

TOWNSHIP OF BERNARDS **PLANNING BOARD**

MINUTES **REORGANIZATION AND REGULAR SESSION**

January 18, 2022

Ms. Kiefer called the reorganization meeting to order at 7:30 PM.

FLAG SALUTE

Ms. Kiefer read the following open meeting and procedural statements:

OPEN MEETING STATEMENT

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this special meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was mailed to the Bernardsville News, Whippany, and to the Courier News, Bridgewater on October 5, 2020 and was mailed to all those people who have requested individual notice and paid the required fee."

"The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 p.m. and no new witnesses or testimony heard after 10:30 p.m."

REORGANIZATION MEETING

OATHS OF OFFICE

Mr. Drill administered the Oath of Office to the following members:

- Tyler Seville, Class I, one-year term expiring 12/31/2022
- Andrew McNally, Class III, one-year term expiring 12/31/2022
- Gary Baumann, Class IV, four-year term expiring 12/31/2025
- Kippy Piedici, Class IV, four-year term expiring 12/31/2025
- Daniel Eorio, Class IV, Alternate 1, two-year term expiring 12/31/2023
- Jerry Mallach, Class IV, Alternate 2, filling unexpired two-year term (Eorio) expiring 12/31/2022

Continuing Members: Crane, Damurjian, Manduke, Mastrangelo

ROLL CALL

Members Present: Baumann, Crane*, Damurjian, Eorio, McNally, Mallach, Manduke, Mastrangelo, Piedici, Seville

Members Absent: NONE

Also Present: Jonathan E. Drill, Esq.; Township Planner, David Schley, PP, AICP; David Banisch, PP, AICP; Cyndi Kiefer

*Via telephone

NOMINATIONS FOR CHAIRMAN

Ms. Kiefer called for nominations for Chairman of the Board for 2022. Ms. Mastrangelo nominated Ms. Piedici.

Moved by Ms. Mastrangelo, seconded by Ms. Manduke, that Ms. Piedici be elected as Chairwoman.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville

Nay: NONE

Ineligible: Mallach

Motion carried.

NOMINATIONS FOR VICE CHAIRMAN

Chairwoman Piedici called for nominations for Vice Chairman of the Board for 2022. Mr. Damurjian nominated Ms. Mastrangelo. Moved by Mr. Damurjian, seconded by Mr. Baumann, that Ms. Mastrangelo be elected as Vice Chairwoman.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

NOMINATIONS FOR VICE CHAIRMAN PRO TEMP

Chairwoman Piedici called for nominations for Vice Chairman Pro Temp of the Board for 2022. Ms. Mastrangelo nominated Mr. Baumann. Moved by Ms. Mastrangelo, seconded by Mr. Damurjian, that Mr. Baumann be elected as Vice Chairman Pro Temp.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

APPOINTMENT OF BOARD ENGINEER

Chairwoman Piedici read the following resolution into the record.

Resolution #22-01

WHEREAS, the Planning Board requires the services of Larry Plevier, PE/CME, with the firm Mott MacDonald LLC in order to offer professional engineering support to the Planning Board; and

WHEREAS, such professional services are exempt from public bidding under the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer's Certificate to be appended hereto certifies that municipal funds are available for same.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Bernards that this contract for service is awarded, subject to a written contract to be concluded.

Motion by Ms. Manduke that Larry Plevier, PE/CME, be appointed as Board Engineer for the year 2022 and that Resolution #22-01 be adopted as read. Mr. Damurjian seconded the motion.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

APPOINTMENT OF BOARD PLANNER

Chairwoman Piedici read the following resolution into the record.

Resolution #22-02

WHEREAS, the Planning Board requires the services of Francis J. Banisch PP/AICP and David J. Banisch PP/AICP of Banisch Associates in order to offer professional planning support to the Planning Board; and

WHEREAS, such professional services are exempt from public bidding under the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer's Certificate to be appended hereto certifies that municipal funds are available for same.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Bernards that this contract for service is awarded, subject to a written contract to be concluded.

Motion by Ms. Mastrangelo that Francis J. Banisch, PP/AICP and David J. Banisch, PP/AICP be appointed as Board Planners for the year 2022 and that Resolution #22-02 be adopted as read. Second by Ms. Manduke.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

APPOINTMENT OF BOARD SECRETARY

Chairwoman Piedici called for appointments for the office of Board Secretary for the year 2022. On motion by Mr. Baumann, seconded by Mr. Damurjian, all eligible in favor and carried, Cyndi Kiefer was appointed as Board Secretary.

APPOINTMENT OF BOARD ATTORNEY

Chairwoman Piedici read the following resolution into the record.

Resolution #22-03

WHEREAS, the Planning Board requires the services of Jonathan E. Drill, Esq. of the firm, Stickel, Koenig, Sullivan & Drill LLC to offer legal counsel in order to offer advice to the Planning Board; and

WHEREAS, such professional services are exempt from public bidding under the Local Public Contracts Law; and

WHEREAS, the Chief Financial Officer's Certificate to be appended hereto certifies that municipal funds are available for same.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Bernards that this contract for service is awarded, subject to a written contract to be concluded.

Moved by Deputy Mayor McNally that Jonathan E. Drill, Esq., be appointed as Board Attorney for the year 2022 and that Resolution #22-03 be adopted as read. Second by Ms. Mastrangelo.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

ADOPTION OF OFFICIAL NEWSPAPERS

Moved by Mr. Seville and seconded by Ms. Mastrangelo, to designate the Bernardsville News, Whippany, NJ and the Courier News, Bridgewater, NJ as the official newspapers for 2022. The Daily Record of Morristown, NJ and the Star Ledger of Newark, NJ are designated newspapers which may be given notice by the Secretary when the publication schedule of the Bernardsville News or the Courier News does not enable it to publish advance notice of special or rescheduled meetings. All eligible in favor and carried, the Bernardsville News and the Courier News were designated as official newspapers for 2022.

ADOPTION OF MEETING DATES

Resolution #22-04

PLEASE TAKE NOTE that the Planning Board of the Township of Bernards will meet to discuss or act upon public business at 7:30 PM on each of the dates in 2022 set forth below at the Municipal Building, Collyer Lane, Basking Ridge, New Jersey:

February 8	February 22
March 8	March 22
April 5	April 19
May 3	May 17
June 7	June 21
July 5	July 19
August 2	August 16
September 6	September 20
October 4	October 18
November 8*	November 22

December 6

December 20

January 17, 2023 – Reorganization Meeting

* Election Day

Notice of revisions or additions to the above schedule will be posted and advertised as required by law.

Formal action may be taken at all regular and special meetings.

Moved by Ms. Mastrangelo that the regular meetings of the Planning Board be scheduled on the first Tuesday and the third Tuesday after the first Monday of the month, at 7:30 p.m. in the Municipal Building, Collyer Lane, Basking Ridge. Special meetings, if necessary, will be scheduled accordingly. Second by Mr. Seville.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

ADOPTION OF RULES AND REGULATIONS OF THE BOARD

Chairwoman Piedici read the following resolution into the record.

Resolution #22-05

WHEREAS, the Municipal Land Use Law provides that every municipal agency shall adopt and may amend reasonable rules and regulations which are not inconsistent with law, N.J.S.A. 40:55D-8, and that every municipal agency shall make rules governing hearings held on applications for development, N.J.S.A. 40:55D-10b;

WHEREAS, the Board determined that the rules and regulations attached hereto (bearing a print date of January 12, 2022) should be readopted as the rules and regulations for the year and shall continue in effect until otherwise replaced or amended as the Board believes same are reasonable and consistent with law;

NOW, THEREFORE, BE IT RESOLVED by the Bernards Township Planning Board on January 18, 2022 as follows:

1. The Rules and Regulations as attached hereto (bearing a print date of January 12, 2022) are hereby readopted and shall govern the administration of the Board's functions, power and duties for the year 2022 and shall continue in effect until and unless otherwise replaced or amended.

2. Copies of the Rules and Regulations shall be maintained in the office of the Secretary of the Planning Board and the Clerk of the Township of Bernards and shall be available to any person who requests same upon payment of a reasonable fee for such copy.

Moved by Ms. Manduke and seconded by Mr. Seville that Resolution #22-05, 2022 Planning Board Rules and Regulations, be adopted as read.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

ADJOURNMENT

On motion by Ms. Mastrangelo and second by Mr. Baumann, all in favor and carried, the Reorganization Meeting of the Planning Board was adjourned at 7:47 PM.

REGULAR MEETING**APPROVAL OF MINUTES**

December 7, 2021 - Regular Session - On motion made by Ms. Mastrangelo and seconded by Deputy Mayor McNally, all eligible in favor and carried, the minutes were adopted as *revised*. Ineligible: Mallach, Seville (both not members on that date)

APPROVAL OF RESOLUTION

Emerald Valley Homeowners Association Inc.; Block 11401, Lots 37.01 & 42; 16 Harvest Way & 181 Mountain Road; Modification of Condition; PB20-001A - Chairwoman Piedici announced to the public that the resolution was not available for approval at this meeting.

COMPLETENESS HEARING

Ahmed, F. & Faizan, A./Kirkwood, Kevin & Nathalie; Block 2301, Lots 4 & 5; 62/48 Wisteria Way; Amended Preliminary/Final Subdivision (Elimination of Condition which created Emergency Access Easement); PB21-005
Present: Faizan Ahmed, Applicant

Faizan Ahmed, Applicant residing at 11 Ridge Drive, Green Brook, NJ, described the proposal, elimination of a condition of approval which created an emergency access easement through his and the Kirkwoods' properties (62 and 48 Wisteria Way, respectively). He stated that he had submitted all but one (1) of the deficiencies listed in Mr. Schley's completeness review memo dated 01/10/2022, and that he was seeking a waiver for that item, a project report/environmental impact assessment, since there would be no physical changes to the subject properties as a result of this proposal.

Mr. Damurjian moved to grant the checklist submission waiver and to deem the application complete. Ms. Mastrangelo seconded.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

HEARING – Modification of Condition (Extension of Time to Sign Plans)

Fellowship Senior Living Inc.; Block 9301, Lot 33; 8000 Fellowship Road; Preliminary/Final Site Plan; PB20-005A
Present: Jennifer Phillips Smith, Esq., Attorney for the Applicant

Jennifer Phillips Smith, Esq., attorney with the firm of *Gibbons PC*, Red Bank, NJ, entered her appearance on behalf of the Applicant. She stated that the Applicant is seeking a modification of a condition of approval which requires that the plans for the project be signed no later than 12/08/2021. She asked that the deadline be extended for six (months) to 06/08/2022 to allow for final revisions.

The hearing was opened to the public for questions or comments. Hearing none, that portion of the hearing was closed.

Ms. Manduke moved to grant the Applicant's request for an extension of time for six (6) months to 06/08/2022 to get plans signed as subject to the conditions stipulated to by the Applicant. Mr. Damurjian seconded.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

Moved by Ms. Mastrangelo that the Board vote to advise the Construction Department that the Board did not object to the issuance of the necessary permits prior to the execution of the memorializing resolution granting the extension of time. Mr. Baumann seconded.

Roll Call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville
Nay: NONE
Ineligible: Mallach

Motion carried.

MASTER PLAN REVIEW – Chapter VI – Community Facilities Plan Element

Mr. Banisch stated that the revisions to this element discussed by the Board during its 10/19/2021 meeting had been incorporated into this final draft of the element. He noted that the only missing item, the calculation for full time equivalent employees, would be included once he received the information. Referring to a memo sent from the Township Clerk, Rhonda Pisano concerning the shortage of polling locations, Mr. Banisch asked the Board if some verbiage about the subject should be included in the Master Plan. A discussion ensued as to whether the topic of polling locations is appropriate for inclusion and the subject was tabled until Mr. Drill discussed the issue with the Township Attorney, John Belardo. The Board then decided to move this version of the element to “completed drafts” pending clarification of the polling issue.

Chapter IX – Utility Service Plan Element – Mr. Banisch opened the discussion of the first draft of the element by asking the Board if there were any comments. The Board discussed sewer and waterline mapping, identification of stormwater management systems and posting of reports referenced in stormwater management procedures. Mr. Banisch agreed to review the comments and ascertain what information is currently available on these topics.

Chapter XII - Farmland Preservation Plan Element – Mr. Banisch referred to his memo dated 01/14/2022 and explained that the purpose of the memo is to provide the Board with information to consider the relative merits of preparing an updated Farmland Preservation Plan to conform to SADC requirements for Planning Incentive Grant Farmland Preservation funding – for which SADC planning grant funds are available. A discussion ensued and because there had been such limited success with the funding in the past, Deputy Mayor McNally advised that the Township Committee had not expressed any interest in pursuing farmland preservation funding. After further discussion, the Board decided not to update this element.

Chairwoman Piedici advised that at the February 22, 2022 meeting, the second draft of the Utility Service Plan Element would be available for review and that the Board would begin discussions about the Conservation and Open Space Element (Chapter VIII). She then opened the meeting to the public for questions or comments.

Todd Edelstein, 172 Riverside Drive, commented on the elements discussed that evening.

COMMENTS FROM MEMBERS OR STAFF

Chairwoman Piedici announced that the February 8, 2022 meeting would be cancelled.

ADJOURN

Moved by Mr. Seville, seconded by Ms. Manduke, all eligible in favor and carried, the meeting was adjourned at 8:36 PM.

Respectfully submitted,

Cyndi Kiefer

Cyndi Kiefer, Secretary
Planning Board

Adopted as drafted 02/22/2022

02/02/2022dskpjd



Resolution of the Township of Bernards Planning Board

277 S. Maple Ave, Basking Ridge, NJ 07920
908-204-3026; www.bernards.org

Resolution #22-01

Professional Services Contract for January 1, 2022 through December 31, 2022
Planning Board Engineer Awarded to Larry Plevier, PE, CME, NJ Lic #24GE04748500
of the firm Mott MacDonald LLC
In the Not to Exceed Amount of \$5,000.00
(Excluding Charges covered by Escrow Funds)

BE IT RESOLVED, by the Bernards Township Planning Board (herein “Board”), Somerset County, New Jersey, as follows:

WHEREAS, the Bernards Township Planning Board wishes to engage the services of an engineer to perform professional engineering services as required for the period January 1, 2022 through December 31, 2022, which is a “professional service” as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Bernards Township Planning Board has determined that Larry Plevier, PE, CME, NJ Lic #24GE04748500. of the firm Mott MacDonald LLC by reason of the special knowledge and experience demonstrated and further by reason of the scope of services and schedule of compensation proposed by the firm; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2022 Current Professional Engineering Services of the Planning Board Other Expenses, account #2-01-21-180-204 for a not to exceed amount of \$5,000.00.

NOW BE IT RESOLVED by the Bernards Township Planning Board that a professional service contract Larry Plevier, PE, CME, NJ Lic #24GE04748500. t be awarded to of the firm Mott MacDonald LLC as follows:

1. The contract will encompass services as outlined in the submitted contract proposal dated December 3, 2021 appended to this resolution.
2. The contract term is from January 1, 2022 through December 31, 2022 at the hourly rate of \$157.00 for alternate engineer, Larry Plevier, PE, CME, NJ Lic #24GE04748500 at a not to exceed amount of \$5,000.00, plus escrow funds paid by applicants in accordance with Bernards Township Ordinance No.1018.
3. The line item appropriation for professional engineering services of \$5,000.00 shall be charged to line account #2-01-21-180-204.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c127, which is attached to this resolution as Exhibit A.

NOW THEREFORE BE IT RESOLVED, that the Bernards Township Planning Board engage Larry Plevier, PE, CME, NJ Lic #24GE04748500. of the firm Mott MacDonald LLC, as its board engineer for the period January 1, 2022 through December 31, 2022, designated as the individual specifically authorized to act in the Board's behalf or any other engineer of that firm as he may designate.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for the services of Larry Plevier, PE, CME, NJ Lic #24GE04748500. of the firm Mott MacDonald LLC which contract [*appended to this resolution*] shall be available for inspection at the Bernards Township Planning Board Offices during regular business hours.

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



Kyle Smith, NJ Lic # 24GE05002400 of the firm Mott MacDonald

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for this contract. The line item appropriation to be charged for Professional Engineering Services is Planning Board Other Expenses, Fees and Compensation line account #2-01-21-180-204 in the not to exceed amount of \$5,000.00.


Date: December 16, 2021



Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

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



Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date: December 14, 2021

Dated: January 18, 2022

ATTEST:



Cyndi Kiefer, Board Secretary

ADOPTED:



Kathleen I. Piedici, Chairwoman



Resolution of the Township of Bernards Planning Board

277 S. Maple Ave
908-204-3026; www.bernards.org

Resolution #22-02

Professional Services Contract for 2022 Planning Board Planner

Awarded to Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 and David J. Banisch PP/AICP, NJ Lic # 33L100556500 of the Firm Banisch Associates, Inc.

In the Not to Exceed Amount of \$5,000.00
(Excluding Charges covered by Escrow Funds)

BE IT RESOLVED, by the Bernards Township Planning Board (herein "Board"), Somerset County, New Jersey, as follows:

WHEREAS, the Bernards Township Planning Board wishes to engage the services of a planner to perform professional planning services as required for the year 2022, which is a "professional service" as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Bernards Township Planning Board has special confidence in to Francis J. Banisch III PP/AICP, NJ Lic. # 33L100168600 and David J. Banisch PP/AICP, NJ Lic # 33L100556500, of the firm Banisch Associates, Inc., by reason of the special knowledge and experience demonstrated by the firm and further by reason of the scope of services and schedule of compensation proposed by the firm; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2022 Current Professional Planning Services of the Planning Board Other Expenses, account #2-01-21-180-204 for a not to exceed amount of \$5,000.00.

NOW BE IT RESOLVED by the Bernards Township Planning Board that a professional service contract be awarded to Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 and David J. Banisch PP/AICP, PP, NJ Lic # 33L100556500 of the firm Banisch Associates, Inc., as follows:

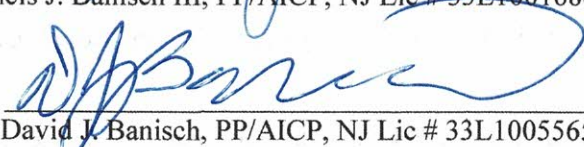
1. The contract will encompass services as outlined in the submitted contract proposal dated December 1 2021 appended to this resolution.
2. The contract term is from January 1, 2022 through December 31, 2022 at the hourly rate of \$156.00 for Principal Planner, David J. Banisch PP/AICP, NJ Lic # 33L100556500 and \$167.00 for Senior Planner, Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 at a not to exceed amount of \$5,000.00, plus escrow funds paid by applicants in accordance with Bernards Township Ordinance No.1018.
3. The line item appropriation for professional planning services of \$5,000.00 shall be charged to line account #2-01-21-180-204.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c127, which is attached to this resolution as Exhibit A.

NOW THEREFORE BE IT RESOLVED, that the Bernards Township Planning Board engage Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 and David J. Banisch PP/AICP, NJ Lic # 33L100556500 of the firm Banisch Associates, Inc., as its board planners for the year 2022, designated as the individuals specifically authorized to act in the Board's behalf and, in his absence any other planner in that firm as they may designate.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for the services of Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 and David J. Banisch PP/AICP, NJ Lic # 33L100556500 of the firm Banisch Associates, Inc., which contract shall be available for inspection at the Bernards Township Planning Board Offices during regular business hours.

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


Francis J. Banisch III, PP/AICP, NJ Lic # 33L100168600


David J. Banisch, PP/AICP, NJ Lic # 33L100556500

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for this contract. The line item appropriations to be charged are Planning Board Other Expenses, for Professional Planning Services, account Fees and Compensation #2-01-21-180-204 in the not to exceed amount of \$5,000.00.


Date: December 16, 2021


Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

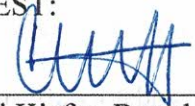
I hereby certify that I have reviewed this resolution for accuracy.

Date: December 14, 2021

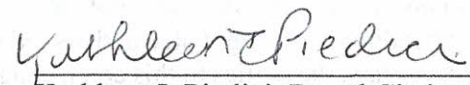

Francis J. Decibus, QPA
Purchasing Agent

Dated: January 18, 2022

ATTEST:


Cyndi Kiefer, Board Secretary

ADOPTED:


Kathleen I. Piedici, Board Chairman



Resolution of the Township of Bernards Planning Board

277 S. Maple Ave, Basking Ridge, NJ 07920
908-204-3026; www.bernards.org

Resolution #22-03

Professional Services Contract for 2022 Planning Board Attorney
Awarded to Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill
In the Not to Exceed Amount of \$ 20,000.00, including matters of litigation.
(Excluding Matters funded by Escrow)

BE IT RESOLVED, by the Bernards Township Planning Board (herein “Board”), Somerset County, New Jersey, as follows:

WHEREAS, the Bernards Township Planning Board wishes to engage the services of an attorney to perform legal services as required for the year 2022, which is a “professional service” as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Bernards Township Planning Board has special confidence in Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, by reason of the special knowledge and experience demonstrated by the firm and further by reason of the scope of services and schedule of compensation proposed by the firm; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2022 Current Fund Budget for Professional Legal Services of the Planning Board Other Expenses account #2-01-21-180-204 for a not to exceed amount of \$2,500.00, and Planning Board-Litigation account #2-01-21-180-20A for a not to exceed amount of \$17,500.00.

NOW BE IT RESOLVED by the Bernards Township Planning Board that a professional service contract be awarded to Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill, as follows:

1. The contract will encompass services as outlined in the submitted contract proposal dated November 4, 2021, appended to this resolution.
2. The contract term is from January 1, 2022 through December 31, 2022 at the hourly rate of \$195.00 at a not to exceed amount of \$20,000.00, plus escrow funds paid by applicants in accordance with Bernards Township Ordinance No.1018.
3. The line item appropriation for professional legal services of \$2,500.00 shall be charged to line account #2-01-21-180-204. The line item appropriation for matters of litigation of \$17,500.00 shall be charged line account #2-01-21-180-20A.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

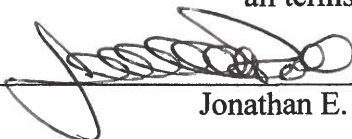
7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c127, which is attached to this resolution as Exhibit A.

NOW THEREFORE BE IT RESOLVED, that the Bernards Township Planning Board engage Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill as Planning Board Attorney for 2022 designated as the individual specifically authorized to act in the Board's behalf and, in his absence any other attorney in that firm as he may designate.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for the services of Jonathan E. Drill, Esq. of the firm Stickel, Koenig, Sullivan & Drill, which contract [*appended to this resolution*] shall be available for inspection at the Bernards Township Planning Board Offices during regular business hours.

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

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


Jonathan E. Drill, Esq.

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that funds are available for this contract. The line item appropriation to be charged for Professional Legal Services is Planning Board Other Expenses, Fees and Compensation account #2-01-21-180-204 in the not to exceed amount of \$2,500.00 and the line item appropriation to be charged for Litigation Services is Planning Board Litigation account #2-01-21-180-20A in the not to exceed amount of \$17,500.00.

Date: December 16, 2021



Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

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


For Purchasing Agent

Date: December 14, 2021

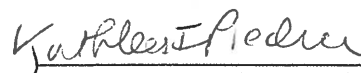
Francis J. Decibus, QPA, RPPO
Purchasing Agent

Dated: January 18, 2022

ATTEST:


Cyndi Kiefer, Board Secretary

ADOPTED:


Kathleen I. Piedici, Chairwoman

**TOWNSHIP OF BERNARDS
COUNTY OF SOMERSET
STATE OF NEW JERSEY
SCHEDULE OF MEETINGS FOR THE YEAR 2022
PLANNING BOARD
RESOLUTION #22-04**

PLEASE TAKE NOTE that the Planning Board of the Township of Bernards will meet to discuss or act upon public business at 7:30 PM on each of the dates in the year 2022 as set forth below at the Municipal Building, Collyer Lane, Basking Ridge, New Jersey:

February 8	February 22
March 8	March 22
April 5	April 19
May 3	May 17
June 7	June 21
July 5	July 19
August 2	August 16
September 6	September 20
October 4	October 18
November 8*	November 22
December 6	December 20

January 17, 2023 – Reorganization Meeting


* Election Day

Notice of revisions or additions to the above schedule will be posted and advertised as required by law.

Formal action may be taken during all regular and special meetings.

Voice Vote: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Piedici, Seville
 Nay: NONE

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on January 18, 2022.



CYNDI KIEFER, Board Secretary

January 18, 2022

**TOWNSHIP OF BERNARDS
COUNTY OF SOMERSET
STATE OF NEW JERSEY
RULES AND REGULATIONS FOR THE YEAR 2022
PLANNING BOARD
RESOLUTION #22-05**

WHEREAS, the Municipal Land Use Law provides that every municipal agency shall adopt and may amend reasonable rules and regulations which are not inconsistent with the law, N.J.S.A. 40:55D-8, and that every municipal agency shall make rules governing hearings held on applications for development, N.J.S.A. 40:55D-10b;

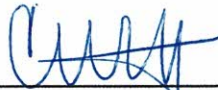
WHEREAS, the Board determined that the Rules and Regulations attached hereto (bearing a print date of January 11, 2022) should be readopted as the rules and regulations for the year and shall continue in effect until otherwise replaced or amended as the Board believes same are reasonable and consistent with the law;

NOW THEREFORE BE IT RESOLVED by the Bernards Township Planning Board on January 18, 2022 as follows:

1. The Rules and Regulations as attached hereto (bearing a print date of January 11, 2022) are hereby adopted and shall govern the administration of the Board's functions, power and duties for the year 2022 and shall continue in effect until and unless otherwise replaced or amended.
2. Copies of the Rules and Regulations shall be maintained in the office of the Secretary of the Planning Board and the Clerk of the Township of Bernards and shall be available to any person who requests same upon payment of a reasonable fee for such copy.

Roll call: Aye: Baumann, Crane, Damurjian, Eorio, McNally, Manduke, Piedici, Seville
 Nay: NONE

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on January 18, 2022.



CYNDI KIEFER, Board Secretary

Dated: January 18, 2022