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**April 11, 2017 – COMBINED AGENDA/REGULAR MEETING**

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## CALL TO ORDER

The mayor called the meeting to order at 7:30 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

## ROLL CALL

Present: Bianchi, Carpenter, Malay, Russo, Gaziano

Absent:

Also Present: Administrator McArthur, Acting Attorney Visconi, Engineer Timko, and Municipal Clerk/Assist. Admin. Szabo

## EXECUTIVE SESSION – [Resolution #2017-0188](#)

Motion by Carpenter, second by Russo, and unanimously agreed that Resolution #2017-0188 be approved. The meeting temporarily adjourned to Executive Session at 7:31 PM. Note that these discussions took place prior to, and directly after the open session meeting

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

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

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

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

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

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

### Reason for Closed Session

### Estimated Time of Disclosure or Upon Occurrence Of

- Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. *Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.*

Litigation - ISBR Bernards Township et al - Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al - Case 3:16-cv-08700-MAS-LHG; Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al - Arbitration Case 01-16-0003-5508.  
Affordable Housing

Upon conclusion of litigation.

The meeting resumed in open session at 8:03 PM.

## AMEND AGENDA

Motion by Russo, second by Carpenter, and unanimously agreed that resolution #2017-0186 be removed from the Consent Agenda.

[Resolution #2017-0186](#) - Commendation on Attaining Eagle Scout Designation - Zachary A. Feldman, Evan Kupsch, Thomas Martinson, Jack K. Wetzel, Patrick J. Boles

Motion by Malay, second by Carpenter, and unanimously agreed that the resolution be approved.

**WHEREAS**, the Township Committee is very pleased to recognize the outstanding personal effort of Zachary A. Feldman, Evan Kupsch, Thomas Martinson, Jack K. Wetzel and Patrick J. Boles of reaching the rank of Eagle Scout; and

**WHEREAS**, Zachary, Evan, Thomas, Jack and Patrick are members of Troop 555 of Patriots' Path Council, have been active scouts, demonstrating outstanding leadership within their Troop, and have contributed many service hours to their community during their years in scouting; and

**WHEREAS**, of the total national enrollment of the scouting program, only a small percentage reach this prestigious rank, which they will carry as a badge of honor.

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

### **AGENDA PORTION OF MEETING**

*Quarry Redevelopment Introduction – [Planning Discussion Outline](#)*

The following addressed the committee regarding the redevelopment plan:

David Banisch, the Planning Board's Planners

Anthony Sblendorio, Advisor to Shopoff, the Contract Purchaser

The Bernards Township Committee continues the planning process for the future of the Millington Quarry to create a Redevelopment Plan for the Quarry.

#### **Suggested Guiding Principles, Goals and Objectives:**

The following list suggests guiding principles, goals and objectives for the Quarry Redevelopment Plan:

1. Redevelopment Plan should result in permanent cessation to quarry operations
2. Redevelopment Plan should improve the quality of life for Bernards Township's residents.
3. Redevelopment Plan should be environmentally friendly and sustainable:
  - Pedestrian friendly design – establish walkable connectivity throughout and among uses in the redevelopment area, with pedestrian links to surrounding neighborhoods
  - Future development should be consistent with Bernards Township's Green Building and Environmental Sustainability Plan Element of the Master Plan
  - Sustainable and innovative environmentally friendly design should be incorporated into all aspects of development, including stormwater management, community infrastructure (utilities, roads, lighting, etc.), parks, landscaping and buildings
  - Future development in the Quarry should limit importation of soils
  - Community design should include environmental design to enhance habitat for native plants and wildlife
4. Redevelopment Plan should include usable future lake with public access
  - Require a future lake management structure and design that minimizes Bernards Township's liability and maintenance obligations
  - Lake should incorporate water-based recreation with safe public access to the lake
5. Redevelopment Plan should yield positive fiscal impacts for Bernards Township
  - Assess and quantify impact to school age population
  - Establish privately built and managed amenities that allow public use
6. Allow for a variety of uses that will result in a positive fiscal impact on the Township's tax base  
Redevelopment Plan could incorporate a variety of uses, such as "live", "work", "play" uses to ensure future viability of the community.

#### **Public Comment**

Two additional informal Quarry Redevelopment planning meetings are scheduled at the Municipal Building for additional public presentations and public comment: Monday, May 15 from 7:00-9:00 pm; and Wednesday, May 24 from 7:00 – 9:00 pm.

#### **Presentation of Quarry Development Proposal by the Contract Purchaser**

A video of a drone fly over of the quarry property was shown. Sblendorio described the developer's overall vision for the redevelopment of the property, with mixed uses, all in keeping with the guiding principles.

[2017-01-20 Request from Fellowship Village for a Club License](#)

Carpenter recused himself and left the dais for this discussion.

Dorothy Blinski, Esq., representing Fellowship and Brian Lawrence, the CEO of Fellowship Village were present and explained their request that the township issue an Alcoholic Beverage Club License to the facility so that alcohol may be served to residents and their guests.

1. First, their residents would need to establish a new non-profit entity as a formal club. Although they have an existing residents' association, it is not formalized enough for this purpose. The law requires that the club be in existence at least three years.
2. The club would apply to ABC for preliminary waivers to permit the club to seek the issuance of the license timely since the club has not been in existence for a minimum of three years.
3. If granted approval of the waiver from the state, the club would then apply to the township to seek the one club license which is currently available.

The committee acknowledged the entities plans to request a waiver from the NJ ABC.

[03/02/2017 Request from Ridge Baseball Club Regarding Valley Road Complex and Lights](#)

John Heffernan on behalf of the baseball club addressed the committee.

RBC wants to change the start date the club can begin using the lights. Currently, the club waits until April 24 to use the lights. With the spring sports season beginning on or around April 1 each year, it would be helpful if the club had access to the lights at this same time.

RBC often times receives feedback that they do not have enough practice times. By allowing use of the lights at the beginning of the spring season, the club would be able to offer more practice times, scrimmages or even games to their membership that would improve the member experience.

To this end, RBC is seeking a change in the start date for use of the lights at the Valley Road complex to be aligned with the same start date of the parks and recreation spring season each year, which is on or around April 1.

The above request would require an ordinance change and the baseball club agreed to pay all attorney fees incurred regarding the lease amendment that was required.

The mayor asked about previous parking problems. Heffernan noted there are no parking issues during the week, but the weekends are a little more difficult. He is working with the neighborhood to alleviate their concerns.

The committee was willing to reopen the lease to accommodate the request prior to the next opening season.

**PUBLIC COMMENT**

Mike Armstrong, Community Hope updated the committee on housing for vets.

Ronald Whalen, Fellowship Road, spoke in support of a club license request for Fellowship Village.

Jerry Elson, Wedgewood Drive, complained about the negative impact to his neighborhood which current exists due to activity at the Ridge Baseball Club facility and objected to reopening the lease for an expansion of hours to light the fields.

The following commented on the quarry redevelopment plan:

Bill Allen, Holmesbrook Road  
Kaamil Gajrawala, 15 River Farm Lane  
Jack Reilly, Blackburn Road  
Robert Dennis, Forrest Trail

Todd Edelstein, Riverside Drive  
Frederick Douglass, 152 Smokerise Road

## **TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their activities.

## **FIRE & RESCUE APPOINTMENT**

[Resolution #2017-0205](#) - *Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc. Sarah Stein, Full Member*

Motion by Carpenter, second by Russo, and unanimously agreed that Resolution #2017-205 be approved.

**WHEREAS**, § 2-16.1 of the Revised General Ordinances of the Township of Bernards, there shall be a first aid department known as the "Township of Bernards First Aid and Emergency Department" consisting of the First Aid Squad of the Basking Ridge Fire Company #1 and the Liberty Corner First Aid Squad, Inc.; and

**WHEREAS**, the Liberty Corner First Aid Squad, Inc., is recommending, Sarah Stein, for appointment as a Full member.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Sarah Stein is hereby appointed as a member of the Liberty Corner First aid Squad, Inc. effective this date.

## **UNFINISHED BUSINESS**

[Ordinance #2362](#) - *Accepting a Stream Buffer Conservation Easement on Property Located at [148 Childs Road, Block 603, Lot 3](#), from Peter and Kathy Sue Krell to the Township of Bernards – Public Hearing*

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

Motion by Malay, second by Bianchi, that Ordinance #2362 be adopted and advertised as required by law.

Roll Call:

Aye: Bianchi, Carpenter, Malay, Russo, Gaziano

Nay:

Abstain:

Motion carried

[Ordinance #2363](#) - *An Ordinance of the Township of Bernards Appropriating \$1,300,000.00 for Various Capital Improvements – Public Hearing*

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

Motion by Malay, second by Carpenter, that Ordinance #2363 be adopted and advertised as required by law.

Roll Call:

Aye: Bianchi, Carpenter, Malay, Russo, Gaziano

Nay:

Abstain:

Motion carried

[Ordinance #2364](#) - *Authorizing an Easement to Jersey Central Power & Light Company d/b/a First Energy and Verizon of NJ Inc. on Block 2801 Lot 4 for a Utility Pole to serve the Bernards Township Public Works Facility – Public Hearing*

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

Motion by Malay, second by Russo, that Ordinance #2364 be adopted and advertised as required by law.

Roll Call:



111401	04/11/17	B0712	BOROWSKY, IRENE A.	500.00	1293
111402	04/11/17	B0713	BECKER, CHRISTOPHER & ELLEN	240.00	1293
111403	04/11/17	C0024	GANNETT NEW JERSEY NEWSPAPERS	630.38	1293
111404	04/11/17	C0028	CY DRAKE LOCKSMITHS, INC.	72.00	1293
111405	04/11/17	C0035	CERTIFIED SPEEDOMETER SERVICE	80.00	1293
111406	04/11/17	C0165	CAPOZZI, LOU	1,395.00	1293
111407	04/11/17	C0281	CAPOZZI, FRANK	450.00	1293
111408	04/11/17	C0289	CHIEF SUPPLY	166.56	1293
111409	04/11/17	C0482	CABLEVISION OF RARITAN VALLEY	7.77	1293
111410	04/11/17	C0613	CIGNA GROUP INSURANCE	1,570.03	1293
111411	04/11/17	C0677	CHAN, PERRY & KATIE	185.00	1293
111412	04/11/17	C0685	CONSTELLATION NEWENERGY, INC	1,266.90	1293
111413	04/11/17	C0697	BB&T/CPS	11.99	1293
111414	04/11/17	C0710	CORP MED EMERGENCY TRAINING	1,950.00	1293
111415	04/11/17	C0749	CAPPICCILLE, RAY	585.00	1293
111416	04/11/17	C0753	CHILSON, MARLENE	110.00	1293
111417	04/11/17	D0041	STICKEL, KOENIG, SULLIVAN&DRILL	14,114.66	1293
111418	04/11/17	D0116	DUBIN GLASS	260.00	1293
111419	04/11/17	D0122	DIAMENTE, TOM	135.00	1293
111420	04/11/17	D0380	DRIVERS TIRE & SERVICE CENTER	567.86	1293
111421	04/11/17	D0628	DCRP	188.20	1293
111422	04/11/17	D0635	DELAMATER, JAMES	1,440.00	1293
111423	04/11/17	D0636	DOBSON, BILL & LAURIE	395.00	1293
111424	04/11/17	D0668	JOHN DOBASH CONSTR & TILE LLC	15,950.00	1293
111425	04/11/17	D0740	DOVER BRAKE & CLUTCH	675.87	1293
111426	04/11/17	E0231	EKA ASSOCIATES, P.A.	1,080.00	1293
111427	04/11/17	E0267	EAW SECURITY	2,281.95	1293
111428	04/11/17	E0285	EURO PROPERTIES	800.00	1293
111429	04/11/17	F0003	FOLEY, INCORPORATED	496.23	1293
111430	04/11/17	F0047	FULLERTON FORD	2,037.52	1293
111431	04/11/17	F0158	FLEMINGTON DEPARTMENT STORE	114.95	1293
111432	04/11/17	F0166	FARINA, GEORGE	900.00	1293
111433	04/11/17	F0273	FLOWERS ON THE RIDGE	76.50	1293
111434	04/11/17	F0310	FIMIANI, GUY	990.00	1293
111435	04/11/17	F0324	FLAGSHIP DENTAL PLANS	270.20	1293
111436	04/11/17	F0326	FX AUTOMOTIVE LLC	672.00	1293
111437	04/11/17	F0330	FIDELITY SECURITY LIFE INS	212.30	1293
111438	04/11/17	G0025	GARDEN STATE HIGHWAY PRODUCTS	980.74	1293
111439	04/11/17	G0066	GRAINGER INC	1,173.97	1293
111440	04/11/17	G0070	GREY HOUSE PUBLISHING	378.00	1293
111441	04/11/17	G0098	JCP&L	77.53	1293
111442	04/11/17	G0300	GOLD TYPE BUSINESS MACHINES	1,398.00	1293
111443	04/11/17	G0331	GLOBAL EQUIPMENT COMPANY INC	103.45	1293
111444	04/11/17	G0333	BEDMINSTER CAR WASH	62.85	1293
111445	04/11/17	G0497	GARTH, LORI	75.00	1293
111446	04/11/17	G0509	GREEN ROCK RECYCLING	2,600.00	1293
111447	04/11/17	G0517	GYENES, JOSEPH S.	405.00	1293
111448	04/11/17	G0575	GORTHI, KRISHNA & LALITHA	680.00	1293
111449	04/11/17	H0004	HEALTH DEPARTMENT PETTY CASH	17.09	1293
111450	04/11/17	H0075	HARBOR FREIGHT TOOLS	98.90	1293
111451	04/11/17	H0246	HOME DEPOT CREDIT SERVICES	160.64	1293
111452	04/11/17	H0349	H.A. FERNOT CO., INC	2,586.20	1293
111453	04/11/17	H0375	HICKS PAVING, LLC	960.00	1293
111454	04/11/17	H0385	HOROWITZ, HOWARD	315.00	1293
111455	04/11/17	I0067	INDUSTRIAL RUBBER COMPANY	809.94	1293
111456	04/11/17	I0139	INGHILTERRA, VITO	775.00	1293
111457	04/11/17	I0152	IWS TRANSFER SYSTEMS OF NJ	1,498.04	1293
111458	04/11/17	J0002	JAEGER LUMBER	550.04	1293
111459	04/11/17	J0093	JOHNNY ON THE SPOT	65.00	1293
111460	04/11/17	J0141	J&D SALES AND SERVICE	2,054.57	1293
111461	04/11/17	J0150	FORD OF JERSEY CITY	522.50	1293
111462	04/11/17	J0168	JGB SPORTS, LLC	865.00	1293
111463	04/11/17	K0036	KONICA MINOLTA BUSINESS	332.85	1293
111464	04/11/17	K0036	KONICA MINOLTA BUSINESS	386.36	1293
111465	04/11/17	K0039	KOBESKY, GREGG S.	55.00	1293
111466	04/11/17	K0059	KAYSER, JOHN P	1,750.00	1293
111467	04/11/17	K0259	KONICA MINOLTA PREMIER FINANCE	122.00	1293
111468	04/11/17	K0297	KONICA MINOLTA PREMIER FINANCE	137.58	1293
111469	04/11/17	K0322	KRISO, DAVID	200.00	1293
111470	04/11/17	L0403	L.S. BUILDERS CORP	500.00	1293
111471	04/11/17	M0006	MGL PRINTING SOLUTIONS	63.00	1293
111472	04/11/17	M0010	MOBILE LAWNMOWER SERVICE, INC.	440.75	1293
111473	04/11/17	M0178	MARK'S AUTO SERVICE	150.00	1293
111474	04/11/17	M0261	M.A.I.N., INC.	58,676.16	1293
111475	04/11/17	M0482	MOSKAL, DENNIS	315.00	1293
111476	04/11/17	M0518	KONICA MINOLTA BUSINESS SOL.	42.08	1293
111477	04/11/17	M0518	KONICA MINOLTA BUSINESS SOL.	110.95	1293
111478	04/11/17	M0518	KONICA MINOLTA BUSINESS SOL.	151.20	1293
111479	04/11/17	M0518	KONICA MINOLTA BUSINESS SOL.	252.21	1293
111480	04/11/17	M0518	KONICA MINOLTA BUSINESS SOL.	162.00	1293
111481	04/11/17	M0549	MACKINSON TURF MANAGEMENT	2,500.00	1293
111482	04/11/17	M0739	MID-STATE REGISTRAR'S ASSOC.	75.00	1293
111483	04/11/17	M0830	MOTT MACDONALD	2,148.00	1293
111484	04/11/17	N0016	NJSOPHE MEMBERSHIP	110.00	1293
111485	04/11/17	N0023	TREASURER, STATE OF NEW JERSEY	22,584.00	1293
111486	04/11/17	N0029	NJ SOCIETY/MUNICIPAL ENGINEERS	240.00	1293
111487	04/11/17	N0032	NJ STATE DEPT HEALTH/SR SVCS	280.20	1293
111488	04/11/17	N0035	NEW JERSEY PLANNING OFFICIALS	80.00	1293
111489	04/11/17	N0064	NEW JERSEY LIBRARY ASSOCIATION	370.00	1293
111490	04/11/17	N0339	NJWLE	225.00	1293
111491	04/11/17	N0409	NJLM EDUCATIONAL FOUNDATION	100.00	1293
111492	04/11/17	N0459	NV5, INC.	4,496.31	1293
111493	04/11/17	N0463	NJVTI	60.00	1293
111494	04/11/17	O0021	OFFICE DEPOT	446.23	1293
111495	04/11/17	O0105	O.C.A. BENEFIT SERVICES, LLC	89.10	1293
111496	04/11/17	O0123	ORANCHAK, JOSEPH	675.00	1293
111497	04/11/17	O0124	OCCOUDOORS, INC	3,050.90	1293

TOWNSHIP COMMITTEE MINUTES

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111498	04/11/17	P0046	RESERVE ACCOUNT	2,219.75	1293
111499	04/11/17	P0115	PERONE, BRUCE L	135.00	1293
111500	04/11/17	P0471	PETRUZZELLI, THOMAS	900.00	1293
111501	04/11/17	P0477	PIERCE MANUFACTURING, INC.	200,090.41	1293
111502	04/11/17	P0511	PERFORMANCE TRAILERS INC.	211.00	1293
111503	04/11/17	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	24.07	1293
111504	04/11/17	P0546	PETER RUBINETTI PRIVATE DISP	1,586.00	1293
111505	04/11/17	P0615	POLONSKY, LORRAINE	750.00	1293
111506	04/11/17	Q0002	CINTAS CORP. - #062	287.80	1293
111507	04/11/17	R0004	RECORDED BOOKS INC.	20.69	1293
111508	04/11/17	R0005	RECORDER PUBLISHING CO., INC	50.00	1293
111509	04/11/17	R0006	RECREATION PETTY CASH	16.00	1293
111510	04/11/17	R0050	ROTO-ROOTER	200.00	1293
111511	04/11/17	R0436	ROSE VALLEY NURSERY, LLC	640.00	1293
111512	04/11/17	R0490	R & H TRUCK PARTS AND SERVICE	1,458.45	1293
111513	04/11/17	R0496	RT 23 PATIO & MASON CENTER	998.40	1293
111514	04/11/17	S0011	SHERWIN-WILLIAMS COMPANY	2,320.00	1293
111515	04/11/17	S0016	STORR TRACTOR COMPANY	417.11	1293
111516	04/11/17	S0227	SHEARON ENVIROMENTAL DESIGN CO	23,100.00	1293
111517	04/11/17	S0275	SCOTT, MICHAEL I	1,305.00	1293
111518	04/11/17	S0315	SHERATON ATLANTIC CITY	218.00	1293
111519	04/11/17	S0327	RED HAWK FIRE & SECURITY	165.00	1293
111520	04/11/17	S0437	SPORTS FIELD MANAGERS ASSOC NJ	60.00	1293
111521	04/11/17	S0443	STAPLES ADVANTAGE	523.30	1293
111522	04/11/17	S0628	STATE OF NEW JERSEY-HB	228,051.56	1293
111523	04/11/17	S0691	SUPERIOR DISTRIBUTORS	459.08	1293
111524	04/11/17	S0720	SCIORTINO, RICO	180.00	1293
111525	04/11/17	S0884	SAMBATARO, JOSEPH	180.00	1293
111526	04/11/17	S0963	SATULSKY, LEW	135.00	1293
111527	04/11/17	T0049	TROPICANA ATLANTIC CITY	195.00	1293
111528	04/11/17	T0051	TRI-COUNTY COURT ADMIN. ASSOC.	25.00	1293
111529	04/11/17	T0066	CENGAGE LEARNING CREDIT SVCS	171.38	1293
111530	04/11/17	T0101	TRIANGLE COMMUNICATIONS	300.00	1293
111531	04/11/17	T0227	T.R.M. TRANSMISSIONS INC.	920.00	1293
111532	04/11/17	T0338	TMDE CALIBRATION LABS, INC.	971.95	1293
111533	04/11/17	T0372	TLO, LLC	115.25	1293
111534	04/11/17	T0402	TOWER AS CUST EBURY	4,613.88	1293
111535	04/11/17	T0408	TIARI MONSTER LLC	200.00	1293
111536	04/11/17	U0001	UNITEMP INC.	220.00	1293
111537	04/11/17	V0011	VARITRONICS SYSTEMS	1,100.00	1293
111538	04/11/17	V0037	VILLAGE SUPERMARKET, INC.	101.08	1293
111539	04/11/17	V0056	VERIZON WIRELESS	229.17	1293
111540	04/11/17	V0058	VERIZON	1,490.63	1293
111541	04/11/17	V0059	VERIZON CABS	204.83	1293
111542	04/11/17	V0073	VAIL INDUSTRIAL SUPPLIES	207.91	1293
111543	04/11/17	V0084	VERIZON	489.97	1293
111544	04/11/17	V0124	VERIZON BUSINESS FIOS	569.98	1293
111545	04/11/17	V0185	VERIZON NETWORK FLEET	530.60	1293
111546	04/11/17	V0186	FISHER AND SON COMPANY, INC	4,500.00	1293
111547	04/11/17	W0016	WARRENVILLE TRUE VALUE	700.45	1293
111548	04/11/17	W0030	WORLD BOOK, INC	99.00	1293
111549	04/11/17	W0071	WARD, GORDON T	175.00	1293
111550	04/11/17	W0074	WELSH'S MOTOR SALES, INC.	996.50	1293
111551	04/11/17	W0236	WHITETAIL SOLUTION	850.00	1293
111552	04/11/17	W0238	WHITEWATER WEST INDUSTRIES,LTD	3,129.26	1293
111553	04/11/17	W0259	VENTURA, MIESOWITZ, KEOUGH &	12,243.00	1293
111554	04/11/17	W0337	WHITMAN, BRAD	90.00	1293
111555	04/11/17	W0339	W.B. MASON	126.57	1293
111556	04/11/17	X0003	XEROX CORPORATION	63.89	1293
111557	04/11/17	Y0204	YUEH, HSU	155.00	1293
111558	04/11/17	Z0041	ZERO WASTE USA	390.00	1293

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	184	2	1,357,372.68	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	184	2	1,357,372.68	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	184	2	1,357,372.68	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	184	2	1,357,372.68	0.00

Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	6-01	109,138.36	0.00	0.00	109,138.36
CURRENT FUND	7-01	955,002.64	0.00	0.00	955,002.64
DOG FUND	7-12	581.72	0.00	0.00	581.72
GOLF COURSE UTILITY	7-26	25,326.12	0.00	0.00	25,326.12
Year Total:		980,910.48	0.00	0.00	980,910.48
CAPITAL FUND	C-04	219,169.67	0.00	0.00	219,169.67
PUBLIC GRANTS	G-02	115.46	0.00	0.00	115.46

TRUST FUNDS	T-13	48,038.71	0.00	0.00	48,038.71
Total Of All Funds:		1,357,372.68	0.00	0.00	1,357,372.68

**[Resolution #2017-0190](#) - Acceptance of Tax Collector's 2016 Annual 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, 2016, be hereby acknowledged and accepted as submitted.

Description	2016 Year End
Interest	117,464.11
Return Check Fee	300.00
Ridge Oak - In Lieu of Taxes	266,099.30
Prepaid	868,187.82
2016 Taxes	131,303,598.94
2015 Taxes	501,763.99
2014 Taxes	12,849.50
Tax Searches	10.00
Municipal Lien Redeemed	202.90
Duplicate Bills/Copies	230.00
Cost of Advertising	3,471.38
Outside Liens Redeemed	157,345.73
Premium Collected	391,500.00
6% Penalty	6,861.65
<b>Total</b>	<b>\$133,629,885.32</b>

Overpayments Refunded \$ 10,312.51

**[Resolution #2017-0191](#) - Acknowledgement of [2016 Annual Report](#) Submitted by the Zoning Board of Adjustment**

**WHEREAS**, N.J.S.A. 40:55D-70.1 requires the Board of Adjustment annually to prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and to report its recommendations for zoning ordinance amendment or revision; and

**WHEREAS**, N.J.S.A. 40:55D-70.1 further requires the Board of Adjustment to send copies of its report to the governing body and planning board.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Bernards hereby acknowledges receipt of the Zoning Board of Adjustment's 2016 Annual Report which is on file with the Municipal Clerk.

**[Resolution #2017-0192](#) - Appointment to the Pool Commission, Widette Fox**

**WHEREAS**, a vacancy exists on the Pool Commission; and

**WHEREAS**, Widette Fox has applied for, and is qualified to fill the vacancy.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Widette Fox be appointed the A2 Member of the Pool Commission filling the one year unexpired term of Andrew Provence, expiring 12/31/2017; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that Andrew Provence be moved to the A1 position, filling the unexpired one year term of Theodore Renz, expiring 12/31/2017; and

**NOW THEREFORE BE IT FINALLY RESOLVED**, by the Township Committee of the Township of Bernards that Theodore Renz be moved to RM position, filling the unexpired 3 year term of Donald Wadsworth, expiring 12/31/2019.

*[Resolution #2017-0193](#) - Awarding a Professional Services Contract for Residential Field Inspection Services to Ernest F. Del Guercio, Jr., SCGREAA, CTA, NJ Lic # 42RG00140500 of the firm Appraisal Systems Inc., 110 S. Jefferson Road – Suite 300, Whippany, NJ 07981, in the Not to Exceed Amount of \$22,000.00*

**WHEREAS**, the Township of Bernards requires services for residential field inspection services in accordance with our annual reassessment program; and

**WHEREAS**, Appraisal Systems Inc., has submitted a proposal dated November 3, 2016 outlining the field inspection services to be provided to the Township; and

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

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

**WHEREAS**, the Chief Financial Officer has certified that funds will be made available in the 2017 Tax Assessor Operating Budget in the Fees and Compensation line item appropriation account # 7-01-20-150-204.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that a contract be awarded to Ernest F. Del Guercio, Jr., SCGREAA, CTA, NJ Lic # 42RG00140500 of the firm Appraisal Systems, Inc., 110 S. Jefferson Road – Suite 300, Whippany, NJ 07981 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 3, 2016.
2. The contract term is from January 1, 2017 through December 31, 2017 at a cost not to exceed \$22,000.00.
3. Billings must be rendered by the contractor within 45 days of service delivery.
4. Any modification to this contract shall be requested in writing, approved by the Township Committee, and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated, agreed upon, and approved by the Township Committee in advance of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to David Centrelli, CTA, Tax Assessor, who will be the chief contact for the Township of Bernards on this project.

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


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

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

Ernest F. Del Guercio Jr., SCGRE, CTA, NJ Lic # 42RG00140500

**CHIEF FINANCIAL OFFICERS CERTIFICATION**

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are requested in the 2017 operating budget for the above referenced purchase in the amount not to exceed \$ 22,000.00. Monies will be made available in the 2017 Tax Assessor O.E.; Fees and Compensation line account # 7-01-20-150-204.



FOR TREASURY  
CERTIFICATION ONLY

Date: 4/3/2017

Terri Johnson  
Chief Financial Officer

[Resolution #2017-0194](#) - *Renewal of Agreement and Permit for Recycling Clothing Bins with ART (American Recycling Technologies Inc.) for a Three Year Period May 13, 2017 through May 12, 2020*

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

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

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby authorize renewal of the Agreement and Permit with ART (American Recycling Technologies Inc.) upon the terms and conditions set forth in the contract on file with the municipal clerk, for a three year term commencing May 13, 2017 through May 12, 2020.

[Resolution #2017-0195](#) - *Approval of Developer's Agreement Pingry Athletic Center, 131 Martinsville Road, Block 11601 Lot 3.01*

**WHEREAS**, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer's Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate; and

**WHEREAS**, the Developer's Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

**WHEREAS**, there shall be executed a Developer's Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in "Appendix C" of the Revised Land Use Ordinance of the Township of Bernards; and

**WHEREAS**, a developer must use the pre-printed form which is available from the Township Engineering Department; and

**WHEREAS**, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

**WHEREAS**, The Pingry Corporation has submitted a Developer's Agreement with respect to 131 Martinsville Road pursuant to preliminary approval by the Zoning Board of Adjustment dated April 8, 2015; and final approval dated April 8, 2015; and

**WHEREAS**, the Township Engineer and Township Attorney have approved the Developer's Agreement.

**NOW THEREFORE BE IT RESOLVED**, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid developer's agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

*[Resolution #2017-0196 - Proclaiming Arbor Day in Bernards Township](#)*

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees in our township increase property values, enhance the economic vitality of business areas, and beautify our community and spiritual renewal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Bernards does hereby proclaim April 28, 2017 as ARBOR DAY; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, in the community of Bernards Township, we urge all citizens to support efforts to protect our trees and woodlands to support our town's urban forestry program; and

**NOW, THEREFORE, BE IT FINALLY RESOLVED**, we urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

*[Resolution #2017-0197 - Approval of Developer's Agreement Fellowship Senior Living, 8000 Fellowship Road- Block 9301 Lot 33](#)*

**WHEREAS**, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer's Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate; and

**WHEREAS**, the Developer's Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

**WHEREAS**, there shall be executed a Developer's Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in "Appendix C" of the Revised Land Use Ordinance of the Township of Bernards; and

**WHEREAS**, a developer must use the pre-printed form which is available from the Township Engineering Department; and

**WHEREAS**, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

**WHEREAS**, Fellowship Senior Living, Inc. has submitted a Developer's Agreement with respect to 8000 Fellowship Road pursuant to preliminary approval by the Planning Board dated October 18, 2016; and final approval dated October 18, 2016; and

**WHEREAS**, the Township Engineer and Township Attorney have approved the Developer's Agreement.

**NOW THEREFORE BE IT RESOLVED**, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid developer's agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

[Resolution #2017-0198](#) - *Change Order #5 - Awarding Time Extension for Construction Project Management for Space Reorganization Project at Bernards Township Library to Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000 of the firm Arcari & Iovino Architects, P.C.*

**WHEREAS**, the Bernards Township Committee adopted Resolution # 2015-0183 on April 14, 2015 awarding a professional services contract in the amount of \$ 18,400.00 to Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000, Principal of the firm Arcari & Iovino Architects, P.C., One Katherine Street, Little Ferry, NJ 07643 outlining basic architectural services including Design Development, Construction Documents, Public Bidding, and Construction Period to the Township; and

**WHEREAS**, the Bernards Township Committee adopted Resolution # 2016-0152 on March 4, 2016 awarding Change Order #1 in the additional amount of \$ 3,950.00 to Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000, Principal of the firm Arcari & Iovino Architects, P.C., One Katherine Street, Little Ferry, NJ 07643 for additional architectural services for construction project management and time extension for completion of project; and

**WHEREAS**, the Bernards Township Committee adopted Resolution # 2016-0340 on August 9, 2016 awarding Change Order #2 in the additional amount of \$ 6,905.000 pursuant to proposal dated June 9, 2016 for scope of work changes, unexpected costs associated with rebidding the job, and an allowance for projected additional time; and

**WHEREAS**, the Bernards Township Committee adopted Resolution # 2016-0364 on August 23, 2016 awarding Change Order #3 extending the contract from September 1, 2016 to December 31, 2016 at no additional cost; and

**WHEREAS**, the Bernards Township Committee adopted Resolution # 2016-0472 on December 13, 2016 awarding Change Order #4 in the amount of \$ 2,000.00 for a new not to exceed amount of \$ 31,255.00 and time extension to March 31, 2017; and

**WHEREAS**, construction is complete but final closeout documents, payroll applications etc., are not yet finalized and time extension is required for construction project management.

**NOW, BE IT RESOLVED** by the Bernards Township Committee that the professional services contract for architectural services and construction project management awarded to Anthony J. Iovino, AIA, PP, LEED/NJ Lic #21AI01172000 of the firm Arcari & Iovino Architects, P.C., One Katherine Street, Little Ferry, NJ, be extended from April 1, 2017 to June 30, 2017 at no additional cost.

[Resolution #2017-0199](#) - *Award of Purchase Orders for Identified Vendor(s)–RPTC, LLC d/b/a Reilly Green Mountain Platform Tennis*

**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 \$40,000.00 requires governing body approval; and

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

Vendor	Not to Exceed
RPTC, LLC d/b/a Reilly Green Mountain Platform Tennis	\$ 40,000.00

**WHEREAS**, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year,

and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendor listed above to maintain continuity and facilitate the ordering process through December 31, 2017.

[Resolution #2017-0200](#) - Award of Bid for 2017 Lyons Train Station Rehabilitation Project to Northeast Roof Maintenance, Inc., 649 Catherine Street, Perth Amboy, NJ 08861 In the Amount of \$181,950.00

**WHEREAS**, the Township of Bernards received bids on Wednesday, March, 29, 2017, at 11:00 AM for 2017 Lyons Train Station Rehabilitation Project:

BIDDERS NAME	TOTAL BID AMOUNT
<i>Northeast Roof Maintenance, Inc.</i>	<b>\$181,950.00</b>
<i>DMR Construction Services, Inc.</i>	<b>\$278,636.00</b>
<i>Dell Tech, Inc.</i>	<b>\$369,600.00</b>

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award the contract to Northeast Roof Maintenance, Inc., 649 Catherine Street, Perth Amboy, NJ 08861, in the amount of \$181,950.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or ordinances to be charged are line account #G-02-26-SCL-215 (\$85,230.00); #G-02-26-SCH-215 (\$78,155.00); and #C-04-55-271-C06 (\$18,565.00); and

**WHEREAS**, this contract has been awarded to Northeast Roof Maintenance, Inc., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Northeast Roof Maintenance, Inc., 649 Catherine Street, Perth Amboy, NJ 08861, in the amount of \$181,950.00.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township (“Owner”) and Northeast Roof Maintenance, Inc., (“Contractor”) shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the 2017 Lyons Train Station Rehabilitation Project.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon (5) days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between April 22, 2017 and October 19, 2017.
9. The Contractor shall commence the work not later than (5) calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.



10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages.
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within (10) days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

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

\_\_\_\_\_  
Andrew Hooey, President

**CFO CERTIFICATION**

I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$181,950.00. Monies are available in line account #G-02-26-SCL-215 (\$85,230.00); #G-02-26-SCH-215 (\$78,155.00); and #C-04-55-271-C06 (\$18,565.00).

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

Date: 4/4/2017

Terri Johnson, Chief Financial Officer

[Resolution #2017-0201](#) - Approval of Developer's Agreement Verizon - Block 804 Lots 2.01 and 16

**WHEREAS**, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer's Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate; and

**WHEREAS**, the Developer's Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

**WHEREAS**, there shall be executed a Developer's Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in "Appendix C" of the Revised Land Use Ordinance of the Township of Bernards; and

**WHEREAS**, a developer must use the pre-printed form which is available from the Township Engineering Department; and

**WHEREAS**, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

**WHEREAS**, Verizon Corporate Services Group, Inc. has submitted a Developer's Agreement with respect to 295 North Maple Avenue and 246 Madisonville Road pursuant to preliminary approval by the Zoning Board of Adjustment dated March 8, 2017; and final approval dated March 8, 2017; and

**WHEREAS**, the Township Engineer and Township Attorney have approved the Developer's Agreement.



**NOW THEREFORE BE IT RESOLVED**, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid developer's agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

[Resolution #2017-0202](#) - *Approval of Special Event Permit Somerset Hills Lacrosse – BTO Lacrosse Classic Tournament to Benefit Bryan's Dream Foundation 05/05/2017 (Raindate 05/12/2017) – Mountain Park*

**WHEREAS**, Michelle Reedy representing Somerset Hills Lacrosse c/o Michele Reedy, 11 Morrison Street, Basking Ridge, NJ 07920, "the applicant," requested a special event permit for 05/05/2017 (raindate 05/12/2017) from 12 Noon to 11:30 PM for the purpose of holding a Lacrosse Tournament to benefit Bryan's Dream Foundation; 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, Health Officer, and Fire Official reviewed the application and recommend approval.

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

[Resolution #2017-0204](#) - *Return of Maintenance Surety for Davis Subdivision (Waverly Place)*

**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:	DCI Homes, LLC
Address:	1 Sunrise Dr., Parsippany, NJ 07045
Maintenance Surety:	#S00807M
Insurance Company:	First Indemnity of America Insurance Company
Address:	119 Littleton Rd., Parsippany, NJ 07054
Maintenance Surety Amount:	\$3,675.00

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

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

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

--End Consent Agenda--

[Resolution #2017-0203](#) - *Finding and Determining that the Proposed Phase II of Valley Brook Village Veterans Housing at the Veterans Administration Medical Center Campus in Lyons Meets or Will Meet an Existing Housing Need and Pledging \$750,000.00 from the Bernards Township Affordable Housing Fund Towards this Project*

Motion by Bianchi, second by Malay, that Resolution #2017-0203 be approved.

Roll Call:

Aye: Bianchi, Carpenter, Malay, Russo, Gaziano  
Nay:  
Abstain:  
Motion carried.

**WHEREAS**, VBV II LLC (hereinafter referred to as the "Sponsor") proposes to construct a forty nine (49) residential very low, low- or moderate income restricted rental units and one (1) unrestricted unit to be used as a management team unit or the like, which project is meant and intended to provide permanent supportive housing for Veterans (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and

Mortgage Finance Agency (“HMFA”) Law of 1983, as amended (N.J.S.A. 55:14K-1, et seq.), the rules promulgated thereunder (at N.J.A.C. 5:80-1.1, et seq.), and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”), within the Township of Bernards on the site owned by the United States Department of Veterans Affairs and described as Lot 3, Block 8001 as shown on the Official Assessment Map of the Township of Bernards, Somerset County, and commonly known as 151 Knollcroft Road Lyons, New Jersey; and

**WHEREAS**, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

**WHEREAS**, pursuant to the HMFA Requirements the Township Committee of the Township of Bernards hereby determines that there is a need for the Project on the above-described site within the Municipality; and

**WHEREAS**, Bernards Township has a desire to increase its portfolio of creditable affordable housing rental units to meet its fair share obligation; and

**WHEREAS**, Bernards Township would like to pledge a \$750,000.00 contribution from its Affordable Housing Trust Fund towards the construction of Valley Brook Village Phase II to further the important mission of providing permanent supportive housing for Veterans; and

**WHEREAS**, Bernards Township’s Affordable Housing Trust Fund pledged contribution of up to \$750,000.00 is contingent on all necessary contracts being approved by the Township Committee by future resolution and negotiation and review by the Township Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bernards (the “Committee”) that:

1. The Committee finds and determines that the Project as proposed by the Sponsor on the site described above meets or will meet an existing housing need.
2. The Committee does hereby adopt this Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the HMFA to process the Sponsor’s application for HMFA funding to finance the Project.
3. The Committee does hereby pledge a contribution of up to \$750,000.00 from the Bernards Township Affordable Housing Trust Fund towards the construction of 49 creditable affordable housing rental units designed to provide permanent supportive housing for Veterans on the site of the Lyons VA Medical center owned by the United States Department of Veterans Affairs.
4. The Committee’s pledge of a contribution of up to \$750,000.00 is fully contingent on the execution of all necessary contracts to be approved by future approved resolution as negotiated and reviewed by the Township Attorney.
5. The Committee hereby authorizes the Township Attorney and Township Administrator to work with the sponsor in drafting necessary documents to adhere to NJHMFA guidelines, to receive affordable housing credits, and for the Mayor to sign letters of support which will include a Township contingent pledge of an amount not to exceed \$750,000.00 towards VBV II.

**CFO CERTIFICATION**

I, Terri Johnson, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced contingent pledge in the not to exceed amount of \$750,000.00. Monies are available in the 2017 Affordable Housing Trust Fund line account #T-13-56-055-COA. The unaudited balance of the Affordable Housing Trust Fund, reconciled as of February 28, 2017, is \$1,219,684.00.

Date: 04/5/2017

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson, Chief Financial Officer

[Ordinance #2365](#) - *Accepting a Detention Basin, Drainage & Access Easement on Property Located at 8000 Fellowship Road, [Block 9301, Lot 33](#), from Fellowship Senior Living, Inc. to the Township of Bernards - Introduction*

The clerk read the ordinance by title.

Motion by Malay, second by Russo, that Ordinance #2365 be introduced on first reading, advertised as required by law, and schedule for a public hearing on 05/09/17.

Roll Call:

Aye: Bianchi, Carpenter, Malay, Russo, Gaziano

Nay:

Abstain:

Motion carried.

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey 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 Fellowship Senior Living, Inc., a New Jersey limited liability company, with an address at 8000 Fellowship Road, Basking Ridge, New Jersey 07920, a Detention Basin, Drainage & Access Easement on Block 9301, Lot 33 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.

**EXECUTIVE SESSION –** *(Continued from earlier session if needed)*

At 9:37 PM the committee resumed their Executive Session discussions authorized under Resolution #2017-0188 adopted earlier in the meeting.

**ADJOURNMENT**

The meeting resumed in open session at 9:47 PM and by unanimous consent immediately adjourned.

Respectfully submitted,

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Denise Szabo  
Municipal Clerk/Assistant Administrator

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Carolyn Gaziano  
Mayor