINAL		
MURPHY & HOLLOWES ASSOCIATES LLC 1000 WEST 10TH AVENUE SUITE 200 DENVER, CO 80202 PHONE: (303) 733-1111 FAX: (303) 733-1112 EMAIL: INFO@MURPHYHOLLOWES.COM WEBSITE: WWW.MURPHYHOLLOWES.COM		
SITE PLAN FOR LOT 36 BLOCK 8903 3285 VALLEY ROAD TOWNSHIP OF BERNARDS SOMERSET COUNTY NEW JERSEY LAYOUT PLAN		
AIDAN T. MURPHY N.J. L.C. PROFESSIONAL ENGINEER #13119 1975-2016		
WILLIAM C. HOLLOWES N.J. L.C. PROFESSIONAL ENGINEER #13119 1975-2016		
FILE	1705-157	SHEET 3 OF 9



ACKEN ROAD

# PARKING SCHEDULE

1. TOTAL STALLS: 18  
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 18. TOTAL STALLS: 18

1. THE APPLICANT SHALL ONLY USE THE PROPERTY AS SHOWN ON THE SITE PLAN.  
 2. THE APPLICANT SHALL NOT USE THE PROPERTY FOR ANY OTHER PURPOSE.  
 3. THE APPLICANT SHALL NOT USE THE PROPERTY FOR ANY OTHER PURPOSE.  
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1. THE APPLICANT SHALL ONLY USE THE PROPERTY AS SHOWN ON THE SITE PLAN.  
 2. THE APPLICANT SHALL NOT USE THE PROPERTY FOR ANY OTHER PURPOSE.  
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# Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920

908-766-2510; www.bernards.org

## Resolution #2022-0144

Approval of the Bill List Dated 03/15/2022

**BE IT RESOLVED**, that the bill list dated 03/15/2022 be audited, and if found correct, be paid.

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void Ref Num
131662	03/15/22	90227 SHIMSKY, MICHAEL	565.21	1629 Direct Deposit
131663	03/15/22	90228 WARD, SCOTT	605.00	1629 Direct Deposit
131664	03/15/22	90504 COWELL, TRICIA	20.13	1629 Direct Deposit
131665	03/15/22	90557 TIMKO, THOMAS	80.00	1629 Direct Deposit
131666	03/15/22	90647 KESSELMAYER, EMILY	100.00	1629 Direct Deposit
131667	03/15/22	90667 LOPEZ, DUSTIN	1,017.94	1629 Direct Deposit
131668	03/15/22	90671 DOWD, NANCY	181.63	1629 Direct Deposit
131669	03/15/22	A0150 ATLANTIC SALT, INC.	32,046.29	1629 Direct Deposit
131670	03/15/22	A0398 STERLING TALENT SOLUTIONS	76.62	1629 Direct Deposit
131671	03/15/22	A0419 ARCO STEEL COMPANY	250.00	1629 Direct Deposit
131672	03/15/22	A0453 AMAZON.COM	2,176.63	1629 Direct Deposit
131673	03/15/22	A0611 AMERICAN WEAR, INC	908.08	1629 Direct Deposit
131674	03/15/22	B0203 DIFRANCESCO BATEMAN, PC	1,741.75	1629 Direct Deposit
131675	03/15/22	B0581 BUY WISE AUTO PARTS	1,545.88	1629 Direct Deposit
131676	03/15/22	B0758 BCI TRUCK, INC	389.56	1629 Direct Deposit
131677	03/15/22	D0020 DELTA DENTAL OF NJ	12,385.44	1629 Direct Deposit
131678	03/15/22	D0380 DRIVERS TIRE & SERVICE CENTER	991.58	1629 Direct Deposit
131679	03/15/22	D0754 DC EXPRESS	738.42	1629 Direct Deposit
131680	03/15/22	D0848 DOMINICK'S LIBERTY CORNER LLC	313.50	1629 Direct Deposit
131681	03/15/22	E0224 EXCELLENT BUILDING SERVICES	2,695.00	1629 Direct Deposit
131682	03/15/22	F0003 FOLEY, INCORPORATED	1,840.94	1629 Direct Deposit
131683	03/15/22	F0299 FASTENAL CO.	164.33	1629 Direct Deposit
131684	03/15/22	G0674 GALLS, LLC	334.40	1629 Direct Deposit
131685	03/15/22	H0029 HUMPHREYS PEST CONTROL, INC.	619.80	1629 Direct Deposit
131686	03/15/22	K0354 KANOPY INC	438.00	1629 Direct Deposit
131687	03/15/22	M0353 MIDWEST TAPE LLC	3,351.34	1629 Direct Deposit
131688	03/15/22	M0830 MOTT MACDONALD LLC	130.00	1629 Direct Deposit
131689	03/15/22	N0069 NATIONAL BUSINESS FURNITURE	1,319.04	1629 Direct Deposit
131690	03/15/22	N0297 NORTHERN SAFETY CO., INC.	415.22	1629 Direct Deposit
131691	03/15/22	O0021 OFFICE DEPOT	703.78	1629 Direct Deposit
131692	03/15/22	P0706 PARTS AUTHORITY LLC	335.41	1629 Direct Deposit
131693	03/15/22	R0071 RENDA ROADS, INC.	6,303.73	1629 Direct Deposit
131694	03/15/22	R0824 REPUBLIC SERVICES OF NJ LLC	1,066.77	1629 Direct Deposit
131695	03/15/22	S0016 STORR TRACTOR COMPANY	49.00	1629 Direct Deposit
131696	03/15/22	S0227 SHEARON ENVIRONMENTAL DESIGN	25,244.44	1629 Direct Deposit
131697	03/15/22	S0443 STAPLES ADVANTAGE	248.64	1629 Direct Deposit
131698	03/15/22	S1177 SAL ELECTRIC CO., INC.	7,758.17	1629 Direct Deposit
131699	03/15/22	T0003 ENVIROTEST LABORATORIES LLC	7,100.00	1629 Direct Deposit
131700	03/15/22	T0055 T & M ASSOCIATES	4,250.00	1629 Direct Deposit
131701	03/15/22	T0066 CENGAGE LEARNING CREDIT SVCS	191.93	1629 Direct Deposit
131702	03/15/22	T0192 TURN OUT UNIFORMS INC	2,707.54	1629 Direct Deposit
131703	03/15/22	T0378 THE GUARDIAN LIFE INS CO OF AM	91.08	1629 Direct Deposit
131704	03/15/22	T0497 THE W-T GROUP, LLC	2,168.00	1629 Direct Deposit
131705	03/15/22	U0001 UNITEMP INC.	37,578.26	1629 Direct Deposit
131706	03/15/22	V0020 VILLAGE OFFICE SUPPLY	1,754.64	1629 Direct Deposit
131707	03/15/22	W0339 W.B. MASON	274.41	1629 Direct Deposit
131708	03/15/22	00072 OUR LADY OF PERPETUAL HELP	11,306.15	1630
131709	03/15/22	A0126 AFLAC NEW YORK	137.94	1630
131710	03/15/22	A0168 ALLIED OIL COMPANY, LLC	29,696.12	1630
131711	03/15/22	A0232 ARROW ELEVATOR, INC.	330.00	1630
131712	03/15/22	A0338 AFLAC	642.84	1630
131713	03/15/22	A0425 ATLANTIC TACTICAL	99.99	1630
131714	03/15/22	A0470 ASSOCIATION OF NJ RECYCLERS	95.00	1630
131715	03/15/22	A0514 AWARENESS PROTECTIVE CONSULTNT	990.00	1630
131716	03/15/22	A0717 AAA FACILITY SOLUTIONS LLC	3,700.83	1630
131717	03/15/22	A0725 AK ATHLETIC EQUIPMENT INC	3,728.60	1630
131718	03/15/22	A0726 ALL HANDS FIRE EQUIPMENT LLC	2,143.80	1630
131719	03/15/22	B0001 BAKER & TAYLOR, INC.	0.00	03/15/22 VOID 0
131720	03/15/22	B0001 BAKER & TAYLOR, INC.	11,705.54	1630
131721	03/15/22	B0017 BRIDGEWATER RESOURCES, INC.	1,444.06	1630
131722	03/15/22	B0026 BERNARDS TOWNSHIP CURRENT	64,773.69	1630
131723	03/15/22	B0028 BERNARDS TWP. SEWERAGE AUTH.	1,750.00	1630
131724	03/15/22	B0031 BERNARDSVILLE PRINT CENTER	351.56	1630
131725	03/15/22	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	1,110,040.48	1630
131726	03/15/22	B0076 BERNARDS TOWNSHIP TRUST FUND	373.08	1630
131727	03/15/22	B0094 BUILDING SAFETY CONFERENCE/NJ	498.00	1630
131728	03/15/22	B0098 BERNARDS TOWNSHIP (RECREATION)	3,187.24	1630
131729	03/15/22	B0413 BROWNELLS, INC	897.69	1630
131730	03/15/22	B0480 BRISTOL-DONALD CO, INC	1,618.00	1630
131731	03/15/22	B0518 BERNARDSVILLE HARDWARE	14.57	1630
131732	03/15/22	B0600 BRANCHBURG SPORTS COMPLEX, LLC	200.00	1630
131733	03/15/22	B0681 BARNA, JIM OR EILEEN	50.00	1630
131734	03/15/22	B0828 BIG BEAR APPAREL	576.00	1630
131735	03/15/22	B0840 BRIGHT VIEW ENGINEERING	650.00	1630
131736	03/15/22	C0008 SCHOLASTIC LIBRARY PUBLISHING	97.50	1630
131737	03/15/22	C0024 GANNETT NEW JERSEY NEWSPAPERS	31.98	1630
131738	03/15/22	C0482 OPTIMUM	11.45	1630
131739	03/15/22	C0482 OPTIMUM	44.95	1630
131740	03/15/22	C0482 OPTIMUM	33.32	1630
131741	03/15/22	C0482 OPTIMUM	138.44	1630
131742	03/15/22	C0613 CIGNA GROUP INSURANCE	1,562.23	1630
131743	03/15/22	C0697 BB&T/CPS	120.23	1630
131744	03/15/22	C0774 COLONIAL LIFE & ACC INSURANCE	643.94	1630

131745	03/15/22	C0811	COASTAL METAL RECYCLING CORP	660.00	1630
131746	03/15/22	C0927	CAPITAL PAVING & CONTRACTING	61,180.72	1630
131747	03/15/22	C0937	CHAMBRON-ROSIER, CELINE	50.00	1630
131748	03/15/22	D0740	DOVER BRAKE & CLUTCH	289.79	1630
131749	03/15/22	E0231	EKA ASSOCIATES, P.A.	2,375.00	1630
131750	03/15/22	E0283	ELI TAYLOR SHOP	40.00	1630
131751	03/15/22	E0295	ELECTRO BATTERY SYSTEMS INC	929.20	1630
131752	03/15/22	F0001	FEDEX	31.40	1630
131753	03/15/22	F0047	FULLERTON FORD	98.68	1630
131754	03/15/22	F0148	FAIRFIELD MAINTENANCE INC	375.00	1630
131755	03/15/22	F0158	FLEMINGTON DEPARTMENT STORE	288.40	1630
131756	03/15/22	F0171	FIRST CHOICE AUTO PARTS &	1,258.75	1630
131757	03/15/22	F0324	FLAGSHIP DENTAL PLANS	250.40	1630
131758	03/15/22	F0326	FX AUTOMOTIVE LLC	498.31	1630
131759	03/15/22	F0330	FIDELITY SECURITY LIFE INS	303.81	1630
131760	03/15/22	F0353	FINGER'S RADIATOR HOSPITAL, INC	750.00	1630
131761	03/15/22	F0378	FAIRWAY GREEN, INC.	4,558.00	1630
131762	03/15/22	F0431	FOX FENCE ENTERPRISES INC	1,521.00	1630
131763	03/15/22	G0005	GANN LAW BOOKS	655.50	1630
131764	03/15/22	G0015	GPANJ, INC.	100.00	1630
131765	03/15/22	G0025	GARDEN STATE HIGHWAY PRODUCTS	735.25	1630
131766	03/15/22	G0066	GRAINGER INC	1,154.87	1630
131767	03/15/22	G0098	JCP&L	17,397.20	1630
131768	03/15/22	G0267	GARDEN STATE VINYL DESIGNS	625.00	1630
131769	03/15/22	G0333	BEDMINSTER CAR WASH	284.55	1630
131770	03/15/22	G0509	GREEN ROCK RECYCLING	600.00	1630
131771	03/15/22	G0671	GDULA, MARY ANN OR EDWARD	45.00	1630
131772	03/15/22	G0684	GUMPRECHT, KAREN	685.00	1630
131773	03/15/22	H0235	HOOVER TRUCK CENTERS	383.62	1630
131774	03/15/22	H0246	HOME DEPOT CREDIT SERVICES	28.24	1630
131775	03/15/22	H0297	DIRECT ENERGY BUSINESS	5,870.28	1630
131776	03/15/22	H0389	HISHMEHS CUSTOM UPHOLSTERY	850.00	1630
131777	03/15/22	H0415	HARD ROCK HOTEL & CASINO	106.00	1630
131778	03/15/22	I0059	INFORMATION TODAY, INC.	199.00	1630
131779	03/15/22	I0117	INDEPENDENCE CONSTRUCTORS	6,800.00	1630
131780	03/15/22	I0131	IPLAY AMERICA, LLC	309.25	1630
131781	03/15/22	I0165	INTERNATIONAL ASSN OF ARSON	145.00	1630
131782	03/15/22	J0219	JI, YAN OR TAO	200.00	1630
131783	03/15/22	J0254	JEN ELECTRIC, INC	15,471.99	1630
131784	03/15/22	K0033	KEY-TECH	8,560.00	1630
131785	03/15/22	K0039	KOBESKY, GREGG S.	569.19	1630
131786	03/15/22	K0259	KONICA MINOLTA PREMIER FINANCE	247.08	1630
131787	03/15/22	K0259	KONICA MINOLTA PREMIER FINANCE	108.92	1630
131788	03/15/22	K0331	KONICA MINOLTA PREMIER FINANCE	110.74	1630
131789	03/15/22	K0331	KONICA MINOLTA PREMIER FINANCE	192.89	1630
131790	03/15/22	K0331	KONICA MINOLTA PREMIER FINANCE	82.60	1630
131791	03/15/22	K0331	KONICA MINOLTA PREMIER FINANCE	133.02	1630
131792	03/15/22	K0331	KONICA MINOLTA PREMIER FINANCE	148.97	1630
131793	03/15/22	K0331	KONICA MINOLTA PREMIER FINANCE	133.42	1630
131794	03/15/22	K0331	KONICA MINOLTA PREMIER FINANCE	133.42	1630
131795	03/15/22	L0181	LAND'S END, INC.	156.69	1630
131796	03/15/22	L0389	LEVIN, CAROL SIMON	125.00	1630
131797	03/15/22	L0494	LOIA, JENNIFER	40.67	1630
131798	03/15/22	M0006	MGL PRINTING SOLUTIONS	612.00	1630
131799	03/15/22	M0015	MCKESSON MEDICAL SURGICAL	461.61	1630
131800	03/15/22	M0178	MARK'S AUTO SERVICE	262.50	1630
131801	03/15/22	M0493	MCELROY, DEUTSCH, MULVANEY &	7,342.26	1630
131802	03/15/22	M0498	MP OVERHEAD DOORS	1,586.50	1630
131803	03/15/22	M0504	MOBILE LIFTS, INC.	1,951.25	1630
131804	03/15/22	M0518	KONICA MINOLTA BUSINESS SOL.	34.69	1630
131805	03/15/22	M0518	KONICA MINOLTA BUSINESS SOL.	50.00	1630
131806	03/15/22	M0518	KONICA MINOLTA BUSINESS SOL.	26.00	1630
131807	03/15/22	M0627	MODERN HANDLING EQUIPMENT CO	211.40	1630
131808	03/15/22	M0859	MAXX'S FLEET REPAIRS, LLC	150.00	1630
131809	03/15/22	M0868	M & P RETIREMENT PLAN	75,045.58	1630
131810	03/15/22	M0899	MR JOHN	65.00	1630
131811	03/15/22	M0996	MCGREAL, GERARD	600.00	1630
131812	03/15/22	M0999	MVP TEAM GEAR LLC	699.50	1630
131813	03/15/22	M1010	MARTIN, JAMES	1,201.66	1630
131814	03/15/22	M1012	METRO SUPPLY AND SERVICE	236.25	1630
131815	03/15/22	N0006	NEW JERSEY AMERICAN WATER CO.	3,779.33	1630
131816	03/15/22	N0017	NJ STATE LEAGUE OF MUNICIPAL.	2,302.00	1630
131817	03/15/22	N0032	NJ STATE DEPT HEALTH/SR SVCS	642.60	1630
131818	03/15/22	N0035	NEW JERSEY PLANNING OFFICIALS	246.00	1630
131819	03/15/22	N0074	NCHEC, INC	60.00	1630
131820	03/15/22	N0124	NJACCHO	500.00	1630
131821	03/15/22	N0206	NORTHWEST JERSEY T.A.A.	100.00	1630
131822	03/15/22	N0306	NEW JERSEY DRE ASSOCIATION	50.00	1630
131823	03/15/22	N0415	NATIONAL FUEL OIL INC	14,029.63	1630
131824	03/15/22	N0462	N M PREMIUM FOODS, INC	261.45	1630
131825	03/15/22	N0470	NATIONWIDE	146.70	1630
131826	03/15/22	O0100	OVERDRIVE, INC.	236.13	1630
131827	03/15/22	O0105	O.C.A. BENEFIT SERVICES, LLC	89.10	1630
131828	03/15/22	O0116	OBERLY, BARRY	2,000.00	1630
131829	03/15/22	O0124	OCCOUTDOORS, INC	5,110.97	1630
131830	03/15/22	O0135	OUTHUSE LLC	240.00	1630
131831	03/15/22	P0014	PUBLIC SERVICE ELEC. & GAS CO	4,609.09	1630
131832	03/15/22	P0046	RESERVE ACCOUNT	1,223.80	1630
131833	03/15/22	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	71.25	1630
131834	03/15/22	P0538	PROVIDENT LIFE & ACCIDENT	60.04	1630
131835	03/15/22	P0568	PATON, KATHI	50.00	1630
131836	03/15/22	P0602	LINDE GAS & EQUIPMENT INC	48.47	1630
131837	03/15/22	P0717	POTENTA, JENNIFER	130.00	1630
131838	03/15/22	P0721	PAUL MILLER CHEVROLET	129.00	1630
131839	03/15/22	Q0002	CINTAS CORP. - #062	334.32	1630
131840	03/15/22	R0005	RECORDER PUBLISHING CO., INC	37.74	1630
131841	03/15/22	R0005	RECORDER PUBLISHING CO., INC	23.97	1630
131842	03/15/22	R0005	RECORDER PUBLISHING CO., INC	72.42	1630
131843	03/15/22	R0005	RECORDER PUBLISHING CO., INC	73.44	1630
131844	03/15/22	R0023	RICHIES TIRE SERVICE, INC.	662.36	1630
131845	03/15/22	R0025	RIDGE RESTAURANT	423.65	1630
131846	03/15/22	R0045	RUTCERS - THE STATE UNIVERSITY	760.00	1630
131847	03/15/22	R0045	RUTCERS - THE STATE UNIVERSITY	200.00	1630
131848	03/15/22	R0308	ROUTE 23 AUTO MALL	24,674.00	1630
131849	03/15/22	R0408	RADATA, INC	1,100.00	1630

131850	03/15/22	R0440	RAHWAY BUSINESS MACHINES, INC.	398.00	1630
131851	03/15/22	R0493	RIDGE BAGEL & CAFE	570.47	1630
131852	03/15/22	S0101	STICKEL,KOENIG,SULLIVAN&DRILL	5,104.00	1630
131853	03/15/22	S0129	SOMES UNIFORMS INC.	315.00	1630
131854	03/15/22	S0278	STATE TREASURER OF NEW JERSEY	50.00	1630
131855	03/15/22	S0370	SOMERSET CTY FIRE SAFETY ASSOC	100.00	1630
131856	03/15/22	S0378	STAVOLA ASPHALT	568.50	1630
131857	03/15/22	S0595	SOMERSET CTY HEALTH OFFICER'S	400.00	1630
131858	03/15/22	S0628	STATE OF NEW JERSEY-HB	200,795.82	1630
131859	03/15/22	S0719	SOMERSET HILLS TOWING	600.00	1630
131860	03/15/22	S0741	SUBURBAN CONSULTING ENGINEERS	3,172.50	1630
131861	03/15/22	S0764	STERICYCLE	68.00	1630
131862	03/15/22	S0822	SIGNS AND SAFETY DEVICES, LLC	578.70	1630
131863	03/15/22	S0875	SUNLIGHT GENERAL CAPITAL	143.51	1630
131864	03/15/22	S0899	STRYKER SALES CORPORATION	18,485.34	1630
131865	03/15/22	S0913	SHEDLOCK CAR CARE	305.00	1630
131866	03/15/22	S1057	SOMERSET VALLEY URGENT CARE	1,750.00	1630
131867	03/15/22	S1180	SOMERSET CO. BAR ASSOCIATION	45.00	1630
131868	03/15/22	S1182	SOYSOUVANH, VICHAI	330.00	1630
131869	03/15/22	T0029	TCTA OF NJ	385.00	1630
131870	03/15/22	T0372	TLO, LLC	300.50	1630
131871	03/15/22	T0422	TOMAHAWK LAKE , INC.	1,060.00	1630
131872	03/15/22	T0458	TLOA OF NJ LLC	5,893.70	1630
131873	03/15/22	T0496	THE FUEL OX LLC	1,950.00	1630
131874	03/15/22	T0508	TRISH CHAMBERS PRODUCTIONS LLC	300.00	1630
131875	03/15/22	V0056	VERIZON WIRELESS	2,336.12	1630
131876	03/15/22	V0058	VERIZON	3,050.71	1630
131877	03/15/22	V0073	VAIL INDUSTRIAL SUPPLIES	45.96	1630
131878	03/15/22	V0084	VERIZON	1,185.94	1630
131879	03/15/22	V0094	V. ROCHE & SON, LLC	900.00	1630
131880	03/15/22	V0124	VERIZON BUSINESS FIOS	204.99	1630
131881	03/15/22	V0177	VERIZON	580.93	1630
131882	03/15/22	V0185	VERIZON CONNECT	534.27	1630
131883	03/15/22	W0014	BEYER-WARNOCK FLEET	605.89	1630
131884	03/15/22	W0016	WARRENVILLE TRUE VALUE	571.56	1630
131885	03/15/22	W0019	WEST CHESTER MACHINERY &SUPPLY	192.00	1630
131886	03/15/22	W0056	WELDON CONCRETE CO.	1,770.80	1630
131887	03/15/22	W0085	WARREN TOWNSHIP	50.00	1630
131888	03/15/22	W0259	VENTURA, MIESOWITZ, KEOUGH &	2,220.00	1630
131889	03/15/22	W0347	WACKS DEBONA BEILIN & WEBER	367.50	1630
131890	03/15/22	W0402	WATER SUPPLY INNOVATIONS, LLC	1,460.00	1630
131891	03/15/22	X0005	XTEL COMMUNICATION	1,675.01	1630
131892	03/15/22	Z0041	DOG WASTE DEPOT	495.48	1630

Report Totals	Paid	Void	Amount Paid	Amount Void
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Checks:	184	1	1,809,461.90	0.00
Direct Deposit:	46	0	165,267.53	0.00
	=====	=====	=====	=====
Total:	230	1	1,974,729.43	0.00

Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
Fund Description					
CURRENT FUND	1-01	23,199.04	0.00	0.00	23,199.04
CURRENT FUND	2-01	1,547,698.25	0.00	0.00	1,547,698.25
DOG FUND	2-12	1,298.97	0.00	0.00	1,298.97
GOLF COURSE UTILITY	2-26	27,151.90	0.00	0.00	27,151.90
Year Total:		1,576,149.12	0.00	0.00	1,576,149.12
CAPITAL FUND	C-04	145,486.45	0.00	0.00	145,486.45
PUBLIC GRANTS	G-02	90,698.20	0.00	0.00	90,698.20
TRUST FUNDS	T-13	110,332.59	0.00	0.00	110,332.59
PROJECT		28,864.03	0.00	0.00	28,864.03
Total Of All Funds:		1,974,729.43	0.00	0.00	1,974,729.43

Agenda and Date Voted: 03/15/2022

**CERTIFICATION**  
**I hereby certify this is a true and exact copy of a resolution adopted**  
**by the Bernards Township Committee on 03/15/2022.**

\_\_\_\_\_  
**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 #2022-0148

### Urging the Swift Passage Of S-330 Which Restores Energy Tax Receipts

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

**WHEREAS**, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

**WHEREAS**, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities.

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Township of Bernards in the county of Somerset urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is forwarded to Assemblywoman Michele Matsikoudis, Assemblywoman Nancy Munoz, and Senator Jon Bramnick, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

Agenda Date and Voted: 03/15/2022

#### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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 # 2022-0152**

Return of Maintenance Surety for  
Our Lady of Perpetual Help, 145 Mt Airy Road, B 2301 L 23, Holy Cross Cemetery Mausoleum

**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: Our Lady of Perpetual Help – Holy Cross Cemetery  
Address: 145 Mt Airy Road, Basking Ridge, NJ 07920

Cash Surety: \$10,881.15

**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.

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 03/15/2022.

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

### **EXPLANATORY STATEMENT:**

A final maintenance inspection has been conducted and all repairs have been completed and approved. Maintenance Surety can be released.

Maria Rossi, Administrative Assistant



# Resolution of the Township of Bernards

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

## Resolution #2022-0153

### Tax Collector's Report

**WHEREAS**, N.J.S.A.54:4-91 requires that the Tax Collector shall submit an annual statement of receipts to the governing body.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the following Collector's Annual Report of Receipts for the Year Ending December 31, 2021, be hereby acknowledged and accepted as submitted.

### TAX COLLECTION OFFICE FOR THE YEAR ENDING DECEMBER 31, 2021

Ridge Oak-In Lieu of Taxes	\$	409,450.90
Return Check Fee		540.00
Interest		133,497.16
2022 Taxes Prepaid		957,839.82
2021 Taxes		140,569,933.77
2020 Taxes		430,321.02
Duplicate Bills/Copies		370.00
Cost of Advertising		782.67
Outside Liens Redeemed		207,336.36
Municipal Liens Redeemed		1,596.91
Premium Collected from Tax Sale		40,100.00
6% Penalty		8,379.58
Total		\$ 142,760,148.19

Agenda and Date Voted: 03/15/2022

#### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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 #2022-0154** Authorization for Tax Refund

**WHEREAS**, an erroneous tax payment exists because the payor directed payment to the wrong account; and

**WHEREAS**, the Tax Collector has suggested that a refund be issued and made payable to the Bernards Twp. Sewer Authority in care of the payor to rectify the incorrect tax account and clear the utility account.

**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
1201/3	1Q2022	\$1,750.00	Bernards Twp. Sewer Authority for 150 N Finley Ave Group LLC 1 Collyer Ln Basking Ridge, NJ 07920

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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

### ***INTERPRETIVE STATEMENT:***

*A payment was erroneously directed to a tax account, not the intended utility account. I recommend a refund be issued to Bernards Twp. Sewer Authority to rectify both accounts.*

*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)

## Resolution #2022-0156

### Acceptance of Bernards Township Environmental Commission 2021 Annual Report

**WHEREAS**, pursuant to 2-18.5. of the Revised General Ordinances of the Township of Bernards, the Environmental Commission shall make an annual report to the Township Committee; and

**WHEREAS**, the Environmental Commission is submitting a report pursuant to this requirement.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that the following report be accepted.

Agenda Date and Vote: 03/15/2022

#### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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

### **BERNARDS TOWNSHIP ENVIRONMENTAL COMMISSION 2021 ANNUAL REPORT**

*The following is a summary of the 2021 activities of the Bernards Township Environmental Commission ("EC" or "Commission").*

#### **MISSION STATEMENT**

*The Bernards Township Environmental Commission is responsible for ensuring that the environmental issues in Bernards Township, NJ are given the right priority to protect and preserve natural resources of the Township and surrounding areas including land, water, air, and bios (flora and fauna). As a result of NJDEP having oversight of the NJ Historic Preservation Office, occasionally the EC will offer historic preservation comments in accordance with Bernards Township Master Plan.*

#### **GOALS**

*The Commission accomplishes its mission via:*

- a) Taking proactive stances on local environmental matters, and strengthening the local planning process*
- b) Coordinating rational, balanced reviews of development applications for the appropriate township bodies*
- c) Increasing public awareness and understanding of local and regional environmental issues*
- d) Keeping abreast of, and being involved in, environmental issues that affect our surrounding areas and communities*
- e) Staying up to date on ordinances and regulations for Bernards Township with training sessions.*

#### **2021 SUMMARY**

##### **Budget:**

*In 2021, the EC spent \$2,017.08 on the annual ANJEC membership (\$400) and the Reusable Bag Challenge.*

##### **2021 Accomplishments:**

- **Development Application Reviews:** *During 2021, the EC held ten meetings, all virtually via Zoom. As an advisory board, the EC continued to provide commentary to the Planning Board, Board of Adjustment and Township Committee regarding environmental impacts and issues. During 2021, the EC reviewed 32 development applications and revisions: 26 Board of Adjustment and 6 Planning Board. In comparison,*

during 2020, the EC reviewed 28 Board of Adjustment and 8 Planning Board. Note: Of the 26 Board of Adjustment applications that were reviewed, 10 of them were for a variance for a pool not located behind the rear building line of adjacent dwellings.

- **Master Plan Review:** At the request of David Banisch on behalf of the Planning Board, the Environmental Commission reviewed the Township's Conservation and Open Space Plan Element and the Green Buildings and Environmental Sustainability Plan Element of the Master Plan. Eleven recommendations were made and forwarded to the Planning Board in September.
- **Tree Protection:** The Environmental Commission works cooperatively with the Township's Shade Tree Commission and Engineering Department to assess tree removal applications. The assessments focus on any safety issues associated with the tree, the health of the tree, and canopy impact. In some cases, site visits are warranted. Typically, tree removals are completed in conjunction with replacement/mitigation measures and replacements focus on native species. In 2021, 12-15 of these applications were reviewed.
- **Public Outreach:** Throughout the year, over 15 environmentally themed, educational/awareness pieces were posted jointly to the Township website home page and the EC home page + the Township Facebook page. From there, these pieces were shared to a number of community FB groups such as: Bernards InSight, Bernards Township Community, Basking Ridge Moms, BR Women Lite, Bernards Beat. Topics included different tips on refuse/reduce/reuse/recycle (10 "tips of the week"), plus pumpkin and Christmas tree recycling, and awareness/treatment of spotted lanternfly eggs, nymphs, adults, and ailanthus trees.
- **Advisory and Volunteerism:** The EC provided advice and guidance to a couple of Ridge High School clubs regarding their green efforts and several students attended Commission meetings. Additionally, the EC helped promote other's environmental-related projects such as the Girl Scouts "Caps for a Cause," Parks & Recreation's TREX challenge and the Ridge Girls Basketball fundraiser for Christmas tree recycling. The Bernards Township EC was selectively invited to participate in the first annual GSWA Native Pollinator Plant Sale and promoted the sale via social media. Members also volunteered at the GSWA HQ to prepare all the orders for distribution to the various towns and transported and distributed all the orders from Bernards Township residents.
- **Trips and Events:** In conjunction with Earth Day, the EC launched the Reusable Bag Challenge to all Bernards Township students in grades K-8. The theme was Refuse, Reduce, Reuse, Recycle. Over 100 entries were submitted and of them, 5 winners were chosen. 250 bags customized with the winning designs were ordered and offered at no cost to residents. In June, members of the Commission visited the Colgate Recycling Plant, one of several that Somerset County contracts with for paper, plastic, glass, and aluminum recycling. In November, the EC organized a free Pumpkin Smash held at English Farm/Dogwood Farm to promote keeping pumpkins out of landfills.
- **Partnerships:** As noted above, The Commission partnered with members of the Township's Agricultural Advisory Committee to host a pumpkin smash. Additionally, the EC partnered with the Shade Tree Commission (Jack Gray) to develop a joint statement to residents regarding the identification and treatment of spotted lanternflies and their preferred host, the ailanthus tree. The EC also invited the township's AmeriCorps Watershed Ambassador (Sydney Abraham) to a meeting, and she explained their mission and how they can partner with the EC to help with environmental education and community stewardship.

At the end of 2021, the EC said goodbye to 3 members and our TC liaison and welcomed 1 new member. We look forward to serving Bernards Township and its residents in 2022 with a new TC liaison and several new members.

***Respectfully submitted on behalf of the Bernards Township Environmental***



# 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 #2022-0157**

Amending Resolution 2021-0390

“2022 Fee Schedule for the Coakley-Russo Memorial Golf Course”  
to include Veteran’s Discount

**WHEREAS**, the Township Committee adopted the 2022 Fee Schedule for the Coakley-Russo Memorial Golf Course on 11/23/2021 based on the Director of Parks & Recreation and the Golf Advisory Committee recommendations; and

**WHEREAS**, the Township of Bernards recognizes the importance of honoring America’s veterans for their patriotism, love of country, and willingness to serve and sacrifice for the common good; and

**WHEREAS**, the Director of Parks & Recreation and the Golf Advisory Committee desires to promote this recognition by taking action that would further honor our veterans.

**NOW THEREFORE BE IT RESOLVED**, that the Director of Parks & Recreation and the Golf Advisory Committee recommends that veterans be eligible for a discount and hereby recommends that the “Senior (60+) Discount off Full Membership Fee at Time of Payment \$40.00” be amended to “Senior (60+) / Veteran Discount off Full Membership Fee at Time of Payment \$40.00”; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Township Committee of the Township of Bernards agrees with such recommendation and hereby amends Resolution 2021-0390 to include veterans as a discount category.

Agenda Date and Vote: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 03/15/2022.

\_\_\_\_\_  
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 #2022-0159**  
In Recognition of Girl Scouts Week  
March 6<sup>th</sup> to 12<sup>th</sup>

**WHEREAS**, March 6<sup>th</sup> - 12<sup>th</sup> 2022 marks the 110th anniversary of Girl Scout Week as designated by Girl Scouts of the USA founded in 1912 by Juliette Gordon Low in Savannah, Georgia; and

**WHEREAS**, the mission of the Girl Scouts of the USA it to “build girls of courage, confidence and character, who make the world a better place” through honesty, fairness, compassion, and sisterhood; and

**WHEREAS**, throughout its long and distinguished history, Girl Scouting has inspired millions of girls and women to strive for the highest ideals of character, conduct and patriotism; and

**WHEREAS**, through Girl Scouts, girls grow strong, gain self-confidence, develop leadership skills and learn the lifelong lesson of contributing back to their communities; and

**WHEREAS**, more than 2.5 million current Girl Scout members nationwide will be celebrating 110 years of this American tradition, with nearly 50 million women who are former girl scouts and living proof of the impact of this amazing movement.

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Bernards hereby recognizes March 6<sup>th</sup> to 12<sup>th</sup> as Girl Scouts Week; and

**NOW THEREFORE BE IT FURTHER RESVOLED**, by the Township Committee of the Township of Bernards that a copy of this resolution be spread in full in the official minutes of the Township Committee for March 15, 2022.

Agenda and Date Voted: 03/15/2022

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

\_\_\_\_\_  
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 #2022-0160**

Approval of Special Event Permit  
2<sup>nd</sup> Annual Car Show  
06/12/2022 Rain Date 06/19/2022

**WHEREAS**, Michael Badolato, representing Gallaway & Crane Funeral Home, 101 S. Finley Avenue, Basking Ridge, NJ, 07920, “the applicant,” has requested a special event permit for 2<sup>nd</sup> Annual Car Show on June 12, 2022, to be held at Gallaway and Crane Funeral Home from 10:00 AM to 2:00 PM for the purpose of fundraising benefiting Heartworks in Bernardsville; and

**WHEREAS**, the applicant has secured a Somerset County Street Closing permit; and

**WHEREAS**, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

**WHEREAS**, the Municipal Clerk, Police Chief, Recreation Director, Township Engineer and Superintendent of Public Works have reviewed the application and find it complete.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the request be approved as submitted.

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 3/15/2022.

\_\_\_\_\_  
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 #2022-0161** Recognition of National Agricultural Month

**WHEREAS**, March signifies a national celebration of the importance of food and agriculture in the United States as it provides almost everything we eat and use each day. This month we recognize and celebrates the diversity and abundance provided by Bernards Township's farms and its contribution to our local community and families; and

**WHEREAS**, there are 54 farm assessed properties in Bernards Township and 1,125 acres of operated as well as preserved farmland; and

**WHEREAS**, the agricultural community is a vital aspect of our town's quality of life, including providing access to fresh, locally sourced food, preserving open space, and enhancing our community; and

**WHEREAS**, recognizing the month of March as Agriculture Month in Bernards Township as an opportunity for all residents of Bernards and New Jersey to better appreciate agriculture's role in providing safe, abundant, and affordable products; and

**WHEREAS**, in order to promote and preserve agriculture as a viable economic activity within Bernards Township and protect our town from overdevelop, the Township Committee established the Agricultural Advisory Committee in 2005; and

**WHEREAS**, the Advisory Committee was tasked and continues to help promote local agriculture, educate the agricultural community to meet future economic challenges, and encourage communication and cooperation among farmers and the public; and

**WHEREAS**, agritourism can also help protect farmlands and Bernards Township farmers by providing recreational and educational activities, such as pick-your-own produce, hayrides and tours of working farms, offering farmers markets, and other on-farm activities.

**NOW, THEREFORE, BE IT RESOLVED**, the Bernards Township Committee recognizes the month of March as National Agriculture Month in Bernards Township and encourages residents to visit our local farms this month and all year around; and

**BE IT FURTHER RESOLVED**, the Bernards Township Committee applauds the work of our local farmers for their continued efforts to provide the food we eat, the economic diversity we appreciate, and the open space we rely on; and

**BE IT FURTHER RESOLVED**, the Committee applauds the continued work of the Agricultural Advisory Board for supporting our farmers, protecting our open space, and for developing an interactive map of the commercial farms to encourage residents and the broader community to visit and support our farmers.

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 3/15/2022.**

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



# Resolution of the Township of Bernards

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

## Resolution #2022-0162

Award of Purchase Orders for Identified Vendors; Overdrive Inc., RecTrac, LLC d/b/a Vermont Systems and Todd Harris Co, Inc.

**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
Overdrive Inc	\$ 44,000
RecTrac, LLC d/b/a Vermont Systems	\$44,000
Todd Harris Co, Inc	\$ 44,000

**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, 2022.

Agenda and Date Voted: 03/15/2022

### 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: March 3, 2022

Francis J. Decibus, QPA, RPPO Purchasing Agent

### PURCHASING CERTIFICATION

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

Date: March 3, 2022

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 03/15/2022.

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 #2022-0163**

Appointment to the Green Team Advisory Committee  
Ryan Wallace

**BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the following appointment is made to the Green Team Advisory Committee:

Ryan Wallace, Regular Member, 1 year term expiring 12/31/2022

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

\_\_\_\_\_  
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 #2022-0165

Award of Change Order #1 for Department of Public Works Road Repairs (Alt #2) to Renda Roads Inc.  
Increase of \$ 6,303.73 (+ 1.26 %)

**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	\$500,000.00 RA# 2020-0300	\$6,303.73 (1.26%)	\$506,303.73
<b>TOTAL CO</b>	<b>CO #1</b>		<b>\$6,303.73 (1.26%)</b>	<b>\$506,303.73</b>

**WHEREAS**, it is the recommendation of the Director of Public Works and Purchasing Agent to award this change order to Renda Roads Inc., P.O. Box 89, Whitehouse, NJ 08888; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget or the line-item appropriation Capital Ordinance #2470, line account #C-04-55-470-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 to Renda Roads Inc., P.O. Box 89, Whitehouse, NJ 08888 in the amount of \$6,303.73 for a new total award of \$506,303.73.

Agenda and Date Voted: 03/15/2022

### EXPLANATORY STATEMENT

This change order represents the net contract change as a result of quantities measured in the field and fuel and asphalt price adjustments.

Date 2/22/2022

Ryan Wallace,  
Director of Public Works

### CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that available funds for the above referenced change order in the amount of \$6,303.73 for a new not to exceed amount of \$506,303.73. Monies are available in account Capital Ordinance # 2470 # C-04-55-470-C01.

Date: March 8, 2022

Sean McCarthy, Chief Financial Officer

### PURCHASING CERTIFICATION

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

Date: February 24, 2022

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 03/15/2022.

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



# Resolution of the Township of Bernards

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

## Resolution #2022-0120

Authorizing and Approving Purchase of three (3) 2022 Ford Utility Police Interceptor vehicles from the  
Morris County Cooperative Pricing Council Contract 15-A Item #2  
to Maplecrest Ford Inc., 102 E. Main St, Mendham, New Jersey 07945  
In the Amount Not to Exceed \$102,818.85

**WHEREAS**, the Township of Bernards Police Department wishes to purchase three (3) 2022 Ford Utility Police vehicles;

QTY	DESCRIPTION	UNIT TOTAL
3	2022 Ford Utility Police vehicles specified as per quote dated 01-20-2022 (MCCPC Contract 15-A Item #2)	\$34,232.00
	<b>WITH ADDITIONAL OPTIONS</b>	
	Delete Front Lighting Package	(\$700.00)
	Delete Rear Lighting Package	(\$300.00)
	Delete Roof Wiring	(\$60.00)
	Heated Side View Mirrors	\$58.20
	Keyed Alike	\$48.50
	Underbody Deflector Plate	\$324.95
	Global Lock/Unlock Feature	\$0
	BLIS Blind Spot Monitoring w/Cross Traffic Alert	\$528.65
	Pre-Collision Assist w/Pedestrian Detection	\$140.65
	Tail Lamp/Police Interceptor Housing Only	\$0
	<b>Per Vehicle Total</b>	<b>\$34,272.95</b>
	<b>GRAND TOTAL</b>	<b>\$102,818.85</b>

**WHEREAS**, it is the combined recommendation of the Police Chief, Administrator and Purchasing Agent to award this purchase to; Maplecrest Ford Inc., 102 E. Main St, Mendham, New Jersey 07945 in the amount of \$102,818.85; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line-item appropriation to be charged is line account #2-01-25-251-295 (\$102,818.85); and

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

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for three (3) 2022 Ford Utility Police vehicles to Maplecrest Ford Inc., 102 E. Main St, Mendham, New Jersey 07945 in the amount not to exceed \$102,818.85.

Agenda and Date Voted: 03/15/2022

### EXPLANATORY STATEMENT

The Police Department requires the replacement of existing police vehicles that have met or exceeded their useful lives. Three front line patrol vehicles will be purchased allowing the transition of older patrol cars to transition to the administrative fleet. The purchase of these vehicles is consistent with the Police Department's approved fleet rotation/vehicle replacement plan.

Date: 01-21-2022

Michael Shimsky, Police Chief

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$102,818.85. Monies are available in the Police Cars-Payment line account #2-01-25-251-295.




Date: January 26, 2022

Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION:**

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



Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: January 26, 2022

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.**

\_\_\_\_\_  
**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 #2022-0134**

Authorizing the Township of Bernards Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Bernards Township Police Department to Request and Acquire Excess Department of Defense Equipment.

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and state law enforcement agencies (LEAs); and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

**WHEREAS**, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, N.J.S.A. 40A:5-30.2 requires that the Governing Body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of, any property through the 1033 Program.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Bernards Township Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating in December 31 of the current calendar year, from January 1, 2022, to December 31, 2022; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Bernards Township Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars and any other supplies or equipment of non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Bernards Township Police Department without restriction; and

**BE IT FURTHER RESOLVED** that the Bernards Township Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED** that the Bernards Township Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

**BE IT FINALLY RESOLVED** that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property. Property that may be made available through the 1033 Program during the period of time which this resolution authorizes: with Program participation and all property request authorization terminating on December 31<sup>st</sup> of the current calendar year from January 1, 2022, to December 31, 2022.

Agenda and Date Voted: 03/15/2022

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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

**EXPLANATORY STATEMENT**

The Defense Logistics Agency permits the disposal of Department of Defense surplus goods and equipment to local, county and state law enforcement agencies.

Michael Shimsky, Chief of Police



# 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 #2022-0135**

Authorizing the Township of Bernards to Execute an Agreement  
with the County of Somerset Relative to the Use of Township Police Officers for  
Various County Initiatives

**WHEREAS**, the County provides various services and functions which require the use of municipal police officers; and

**WHEREAS**, the County uses additional trained police personnel including municipal police personnel for such programs and services as assistance and training at the Somerset County Police Academy, Somerset County Organized Crime and Narcotics Task Force, Somerset County Emergency Response Teams which includes SWAT and Crisis Negotiation Team, Dive Rescue Team, the Somerset County Vehicular Homicide Task Force, Collision Analysis and Reconstruction Team and Arson Task Force; and

**WHEREAS**, the Township of Bernards is willing to provide municipal police officers on an “as available” basis for use by the Somerset County Prosecutor’s Office on an “as needed” basis subject to the terms and conditions of the attached Agreement.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we are hereby authorizing this agreement and that the Mayor, Township Administrator, and Township Clerk are authorized to sign such agreement between the County and the Township of Bernards.

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.**

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

### **EXPLANATORY STATEMENT:**

This resolution authorizes a hold harmless agreement between the township of Bernards and Somerset County for the purpose of Township Police Officers that are assigned or utilized by the county for various on-loan assignments.

Michael Shimsky, Chief of Police



# 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 #2022-0142**

### **Personnel Appointment**

**Richard Panzarella – Substitute Crossing Guard – Police Department**

**WHEREAS**, the position of Substitute Crossing Guard is a necessary function of the Police Department; and

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

**WHEREAS**, Richard Panzarella has applied for and is qualified to fill said position; and

**WHEREAS**, the Police Chief, Township Administrator, Chief Financial Officer and Human Resources Officer recommend the appointment of Richard Panzarella to the position of Substitute Crossing Guard.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Richard Panzarella be hired as a Substitute Crossing Guard effective March 1, 2022, at an hourly rate of \$15.00. This appointment is contingent upon the successful completion of a background check and pre-employment physical per Township policy.

Agenda and Dated Voted: 03/15/2022

#### **CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.**

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

#### **EXPLANATORY STATEMENT**

Schedule conflicts and personal obligations in the Crossing Guards' schedules create a need to hire additional Substitute Crossing Guards to ensure coverage of all school posts. Hiring additional Crossing Guards also ensures that the Township does not have to utilize Patrol Officers to cover school posts. Richard Panzarella applied for a Substitute Crossing Guard position and is qualified to fill this position.

Carol Ackerman, HR Generalist



# Resolution of the Township of Bernards

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

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## **Resolution #2022-0145**

Commendation on the Occasion of Your Retirement  
Sergeant Margaret Corsentino – Police Department

**WHEREAS**, the Township Committee of the Township of Bernards desires to convey to you an expression of its appreciation and grateful acknowledgment for the valued services rendered by you as an employee of the Township of Bernards for the past 22+ years; and

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

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

**WHEREAS**, on the occasion of your 22+ years of service you are retiring to start the next challenging and exciting chapter of your life.

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

Signed and sealed on behalf of the Township Committee on this 15<sup>th</sup> Day of March, Two Thousand and Twenty-Two.

Agenda and Date Voted: 03/15/2022

\_\_\_\_\_  
James Baldassare, Jr., Mayor

\_\_\_\_\_  
Andrew McNally, Deputy Mayor

\_\_\_\_\_  
Jennifer Asay

\_\_\_\_\_  
Janice M. Fields

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

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted  
by the Bernards Township Committee on 03/15/2022.

\_\_\_\_\_  
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 #2022-0149

Unused Vacation Accrual Due  
Thomas Dill  
Police Department

**WHEREAS**, the Township Committee adopted Resolution No. 2022-0066 at their regularly scheduled meeting of January 4, 2022, accepting the Personnel Policies and Procedures that outline guidelines for pay-outs when employees leave the Township's payroll; and

**WHEREAS**, Thomas Dill's employment terminated on February 27, 2022; and

**WHEREAS**, per the requirements of the Township's Personnel Policy, Thomas Dill is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$26.44.

	Total Hours Available	Amount Due
Vacation Accrual	127	\$3,357.88

**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.

Agenda and Date Voted: 03/15/2022

### 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 Police S&W, Line Account #0-01-25-240-101 for an amount not to exceed \$3,357.88

Sean McCarthy, CFO

Date: February 17, 2022

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.

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 #2022-0164**

Personnel Appointment

Corinne Batsides – Patrol Officer – Police Department

**WHEREAS**, the full time position of Patrol Officer became vacant due to a resignation; and

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

**WHEREAS**, Corinne Batsides has applied for and is qualified to fill said position; and

**WHEREAS**, the Chief of Police, Township Administrator and Human Resources Officer recommend appointment of Corinne Batsides to full time Patrol Officer.

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, that Corinne Batsides be appointed full time Patrol Officer effective Thursday, April 28, 2022 at an annual salary of \$49,992.00 which is in accordance with the Policemen's Benevolent Association, Local No. 357 Contract.

Agenda and Date Voted: 03/15/2022

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/22.

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

### **Explanatory Statement**

A Patrol Officer position became available due to a resignation. The position was approved and advertised as per Township policy. Corinne Batsides applied for the position and is qualified to fill said position. Ms. Batsides comes to Bernards Township with a bachelors degree from the University of Miami, experience as a fitness instructor and is set to graduate from the Ocean County Police Academy as a SLEO Class II in April of 2022.

Carol Ackerman, HR Generalist



# Resolution of the Township of Bernards

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

**Resolution #2022-0166**  
**Unused Accrued Time Payment Due**  
**Sergeant Margaret Corsentino**  
**Police Department**

**WHEREAS**, the Township Committee adopted Resolution No. 2022-0066 at their meeting of January 4, 2022, accepting the Personnel Policies and Procedures that outlines pay-outs due at the time of retirement; and

**WHEREAS**, Sergeant Margaret Corsentino, will retire from the Bernards Township Police Department effective April 1, 2022 after 22 years of service; and

**WHEREAS**, per the requirements of the Township's Personnel Policy and the PBA contract, Sergeant Margaret Corsentino is entitled to an unused accrued time cash payment in the amount as calculated below based on an hourly rate of \$66.23. The calculation shown below could be less but not more:

	<b>Amount Due</b>
Accrued Sick/Personal Payout	\$29,311.40
Vacation Time Payout	\$25,432.32

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that the Accrued Time payout at retirement be approved and distributed in the next available pay cycle.

Agenda and Date Voted: 03/15/2022

**EXPLANATORY STATEMENT**

Per the PBA collective bargaining agreement, payment may be made for unused sick and personal time per the calculation in the agreement. As of 12/31/2015, PBA members accrued time payouts were capped at their 12/31/2015 value or \$15,000. As of 3/31/2022 Margaret Corsentino is eligible for an accrued payment at her capped amount of: \$29,311.40 and must be paid out due to her retirement. Additionally, Sgt. Corsentino's vacation time has been calculated in accordance with Township Policy.

Emily Kesselmeier, HR Officer

**CFO CERTIFICATION**

**I, Sean McCarthy, Chief Financial Officer of Bernards Township, do hereby certify that there are adequate funds for this expenditure. Funds are available in the Accumulated Absences Trust Fund, Account #T-13-56-050-ACS for an amount not to exceed 54,743.72.**

Date: 3/8/2022

Sean McCarthy, CFO

**CERTIFICATION**

**I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 03/15/2022.**

\_\_\_\_\_  
**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 #2490**

An Ordinance to Amend the Revised General Ordinances  
of the Township of Bernards, Chapter 6 “Alcoholic Beverage Control”  
Section 3 “Classes of License, Number of Licenses and Annual Licensee Fees”  
Subsection b “Number of Licenses Permitted”

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 6, “Alcoholic Beverage Control,” Section 3 “Classes of License, Number of Licenses and Annual Licensee Fees,” Subsection b “Number of Licenses Permitted” of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in double underline; deletions are ~~stricken~~):

b. Number of licenses permitted:

1. The permitted number of plenary retail consumption licenses shall be ~~eight~~.  
nine.
2. The permitted number of plenary retail distribution licenses shall be three.
3. The permitted number of club licenses shall be one.

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

### **EXPLANATORY STATEMENT**

As per N.J.S.A. 33:1-12.14 a retail consumption can be issued for each 3,000 of a municipality’s population according to the most recent estimates issued by the U.S. Bureau of the Census. The 2020 Census data lists Bernards Township population as 27,830, up from 26,652 in 2010. This ordinance increases the number of retail consumption licenses issued in Bernards Township from eight to nine.

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 #2493**

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards  
Chapter 4 "General Licensing,"  
Section 4-7 "Municipal Police Rotation Towing Services; Nonconsensual Towing Regulations"

### **SECTION 4-7**

#### **Municipal Police Rotation Towing Services; Nonconsensual Towing Regulations**

##### **§ 4-7.1 Definitions.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

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

#### **BASIC TOWING SERVICE**

"Basic tow" means private property towing and other nonconsensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes' waiting time; hooking a motor vehicle to or loading a motor vehicle onto a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

#### **BUSINESS OFFICE**

The business office of the towing operator where the towing operator shall conduct business associated with the towing and storage of vehicles.

#### **CHIEF OF POLICE**

The Chief of the Bernards Township Police Department or his/her designee.

#### **DECOUPLING**

Releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

#### **MOTOR VEHICLE**

Includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles, motorized scooters, motorized wheelchairs and motorized skateboards.

## **NONCONSENSUAL TOWING**

The towing of a motor vehicle without the consent of the owner or operator of the vehicle, regardless of the reason for the tow. "Nonconsensual towing" includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

## **PERSON**

An individual, a sole proprietorship, partnership, corporation, limited liability company or any other business entity.

## **PRIVATE PROPERTY OWNER**

The owner or lessee of private property, or an agent of such owner or lessee, but shall not include a private property towing company acting as an agent of such owner or lessee.

## **PRIVATE PROPERTY TOWING**

The nonconsensual towing by a motor vehicle from private property or from a storage facility of a consumer's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise parked without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

## **RECOVERY; EXTRAORDINARY TOWING SERVICE**

The removal and transportation of a motor vehicle with a registered weight rating over 10,000 pounds from a highway, street or other public or private property. Extraordinary towing service shall also include the recovery of vehicles with a registered weight rating of 10,000 pounds or less that require exceptional methods to retrieve and/or tow the vehicle. "Exceptional methods" are tasks outside the routine scope of vehicle recovery, including but not limited to up-righting an overturned vehicle, and winching a vehicle from a location off the roadway. Recovery charges are in addition to any towing charges.

## **ROAD SERVICE**

Use of a tow truck or service vehicle to attempt to repair a vehicle at the point of breakdown.

## **SECURE STORAGE FACILITY**

A storage facility that is either completely indoors or is surrounded by a fence, wall or other physical barrier that is at least six feet high and is lighted from dusk to dawn.

## **STORAGE FACILITY**

A space at which motor vehicles that have been towed are stored by the towing operator.

## **TOWING**

The moving or removing from public or private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is damaged as a result of an accident or is otherwise disabled, is recovered after being stolen, or is parked illegally or otherwise without authorization, parked during a time at which such parking is not permitted or otherwise parked without authorization, or the immobilization of or

preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly. Dues or other charges of clubs or associations which provide towing services to club or association members shall not be considered a service charge for purposes of this definition.

## **TOWING LIST**

The list maintained by the Bernards Township Police Department containing the names of those active towing operators who are licensed with the Township to provide municipal towing services for the Township.

## **TOWING OPERATOR**

Any person in the business of or offering the services of a towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

## **TOWNSHIP**

The Township of Bernards, Somerset County, New Jersey.

## **VEHICLE**

Any device in, upon or by which a person or property is or may be transported upon a highway.

## **WINCHING**

**The process of moving a motor vehicle by the use of additional chains, nylon slings and additional lengths of winch cable from a position that is not accessible for direct hook up by conventional means for towing and/or loading onto a tow vehicle. Winching is not pulling a vehicle onto a flatbed carrier or lifting a vehicle by conventional means.**

## **YARD FEE**

Any fee charges to move a stored vehicle within the tow yard. The vehicle shall be stored in a manner to facilitate access and removal from the tow yard. Yard fees are unauthorized under this section.

### **§ 4-7.2 Purpose.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

It is the purpose of this section to regulate towing operations within the Township.

### **§ 4-7.3 Licenses.**

**[Ord. #2404, 9-11-2018, amended]**

- a. A towing operator desiring to provide towing services within the Township must obtain a license from the Township for such services.
- b. A license shall be issued for a period of three years.
- c. The Township Committee shall have the sole discretion to deny a license to any towing operator failing to file the requisite application or to meet the requirements of this section based upon the recommendation of the Chief of Police.

- d. Licenses may be awarded by the Township at any time. The license shall not be exclusive, with the Township being able to award licenses to multiple towing operators at any time.

§ 4-7.4 Fees.

[Ord. #2404, 9-11-2018, added]

The following fees for a towing application shall apply:

- a. Rotational: \$~~500~~300.
- b. Nonconsensual: \$~~500~~300.
- ~~e. Rotation/nonconsensual combination: \$750.~~

§ 4-7.5 Application for License.

[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]

- a. Towing operators must file an application with the Municipal Clerk to obtain or renew a towing license within the Township.
- b. The applicant shall state the complete street address of the location or locations from which the business of towing shall be conducted, indicating which is its principal location and which is its storage facility(s), which shall meet the requirements of Subsection 4-7.13 of this section. The applicant shall provide a copy of a valid certificate of occupancy for the storage facility for automobile-related uses.
- c. The applicant shall identify and provide a description of its towing vehicles, including vehicle registration number, gross vehicle weight, number of wheels and purpose, with which the applicant intends to provide towing services; and which shall meet the requirements of Subsection 4-7.6 of this section. The applicant shall provide copies of the equipment manufacturer's specification for each piece of equipment.
- d. The applicant shall disclose whether he, or if the applicant is an entity, any person with an interest of 10% or more in the entity, or any towing company in which such person has an interest of 10% or more, is subject to any of the disqualification specified in § 4-7.7.
- e. The applicant shall provide the name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid driver's license for the operation of the towing equipment.
- f. The applicant shall obtain a criminal background check of the applicant and all of its employees and agents, including the obtainment of a driver's abstract. The costs associated with obtaining the criminal background checks shall be the responsibility of the applicant. Criminal background checks and fingerprinting required under this section shall comply with the provisions of Section 4-1.2. [Ord. #2414, 4-23-2019, amended]
- g. The application shall include a valid original certificate of insurance from an insurer authorized to do business in the state, at the minimum amounts set forth in Subsection 4-7.11 of this section.

- h. The applicant shall provide written proof of a minimum of five years' towing experience. The applicant shall provide a minimum of three references of the applicant's towing experience.
- i. The applicant shall provide copies of all certifications for its employees as follows:
  - 1. Each light-duty driver, each heavy-duty driver and each recovery supervisor from a nationally recognized organization. The nationally recognized organizations that are acceptable to the Township are: Towing and Recovery Association of America (800-728-0136), Wreck Master (800-267-2266), Garden State Towman's Association (732-530-4782).
- j. The applicant shall furnish any additional information concerning the company, personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Municipal Clerk or Chief of Police during the review of the application.
- k. If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Municipal Clerk, in writing, within 30 calendar days of the change or addition. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$25.
- l. The applicant shall provide a certified statement of the willingness of the towing operator to be available on a twenty-four-hour, seven-day-per-week basis, and to abide by the instructions and directions of the Chief of Police, his subordinates, and the provisions of this section. Such towing operators shall further provide the telephone number or numbers available on a twenty-four-hour, seven-day-per-week basis.
- m. The applicant shall provide a certified statement of compliance with the minimum requirements of Subsection 4-7.6 of this section.

**§ 4-7.6 Minimum Requirements Rotational Towing; Equipment.**  
**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

- a. Any towing operator providing municipal rotational towing services shall have a minimum of four vehicles which meet the minimum standards set forth below:
  - 1. At least one light-duty wrecker with a minimum chassis rating of 15,000 pounds gross vehicle weight, equipped with a hydraulic boom rated for 8,000 pounds, equipped with a hydraulic wheel-lift with 3,000 pounds' lift capacity, and equipped with dual hydraulic winches with each having a capacity of 8,000 pounds, with each winch equipped with 100 feet of three-eighths-inch wire rope.
  - 2. At least two flatbed-type wreckers with a minimum chassis rating of 25,500 pounds gross vehicle weight, equipped with a minimum twenty-one-foot bed, and equipped with a hydraulic wheel-lift with 3,000 pounds' lift capacity.
  - 3. At least one of the above vehicles must have four-wheel drive.
  - 4. In addition to foregoing requirements, the towing operator must own a heavy-duty wrecker with a minimum chassis rating of 33,000 pounds gross vehicle weight, as well as have a gross vehicle weight

registered of 80,000 pounds, equipped with a hydraulic boom rated for a minimum of 35 tons, equipped with a hydraulic under-reach with a minimum 45,000 pounds' lift capacity, dual hydraulic winches, and have tandem rear axles.

5. All vehicles must be equipped with two-way radios, cab-mounted amber emergency warning lights (conforming to New Jersey Motor Vehicle Law standards and all light permits being obtained), tow sling-type bars with rubber straps and/or wheel-lift capability with safety straps to prevent damage to towed vehicles, and with steering locks for towing vehicles from the rear.

**§ 4-7.7 Denials, Suspension or Revocation of License.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

- a. The Township may deny, suspend or revoke any license for municipal towing services upon the recommendation of the Chief of Police, or upon other proof that the towing operator, or any of its employees or agents:
  1. Has obtained a registration through fraud, deception or misrepresentation;
  2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
  3. Has engaged in gross negligence or gross incompetence;
  4. Has engaged in repeated acts of negligence or incompetence;
  5. Has had a towing operation registration or license revoked or suspended by any other state, agency or authority for reasons consistent with this section;
  6. Has violated or failed to comply on more than three occasions with the schedule of tariff or fee regulations herein; or
  7. Upon proof that the applicant or holder of the registration or, if the applicant is an entity, a person with an interest of 10% or more in the applicant or holder of a registration or any towing company in which such person was a person with an interest of 10% or more and was serving in such capacity at the time the conduct or conviction required to be disclosed occurred; or
  8. Has been convicted of:
    - (a) A crime under Chapter 11, **12, 13, 14** or 15 of Title 2C of the New Jersey Statutes;
    - (b) Motor vehicle theft or any crime involving a motor vehicle under Chapter **20** of Title 2C of the New Jersey Statutes; or
    - (c) Any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Chief of Police.
- b. A final refusal to license or the suspension or revocation of a license by the Township shall not be made

except upon reasonable notice to the applicant and an opportunity for the applicant to be heard by the Township Committee.

**§ 4-7.8 Rotating List for Rotational Towing.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

- a. The Chief of Police is authorized to establish a system of rotation for the assignment of licensed towing operators to provide municipal towing services required pursuant to this section. Pursuant to N.J.S.A. 40A:11-5(1)(w), the rotation system shall be established on a nondiscriminatory and nonexclusionary basis. Only licensed towing operators with the Township shall be assigned to the rotation list. A towing operator shall be added to the rotation list at any time upon being licensed with the Township pursuant to this section. All new licensed towing operators shall be assigned to the rotation list at the bottom of such list. The rotation list shall be composed so as to permit a reasonable rotation of licensed towing operators. If the towing operator currently on call under the rotation list cannot respond and provide the required municipal towing service, the Township shall move to the next towing operator on the rotation list. If no towing operator on the rotation list is able to respond and provide the required municipal towing service, the Chief of Police may deviate from the rotation list and arrange for another towing operator to provide such service.
- b. Notwithstanding the above rotation list, in the interests of public safety, the Chief of Police, at his/her discretion, taking into account the emergency, safety and location of the situation, may part from the rotation list and call for the closest available towing operator to respond.

**§ 4-7.9 Nonconsensual Towing.**

**[Ord. #2404, 9-11-2018, added]**

- a. No person shall tow any motor vehicle parked for an unauthorized purpose from any privately owned parking lot, from other private property or from any common driveway without the consent of the motor vehicle owner or operator, unless the person is registered with the Township, is authorized to act by the owner of the private property as set forth in Paragraph b, and there is posted in a conspicuous place at all vehicular entrances to the property which can easily be seen by the public, a sign no smaller than 36 inches high and 36 inches wide stating:
  1. The purpose or purposes for which parking is authorized and the times during which such parking is permitted;
  2. That unauthorized parking is prohibited and unauthorized motor vehicles will be towed at the owner's expense;
  3. The charges, which shall not exceed the fee specified in ordinances on file with the Municipal Clerk for the towing and storage of towed motor vehicles; and
  4. The tow company name, phone number, -street address of the storage facility where the towed vehicles can be redeemed after payment of the posted charges and the times during which the vehicle may be redeemed.
- b. A towing company shall not remove a motor vehicle from private property without the consent of the

owner or operator of the vehicle, without first obtaining the written authorization from the property owner or lessee, or its employee or agent, who shall verify the alleged violation with the Police Department by way of notification pursuant to § 4-7.19 herein below, if it occurs during normal business hours of any premises at the location operated by the property owner or lessee authorizing the removal of the vehicle, except that general authorization in writing shall be sufficient for the removal of a motor vehicle parked on private property within 15 feet of a fire hydrant, standpipe or other water source for fighting fires; in a fire lane; in an identified handicap restricted parking area; in a manner that interferes with the entrance to or exit from the property; or if the violation occurs at a time other than during normal business hours of the premises of the property owner or lessee authorizing the removal of the vehicle.

- c. Except as provided in Paragraph d of this subsection, the owner or person in lawful possession of private property may cause the removal of the motor vehicle parked on the property by a towing company registered and in compliance with this Section 4-7 if signs are posted on the property as required under Paragraph a of this subsection, or if the vehicle is parked on the property for longer than 48 hours.
- d. The provisions of this subsection shall not apply to a motor vehicle parked on a lot or parcel on which is situated a single-family unit, or an owner-occupied multi-unit structure of not more than six units, or in front of any driveway or garage entrance where the motor vehicle is blocking access to that driveway or garage entrance.
- e. A towing company must release the vehicle to its owner who returns to the vehicle before it is removed from the property. In such instances, the towing company shall only charge the decoupling fee, and not require payment of the full basic tow fee.

**§ 4-7.10 Schedule of Services Eligible for Charging Fee; Reasonable Fees.**  
**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

- a. Rotational towing:
  1. A rotational towing operator may only charge a fee for those towing and storage services set forth as follows, plus the cost of any materials, parts or fuel, unless otherwise provided for in N.J.A.C. 13:45A-31.4:

	Fees (not to exceed)	Fees (not to exceed)
	Day	Night/Weekend/Holiday
<b>Basic Tow Fee</b>		
Light-duty rate (less than 10,000 G.V.W.)		
Tow	\$125	\$150
Recovery	\$150	\$200
(Basic tow is a flat rate)		
(Recovery is billed per hour,		
per truck, with 1 hour		
minimum and 30-minute		
increments thereafter)		
Medium-duty rate (10,000 to 32,000 G.V.W.)		
Tow	\$150	\$200
Recovery	\$250	\$350

		Fees (not to exceed)	Fees (not to exceed)
		Day	Night/Weekend/Holiday
<b>Basic Tow Fee</b>			
(Basic tow is a flat rate) (Recovery is billed per hour, per truck, with 1 hour minimum and 30-minute increments thereafter)			
Heavy-duty rate (greater than 32,000 G.V.W.)			
Tow		\$400	\$450
Recovery		\$450	\$500
(Basic tow is a flat rate) (Recovery is billed per hour, per truck, with 1 hour minimum and 30-minute increments thereafter)			

		Fees (not to exceed)	Fees (not to exceed)
		Outside	Inside
<b>Storage</b>			
Light-duty (per day)		\$35	\$50
Medium-duty (per day)		\$75	\$100
Heavy-duty (per day)		\$100	\$200
Mileage		\$4 per mile from scene or site of tow	
Road service		\$75 per call	
Decoupling fee		\$25 per call	
Clean-up labor charge		\$50 per hour	

2. A towing operator may not charge a service fee for towing and storage services which are ancillary to and shall be included as part of basic towing services and is not included in the schedule approved by the Township.
3. A towing operator must accept all forms of payment, such as a debit card, charge card or credit card, for payment in lieu of cash for towing or storage services if the operator ordinarily accepts such payment at his place of business.
4. A towing operator that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 p.m. the next day, the towing operator shall only charge the owner of the motor vehicle for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing operator may only charge for two days of storage.
5. A bill for private property tow or other nonconsensual tow shall include the time at which a towed motor vehicle was delivered to a towing company's storage facility.
6. Municipal storage rates. Storage fees to be charged to or on account of the Township for the storage of

Township-owned or -operated vehicles shall not exceed those fees permitted by N.J.S.A. 40:48-2.50.

7. The Township Committee may annually change the fees set forth herein by duly adopted resolution.

b. Nonconsensual:

1. A towing company may only charge a service fee for the following schedule of towing and storage services, unless otherwise provided for by state law:

	<b>Fees</b>
	<b>(not to exceed)</b>
<b>Service Provided</b>	
Full basic tow fee	\$100
Administration fee	\$30
Storage fee	
Inside storage, per day	\$35
Outside storage, per day	\$25
Decoupling fee	\$25

2. A towing company may not charge a service fee for towing and storage services which are ancillary to and shall be included as part of basic towing services, and is not included in the schedule approved by the Township.

3. A towing company must accept all forms of payment, such as a debit card, charge card or credit card, for payment in lieu of cash for towing or storage services if the operator ordinarily accepts such payment at his place of business.

4. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle on or before 7:00 p.m. the next day, the towing company shall only charge the owner of the motor vehicle for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may only charge for two days of storage.

#### **§ 4-7.11 Insurance Requirements.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

In addition to the insurance requirements set forth in N.J.A.C. 45A-31.3, as may be amended from time to time, all licensed towing operators providing municipal towing services must maintain the following insurance policies, naming the Township as an additional insured:

a. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of or injury to persons and damage to property for each accident or occurrence in the amount of \$750,000, single limit; and

b. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of or injury to persons and damage to property for each accident or occurrence in the amount of \$1,000,000, single limit.

- c. ~~Garagekeeper's~~Garage keeper's policy: a ~~garagekeeper's~~garage keeper's liability policy in the minimum amount of \$100,000, and on-hook coverage, for each vehicle damaged on a separate claim.
- d. Garage liability policy: a garage liability policy covering the applicant's business, equipment and vehicles in the minimum amount of \$500,000 for any one person injured or killed, and a minimum of \$1,000,000 for more than one person killed or injured in any accident and an additional \$100,000 for any damage arising from injury to or destruction of property, and/or a combined single limit of \$1,000,000. In addition to each policy containing an endorsement showing the Township as an additional insured, such policy shall also provide an endorsement entitling the Township to 30 days' prior written notice to the Chief of Police in the event of any change in coverage under the policy, or in the event of the cancellation of the policy.
- e. Worker's compensation policy: a worker's compensation policy covering all of the applicant's employees and operators, containing statutory coverage, including liability coverage of at least \$100,000 for each accident per person, \$500,000 policy aggregate limit per disease, and \$100,000 for each disease per person.
- f. Umbrella liability insurance policy in the amount of \$~~5~~2,000,000.

**§ 4-7.12 Indemnification.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

Any license issued by the Township to a towing operator pursuant to this section shall include a provision whereupon the licensed towing operator assumes all liability and shall indemnify and save the Township, its committees, boards, departments, agents, and employees, harmless from damages or losses sustained by vehicles while being towed, stored or released from the towing operator's possession, and from all personal injuries and property damage occurring to any persons or property as a result of the performance of the towing operator's services, including, but not limited to, towing, storage, or other such activities relating to the municipal towing services. All responsibility for the release of a stored vehicle shall be on the towing operator only.

**§ 4-7.13 Storage Facilities.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

- a. The towing operator providing towing services must tow all vehicles to a storage facility meeting the following requirements:
  - 1. Has a business office opened to the public between 8:00 a.m. and 6:00 p.m. at least five days a week, excluding holidays;
  - 2. Have the ability to provide inside vehicular storage;
  - 3. Have the ability to store a minimum of six vehicles;
  - 4. Is safe and secured, such as being completely fenced in;
  - 5. If it is an outdoor storage facility, lighted from dusk to dawn; and

6. Is located within 10 driving miles of any Township border.
- b. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicles and shall not charge a release fee or other charge for releasing motor vehicles to their owners after normal business hours or on weekends.

**§ 4-7.14 Rotational Towing Standards of Towing Operator Performance.**  
**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

All towing operators who have been licensed with the Township to provide rotational towing services shall be obligated to comply with the following duties and regulations:

- a. Remove and tow to the designated storage facility all vehicles directed by the Chief of Police to be removed and towed because such vehicles are, in the Chief of Police's sole discretion designated as abandoned, illegally parked, disabled, involved in an accident, or to be impounded because of criminal or other investigation. At the sole discretion of the Chief of Police, taking into consideration safety concerns, the owner or operator of a disabled vehicle may be permitted to arrange for the vehicle to be towed by a towing operator of his/her choice.
- b. Store such vehicles and move such vehicles as directed by Chief of Police. When not otherwise directed or required by the Chief of Police, the owner or operator of a disabled vehicle may request that the vehicle be towed to a location other than the designated storage facility. Upon direction of the Chief of Police, the towing operator shall not release a vehicle towed which is subject to a criminal investigation, including, without limitation, compliance with "John's Law," without prior authorization by the Chief of Police.
- c. Provide twenty-four-hour, seven-day-a-week service to the Township during the term of the license.
- d. Not utilize answering machines or answering services when on call under the rotation list.
- e. Respond promptly to all requests for municipal towing services by the Chief of Police. In any event, the towing operator shall respond and be present at the location (all locations within the Township) for municipal towing services within ~~15~~20 minutes of receipt of notice of same between the hours of 8:00 a.m. and 5:00 p.m. (hereinafter "daytime"), and within 25 minutes of receipt of notice between the hours of 5:01 p.m. and 7:59 a.m. (hereinafter "nighttime"). In the event a towing operator does not arrive at the tow location within the above time periods, the police officer on the scene shall have the right to have a substitute towing operator called to the location who will have the right to perform the municipal towing services; and the originally called towing operator shall have no right to payment from any party.
- f. Not charge any fee for replacement of equipment or materials provided at the scene of the tow.
- g. ~~Tow any and all disabled Township owned or operated vehicles upon request by the Chief of Police to a location within the Township. The towing operator will not charge the Township for the towing of Township owned passenger vehicles or pick-up trucks within two miles of the Township border to a location within the Township. All other towing of Township owned or operated vehicles shall be charged pursuant to Subsection 4-7.10 at a discount of 20%. Nothing herein shall limit the Township from utilizing the towing services provided for in any public bid contract.~~

- h. Clean up all broken glass, ~~and~~ debris and motor vehicle fluids at the scene of accidents. (All towing operators must be equipped with a broom, ~~and a~~ shovel and absorbent materials for auto fluids (speedy dry).)
- i. Ensure that all drivers and operators of the towing operator must wear ANSI Class 3 reflective safety vests at all times when responding to a request by the Township.
- j. Furnish additional towing equipment and services during storm periods, periods of snow emergencies, traffic emergencies, natural or other disasters, any acts of God, and for any other reason when so designated by the Chief of Police. Such standby service shall begin and end when the Chief of Police notifies the towing operator. The Township reserves the right, during any such emergency, to designate temporary areas owned or leased by the Township and/or the towing operator for the storage of disabled vehicles, and to direct the towing operator to remove such disabled vehicles to said areas.
- k. A copy of all documents records of all vehicles towed and/or stored as prescribed by this ordinance shall be sent to the police department on a monthly basis. This will be done in a manner prescribed by the police department. the Chief of Police and retain such records for a period consistent with records retention schedules subject to the Open Public Records Act.
- l. In all of the towing operator's dealings with the public, the towing operator shall act in a professional manner, courteous at all times, and respectful to members of the public, as well as representatives of the Township. Reports of discourteous behavior by the towing operator or his/her drivers will be handled as per section 4-7.16. which may be substantiated and documented shall be considered by the Township as sufficient cause for revocation and termination of the towing operator's license, and be considered as material default under any license entered into with a towing operator pursuant to this section.
- jl. As per N.J.S.A. No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the State or local law enforcement authority which impounded the vehicle unless proof of valid motor vehicle insurance for that vehicle is presented to the law enforcement authority. The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity shall not require proof of valid motor vehicle insurance for that vehicle.

#### § 4-7.15 Solicitation.

[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]

All persons, towing operators, and owners of towing equipment are hereby prohibited from soliciting business at the scenes of accidents and emergencies within the Township.

#### § 4-7.16 Complaints and Dispute Resolution.

[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]

Any person having a dispute or complaint arising from a specific act of towing services or storage of motor vehicles which is regulated by this section shall present that complaint or dispute to the Chief of Police for resolution. The Chief of Police shall render his/her decision as to how the said complaint or dispute is to be resolved within 15 business days of his/her conducting a hearing as to the same. Such hearing can be in person, by telephone or on written presentation at the election of the Chief of Police. In the event of an adverse decision against a licensed towing operator, said license may be revoked. Any appeal of the Chief of Police's decision

may be appealed to the governing body of the Township. The towing operator will be responsible for the conduct of their employees.

**§ 4-7.17 Violations; Enforcement and Penalties.**

**[Ord. #2253, 10-29-2013, added; Ord. #2404, 9-11-2018, amended]**

- a. This section shall be enforced by the Bernards Township Police Department.
- b. Any violation of the provisions of this section shall subject such violator, upon issuance of a summons and conviction in municipal court, and at the court's discretion, to the fines and penalties set forth in Township's General Penalty Ordinance for each such violation.
- c. Any violation of the provisions of this section may also subject the violator to a revocation or nonissuance of the license with the Township. If a towing operator's license is revoked pursuant to this provision, such towing operator is barred from reapplying to the Township for a period of three years from the date of the revocation.
- d. In addition to any penalties or other remedies provided herein, the towing operator that has billed a person an amount in excess of the fee specified in this section for the service provided shall reimburse such person for the excess cost.

**§ 4-7.18 Unlawful Practices for Non-Consensual Towing.**

**[Ord. #2404, 9-11-2018, added]**

It shall be an unlawful practice for any towing company:

- a. Provision of schedule of fees.
  1. Except as otherwise provided in Paragraph 2 of this subsection, to fail to provide the person whose motor vehicle is to be towed, prior to providing any towing services, a written schedule of fees.
  2. To fail to provide the schedule and information required under Paragraph 1 of this subsection immediately upon being contacted by the person whose motor vehicle was towed, if that person was not present at the time the towing services were provided.
- b. To make, give, or cause any undue or unreasonable preference or advantage or undue or unreasonable prejudice or disadvantage to any person in any particular locality, with respect to providing towing services.
- c. To give any benefit or advantage, including a pecuniary benefit, to any person for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with towing from privately owned property motor vehicles parked without authorization. Nothing in this section shall preclude a towing company, acting on behalf of a club or association, from charging members of the club or association a fee at a rate established by contract between the towing company and the club or association which is lower than the rate specified in the towing company's schedule on file with the Township, provided that membership in such club or association is generally available to the public.

- d. To fail, when so requested by the owner or operator of a vehicle subject to nonconsensual towing, to release a vehicle to the owner or operator that has been, or is about to be, hooked or lifted but has not actually been moved or removed from the property when the vehicle owner or operator returns to the vehicle, or to charge the owner or operator requesting release of the vehicle more than the decoupling fee.
- e. To charge any fee other than those charges established by municipal ordinance, or the rate specified in the towing company's schedule on file with the Township, or to charge a fee in an amount or for a service not listed on the schedule on file with the Township at the time. Nothing in this section shall preclude a towing company, acting on behalf of a club or association, from charging members of the club or association a fee at a rate established by contract between the towing company and the club or association which is lower than the rate specified in the towing company's schedule on file with the Township, provided that membership in such club or association is generally available to the public.
- f. To refuse to accept for payment in lieu of cash or an insurance company check for towing or storage services, such as a debit card, charge card or credit card, if the operator ordinarily accepts such payment at his place of business.

**§ 4-7.19 Notification to Police Department.**  
**[Ord. #2404, 9-11-2018, added]**

The towing of any vehicle without the consent of the owner must be reported to the Bernards Township Police Department prior to the removal of the vehicle from the property. The towing operator must advise the Police Department of the time and place from which the vehicle was towed, the license number, the vehicle identification number, the make, the model and color of the vehicle, and the location to which the vehicle was towed, in order to provide the Police Department the opportunity to verify that the license number matches the vehicle identification number.

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

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

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

**EXPLANATORY STATEMENT**

Proposed revisions are intended to attract more tow companies to apply for rotational and nonconsensual towing in Bernards Township. The revisions will also make it easier for the Bernards Township Police Department to monitor the billing practices of tow operators.

Captain Scott Ward, Bernards Township Police Department