

BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE

COMBINED AGENDA - REGULAR MEETING

August 24, 2021 – 8:00 PM Public Open Session

The Municipal Building, 1 Collyer Lane, Basking Ridge, is open with no state mask requirement, however, the CDC currently recommends all individuals wear masks at indoor gatherings in Somerset County. 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 and can also be viewed live on Optimum/Cablevision TV - Channel 15 and Verizon FiOS TV - Channel 35.

**Estimated
Times**

A G E N D A

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. PRESENTATION**
Resolution #2021-0310- Recognizing the Ridge High School Boy’s Track and Field Team on Their National Title and State Championship Awards

- 8. REPORTS**
- 9. CORRESPONDENCE**

8:15 PM

- 10. PUBLIC COMMENT**
- 11. TOWNSHIP COMMITTEE BOARD / LIAISON REPORTS AND STAFF COMMENTS**
- 12. FIRE & RESCUE APPOINTMENT**
- 13. UNFINISHED BUSINESS**

8:30 PM

- 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 #2021-0308 - Approval of the Bill List Dated 08/24/2021
 - 2) Resolution #2021-0309 - Approval of Special Event Permit, Tour of Somerville - Labor Day Bicycle Race and Basking Ridge Greg Cordasco Criterium, September 5th, 2021
 - 3) Resolution #2021-0312 - Authorization for Tax Refund
 - 4) Resolution #2021-0313 - Partial Rescinding of Resolution #2021-0209
 - 5) Resolution #2021-0314 - Authorizing and Approving Purchase of Firefighters Protective Clothing and Equipment from New Jersey State Contract #17-Fleet 00819 to New Jersey Fire Equipment Company, 119-131 Rt 22, Green Brook, NJ 08812 In the Amount Not to Exceed \$ 17,712.00
 - 6) Resolution #2021-0315- Authorizing and Approving Purchase of the Enterprise Software Licenses from the (County of Bergen) New Jersey Cooperative Purchasing Alliance Contract



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

#CK04 to SHI, 290 Davidson Avenue, Somerset, NJ 08873 In the Amount Not to Exceed \$ 55,000.00

- 7) Resolution #2021-0316- Unused Vacation Accrual Due Mark Sylvester Fire Prevention Department
- 8) Resolution #2021-0317- Award of Bid, for Municipal Electrical Services to Sal Electric Co., Inc., 83 Fleet Street, Jersey City, NJ 07306
- 9) Resolution #2021-0318- Approval of Block Party Permit for Pheasant Run Drive, 10/24/2021 (Rain date 10/30/2021)
- 10) Resolution #2021-0319- Approval of Block Party Permit for Grist Mill Drive, 09/11/2021 (Rain date 09/18/2021)
- 11) Resolution #2021-0320 - Personnel Appointment Ellen Houlihan – Part Time Administrative Associate – Engineering Department

B. Ordinance #2476 – An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 25 “Flood Damage Prevention” – Introduction

C. Approval of Minutes:
08/10/2021 Open Session Minutes

8:35 PM

15. PUBLIC COMMENT

16. EXECUTIVE SESSION (if required)

17. ADJOURNMENT

Rhonda Pisano, Municipal Clerk

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





Resolution of the Township of Bernards

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

Resolution #2021-0310

Recognizing the Ridge High School Boy's Track and Field Team
on Their National Title and State Championship Awards

WHEREAS, Ridge High School Boy's Track & Field Team won the National Championship Title, receiving the 2nd place National finish, and State Championship awards; and

WHEREAS, the Ridge High School Track & Field Team consists of five students and their coach; and

Will Pinto, Senior
Luke Roberts, Senior
James Kisker, Junior
Jackson Barna, Junior
Andrew McCabe, Junior
Coach Nicole Gilhuley

WHEREAS, all five boys earned All American status for their performances. In the history of Ridge High School there is a total of seven All American athletes.

WHEREAS, this year was particularly difficult due to the COVID-19 pandemic that continued throughout the year and the team remained motivated and continued their hard work and training despite the many challenges they faced.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, that we do hereby recognize and congratulate the Ridge Boys Track & Field Members and their coach on their impressive accomplishment, perseverance, and sportsmanship.

Signed and sealed on behalf of the Township Committee on this 24th Day of August, Two Thousand and Twenty-One.

Agenda and Date Voted: 08/24/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk

Janice M. Fields, Mayor

James Baldassare Jr., Deputy Mayor

Joan Bannan

Kathleen Grochala

Andrew J. McNally



Resolution of the Township of Bernards

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

Resolution #2021-0308

Approval of the Bill List Dated 08/24/2021

BE IT RESOLVED, that the bill list dated 08/24/2021 be audited, and if found correct, be paid.

129646	08/24/21	90507	GANDER, JENNIFER	166.00	1600	Direct Deposit
129647	08/24/21	90522	BARBER, JACQUELINE	17.75	1600	Direct Deposit
129648	08/24/21	90666	MCCREA, ALEC	995.00	1600	Direct Deposit
129649	08/24/21	90703	BOHANNON, KENDALL	995.00	1600	Direct Deposit
129650	08/24/21	A0398	STERLING TALENT SOLUTIONS	78.15	1600	Direct Deposit
129651	08/24/21	A0453	AMAZON.COM	978.05	1600	Direct Deposit
129652	08/24/21	A0532	ADVANCED FURNACE & AIR DUCT	3,714.50	1600	Direct Deposit
129653	08/24/21	A0606	APPRAISAL SYSTEMS INC	6,000.00	1600	Direct Deposit
129654	08/24/21	B0203	DIFRANCESCO BATEMAN, PC	3,267.04	1600	Direct Deposit
129655	08/24/21	D0020	DELTA DENTAL OF NJ	12,521.95	1600	Direct Deposit
129656	08/24/21	E0224	EXCELLENT BUILDING SERVICES	2,745.00	1600	Direct Deposit
129657	08/24/21	F0003	FOLEY, INCORPORATED	44.60	1600	Direct Deposit
129658	08/24/21	F0299	FASTENAL CO.	82.31	1600	Direct Deposit
129659	08/24/21	G0305	GREAT AMERICAN SIGN COMPANY	940.00	1600	Direct Deposit
129660	08/24/21	H0312	HEFFERNAN, ROBERT F	2,916.67	1600	Direct Deposit
129661	08/24/21	H0420	HARMONY TREE CARE LLC	18,300.00	1600	Direct Deposit
129662	08/24/21	M0511	MOTOROLA SOLUTIONS, INC.	350.40	1600	Direct Deposit
129663	08/24/21	N0040	NATIONAL FIRE PROTECTION ASSN.	191.95	1600	Direct Deposit
129664	08/24/21	N0297	NORTHERN SAFETY CO., INC.	53.81	1600	Direct Deposit
129665	08/24/21	O0021	OFFICE DEPOT	426.23	1600	Direct Deposit
129666	08/24/21	P0706	PARTS AUTHORITY LLC	109.10	1600	Direct Deposit
129667	08/24/21	R0393	RESEARCH&DESIGN LANDSCAPE LLC	15,300.00	1600	Direct Deposit
129668	08/24/21	S0202	SUBURBAN PROPANE	328.12	1600	Direct Deposit
129669	08/24/21	T0066	CENGAGE LEARNING CREDIT SVCS	253.41	1600	Direct Deposit
129670	08/24/21	T0378	THE GUARDIAN LIFE INS CO OF AM	93.61	1600	Direct Deposit
129671	08/24/21	U0001	UNITEMP INC.	7,531.88	1600	Direct Deposit
129672	08/24/21	W0339	W.B. MASON	300.24	1600	Direct Deposit
129673	08/24/21	72039	D'ARCANGELO, DAVID	1,096.99	1601	
129674	08/24/21	A0035	PENWORTHY/AMERICAN MEDIA	243.76	1601	
129675	08/24/21	A0126	AFLAC NEW YORK	137.94	1601	
129676	08/24/21	A0338	AFLAC	516.61	1601	
129677	08/24/21	B0001	BAKER & TAYLOR, INC.	0.00	08/24/21 VOID	0
129678	08/24/21	B0001	BAKER & TAYLOR, INC.	8,627.36	1601	
129679	08/24/21	B0025	BERNARDS TOWNSHIP CAPITAL FUND	5,260,675.00	1601	
129680	08/24/21	B0026	BERNARDS TOWNSHIP CURRENT	83,846.27	1601	
129681	08/24/21	B0029	BERNARDS TWP BD OF EDUCATION	7,980,080.00	1601	
129682	08/24/21	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	568,441.92	1601	
129683	08/24/21	B0098	BERNARDS TOWNSHIP (RECREATION)	794.53	1601	
129684	08/24/21	B0447	BRODART LIBRARY SUPPLIES&FURN	123.57	1601	
129685	08/24/21	B0690	BIBLIOTHECA LLC	2,419.53	1601	
129686	08/24/21	B0736	BRUNO, VINCENT	175.00	1601	
129687	08/24/21	B0839	BROWN, KRISTINA	150.00	1601	
129688	08/24/21	B0842	BENGELS, EMILY	1,000.00	1601	
129689	08/24/21	B0843	BEAUDRY, NANCY	1,050.10	1601	
129690	08/24/21	C0028	CY DRAKE LOCKSMITHS, INC.	53.55	1601	
129691	08/24/21	C0165	CAPOZZI, LOU	810.00	1601	
129692	08/24/21	C0522	CHATHAM LAWNMOWER SALES & SVC	259.97	1601	
129693	08/24/21	C0545	AHS HOSPITAL CORP	752.10	1601	
129694	08/24/21	C0597	CLIFFSIDE BODY CORPORATION	2,726.82	1601	
129695	08/24/21	C0697	BB&T/CPS	74.03	1601	
129696	08/24/21	C0811	COASTAL METAL RECYCLING CORP	726.00	1601	
129697	08/24/21	C0931	CHU, CYNTHIA	330.00	1601	
129698	08/24/21	D0005	DENVILLE LINE PAINTING INC.	2,558.00	1601	
129699	08/24/21	D0122	DIAMENTE, TOM	540.00	1601	
129700	08/24/21	D0740	DOVER BRAKE & CLUTCH	72.00	1601	
129701	08/24/21	D0783	DFFLM, LLC	603.22	1601	
129702	08/24/21	D0801	DAWRA, VIKAS	210.00	1601	
129703	08/24/21	D0804	DALAL, HARMIL	185.00	1601	
129704	08/24/21	D0852	DH OF BASKING RIDGE	4,880.00	1601	
129705	08/24/21	D0853	DATACOR	240.00	1601	
129706	08/24/21	D0854	DEMARCO, DANIELLE	140.00	1601	
129707	08/24/21	E0231	EKA ASSOCIATES, P.A.	776.25	1601	
129708	08/24/21	E0264	ENGDAHL, JOHN	70.00	1601	
129709	08/24/21	F0024	FISCHER, JOSEPH	300.00	1601	
129710	08/24/21	F0148	FAIRFIELD MAINTENANCE INC	373.00	1601	
129711	08/24/21	F0158	FLEMINGTON DEPARTMENT STORE	3,852.25	1601	
129712	08/24/21	F0326	FX AUTOMOTIVE LLC	83.98	1601	
129713	08/24/21	F0383	FALCON ENGINEERING CO, LLC	1,995.00	1601	
129714	08/24/21	F0428	FISCHER, JENNIFER	150.00	1601	
129715	08/24/21	G0066	GRAINGER INC	612.23	1601	
129716	08/24/21	G0098	JCP&L	21,095.68	1601	
129717	08/24/21	G0461	GLOBAL AUTO MALL	183.58	1601	

129718	08/24/21	G0678	GPANJ INC.	395.00	1601
129719	08/24/21	H0235	HOOVER TRUCK CENTERS	17.92	1601
129720	08/24/21	H0246	HOME DEPOT CREDIT SERVICES	45.93	1601
129721	08/24/21	H0397	HALE, LOUISE FORDHAM	710.00	1601
129722	08/24/21	H0478	HUSAIN, MAJID	4,737.99	1601
129723	08/24/21	H0479	HUANG, SHERRY	245.24	1601
129724	08/24/21	I0137	INTERSTATE WASTE SERVICES NJ	285.40	1601
129725	08/24/21	I0168	ISLAMIC SOCIETY -BASKING RIDGE	1,550.00	1601
129726	08/24/21	K0059	KAYSER, JOHN P	660.00	1601
129727	08/24/21	K0259	KONICA MINOLTA PREMIER FINANCE	123.54	1601
129728	08/24/21	K0259	KONICA MINOLTA PREMIER FINANCE	108.92	1601
129729	08/24/21	K0331	KONICA MINOLTA PREMIER FINANCE	110.74	1601
129730	08/24/21	K0331	KONICA MINOLTA PREMIER FINANCE	133.42	1601
129731	08/24/21	K0331	KONICA MINOLTA PREMIER FINANCE	148.97	1601
129732	08/24/21	K0410	KIM, JUN IL	170.00	1601
129733	08/24/21	L0349	LESLIES SWIMMING POOL SUPPLIES	455.13	1601
129734	08/24/21	M0015	MCKESSON MEDICAL SURGICAL	521.10	1601
129735	08/24/21	M0131	M&W COMMUNICATIONS,INC(MR0442)	747.05	1601
129736	08/24/21	M0441	MAIN LINE COMMERCIAL POOLS,INC	8,382.42	1601
129737	08/24/21	M0493	MCELROY, DEUTSCH, MULVANEY &	6,536.69	1601
129738	08/24/21	M0518	KONICA MINOLTA BUSINESS SOL.	93.06	1601
129739	08/24/21	M0724	MCCUNE, SHAWN	185.00	1601
129740	08/24/21	M0899	MR JOHN	65.00	1601
129741	08/24/21	M1004	MEHTA, SUDHIR	90.00	1601
129742	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	79.70	1601
129743	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	78.63	1601
129744	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	24.16	1601
129745	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	179.40	1601
129746	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	134.76	1601
129747	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1601
129748	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	522.22	1601
129749	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	16.85	1601
129750	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	134.76	1601
129751	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	31.47	1601
129752	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	178.62	1601
129753	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	31.47	1601
129754	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	42.08	1601
129755	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	251.72	1601
129756	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	2,597.01	1601
129757	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	193.25	1601
129758	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	333.62	1601
129759	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	1,632.03	1601
129760	08/24/21	N0006	NEW JERSEY AMERICAN WATER CO.	8,584.90	1601
129761	08/24/21	N0179	NEW JERSEY STATE GOLF ASSOC.	2,088.00	1601
129762	08/24/21	N0419	NIXON, PAMELA	175.00	1601
129763	08/24/21	N0470	NATIONWIDE	47.48	1601
129764	08/24/21	N0515	NORTH JERSEY DETAIL LLC	875.00	1601
129765	08/24/21	O0135	OUTHOUSE LLC	670.00	1601
129766	08/24/21	O0139	OCEAN CASINO RESORT	336.00	1601
129767	08/24/21	O0158	OKASHA, MAHMOUD	180.00	1601
129768	08/24/21	P0525	POWER PLACE, INC.	159.97	1601
129769	08/24/21	P0534	PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1601
129770	08/24/21	P0538	PROVIDENT LIFE & ACCIDENT	60.04	1601
129771	08/24/21	P0601	PALFLEET TRUCK EQUIPMENT CO	1,025.22	1601
129772	08/24/21	P0715	PATEL, PRITA OR CHIRAG	427.00	1601
129773	08/24/21	P0716	PARRILLO, VINCENT	210.00	1601
129774	08/24/21	R0045	RUTGERS - THE STATE UNIVERSITY	1,335.00	1601
129775	08/24/21	R0308	ROUTE 23 AUTO MALL	1,526.51	1601
129776	08/24/21	R0420	RENN, THEODORE	470.00	1601
129777	08/24/21	R0822	RYAN, ALISA	195.00	1601
129778	08/24/21	S0011	SHERWIN-WILLIAMS COMPANY	8,117.64	1601
129779	08/24/21	S0056	RWJHN - MOBILE HEALTH SERVICE	8.00	1601
129780	08/24/21	S0088	SOMERSET COUNTY CLERK	7,990.81	1601
129781	08/24/21	S0101	STICKEL,KOENIG,SULLIVAN&DRILL	4,465.00	1601
129782	08/24/21	S0135	CJHRC-CENTRAL JERSEY HOUSING	1,120.00	1601
129783	08/24/21	S0227	SHEARON ENVIRONMENTAL DESIGN	24,755.56	1601
129784	08/24/21	S0378	STAVOLA ASPHALT	2,992.76	1601
129785	08/24/21	S0675	SOCIETY FOR HUMAN RESOURCE MGT	219.00	1601
129786	08/24/21	S0681	SEALMASTER	1,034.28	1601
129787	08/24/21	S0875	SUNLIGHT GENERAL CAPITAL	286.13	1601
129788	08/24/21	S0913	SHEDLOCK CAR CARE	245.00	1601
129789	08/24/21	S0987	SCHWALB, JEFF	810.00	1601
129790	08/24/21	S0997	STREET COP TRAINING LLC	199.00	1601
129791	08/24/21	S1007	SPRUCE INDUSTRIES	1,059.20	1601
129792	08/24/21	S1057	SOMERSET VALLEY URGENT CARE	140.00	1601
129793	08/24/21	S1160	SOMERVILLE ALUMINUM INC	22,775.00	1601
129794	08/24/21	S1174	SINDHI ASSOCIATION OF NJ	240.00	1601
129795	08/24/21	S1175	SUN, STELLA	170.00	1601
129796	08/24/21	T0045	TREASURER - STATE OF N.J.	50.00	1601
129797	08/24/21	T0090	TREASURER, STATE OF NEW JERSEY	80.00	1601
129798	08/24/21	T0142	TODD HARRIS CO., INC.	357.00	1601
129799	08/24/21	V0037	VILLAGE SUPERMARKET, INC.	565.03	1601
129800	08/24/21	V0056	VERIZON WIRELESS	217.37	1601
129801	08/24/21	V0056	VERIZON WIRELESS	834.78	1601
129802	08/24/21	V0058	VERIZON	855.30	1601
129803	08/24/21	V0058	VERIZON	41.64	1601
129804	08/24/21	V0073	VAIL INDUSTRIAL SUPPLIES	48.90	1601
129805	08/24/21	V0084	VERIZON	178.99	1601
129806	08/24/21	V0084	VERIZON	189.99	1601
129807	08/24/21	V0084	VERIZON	289.99	1601

129808	08/24/21	V0084	VERIZON	156.99	1601
129809	08/24/21	V0084	VERIZON	79.99	1601
129810	08/24/21	V0124	VERIZON BUSINESS FIOS	204.99	1601
129811	08/24/21	V0129	VAN METER & ASSOCIATES, INC.	170.00	1601
129812	08/24/21	V0186	FISHER AND SON COMPANY, INC	15,355.18	1601
129813	08/24/21	V0220	VERBAL JUDO INSTITUTE INC	100.00	1601
129814	08/24/21	W0016	WARRENVILLE TRUE VALUE	35.27	1601
129815	08/24/21	W0056	WELDON CONCRETE CO.	6,494.02	1601
129816	08/24/21	W0074	WELSH'S MOTOR SALES, INC.	212.12	1601
129817	08/24/21	W0259	VENTURA, MIESOWITZ, KEOUGH &	943.50	1601
129818	08/24/21	W0291	WEISBURG, ALLAN	810.00	1601
129819	08/24/21	X0005	XTEL COMMUNICATION	451.37	1601
129820	08/24/21	Y0232	YAGI, SANDEEP	155.00	1601
129821	08/24/21	Z0074	ZHANG, PING	258.57	1601

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
	----	----	-----	-----
Checks:	148	1	14,111,176.85	0.00
Direct Deposit:	27	0	78,700.77	0.00
	=====	=====	=====	=====
Total:	175	1	14,189,877.62	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
	----	----	-----	-----
Checks:	148	1	14,111,176.85	0.00
Direct Deposit:	27	0	78,700.77	0.00
	=====	=====	=====	=====
Total:	175	1	14,189,877.62	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	1-01	14,006,637.73	0.00	0.00	14,006,637.73
DOG FUND	1-12	174.92	0.00	0.00	174.92
GOLF COURSE UTILITY	1-26	33,450.09	0.00	0.00	33,450.09
	Year Total:	14,040,262.74	0.00	0.00	14,040,262.74
CAPITAL FUND	C-04	36,397.44	0.00	0.00	36,397.44
PUBLIC GRANTS	G-02	87,913.03	0.00	0.00	87,913.03
TRUST FUNDS	T-13	18,349.56	0.00	0.00	18,349.56
PROJECTS		6,954.85	0.00	0.00	6,954.85
	Total Of All Funds:	14,189,877.62	0.00	0.00	14,189,877.62

Agenda and Date Voted: 08/24/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano , Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0309

Approval of Special Event Permit

**Tour of Somerville - Labor Day Bicycle Race and Basking Ridge Greg Cordasco Criterium
September 5th, 2021**

WHEREAS, Michael Malekoff, representing Tour of Somerville, 44 North Ave., Bridgewater, NJ 08807, the “applicant”, has requested a special event permit for September 5th, 2021 from 12 Noon to 5:00 PM for the purpose of holding a bike race; and

WHEREAS, the applicant has requested that South Finley Avenue between Collyer Lane and Oak Street to be closed; that Henry Street intersection with South Finley to be closed (from Henry to South Maple may be open), Rankin Avenue to intersection to Cedar Street to South Finley be closed during the event; and

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

WHEREAS, the applicant has arranged for off-duty police officers; and

WHEREAS, the Municipal Clerk, Parks and Recreation Director, Police Department, Township Administrator, Director of Public Works, and Risk Manager have reviewed the application and find it complete in all respects.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards by the Township Committee of the Township of Bernards that the special event permit and temporary street closures be approved.

Agenda and Date Voted: 08/24/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0312 Authorization for Tax Refund

WHEREAS, an unintended payment exists due to a direct withdrawal for 3rd quarter 2021 property tax occurred after the sale of the property referenced below; and

WHEREAS, former property owner requesting refund did not notify the tax office of sale and tax office did not receive any correspondence regarding the transfer of said property from the county, attorneys office, title company or otherwise; and

WHEREAS, the tax collector has suggested that a refund be issued to the former homeowner per his written request.

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

Block & Lot	Quarter & Year	Amount	Issue Refund To
8101/15	3Q2021	\$4,737.99	Majid Husain PO Box 2216 Sunnyvale CA, 94087

Agenda and Date Voted: 08/24/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk

INTERPRETIVE STATEMENT:

This property has an erroneous payment due to lack of notification of a property transfer. I recommend a refund be issued to clear the account.

Kevin Sant'Angelo, Tax Collector



Resolution of the Township of Bernards

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

Resolution #2021-0313 Partial Rescinding of Resolution #2021-0209

WHEREAS, Resolution 2021-0209, titled Authorizing the Mailing of Estimated 3rd quarter 2021 Tax Bills, was passed on May 11, 2021: and

WHEREAS, said resolution has four conditions outlined for approval: and

WHEREAS, items 1 and 2 are no longer needed due to the receipt of the 2021 tax rate.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby approve and authorize rescinding items 1 & 2 of Resolution 2021-0209.

Agenda and Date Voted: 08/24/2021

INTERPRETIVE STATEMENT:

Resolution 2021-0209 outlined the use of estimated bills which are no longer needed.

Kevin Sant'Angelo, Tax Collector

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0314

Authorizing and Approving Purchase of Firefighters Protective Clothing and Equipment
from New Jersey State Contract #17-Fleet 00819
to New Jersey Fire Equipment Company, 119-131 Rt 22, Green Brook, NJ 08812
In the Amount Not to Exceed \$ 17,712.00

WHEREAS, the Township of Bernards wishes to purchase firefighters protective equipment from N. J. State Contract #17-Fleet 00819; and

WHEREAS, the N.J. State Division of Purchase and Property awarded a contract to New Jersey Fire Equipment Company, 119-131 Rt 22, Green Brook, NJ 08812; 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; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the Capital Budget for the same and the line-item appropriation or ordinance to be charged is Capital Ordinance #2387; line account #C-04-55-387-F02 (\$8,615.18), Capital Ordinance # 2417; line account # C-04-55-417-F01 (\$3,254.60), Capital Ordinance # 2470; line account #C-04-55-470-F01 (\$ 5,842.22); and

WHEREAS, it is the recommendation of the Purchasing Agent to purchase Firefighters Protective Clothing and Equipment from N. J. State Contract #17-Fleet 00819.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to New Jersey Fire Equipment Company, 119-131 RT 22, Green Brook, NJ 08812.

Agenda and Date Voted: 08/24/2021

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$17,712.00. Monies are available in; Capital Ordinance #2387; line account #C-04-55-387-F02 (\$8,615.18), Capital Ordinance # 2417; line account # C-04-55-417-F01 (\$3,254.60), Capital Ordinance # 2470; line account #C-04-55-470-F01 (\$ 5,842.22).

Date: August 16, 2021

Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

Adoption will permit the purchase of firefighter equipment for the BRFC. I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: August 16, 2021

Francis J. Decibus, QPA, Purchasing Agent

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0315

Authorizing and Approving Purchase of the Enterprise Software Licenses
from the (County of Bergen) New Jersey Cooperative Purchasing Alliance Contract #CK04 to
SHI, 290 Davidson Avenue, Somerset, NJ 08873
In the Amount Not to Exceed \$ 55,000.00

WHEREAS, the Township of Bernards wishes to purchase Enterprise Software Licenses from (County of Bergen) New Jersey Cooperative Purchasing Alliance Contract #CK04; and

WHEREAS, the County of Bergen awarded a contract to SHI, 290 Davidson Avenue, Somerset, NJ 08873; 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; 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 #1-01-20-140-204; and

WHEREAS, it is the recommendation of the IT Director and the Purchasing Agent to purchase Enterprise Software Licenses from (County of Bergen) New Jersey Cooperative Purchasing Alliance Contract #CK04.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue a purchase order to SHI, 290 Davidson Avenue, Somerset, NJ 08873 in the amount not to exceed \$ 55,000.00.

Agenda and Date Voted: 08/24/2021

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$66,600.00. Monies are available in line account #1-01-20-140-204.

Date: August 17, 2021

Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

Adoption will permit the purchase of renewal of Enterprise software licenses and SDL Hosting Services from (County of Bergen) New Jersey Cooperative Purchasing Alliance Contract #CK04. I hereby certify that I have prepared this resolution and reviewed it for accuracy.

Date: August 11, 2021

Francis J. Decibus, QPA, RPPO
Purchasing Agent

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0316

Unused Vacation Accrual Due

Mark Sylvester

Fire Prevention Department

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

WHEREAS, Mark Sylvester's employment terminated on August 20, 2021; and

WHEREAS, per the requirements of the Township's Personnel Policy, Mark Sylvester is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$34.77.

	Total Hours Available	Amount Due
Vacation Accrual	195.50	\$6,797.54

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: 08/24/2021

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 Engineering S&W, Line Account #0-01-25-265-101 for an amount not to exceed \$6,797.54

Sean McCarthy, CFO

Date: August 17, 2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0317

Award of Bid, for Municipal Electrical Services to Sal Electric Co., Inc.,
83 Fleet Street, Jersey City, NJ 07306

WHEREAS, The Township received bids on Tuesday, July 27, 2021 at 10:30 A.M. for Municipal Electrical Services. The Bid summary is as follows:

BIDDERS NAME	HOURLY RATE	OT RATE	PARTS DISCOUNT
Sal Electric Co., Inc.	\$130.00	\$200.00	10%
Magic Touch Construction Co., Inc.	\$135.95	\$202.50	0%

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award a contract to the low bidder, Sal Electric Co., Inc., 83 Fleet Street, Jersey City, NJ 07306; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line-item appropriations to be charged is 1-01-29-390-241, 1-01-26-310-241 and 1-01-26-310-231 (2-01-29-390-241, 2-01-26-310-241, 2-01-26-310-231, 3-01-29-390-241, 3-01-26-310-241, 3-01-26-310-231 and 4-01-29-390-241, 4-01-26-310-241, 4-01-26-310-231) (pending Township Committee budget year approval); and

WHEREAS, this contract has been awarded to Sal Electric Co., Inc., Inc. through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq."; and

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

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a contract and purchase order to: Sal Electric Co., Inc., 83 Fleet Street, Jersey City, NJ 07306.

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.

Philip Chianetta/President

Agenda and Date Voted: 08/24/2021

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced contract. Monies are available in: 1-01-29-390-241, 1-01-26-310-241 and 1-01-26-310-231 (2-01-29-390-241, 2-01-26-310-241, 2-01-26-310-231, 3-01-29-390-241, 3-01-26-310-241, 3-01-26-310-231 and 4-01-29-390-241, 4-01-26-310-241, 4-01-26-310-231) (pending Township Committee budget year approval).

Date: August 9, 2021



Sean McCarthy
Chief Financial Officer

EXPLANATORY STATEMENT

It is my recommendation, based on review of the bid packages submitted, to award a contract to Sal Electric Co., Inc. They were the lowest responsible bidder and met all of the specifications.

Date: 08/09/2021

Jorge Casacuberta
Director of Public Works

PURCHASING CERTIFICATION

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


For Purchasing Agent

Date: August 9, 2021

Francis J. Decibus, QPA, Purchasing Agent

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 8/24/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0318

Approval of Block Party Permit for
Pheasant Run Drive, 10/24/2021
(Rain date 10/30/2021)

WHEREAS, Kathryn Cox, 33 Pheasant Run Drive, Basking Ridge, NJ, hereinafter “the applicant,” has requested permission to close Pheasant Run Drive, on 10/24/2021 (rain date 10/30/2021), from 2:00 PM to 7:00 PM for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have 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.

Agenda and Date Voted: 08/24/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0319

Approval of Block Party Permit for
Grist Mill Drive, 09/11/2021
(Rain date 09/18/2021)

WHEREAS, Shari Brower, 370 Grist Mill Drive, Basking Ridge, NJ, hereinafter “the applicant,” has requested permission to close Grist Mill Drive from 375 to 343, on 09/11/2021 (rain date 09/18/2021), from 2:00 PM to 6:00 PM for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have 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.

Agenda and Date Voted: 08/24/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021

Rhonda Pisano, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2021-0320

Personnel Appointment

Ellen Houlihan – Part Time Administrative Associate
Engineering Department

WHEREAS, a part time Administrative Associate position became available due to a vacancy; and

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

WHEREAS, Ellen Houlihan has applied for and is qualified to fill said position; and

WHEREAS, the Township Engineer, Township Administrator, Chief Financial Officer and Human Resources Manager recommend the appointment of Ellen Houlihan to part time Administrative Associate.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Ellen Houlihan be appointed part time Administrative Associate with a hire date of Wednesday, September 8, 2021 at an hourly rate of \$18.00 for a 20-hour work week.

Agenda and Date Voted: 08/24/2021

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 08/24/2021.

Rhonda Pisano, Municipal Clerk

EXPLANATORY STATEMENT

A part time Administrative Associate position became available due to a vacancy within the Engineering Department. The position was posted and advertised according to township policy. Ellen Houlihan applied for the position and is qualified to fill said position. Ms. Houlihan comes to Bernards Township with knowledge and experience in project management and professional office work.

Carol Ackerman, HR Generalist



Ordinance of the Township of Bernards

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

ORDINANCE #2476

An Ordinance to Amend the Revised General Ordinances
of the Township of Bernards Chapter 25 “Flood Damage Prevention”

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

SECTION 25-1

Statutory Authorization, Findings of Fact, Purpose and Objectives

§ 25-1.1. Statutory Authorization.

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

§ 25-1.2. Findings of Fact.

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

(Ord. #841, § 1.0)

§ 25-1.3. Statement of Purpose.

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

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;

- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- f. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. To insure that potential buyers are notified that property is in area of special flood hazard; and
- h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. #841, § 1.0)

§ 25-1.4. Methods of Reducing Flood Losses.

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

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

(Ord. #841, § 1.0)

SECTION 25-2

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

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

AREA OF SHALLOW FLOODING shall mean a designated AO or VO Zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one foot to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (Ord. #1527, 2-26-2002, amended)

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

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

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

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

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

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

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

FEMA shall mean the Federal Emergency Management Agency

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

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

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

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

FLOODPLAIN MANAGEMENT REGULATIONS shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance or erosion control ordinance) and other

applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. (Ord. #1527, 2-26-2002, added)

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

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

HISTORIC STRUCTURE shall mean any structure that is:

- a. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or area preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs. (Ord. #1527, 2-26-2002, added)

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

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

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

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

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

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

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

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

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

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

SUBSTANTIAL IMPROVEMENT shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or

local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Officer and which are the minimum necessary to assure safe living conditions; or

- b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

UCC shall mean the State of New Jersey Uniform Construction Code

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

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

(Ord. #841, § 2.0)

SECTION 25-3

General Provisions

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

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

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

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

§ 25-3.3. Abrogation and Greater Restrictions.

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

§ 25-3.4. Interpretation.

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

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

statutes. (Ord. #841, § 3.0)

§ 25-3.5. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for

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

SECTION 25-4

Administration and General Regulations

§ 25-4.1. Establishment of Development Permit.

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

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

~~e.iv. A description of the range of flood characteristics tested or computed for which the certification is valid, such as rates of rise and fall of floodwaters.~~

~~d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

(Ord. #841, § 4.0)

§ 25-4.2. Designation of the Program Administrator.

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

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

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

- a. Permit Review.
 1. Review all application development permits to determine that the permit requirements of this chapter have been satisfied.
 2. Review all application development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 3. Review all application development permits to determine if the proposed development is located in the floodway and assure that the encroachment provisions of Subsection 25-5.3a are met.
 4. Review plans for walls to be used to enclose space below the base flood level in accordance with Subsection 25-5.1e.
- b. Use of Other Base Flood and Floodway Data. When base flood elevations and floodway data has not been provided in accordance with Subsection 25-3.2, Basis for Establishing the Areas of Special Flood Hazard, the program administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Subsections 25-5.2, Specific Standards, Paragraph a, Residential Construction, and Paragraph b, Specific Standards, Nonresidential Construction.
- c. Information to Be Obtained and Maintained.
 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 2. For all new substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level); and
 - (b) Maintain the floodproofing certifications required in Subsection 25-4.1c.

3. Maintain for public inspection all records pertaining to the provisions of this chapter.
- d. Alteration of Watercourses.
 1. Notify adjacent communities and the NJDEP prior to any alteration or relocation of a watercourse and submit evidence of such notification to ~~the Federal Insurance Administration~~FEMA.
 2. Require that maintenance is provided within altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual filed conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 25-4.4.

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

(Ord. #841, § 4.0)

§ 25-4.4. Variance Procedure.

- a. Appeal Board.
 1. The Township Committee of the Township of Bernards shall hear and decide appeals and requests for variances from the requirements of this chapter.
 2. The Township Committee shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by any township officer in the enforcement or administration of this chapter.
 3. Those aggrieved by the decision of the Township Committee, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by law.
 - (a) In passing upon such appeals or requests for variances, the Township Committee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and: The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the

community;

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

b. Conditions for Variances.

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

relief.

5. Variances shall only be issued upon:

- (a) A showing of good and sufficient cause;
- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection 25-4.4a4 or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- c. Notice. Any person who files an appeal or a request for variance with the Township Committee under Subsection 25-5.4 shall give notice of the hearing upon such appeal or request in the same time and manner, and to the same persons, as would be required by the Bernards Township Land Development Ordinance for a public hearing upon application for subdivision or site plan approval or a zoning variance for the property and the proposed development in question.

(Ord. #841, § 4.0)

SECTION 25-5

Provisions for Flood Hazard Reduction

§ 25-5.1. General Standards.

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

- a. Anchoring.
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - 2. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. Construction Materials and Methods.
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvements shall be constructed using

methods and practices that minimize flood damage.

c. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
4. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed ~~/and/or~~ located and elevated one foot above base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development.

- e. Enclosure Openings. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or, devices, provided that they permit the automatic entry and exit of floodwaters. (Ord. #841, § 5.0; Ord. #1527, 2-26-2002, amended)§ 25-5.2. Specific Standards.

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

a. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above base flood elevation.
 2. Within any AO Zone on the municipality's FIRM, all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified), and adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.
- b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation or, together with the attendant utility and sanitary facilities, shall:
1. Within any AO or AH Zone on the municipality's FIRM, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified), and adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures; or
 2. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 3. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 4. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Subsection 25-4.1c.
- c. Manufactured Homes.
1. Manufactured homes shall be anchored in accordance with Subsection 25-5.1a, 2.
 2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is elevated one foot at or above the base flood elevation.
- d. Mobile Homes.
1. Mobile homes, mobile home parks and mobile home subdivisions are prohibited in areas of special flood hazards.

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

§ 25-5.3. Floodways.

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

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

(Ord. #841, § 5.0)

SECTION 25-6

Penalties, Validity and Effective Date

§ 25-6.1. Penalties for Noncompliance.

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

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

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

§ 25-6.2. Validity.

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

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

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

The Township participates in the National Flood Insurance Program Community Rating System. Our participation secures a 15% discount for flood insurance for the residents based on the number points awarded for our efforts. These ordinance revisions are required to maintain our points and the discount.

Date: 08/10/2021

Thomas Timko, PE, Township Engineer