

BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE
COMBINED AGENDA - REGULAR MEETING

June 27, 2023– 7:30 PM Executive Closed Session; – 8:00 PM Public Open Session

The Municipal Building, 1 Collyer Lane, Basking Ridge, is open and is following the CDC's current guidelines. The meeting will be live streamed and can be found by clicking on the "Watch a Meeting Live" icon on the home page, www.bernards.org 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

7:30 PM

1. CALL TO ORDER

Video

2. FLAG SALUTE

3. MAYOR'S OPENING MEETING STATEMENT

4. ROLL CALL

5. EXECUTIVE SESSION (if required)

A. Resolution #2023-0277 - Authorizing an Executive Session Meeting of the Bernards Township Committee

8:00 PM

6. PRESENTATION

A. Resolution #2023-0306 - Resolution of Commendation Honoring Bokyoung Park, Recipient of a 2023 Mayor's Arts Award

7. PUBLIC WORK SESSION (if required)

8. REPORTS

9. CORRESPONDENCE

10. PUBLIC COMMENT

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

12. FIRE & RESCUE APPOINTMENT

A. Resolution #2023-0276 - Appointment to Membership in Township of Bernards Volunteer First Aid Squad of the Basking Ridge Fire Company #1 Utkal Nimse, Full Member

B. Resolution #2023-0285 - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 and First Aid Squad Zayan Kassim, Full Member

13. UNFINISHED BUSINESS

A. Ordinance #2525 - Accepting a Stream Buffer Conservation Easement on Property Located at 129 Haas Road; Block 8301, Lot 5, from Seweryn Soban and Joanna Elzbieta Soban, to the Township of Bernards – Public Hearing

14. NEW BUSINESS

A. Consent Agenda

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, are posted on the agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

1) Resolution #2023-0275 - Approval of the Bill List Dated 06/27/2023



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

- 2) Resolution #2023-0278 - Anubhuti Sharma – Library Assistant - Adult Circulation Bernards Township Library
- 3) Resolution #2023-0279 - Unused Vacation Accrual Due Lydia Palmer Municipal Clerk's Office
- 4) Resolution #2023-0280 - Bernards Township is Authorizing the Discharge of the Mortgage Made as Part of the Bernards Township Rehabilitation Program by Jae and Shin Park
- 5) Resolution #2023-0281 - Authorizing Submission Of A Grant Proposal By The Friends Of The Kennedy-Martin-Stelle Farmstead To The Somerset County Cultural And Heritage Commission For A Historic Preservation Grant In The Amount Not To Exceed (NTE) \$544,261.00 To Improve The Overall Usability, Accessibility And Safety Of The Farmstead
- 6) Resolution #2023-0282 - Authorization of Renewal of 2023-2024 Liquor Licenses:
- 7) Resolution #2023-0283 - Rescinding Resolution #2023-0194 Award of Bid for the 2023 Sidewalk Improvements to FDM Construction, LLC, 90 Willow Street, Carteret, NJ 07008 In the Amount of \$145,200.00.
- 8) Resolution #2023-0287 - Personnel Reappointment Carol Callahan – Deputy Tax Assessor – Tax Assessor
- 9) Resolution #2023-0288 - Award of Purchase Orders for Identified; AT Bucks County, LLC, AT Northern New Jersey LLC d/b/a Mid Atlantic, Challenger Fence, Inc., Flemington Department Store, Road Safety, LLC., and Ridge Painting Company
- 10) Resolution #2023-0289 - Authorization for Tax Collector to Participate in Electronic Tax Sale Process
- 11) Resolution #2023-0291 - Rejection of Bids for Library Entrance Project
- 12) Resolution #2023-0292 - Award of Change Order #1 for the 2020 & 2021 NJDOT Local Aid Projects: Spring Valley Boulevard Improvements To Capital Paving and Contracting LLC, 67 Beaver Avenue Suite 25, Annandale, NJ 08801 Decrease of \$149,451.49 (11.97%)
- 13) Resolution #2023-0294 - Approval of Street Closing Permit for a Block Party on Grove Road, September 9, 2023 (Rain date September 10, 2023)
- 14) Resolution #2023-0295 - Acceptance of Grant and Insertion of Revenue Item Into the 2023 Budget \$20,000.00 from the New Jersey Department of Health (NJDOH) for the Vaccination Supplemental Funding FY 23-24 related to Covid-19 (VSF)
- 15) Resolution #2023-0296 - Amending Resolution #2023-0266 Authorizing and Approving Purchase of One (1) Ventrac Boom Mower Attachment from Sourcewell Co-op #031121-TTC to Storr Tractor Company, 3191 US Highway 22 East, Branchburg, NJ, 08876 In the Amount Not to Exceed \$18,507.17
- 16) Resolution #2023-0297 - Award of Bid for the 2023 Road Improvements to Reivax Contracting Corp., 165 River Road, Flemington, NJ 08822 In the Amount of \$2,454,637.02.
- 17) Resolution #2023-0298 - Authorizing and Approving Repair and Upgrade of Guide Rail from MCCPC (Morris County Cooperative Pricing Council) Contract # 26 – Various Items to Road Safety Systems, LLC, 12 Park Drive, Shamong NJ, 08088 In the Amount Not to Exceed \$70,000
- 18) Resolution #2023-0299 - Award of Bid for DPW Road Repairs to Reivax Contracting Corp., 165 River Rd, Flemington, NJ 08822 In the Amount of \$216,010.00 for Alt. #1 and In the Amount Not To Exceed \$500,000.00 for Alt #2
- 19) Resolution #2023-0300 - Awarding Professional Services Contract for Construction Observation and Administration – 2023 Road Improvements to Andrew S. Holt, P.E., P.P, C.M.E., NJ Lic. #24GE03855400 of the firm Suburban Consulting Engineers, Inc., 96 U.S. Highway 206, Suite 101, Flanders, NJ 07836 - In the Not to Exceed Amount of \$85,300.00
- 20) Resolution #2023-0301 - Authorizing and Approving Purchase of One (1) Dump Body, Salt Spreader, Plow, Hydraulic Control System and Accessories for 2024 International HV507 Single Axle Truck from ESCNJ Co-Op #20/21-55 to Cliffside Body Corporation, 130 Broad Avenue, Fairview New Jersey 07022 In the Amount Not to Exceed \$155,333.74.
- 21) Resolution #2023-0302 - Authorizing and Approving Purchase of One (1) Single Axle Cab & Chassis with Accessories from ESCNJ Co-Op #20/21-55 to Allegiance Trucks of Northern NJ dba Mid-Atlantic Truck Centre, 525 Linden Ave, Linden, NJ 07036 In the Amount Not to Exceed \$123,147.50.
- 22) Resolution #2023-0304 - Award of Change Order #1 for 2022 Road Improvements To MECO, Inc., PO Box 536, Clarksburg, NJ 08510 Increase of \$6,300.00 (0.65%)
- 23) Resolution #2023-0307 - Approval To Submit A Grant Application And Execute A Grant Agreement With The New Jersey Department Of Transportation For Lake Road Improvements
- 24) Resolution #2023-0308 - Recognizing June as LGBTQ Pride Month



- B. Resolution #2023-0284 - Personnel Appointment Kelli Schmolze – Police Matron – Police Department
- C. Resolution #2023-0286 - Authorizing and Approving Purchase of Seven (7) Motorola APX6000LI Portable Radios from New Jersey State Contract # T0109 to M&W Communications Inc, 361 Quakertown Rd, Flemington, New Jersey 08822 In the Amount Not to Exceed \$26,238.10
- D. Resolution #2023-0293 - Authorizing A Memorandum Of Agreement With The Bernards Township Board Of Education Concerning The Placement Of A School Resource Officer And The Hiring Of Special Police Officer III's In Each School In The Bernards Township School District
- E. Resolution #2023-0303 - Authorizing A Shared Services Agreement Between The Township Of Bernards And The Bernards Township Board Of Education Concerning Paving Services
- F. Resolution #2023-0305 - Compliance with N.J.S.A. 40A:5-4, 2022 Annual Report of Audit
- G. Ordinance #2526 – An Ordinance By The Township Committee Of The Township Of Bernards In The County Of Somerset Amending The Township Of Bernards Code Of Ordinances To Repeal Chapter 25 “Flood Damage Prevention”; To Adopt A New Chapter 25 “Flood Damage Prevention”; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date - Introduction
- H. Ordinance #2527 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, “Land Development,” Regarding the Location of Utility Services – Introduction
- I. Ordinance #2528 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Chapter 21, “Land Development,” Regarding Submission Requirements for Land Development Applications – Introduction
- J. Ordinance #2529 - An Ordinance to Amend Salary Ordinance #2455, Fixing the Compensation of Certain Officers and Employees of the Township of Bernards on and After 07/01/2023 – Introduction
- K. Approval of Minutes:
05/23/2023 Open Session Minutes

15. EXECUTIVE SESSION (if required)

16. ADJOURNMENT

Christine V. Kieffer, Municipal Clerk

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



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



Resolution of the Township of Bernards

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

Resolution #2023-0277

Authorizing an Executive Session Meeting of the Bernards Township Committee

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.

<u>Reason for Closed Session</u>		<u>Estimated Time of Disclosure or Upon Occurrence Of</u>
<input type="checkbox"/>	Any matter which by express provisions of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public Provision relied upon .	
<input type="checkbox"/>	Any matter in which the release of information would impair a right to receive funds from the federal government. .	
<input type="checkbox"/>	Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy. .	
<input type="checkbox"/>	Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.	
<input type="checkbox"/>	Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.	

- ☐ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection.
- ☐ Any investigations of violations or possible violations of the law.
- ☐ 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.*
- ☒ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.
The employee(s) and nature of discussion is:
Personnel – Performance Evaluation – Township Administrator Upon resolution
- ☐ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0306

Resolution of Commendation Honoring
Bokyung Park,
Recipient of a 2023 Mayor's Arts Award

WHEREAS, the Mayor's Arts Awards were created by the Recreation, Parks & Pathways Committee and the Parks & Recreation Department to honor those individuals and organizations demonstrating exemplary leadership in and dedication to the fine and performing arts in Bernards Township; and

WHEREAS, in the Student Category, the Mayor's Art Award is presented to a current High School Junior or Senior who has demonstrated excellence in and a commitment to the fine or performing arts; and

WHEREAS, Bokyung Park is an accomplished pianist and outstanding flutist, performing with the Ridge High School Drama Club Pit Orchestra, the Jazz Band, the Chamber Ensembles with the Tri-M Music Honor Society, the Ridge Wind Ensemble and as Principal Orchestral Pianist with the New Jersey Youth Symphony; and

WHEREAS, Bokyung has received numerous awards, locally and internationally, and recently won the 2023 New Jersey Youth Symphony Concerto Competition which earned her the opportunity to perform Liszt's Piano Concerto No. 2 with the NJYS at the Rutgers University Nicholas Music Center; and

WHEREAS, Bokyung utilizes her passion for music to help others through her involvement with the Bernards Ensemble which performs music for individuals with special needs and her founding of Neurodiversity Ambassadors, a non-profit organization that raises awareness and expands educational opportunities for neurodiverse youth, through which she created an 8-week music education program in collaboration with the local YMCA.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that we do hereby recognize and congratulate Bokyung Park on her impressive achievement as the recipient of a 2023 Mayor's Art Award.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0276

Appointment to Membership in Township of Bernards Volunteer
First Aid Squad of the Basking Ridge Fire Company #1
Utkal Nimse, Full Member

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

WHEREAS, the First Aid Squad of the Basking Ridge Fire Company #1 is recommending Utkal Nimse, residing at 64 Dexter Drive North, Basking Ridge, NJ, for appointment as a Full Member.

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

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk

EXPLANATORY STATEMENT

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

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0285

Appointment to Membership in Township of Bernards Volunteer
Basking Ridge Fire Company #1 and First Aid Squad
Zayan Kassim, Full Member

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

WHEREAS, the Basking Ridge Fire Company #1 and First Aid Squad is recommending Zayan Kassim, residing at 26 Regent Circle, Basking Ridge, NJ, for appointment as a Full Member.

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

Agenda and Date Voted: 06-27-2023.

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06-27-2023.

Municipal Clerk

EXPLANATORY STATEMENT

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

Municipal Clerk



Ordinance of the Township of Bernards

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

ORDINANCE #2525

Accepting a Stream Buffer Conservation Easement on
Property Located at 129 Haas Road; Block 8301, Lot 5, from
Seweryn Soban and Joanna Elzbieta Soban, to the Township of Bernards

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Seweryn Soban and Joanna Elzbieta Soban, with a mailing address at 129 Haas Road, Basking Ridge, NJ, 07920, a Stream Buffer Conservation Easement on Block 8301, Lot 5, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

EXPLANATORY STATEMENT

This easement is provided in conjunction with the property owners' request for a permit to construct improvements to their dwelling. The purpose of the easement is to protect the stream buffer conservation area located on the property. The property owners have submitted fees to reimburse the Township for costs incurred in the processing of the easement.

Date: May 4, 2023

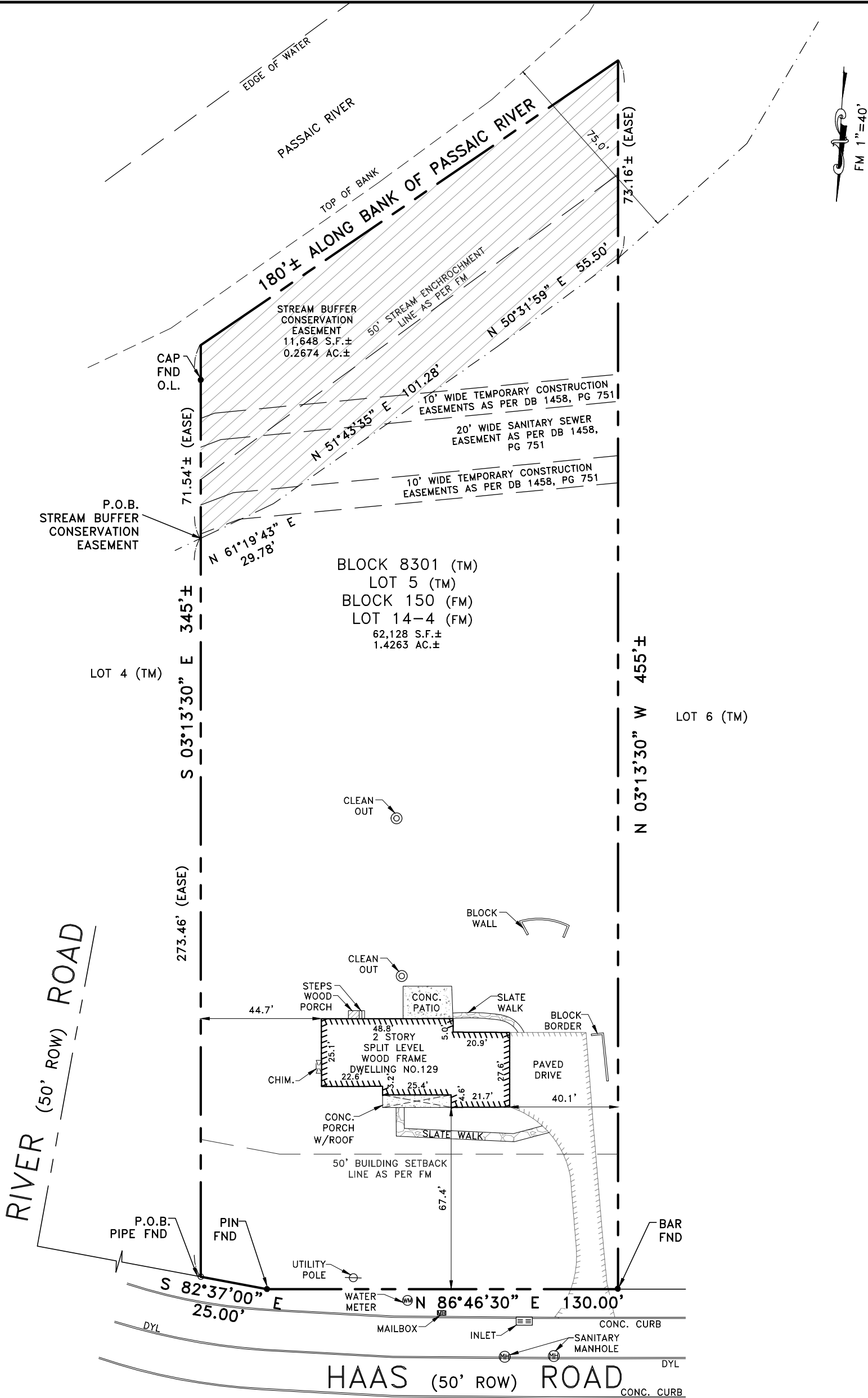
David Schley, PP, AICP, Township Planner

TOWNSHIP OF BERNARDS PUBLIC NOTICE


Ordinance #2525 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 05/23/2023 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 06/13/2023, at 8 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from ckieffer@bernards.org.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk

REFERENCES: DEED BOOK 1026 PAGE 189; MAP ENTITLED "FINAL MAP OF SECTION ONE, PINE HILLS" FILED 07-27-1960 AS MAP NO. 697; TOWNSHIP OF BERNARDS TAX MAPS.



"A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003,c.14 (N.J.S.A.45:8-36:3) and N.J.A.C.13:40-5.1(d)."

<div>B</div> <div>S</div> <div>I</div>	<div>Brunswick Surveying Incorporated Licensed Professional Land Surveyors 61 Stelton Road Piscataway, New Jersey 08854 Phone(732) 752-0100 Fax(732) 752-0101</div>	<div> ■ ROBERT M. HORVATH New Jersey Professional Land Surveyor No. 27476 <input type="checkbox"/> JAY A. STUHL, JR. New Jersey Professional Land Surveyor No. 36762 <input type="checkbox"/> JONATHAN A. STUHL New Jersey Professional Land Surveyor No. 43314</div>	
	STREAM BUFFER CONSERVATION EASEMENT SKETCH		
	129 HAAS ROAD TOWNSHIP OF BERNARDS SOMERSET COUNTY, NEW JERSEY BLOCK 8301 LOT 5		
	Certificate of Authorization No. 24GA27940000		
Drawn by <u>JAS</u> Job No. <u>35022</u> Date <u>02/10/2023</u>			
Checked by <u>RMH</u> Sheet No. _____ Scale <u>1'=40'</u>			



Resolution of the Township of Bernards

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

Resolution #2023-0275

Approval of the Bill List Dated 06/27/2023

BE IT RESOLVED, that the bill list dated 06/27/2023 be audited, and if found correct, be paid.

June 27, 2023
08:17 AM

TOWNSHIP OF BERNARDS
Check Register By Check Date

Page No: 1

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
CASH - CHECKING CURRENT CHECKING					
136316	06/13/23	90038 FORGIONE, LUCY A.	869.15	1705	Direct Deposit
136317	06/13/23	90563 CARTOCCIO, KAITLIN	897.98	1705	Direct Deposit
136318	06/13/23	90640 MOORE, JD	4,548.09	1705	Direct Deposit
136319	06/13/23	90653 SANT'ANGELO, KEVIN B	205.41	1705	Direct Deposit
136320	06/13/23	90685 PEARCE, VINCENT (AL)	27.00	1705	Direct Deposit
136321	06/13/23	90709 OSTRANDER, TYLER	15.61	1705	Direct Deposit
136322	06/13/23	90728 BURT, RACHEL	391.12	1705	Direct Deposit
136323	06/13/23	A0168 ALLIED OIL COMPANY, LLC	14,736.50	1705	Direct Deposit
136324	06/13/23	A0425 ATLANTIC TACTICAL	8.00	1705	Direct Deposit
136325	06/13/23	A0453 AMAZON.COM	2,722.87	1705	Direct Deposit
136326	06/13/23	A0559 ARCARI IOVINO ARCHITECTS,PC	800.00	1705	Direct Deposit
136327	06/13/23	A0611 AMERICAN WEAR, INC	1,054.00	1705	Direct Deposit
136328	06/13/23	A0714 ALLDATA LLC	1,500.00	1705	Direct Deposit
136329	06/13/23	A0716 ACB SERVICES INC	2,660.00	1705	Direct Deposit
136330	06/13/23	B0203 DIFRANCESCO BATEMAN, PC	5,756.90	1705	Direct Deposit
136331	06/13/23	B0581 BUY WISE AUTO PARTS	1,459.47	1705	Direct Deposit
136332	06/13/23	D0033 DEMCO, INC	139.71	1705	Direct Deposit
136333	06/13/23	D0339 DEER CARCASS REMOVAL SVC, LLC	2,137.50	1705	Direct Deposit
136334	06/13/23	D0692 DRILLS, SKILLS & THRILLS	12,880.00	1705	Direct Deposit
136335	06/13/23	D0754 DC EXPRESS	912.00	1705	Direct Deposit
136336	06/13/23	E0327 ELITE VEHICLE SOLUTIONS	377.00	1705	Direct Deposit
136337	06/13/23	F0003 FOLEY, INCORPORATED	1,037.47	1705	Direct Deposit
136338	06/13/23	G0066 GRAINGER INC	774.22	1705	Direct Deposit
136339	06/13/23	G0674 GALLS, LLC	149.73	1705	Direct Deposit
136340	06/13/23	H0468 HENDERSON ENTERPRISES GROUP	538.72	1705	Direct Deposit
136341	06/13/23	K0354 KANOPY INC	408.00	1705	Direct Deposit
136342	06/13/23	M0015 MCKESSON MEDICAL SURGICAL	31.19	1705	Direct Deposit
136343	06/13/23	M0353 MIDWEST TAPE LLC	2,052.86	1705	Direct Deposit
136344	06/13/23	M0511 MOTOROLA SOLUTIONS, INC.	457.20	1705	Direct Deposit
136345	06/13/23	M0823 MOOSEWOOD TREE SERVICE	4,000.00	1705	Direct Deposit
136346	06/13/23	O0135 OUTHUSE LLC	3,080.00	1705	Direct Deposit
136347	06/13/23	O0164 ODP BUSINESS SOLUTIONS LLC	687.31	1705	Direct Deposit
136348	06/13/23	P0534 PLUG 'N PAY TECHNOLOGIES, INC.	21.38	1705	Direct Deposit
136349	06/13/23	P0706 PARTS AUTHORITY LLC	76.88	1705	Direct Deposit
136350	06/13/23	R0050 ROTO-ROOTER	2,220.00	1705	Direct Deposit
136351	06/13/23	R0824 REPUBLIC SERVICES OF NJ LLC	220.00	1705	Direct Deposit
136352	06/13/23	S0016 STORR TRACTOR COMPANY	64.50	1705	Direct Deposit
136353	06/13/23	S0135 CJHRC-CENTRAL JERSEY HOUSING	29,022.24	1705	Direct Deposit
136354	06/13/23	S0227 SHEARON ENVIRONMENTAL DESIGN	26,055.56	1705	Direct Deposit
136355	06/13/23	S0443 STAPLES ADVANTAGE	69.99	1705	Direct Deposit
136356	06/13/23	S0457 STRAIGHT EDGE STRIPING	550.00	1705	Direct Deposit
136357	06/13/23	S1176 STONEFIELD ENG. & DESIGNS LLC	5,900.00	1705	Direct Deposit
136358	06/13/23	S1177 SAL ELECTRIC CO., INC.	2,080.00	1705	Direct Deposit
136359	06/13/23	T0066 CENGAGE LEARNING CREDIT SVCS	31.00	1705	Direct Deposit
136360	06/13/23	T0142 TODD HARRIS CO., INC.	12,567.47	1705	Direct Deposit
136361	06/13/23	T0192 TURN OUT UNIFORMS INC	870.95	1705	Direct Deposit
136362	06/13/23	T0378 THE GUARDIAN LIFE INS CO OF AM	93.61	1705	Direct Deposit
136363	06/13/23	T0514 TOP QUALITY SERVICES LLC	300.00	1705	Direct Deposit
136364	06/13/23	U0001 UNITEMP MECHANICAL DEGREES LLC	3,648.50	1705	Direct Deposit
136365	06/13/23	V0020 VILLAGE OFFICE SUPPLY	43.00	1705	Direct Deposit
136366	06/13/23	W0241 W.B. MASON CO INC.	592.50	1705	Direct Deposit
136367	06/13/23	Z0041 ZERO WASTE USA	495.40	1705	Direct Deposit
136368	06/13/23	A0174 ALL SPORTS STADIUM, LLC	3,465.00	1706	
136369	06/13/23	A0232 ARROW ELEVATOR, INC.	340.00	1706	
136370	06/13/23	A0637 ABLE CONSULTING & TRAINING LLC	850.00	1706	
136371	06/13/23	A0670 AQUARIUS SUPPLY INC	4,339.10	1706	
136372	06/13/23	A0726 ALL HANDS FIRE EQUIPMENT LLC	10,047.60	1706	
136373	06/13/23	A0737 ARC DOCUMENT SOLUTIONS LLC	61.90	1706	
136374	06/13/23	A0740 ART KIDS RULE LLC	315.00	1706	
136375	06/13/23	A0743 ADVANCED LANDSCAPING, INC.	7,600.00	1706	
136376	06/13/23	B0001 BAKER & TAYLOR, INC.	5,130.72	1706	
136377	06/13/23	B0017 BRIDGEWATER RESOURCES, INC.	990.90	1706	
136378	06/13/23	B0026 BERNARDS TOWNSHIP CURRENT	11,506.75	1706	
136379	06/13/23	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	1,107,475.36	1706	
136380	06/13/23	B0098 BERNARDS TOWNSHIP (RECREATION)	3,677.40	1706	
136381	06/13/23	B0637 BERNARDS CAFE	491.00	1706	
136382	06/13/23	B0831 BADGE COMPANY OF NJ LLC	936.78	1706	
136383	06/13/23	C0024 GANNETT NEW JERSEY NEWSPAPERS	39.00	1706	
136384	06/13/23	C0024 GANNETT NEW JERSEY NEWSPAPERS	43.68	1706	
136385	06/13/23	C0024 GANNETT NEW JERSEY NEWSPAPERS	25.74	1706	
136386	06/13/23	C0037 CLERK'S PETTY CASH	25.58	1706	
136387	06/13/23	C0083 CDW GOVERNMENT, INC.	7,101.82	1706	
136388	06/13/23	C0200 CALIBRE PRESS, INC.	199.00	1706	
136389	06/13/23	C0346 CROWN TROPHY OF GREEN BROOK	30.00	1706	
136390	06/13/23	C0482 OPTIMUM	138.44	1706	
136391	06/13/23	C0482 OPTIMUM	11.46	1706	
136392	06/13/23	C0482 OPTIMUM	44.95	1706	
136393	06/13/23	C0482 OPTIMUM	33.34	1706	
136394	06/13/23	C0522 CHATHAM LAWNMOWER SALES & SVC	129.22	1706	

136395	06/13/23	C0597	CLIFFSIDE BODY CORPORATION	2,036.89	1706
136396	06/13/23	C0613	CIGNA GROUP INSURANCE	1,536.54	1706
136397	06/13/23	C0681	CAST TECHNOLOGY, INC	140.00	1706
136398	06/13/23	C0697	BB&T/CPS	43.12	1706
136399	06/13/23	C0774	COLONIAL LIFE & ACC INSURANCE	583.00	1706
136400	06/13/23	C0839	COMMUNITY IN CRISIS	953.70	1706
136401	06/13/23	C0930	CLINTON WELL&PUMP SERVICES LLC	735.00	1706
136402	06/13/23	C0955	CLINTON, MELISSA OR BROOKS	960.00	1706
136403	06/13/23	C0957	CONCRAISED INC.	13,495.43	1706
136404	06/13/23	C0958	CENTRAL VIRGINIA MEET MNGMT	1,100.00	1706
136405	06/13/23	C0959	CAMACHO, LISA OR CHU, WILLIAM	135.00	1706
136406	06/13/23	D0052	DINN BROS.	361.00	1706
136407	06/13/23	D0740	DOVER BRAKE & CLUTCH	4,557.48	1706
136408	06/13/23	E0250	E LIFEGUARD INC	1,442.70	1706
136409	06/13/23	E0323	ENTERTAINMENT UNLIMITED	1,250.00	1706
136410	06/13/23	E0331	EMERALD VALLEY HOA INC	900.00	1706
136411	06/13/23	E0334	EVOLVE BANK & TRUST	3,546.50	1706
136412	06/13/23	E0337	EMPOWER SOMERSET	360.05	1706
136413	06/13/23	F0001	FEDEX	22.47	1706
136414	06/13/23	F0024	FISCHER, JOSEPH	995.00	1706
136415	06/13/23	F0024	FISCHER, JOSEPH	775.00	1706
136416	06/13/23	F0024	FISCHER, JOSEPH	775.00	1706
136417	06/13/23	F0024	FISCHER, JOSEPH	425.00	1706
136418	06/13/23	F0024	FISCHER, JOSEPH	650.00	1706
136419	06/13/23	F0024	FISCHER, JOSEPH	1,275.00	1706
136420	06/13/23	F0047	FULLERTON FORD	493.84	1706
136421	06/13/23	F0148	FAIRFIELD MAINTENANCE INC	6,482.40	1706
136422	06/13/23	F0158	FLEMINGTON DEPARTMENT STORE	859.14	1706
136423	06/13/23	F0289	FIREFIGHTER ONE	10,438.40	1706
136424	06/13/23	F0324	FLAGSHIP DENTAL PLANS	252.69	1706
136425	06/13/23	F0330	FIDELITY SECURITY LIFE INS	332.90	1706
136426	06/13/23	G0033	GREAT SWAMP GREENHOUSES	271.84	1706
136427	06/13/23	G0098	JCP&L	4,454.92	1706
136428	06/13/23	G0333	BEDMINSTER CAR WASH	266.25	1706
136429	06/13/23	G0509	GREEN ROCK RECYCLING	2,290.00	1706
136430	06/13/23	H0178	HOSE SHOP, INC.	443.97	1706
136431	06/13/23	H0235	HOOVER TRUCK CENTERS	35.31	1706
136432	06/13/23	H0241	HASTY AWARDS INC.	597.80	1706
136433	06/13/23	H0246	HOME DEPOT CREDIT SERVICES	2,063.94	1706
136434	06/13/23	H0386	HOROWITZ & SONS CONSTRUCTION	2,200.00	1706
136435	06/13/23	H0481	HANNON FLOOR COVERING CORP.	5,365.00	1706
136436	06/13/23	H0495	HILLANDALE HOSPITALITY GROUP	1,000.00	1706
136437	06/13/23	I0128	INNOVATIVE DOCUMENT IMAGING	323.40	1706
136438	06/13/23	I0159	IMPERIAL DADE	1,066.40	1706
136439	06/13/23	J0002	JAEGER LUMBER	45.50	1706
136440	06/13/23	K0026	KEN RENT	1,475.75	1706
136441	06/13/23	K0119	KAESER & BLAIR, INC.	665.54	1706
136442	06/13/23	K0259	KONICA MINOLTA PREMIER FINANCE	123.54	1706
136443	06/13/23	K0331	KONICA MINOLTA PREMIER FINANCE	192.89	1706
136444	06/13/23	K0331	KONICA MINOLTA PREMIER FINANCE	133.02	1706
136445	06/13/23	K0341	KONICA MINOLTA PREMIER FINANCE	133.42	1706
136446	06/13/23	L0349	LESLIES SWIMMING POOL SUPPLIES	569.38	1706
136447	06/13/23	L0495	LTM PROPERTIES	2,000.00	1706
136448	06/13/23	M0036	MORNINGSTAR	2,035.00	1706
136449	06/13/23	M0116	MID-ALANTIC TRUCK CENTER, INC.	157,677.12	1706
136450	06/13/23	M0342	MORTON'S MARKETING RESOURCES	738.72	1706
136451	06/13/23	M0441	MAIN LINE COMMERCIAL POOLS,INC	7,967.88	1706
136452	06/13/23	M0493	MCELROY, DEUTSCH, MULVANEY &	6,256.31	1706
136453	06/13/23	M0518	KONICA MINOLTA BUSINESS SOL.	1.06	1706
136454	06/13/23	M0518	KONICA MINOLTA BUSINESS SOL.	300.00	1706
136455	06/13/23	M0518	KONICA MINOLTA BUSINESS SOL.	26.00	1706
136456	06/13/23	M0518	KONICA MINOLTA BUSINESS SOL.	250.00	1706
136457	06/13/23	M0518	KONICA MINOLTA BUSINESS SOL.	123.09	1706
136458	06/13/23	M0518	KONICA MINOLTA BUSINESS SOL.	329.81	1706
136459	06/13/23	M0820	MUSKY TROUT HATCHERIES,LLC	1,747.50	1706
136460	06/13/23	M0868	M & P RETIREMENT PLAN	99,856.80	1706
136461	06/13/23	M0899	MR JOHN	65.00	1706
136462	06/13/23	M1026	MARIO MEDICI LECTURES LLC	125.00	1706
136463	06/13/23	M1028	MUDERICK, ROBERT OR	1,000.00	1706
136464	06/13/23	M1034	MUIR, NICHOLAS A	500.00	1706
136465	06/13/23	N0006	NEW JERSEY AMERICAN WATER CO.	4,832.09	1706
136466	06/13/23	N0017	NJ STATE LEAGUE OF MUNICIPAL.	25.00	1706
136467	06/13/23	N0032	NJ STATE DEPT HEALTH/SR SVCS	87.60	1706
136468	06/13/23	N0419	NIXON, PAMELA	140.00	1706
136469	06/13/23	N0451	NJ ADVANCE MEDIA	154.80	1706
136470	06/13/23	N0513	NJAW HYDRANT METER	2,153.32	1706
136471	06/13/23	O0100	OVERDRIVE, INC.	4,275.13	1706
136472	06/13/23	O0105	O.C.A. BENEFIT SERVICES, LLC	89.10	1706
136473	06/13/23	O0159	OPERATION & MAINTENANCE SOL.	1,150.00	1706
136474	06/13/23	P0014	PUBLIC SERVICE ELEC. & GAS CO	1,629.80	1706
136475	06/13/23	P0046	RESERVE ACCOUNT	1,398.51	1706
136476	06/13/23	P0602	LINDE GAS & EQUIPMENT INC	53.31	1706
136477	06/13/23	P0605	PORTER LEE CORPORATION	965.00	1706
136478	06/13/23	P0644	POWERDMS, INC.	7,891.84	1706
136479	06/13/23	P0721	PAUL MILLER CHEVROLET	124.52	1706
136480	06/13/23	P0740	POST, MICHAEL J	400.00	1706
136481	06/13/23	Q0002	CINTAS CORP. - #062	438.75	1706
136482	06/13/23	Q0022	QUEUES ENFORTH DEVELOPMENT INC	1,132.00	1706
136483	06/13/23	Q0032	QUINN, THOMAS J.	1,500.00	1706
136484	06/13/23	R0005	RECORDER PUBLISHING CO., INC	44.37	1706
136485	06/13/23	R0005	RECORDER PUBLISHING CO., INC	36.21	1706
136486	06/13/23	R0005	RECORDER PUBLISHING CO., INC	16.83	1706
136487	06/13/23	R0005	RECORDER PUBLISHING CO., INC	140.00	1706
136488	06/13/23	R0480	RECONYX, INC	380.77	1706
136489	06/13/23	R0496	ATHENIA MASON SUPPLY LLC	1,649.00	1706
136490	06/13/23	R0836	REYNOLDS BUSINESS SYSTEMS, INC	12,185.27	1706
136491	06/13/23	S0191	SOMERSET COUNTY RECYCLING PROG	143,939.70	1706
136492	06/13/23	S0202	SUBURBAN PROPANE	507.36	1706
136493	06/13/23	S0378	STAVOLA ASPHALT	2,091.35	1706
136494	06/13/23	S0415	SPORTWORLD	5,325.00	1706
136495	06/13/23	S0628	STATE OF NEW JERSEY-HB	230,909.82	1706
136496	06/13/23	S0736	SOMERSET COUNTY	1,080.00	1706
136497	06/13/23	S0770	SKYLANDS AREA FIRE EQUIPMENT &	16,379.47	1706
136498	06/13/23	S0789	STAN & SON CONSTRUCTION LLC	10,850.00	1706
136499	06/13/23	S0875	SUNLIGHT GENERAL CAPITAL	378.18	1706

136500	06/13/23	S1001	SEASHORE AMUSEMENTS, INC	3,075.00	1706
136501	06/13/23	S1043	SUMMIT SOUNDZ ENTERTAINMNT LLC	1,500.00	1706
136502	06/13/23	S1191	SAVO,SCHALK,CORSINI,GILLESPIE,	1,550.50	1706
136503	06/13/23	T0025	TRUKMANN'S INC. C/O	395.20	1706
136504	06/13/23	T0372	TLO, LLC	176.60	1706
136505	06/13/23	T0510	TOP SAFETY PRODUCTS COMPANY	556.50	1706
136506	06/13/23	T0519	THE ESTATE OF GAIL DILLIN	6,362.88	1706
136507	06/13/23	U0069	UNITED STATES TREASURY	59.72	1706
136508	06/13/23	U0069	UNITED STATES TREASURY	69.75	1706
136509	06/13/23	U0131	UGI ENERGY SERVICES, LLC	3,725.83	1706
136510	06/13/23	V0037	VILLAGE SUPERMARKET, INC.	1,217.12	1706
136511	06/13/23	V0056	VERIZON WIRELESS	932.29	1706
136512	06/13/23	V0058	VERIZON	39.95	1706
136513	06/13/23	V0058	VERIZON	173.94	1706
136514	06/13/23	V0058	VERIZON	83.40	1706
136515	06/13/23	V0058	VERIZON	39.95	1706
136516	06/13/23	V0058	VERIZON	39.95	1706
136517	06/13/23	V0058	VERIZON	85.22	1706
136518	06/13/23	V0058	VERIZON	637.92	1706
136519	06/13/23	V0124	VERIZON BUSINESS FIOS	364.99	1706
136520	06/13/23	V0124	VERIZON BUSINESS FIOS	414.98	1706
136521	06/13/23	V0177	VERIZON	325.22	1706
136522	06/13/23	W0016	WARRENVILLE TRUE VALUE	506.93	1706
136523	06/13/23	W0056	WELDON CONCRETE CO.	9,958.95	1706
136524	06/13/23	W0287	WOYCE, KEVIN	125.00	1706
136525	06/13/23	W0347	WACKS DEBONA BEILIN & WEBER	2,270.80	1706
136526	06/13/23	X0003	XEROX CORPORATION	261.06	1706
136527	06/13/23	X0005	XTEL COMMUNICATION	500.03	1706
136528	06/13/23	X0005	XTEL COMMUNICATION	1,757.62	1706
136529	06/27/23	90220	BETTLER, DENNIS	30.00	1707 Direct Deposit
136530	06/27/23	90279	NEIL, DAWN	25.00	1707 Direct Deposit
136531	06/27/23	90407	FERRATTI, KATHERINE	41.38	1707 Direct Deposit
136532	06/27/23	90500	BALDASSARE, TRACY	31.94	1707 Direct Deposit
136533	06/27/23	90556	VAIAS, KAREN	280.91	1707 Direct Deposit
136534	06/27/23	90595	MULHALL, JOHN	4,442.35	1707 Direct Deposit
136535	06/27/23	A0044	APPROVED FIRE PROTECTION CO.	595.74	1707 Direct Deposit
136536	06/27/23	A0398	STERLING TALENT SOLUTIONS	1,396.69	1707 Direct Deposit
136537	06/27/23	A0453	AMAZON.COM	3,014.27	1707 Direct Deposit
136538	06/27/23	B0581	BUY WISE AUTO PARTS	1,126.05	1707 Direct Deposit
136539	06/27/23	B0668	BEARING DEPOT & SUPPLY INC	393.24	1707 Direct Deposit
136540	06/27/23	B0840	BRIGHT VIEW ENGINEERING	5,141.50	1707 Direct Deposit
136541	06/27/23	C0832	CLEAR POINT DESIGNS	121.00	1707 Direct Deposit
136542	06/27/23	D0020	DELTA DENTAL OF NJ	11,870.31	1707 Direct Deposit
136543	06/27/23	D0033	DEMCO, INC	175.29	1707 Direct Deposit
136544	06/27/23	D0339	DEER CARCASS REMOVAL SVC, LLC	35.00	1707 Direct Deposit
136545	06/27/23	D0380	DRIVERS TIRE & SERVICE CENTER	109.95	1707 Direct Deposit
136546	06/27/23	E0224	EXCELLENT BUILDING SERVICES	2,745.00	1707 Direct Deposit
136547	06/27/23	E0267	EAW SECURITY	812.50	1707 Direct Deposit
136548	06/27/23	G0066	GRAINGER INC	1,264.05	1707 Direct Deposit
136549	06/27/23	G0133	GARDEN STATE LABORATORIES, INC	330.00	1707 Direct Deposit
136550	06/27/23	G0673	DIACO CONTRACTING, INC.	3,612.12	1707 Direct Deposit
136551	06/27/23	G0694	GREENMAN-PEDERSEN, INC.	5,020.60	1707 Direct Deposit
136552	06/27/23	M0823	MOOSEWOOD TREE SERVICE	8,000.00	1707 Direct Deposit
136553	06/27/23	M1027	MECO, INC.	66,934.00	1707 Direct Deposit
136554	06/27/23	O0164	ODP BUSINESS SOLUTIONS LLC	106.58	1707 Direct Deposit
136555	06/27/23	R0050	ROTO-ROOTER	2,410.00	1707 Direct Deposit
136556	06/27/23	R0393	RESEARCH&DESIGN LANDSCAPE LLC	6,920.00	1707 Direct Deposit
136557	06/27/23	R0824	REPUBLIC SERVICES OF NJ LLC	1,290.00	1707 Direct Deposit
136558	06/27/23	S0016	STORR TRACTOR COMPANY	1,406.09	1707 Direct Deposit
136559	06/27/23	S0069	SAL'S AUTO BODY INC.	3,016.55	1707 Direct Deposit
136560	06/27/23	S0443	STAPLES ADVANTAGE	287.99	1707 Direct Deposit
136561	06/27/23	S0741	SUBURBAN CONSULTING ENGINEERS	779.00	1707 Direct Deposit
136562	06/27/23	S1177	SAL ELECTRIC CO., INC.	15,919.39	1707 Direct Deposit
136563	06/27/23	T0066	CENGAGE LEARNING CREDIT SVCS	228.18	1707 Direct Deposit
136564	06/27/23	T0192	TURN OUT UNIFORMS INC	475.99	1707 Direct Deposit
136565	06/27/23	T0378	THE GUARDIAN LIFE INS CO OF AM	98.33	1707 Direct Deposit
136566	06/27/23	U0001	UNITEMP MECHANICAL DEGREES LLC	1,447.00	1707 Direct Deposit
136567	06/27/23	W0275	WINNING TEAMS BY NISSEL LLC	518.00	1707 Direct Deposit
136568	06/27/23	W0410	WARSHAUER ELECTRIC SUPPLY CO.	1,540.99	1707 Direct Deposit
136569	06/27/23	A0126	AFLAC NEW YORK	137.94	1708
136570	06/27/23	A0338	AFLAC	1,075.21	1708
136571	06/27/23	A0438	AQUARIUS IRRIGATION SUPPLY INC	1,136.80	1708
136572	06/27/23	A0548	ACCURATE DOOR & HARDWARE INC	2,480.76	1708
136573	06/27/23	A0717	AAA FACILITY SOLUTIONS LLC	11,102.49	1708
136574	06/27/23	A0740	ART KIDS RULE LLC	315.00	1708
136575	06/27/23	A0747	ACTION TITLE RESEARCH, LLC	90.00	1708
136576	06/27/23	B0001	BAKER & TAYLOR, INC.	4,545.31	1708
136577	06/27/23	B0017	BRIDGEWATER RESOURCES, INC.	3,911.91	1708
136578	06/27/23	B0026	BERNARDS TOWNSHIP CURRENT	3,611.63	1708
136579	06/27/23	B0029	BERNARDS TWP BD OF EDUCATION	8,035,822.08	1708
136580	06/27/23	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	552,706.61	1708
136581	06/27/23	B0044	BASKING RIDGE ANIMAL HOSPITAL	134.00	1708
136582	06/27/23	B0736	BRUNO, VINCENT	250.00	1708
136583	06/27/23	B0863	BLOODGOOD LAW ENFORCE TRAINING	149.00	1708
136584	06/27/23	C0024	GANNETT NEW JERSEY NEWSPAPERS	29.25	1708
136585	06/27/23	C0773	COMMUNITY HOME CARE	659.00	1708
136586	06/27/23	C0927	CAPITAL PAVING & CONTRACTING	32,000.00	1708
136587	06/27/23	C0941	CHEN, TING OR HAUNG, LIANGSONG	835.00	1708
136588	06/27/23	D0740	DOVER BRAKE & CLUTCH	106.95	1708
136589	06/27/23	D0799	DECORSO, DENISE OR NICHOLAS J.	345.00	1708
136590	06/27/23	E0144	E-Z PASS	100.00	1708
136591	06/27/23	E0284	ENVIROPROBE SERVICE, INC	975.00	1708
136592	06/27/23	E0323	ENTERTAINMENT UNLIMITED	1,250.00	1708
136593	06/27/23	F0024	FISCHER, JOSEPH	2,475.00	1708
136594	06/27/23	F0024	FISCHER, JOSEPH	2,550.00	1708
136595	06/27/23	F0024	FISCHER, JOSEPH	2,475.00	1708
136596	06/27/23	F0024	FISCHER, JOSEPH	1,200.00	1708
136597	06/27/23	F0047	FULLERTON FORD	1,654.01	1708
136598	06/27/23	F0382	FLANAGAN, CHRISTINE	300.00	1708
136599	06/27/23	F0439	FASTSIGNS OF RARITAN	209.24	1708
136600	06/27/23	G0098	JCP&L	20,433.91	1708
136601	06/27/23	H0004	HEALTH DEPARTMENT PETTY CASH	5.50	1708
136602	06/27/23	H0246	HOME DEPOT CREDIT SERVICES	298.00	1708
136603	06/27/23	I0484	IDVILLE	138.67	1708
136604	06/27/23	J0042	L&W SUPPLY CORP DBA	1,978.03	1708

136605	06/27/23	K0039	KOBESKY, GREGG S.	169.00	1708
136606	06/27/23	K0259	KONICA MINOLTA PREMIER FINANCE	108.92	1708
136607	06/27/23	K0331	KONICA MINOLTA PREMIER FINANCE	148.97	1708
136608	06/27/23	K0421	KUNSMAN, MARK	27.00	1708
136609	06/27/23	L0386	L.E.A.D.	100.00	1708
136610	06/27/23	M0006	MGL PRINTING SOLUTIONS	2,746.00	1708
136611	06/27/23	M0020	MOTOROLA SOLUTIONS	7,129.00	1708
136612	06/27/23	M0441	MAIN LINE COMMERCIAL POOLS, INC	1,177.69	1708
136613	06/27/23	M0498	MP OVERHEAD DOORS	485.00	1708
136614	06/27/23	M0518	KONICA MINOLTA BUSINESS SOL.	232.28	1708
136615	06/27/23	M0518	KONICA MINOLTA BUSINESS SOL.	127.13	1708
136616	06/27/23	M0518	KONICA MINOLTA BUSINESS SOL.	94.72	1708
136617	06/27/23	M0899	MR JOHN	65.00	1708
136618	06/27/23	N0006	NEW JERSEY AMERICAN WATER CO.	0.00	06/27/23 VOID 0
136619	06/27/23	N0006	NEW JERSEY AMERICAN WATER CO.	55,227.56	1708
136620	06/27/23	N0035	NEW JERSEY PLANNING OFFICIALS	121.00	1708
136621	06/27/23	N0179	NEW JERSEY STATE GOLF ASSOC.	3,102.00	1708
136622	06/27/23	N0296	NJASRO	450.00	1708
136623	06/27/23	N0304	NRPA	700.00	1708
136624	06/27/23	N0470	NATIONWIDE	148.21	1708
136625	06/27/23	O0100	OVERDRIVE, INC.	3,916.02	1708
136626	06/27/23	O0159	OPERATION & MAINTENANCE SOL.	442.50	1708
136627	06/27/23	O0165	ONLC TRAINING CENTERS	3,990.00	1708
136628	06/27/23	P0005	PITNEY BOWES, INC.	220.98	1708
136629	06/27/23	P0525	POWER PLACE, INC.	18.07	1708
136630	06/27/23	P0538	PROVIDENT LIFE & ACCIDENT	60.04	1708
136631	06/27/23	P0739	PIPER PROPERTY MANAGEMENT LLC	3,400.00	1708
136632	06/27/23	R0005	RECORDER PUBLISHING CO., INC	140.00	1708
136633	06/27/23	R0023	RICHIES TIRE SERVICE, INC.	1,062.00	1708
136634	06/27/23	R0031	ROCKWOOD CORPORATION	288.00	1708
136635	06/27/23	R0833	RIDGE PAINTING COMPANY LLC	2,200.00	1708
136636	06/27/23	S0101	STICKEL, KOENIG, SULLIVAN & DRILL	596.25	1708
136637	06/27/23	S0278	STATE TREASURER OF NEW JERSEY	50.00	1708
136638	06/27/23	S0378	STAVOLA ASPHALT	1,253.30	1708
136639	06/27/23	S0403	SOMERSET COUNTY EDUCATIONAL	1,687.50	1708
136640	06/27/23	S0526	SPATIAL DATA LOGIC	3,000.00	1708
136641	06/27/23	S0822	SIGNS AND SAFETY DEVICES, LLC	52.75	1708
136642	06/27/23	S1057	SOMERSET VALLEY URGENT CARE	318.50	1708
136643	06/27/23	S1133	STARCREST KENNELS, LLC	1,745.38	1708
136644	06/27/23	S1191	SAVO, SCHALK, CORSINI, GILLESPIE,	3,895.00	1708
136645	06/27/23	T0154	TILCON NEW YORK, INC.	103.19	1708
136646	06/27/23	V0056	VERIZON WIRELESS	1,665.56	1708
136647	06/27/23	V0058	VERIZON	39.95	1708
136648	06/27/23	V0058	VERIZON	85.22	1708
136649	06/27/23	V0084	VERIZON	188.99	1708
136650	06/27/23	V0084	VERIZON	189.99	1708
136651	06/27/23	V0084	VERIZON	289.99	1708
136652	06/27/23	V0186	FISHER AND SON COMPANY, INC	2,250.00	1708
136653	06/27/23	W0016	WARRENVILLE TRUE VALUE	308.54	1708
136654	06/27/23	W0056	WELDON CONCRETE CO.	7,323.48	1708
136655	06/27/23	W0347	WACKS DEBONA BEILIN & WEBER	270.00	1708
136656	06/27/23	W0421	WU, JIA XIANG OR CHIU, POYEE	480.00	1708
136657	06/27/23	Z0092	ZOHO CORPORATION	1,734.00	1708
136658	06/27/23	Z0094	ZALOUMIS CONTRACTING SERVICE	500.00	1708

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	250	1	10,822,852.53	0.00
Direct Deposit:	92	0	306,230.97	0.00
=====	=====	=====	=====	=====
Total:	342	1	11,129,083.50	0.00

CURRENT FUND	2-01	4,832.43	0.00	0.00	4,832.43
CURRENT FUND	3-01	10,390,425.72	0.00	0.00	10,390,425.72
DOG FUND	3-12	1,313.00	0.00	0.00	1,313.00
GOLF COURSE UTILITY	3-26	52,753.00	0.00	0.00	52,753.00
Year Total:		10,444,491.72	0.00	0.00	10,444,491.72
CAPITAL FUND	C-04	315,266.13	0.00	0.00	315,266.13
PUBLIC GRANTS	G-02	53,437.66	0.00	0.00	53,437.66
TRUST FUNDS	T-13	298,066.94	0.00	0.00	298,066.94
PROJECT		12,988.62	0.00	0.00	12,988.62
Total Of All Funds:		11,129,083.50	0.00	0.00	11,129,083.50

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine Kieffer , Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0278

Personnel Appointment

Anubhuti Sharma – Library Assistant-Adult Circulation
Bernards Township Library

WHEREAS, the Library Assistant-Adult Circulation position became available due to a vacancy; and

WHEREAS, the Library Board and Human Resources Officer have deemed it necessary to fill this position; and

WHEREAS, Anubhuti Sharma has applied for and is qualified to fill said position; and

WHEREAS, the Library Board and Human Resources Officer recommend appointment of Anubhuti Sharma to the position of Library Assistant-Adult Circulation.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Anubhuti Sharma be appointed Library Assistant-Adult Circulation with a start date of June 28, 2023 at an hourly rate of \$14.50 for a 17-hour work week.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk

EXPLANATORY STATEMENT

An opening occurred for the Library Assistant-Adult Circulation position due to a vacancy. The position was approved and advertised per Township policy. Anubhuti Sharma applied for the position and is qualified to fill said position. Ms. Sharma comes to Bernards Township with a bachelor's degree and has volunteered at the library for the past year.

Carol Ackerman, HR Generalist



Resolution of the Township of Bernards

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

Resolution #2023-0279

Unused Vacation Accrual Due

Lydia Palmer

Municipal Clerk's Office

WHEREAS, the Township Committee adopted Resolution No. 2023-0066 at their regularly scheduled meeting of January 3, 2023, accepting the Personnel Policies and Procedures that outline guidelines for pay-outs when employees leave the Township's payroll; and

WHEREAS, Lydia Palmer's full-time employment terminated on May 24, 2023; and

WHEREAS, per the requirements of the Township's Personnel Policy, Lydia Palmer is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$25.24.

	Total Hours Available	Amount Due
Vacation Accrual	83.25	\$2,101.23

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: 06/27/2023

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 Municipal Clerk S&W Line, Account #3-01-20-120-101 for an amount not to exceed \$2,101.23

Sean McCarthy, CFO

Date: May 30, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0280

Bernards Township is Authorizing the Discharge of the Mortgage Made as Part of the
Bernards Township Rehabilitation Program
by Jae and Shin Park

WHEREAS, Jae and Shin Park (the “Homeowners”) are the owners of property designated as Lot 37.03 in Block 9001 (*formerly identified as Lot 37.05 in Block 178.03*) on the Tax Map of the Township of Bernards, in the County of Somerset, State of New Jersey, commonly known as 3705 Balsam Way, (the “Property”); and

WHEREAS, The Homeowners have received monetary assistance under Bernards Townships Housing Rehabilitation Program for the purpose of correcting housing defects and bringing them up to the code standards; and

WHEREAS, as part of the terms of such monetary assistance the Homeowners entered a Mortgage on April 13, 2021, in the amount of Seven Thousand Eight Hundred (\$7,800.00) dollars for the property to The Township of Bernards, which Mortgage was recorded or registered in the office of the Somerset County Clerk on January 23, 2023, in Mortgage Book 7490, Pages 170-174, Instrument No. 2023001872; and

WHEREAS, the terms of the loan, which is a ten-year, interest free, amortized depreciating loan, consisted of the requirement that the Homeowners continue to own and occupy the property as Homeowners primary residence for this ten (10) year period with a Maturity date of April 13, 2031; and

WHEREAS, during year three, 90% of the loan was repaid by the Homeowners in the amount of Seven Thousand and Twenty (\$7,020.00) dollars and there are no further monies owed by the Homeowner in connection with the Mortgage of the Property to the Township of Bernards; and

WHEREAS, based on the above, the Homeowners have met the obligations for and are entitled to a Discharge of the Mortgage.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Bernards Township, County of Somerset, hereby authorizes the execution of the attached Discharge of Mortgage and recording of the same with the Somerset County Clerk.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine Kieffer, Municipal Clerk

EXPLANATORY STATEMENT:

The terms of the Rehabilitation loan require the homeowners to reside in their home for a period of 10 years or repay a percentage of the loan. The above owners have met that obligation and may now be released from the mortgage placed on the property.

Date: 05/31/2023

Susan Long, Municipal Housing Liaison



Resolution of the Township of Bernards

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

Resolution #2023-0281

Authorizing Submission Of A Grant Proposal By The Friends Of The Kennedy-Martin-Stelle Farmstead To The Somerset County Cultural And Heritage Commission
For A Historic Preservation Grant In The Amount Not To Exceed (NTE) \$544,261.00
To Improve The Overall Usability, Accessibility And Safety Of The Farmstead

WHEREAS, the Township Committee of the Township of Bernards acquired the Kennedy-Martin-Stelle Farmstead as part of an open space acquisition; and

WHEREAS, the Township Committee of the Township of Bernards recognizes the historical significance of the Kennedy-Martin-Stelle Farmstead and believes it prudent to preserve; and

WHEREAS, the Kennedy-Martin-Stelle Farmstead is a community landmark that reflects the rich heritage of Bernards Township; and

WHEREAS, Bernards Township acquired the property with municipal open space funds in 1999; in 2001 appointed a task force to preserve the Farmstead; and undertook successful preservation grant requests totaling \$1,839,657.00; and

WHEREAS, it is the mission of the Friends of the Kennedy-Martin-Stelle-Farmstead to preserve and operate the Farmstead, which is listed on the New Jersey and National Registers of Historic Places, as Farmstead Arts, a non-profit center for fine, performing, and practical arts; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead were awarded a 2010 grant for \$176,483.00 from the Garden State Historic Preservation Trust to prepare the interior of the English Barn for public use, including the elevation of two transverse beams that limited use of the west end of the barn, installation of a concrete slab and partial wood floor; and a weather-tight emergency-egress door on the south side of the barn; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead were awarded a 2014 grant for \$140,424.00 from the Somerset County Historic Preservation Grant program to prepare the English Barn for three season, ADA compliant occupancy including installing a north entrance store front, basic lighting fixtures and exterior lights, a rat slab in the drop stalls, preservation of the drop stall flapper doors and drop stall and view panel lighting; to repair and stabilize the basement steps, finish off the plaster ceiling in the dining room and install fire resistant sheetrock in the closet under the second floor staircase in the farmhouse; to preserve and restore the Ice House roof; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead were awarded a 2016 grant for \$188,433.00 from the Somerset County Historic Preservation Grant program to enhance utilization to and access of the English Barn by stabilizing the storage platform level above the dropped stalls at the east end of the barn and to stabilize and close the exterior envelope of the Cow Shed including demolition of the non-historic west aisle, new concrete footings for wood posts, repairs to and reinforcement of surviving heavy timber frame, new wood shingle roof and clapboard siding, including painting, and new doors and windows at the building perimeter; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead were awarded a 2018 grant for \$197,802.00 from the Somerset County Historic Preservation Grant program to improve the overall stability, accessibility and safety of the Farmstead by 1) Creating a usable space, such as a terrace, over the original Dairy Barn foundation; and 2) improving safety and accessibility enhancements with 2 ADA compliant parking spaces; a walkway from the ADA compliant parking spaces to the English Barn; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead were awarded a 2021 grant for \$141,078.00 from the Somerset County Historic Preservation Grant program to improve overall usability, accessibility, and safety of the Farmstead by 1) painting the Farmhouse, repairing and/or replacing windows on the porch, and adding shutters; and 2) restoring the English Barn by painting or staining the exterior and installing a second interior ADA ramp on the South side; and 3) adding an electric service to the Cow shed; and 4) hiring an historic preservation consultant(s) to do research to extend the period of historical significance of the Farmstead to include the period owned by Dr. Pearson; and

WHEREAS, the requested funds will enable the Friends of the KMSF to make additional site and building improvements as outlined below:

- Funds are requested for unexpected design and construction costs related to the 2018 Phase two, ADA Parking, landscaping, and barrier free walkway leading to the English Barn project. Revised construction drawings for this site work project have been prepared, and have been reviewed by the Bernards Township Engineering Department multiple times. They are requiring additional trench drains be added at the west side of the cowshed and proposed driveway and parking area. The new buried piping is to be connected to an existing 6" Ø drain pipe and trench installed as part of the Phase One Terrace project. This drainage system was also required by Bernards Township Engineering. All these trenches require Archaeological monitoring and reports at a cost between \$9,000.00 and \$12,000.00 per trench. There have also been additional architectural documentation costs required for the additional drainage and engineering department reviews and revisions. These costs were never anticipated in the 2018 SCC&HC grant application partially due to a lack of previous site work at the KMS Farmstead. Most, if not all of the previous projects only involved the buildings.
- Two toilets (one ADA type), and a catering kitchen installed at the KMSF Cowshed/Piggery. KMSF has submitted a request for technical advice to NJHPO for this project. It has been reviewed, and a copy of the NJHPO email is attached to this application. The proposed project also includes rehabilitated exhibit space for historic farming tools, and for discussions about the history of farming in Basking Ridge and Somerset County.
- This work at the Cowshed will require installation of a new ¾" Ø water line from the existing main service water line located on the north side of the main driveway; installation of a buried 4" Ø, soil waste line leading from the Cowshed in an easterly direction down to the existing main house soil waste line system; and installation of 200-amp electric service panel and new wiring run in the existing buried conduit from the barn to the Cowshed. This work will require reviews by the Bernards Township Engineering Department and archaeological reports.
- Construction of a new, curved concrete sidewalk and ADA compliant ramp from the ADA parking area west of the Barn down to the patio and Cowshed. This work will require Bernards Township Engineering Department reviews, drainage trenching and an archaeologist report.
- Construction of a walkway/deck connecting the large sliding door entry at the historic KMSF barn to the recently renovated patio behind the barn. This construction project will include steps and a walkway down to the east side of the barn by the lower-level stables. This work will require reviews by the Bernards Township Engineering Department and archaeological reports because of the raised deck walkway footings.

- Installation of six (6) air circulation, ceiling fans inside the barn. The fan installation will require structural framing supports and electrical wiring.
- A new Dutch entry door at the north, or parking lot side of the main house. The design will be based on the existing historic Dutch door on the south side of the house, and will replace the practical but inappropriate, modern 3/4 glass door currently in place.
- Renovations to the interior of the existing enclosed porch at the east side of the house. These improvements will provide administrative, and non-profit office space for FKMSF staff, and a more formal visitor and ADA entry process to the building and site.
- Expansion of the existing gravel parking lot located to the south west of the main house, and between the house and barn. The expansion will involve creating a double loaded lot from the existing single loaded parking lot and extending this enlarged lot further to the south.
- Installing exterior security camera systems at the main house and barn to promote safety and discourage vandalism.
- Updating the KMSF Preservation Plan originally prepared by Historic Building Architects, LLC in 2002. It has been more than 20 years since this document was written. It needs to be updated. This item was recently suggested by the Somerset County reviewer from NJHPO.
- Preparation of a Disaster Plan for the site. This item is critical since the effects of Hurricane Sandy on the Wagon House and more common severe storms demonstrate the need.
- FKMSF needs to update their documents storage and date archival arrangements. Right now, many important documents and drawings are on paper, in boxes in the main house attic. A better and less cumbersome arrangement is needed.

WHEREAS, the Friends of the Kennedy-Martin-Stelle-Farmstead believe it is imperative to complete the requested work to improve the overall usability, accessibility and safety of the Farmstead; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead wish to apply for the Somerset County Cultural and Heritage Commission for a Historic Preservation Grant in the amount not to exceed (NTE) \$544,261.00 to improve the overall usability, accessibility, and safety of the Farmstead; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead believe the requested work to the Farmhouse, Barn, Cow Shed are necessary as these structures and areas contribute to the unique historic assemblage that makes the Farmstead such a valuable resource for historical education; and

WHEREAS, the requested funds will further enhance the Farmhouse, English Barn and Cow Shed for three season, day and evening, ADA compliant public use, and will contribute to the safety of the English Barn; and

WHEREAS, fine and performing artists and practical arts practitioners are already using the Farmhouse and English Barn for fine and performing arts programming; and

WHEREAS, the English Barn, Farmhouse, Cow Shed, Ice House and Well House at the Farmstead have been preserved and restored with generous assistance from Bernards Township, Somerset County, the Historical Society of the Somerset Hills, the New Jersey Historic Trust, the 1772 Foundation, the Bernardsville Rotary Club, the Bona Fides of Basking Ridge, Impact 100 Garden State, members of the Friends of the Kennedy-Martin-Stelle Farmstead, foundations, and over 140 local volunteers; and

WHEREAS, the Friends of the Kennedy-Martin-Stelle Farmstead undertook successful preservation grant requests including thirteen Somerset County Historic Preservation Grants totaling \$1,704,579.00, two Garden State Preservation Trust Grants totaling \$616,393.00, and a 1772 Foundation Grant for \$11,500.00, and successfully managed the use of these grants; and

WHEREAS, the Township Committee of the Township of Bernards believes this property is an excellent candidate for a grant from the Somerset County 2023 Historic Preservation Grant Program; and

WHEREAS, the grant from the Somerset County 2023 Historic Preservation Grant Program requires that for an applicant that is not the property owner, the applicant must be able to prove the possession and significant control of the property through a valid lease and the unexpired term of the lease must be 25 years or more as of January 1, 2022; and

WHEREAS, there are no Township of Bernards matching funds required.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that it does hereby authorize the Friends of the Kennedy-Martin-Stelle Farmstead to submit a grant application for \$544,261.00 (or NTE \$544,261.00) to the Somerset County 2023 Historic Preservation Grant Program; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that the Mayor and Clerk hereby authorized to sign the grant on behalf of the Township.

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT:

This grant will enable the Friends of the Kennedy-Martin-Stelle Farmstead to improve the overall usability, accessibility and safety of the Farmstead by 1) finishing work from the 2018 SCC&HC grant; and 2) restoring and repurposing the Cow Shed with electrical, plumbing, and structural improvements; and 3) expanding the existing parking lot, installing fans in the barn; and 4) making further improvements to create a usable, ADA compliant entrance area/office space, improve security and document storage, prepare a disaster plan, update the KMSF Preservation Plan, and replace a usable but not historically accurate entrance door with a more historically appropriate one.

Leslie Workman

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0282

Authorization of Renewal of 2023-2024 Liquor Licenses:

Dello Russo Enterprises, Inc.; HGC of Basking Ridge, LLC; F&H Gjakova LLC; Finley Enterprise LLC;
NJ National Golf Club, LLC; Olde Mill Inn at Basking Ridge, Inc.; Chester Moores, LLC – Harvest
Restaurant Group; Tropokos, LLC

AEK Enterprises, LLC; BR Wine Rack, LLC; Ridge Fine Wines LLC;

Courtyard Management Corporation; Valor Hospitality Partners, LLC; Verizon BR Operating, LLC

The Fellowship Club, Inc.

WHEREAS, applications have been made to the Township Committee of the Township of Bernards, County of Somerset, for renewals of 2023-2024 Liquor Licenses; and

WHEREAS, the Municipal Clerk reports the applications are complete in all respects, and is in receipt of the necessary fees and tax clearance certificates; and

WHEREAS, there were no objections to the renewal applications either written or in person; and

WHEREAS, the applicants are qualified to be licensed, and the Police Department has reviewed the source of all funds, or any additional financing obtained in the previous license term for use in the licensed business and the Police Department have submitted a memorandum of approval.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards approves renewal of the following liquor licenses for the license year 2023-2024:

License No	Owner	Trading As
1802-33-007-003	Dello Russo Enterprises, Inc.	Café Rustica, Inc.
1802-33-005-011	HGC of Basking Ridge, LLC	Twenty Six Tavern
1802-33-014-002	F&H Gjakova, LLC	Figaro 3 Pizzeria
1802-33-002-008	Finley Enterprises, LLC	Washington House Restaurant
1802-33-011-003	NJ National Golf Club, LLC	Red Oak Grille & NJ National Golf Club
1802-33-001-005	Olde Mill Inn at Bernards, Inc.	Olde Mill Inn, Grain House Restaurant
1802-33-012-001	Chester Moores, LLC. – Harvest Restaurant Group	3 West Restaurant, Urban Table Restaurant
1802-33-004-008	Tropokos, LLC	Tropokos, LLC
1802-44-003-007	AEK Enterprises, LLC	Select Vintage Wines
1802-44-006-009	BR Wine Rack LLC	The Wine Rack
1802-44-013-004	Ridge Fine Wines, LLC	Ridge Fine Wines
1802-36-010-001	Courtyard Management Corporation	Basking Ridge Courtyard
1802-36-009-005	Valor Hospitality Partners LLC	Hotel Indigo Basking Ridge - Warren
1802-36-008-003	Verizon BR Operating, LLC	The Ridge
1802-31-015-001	The Fellowship Club, Inc.	The Fellowship Club, Inc.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine Kieffer, Municipal Clerk

EXPLANATORY STATEMENT

This resolution renews 15 liquor licenses operating in the township. Applicants have filed the proper application, paid the municipal and state fee, received a tax clearance certificate and have been cleared for renewal by the Police Department.

06/14/2023

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0283

Rescinding Resolution #2023-0194

Award of Bid for the 2023 Sidewalk Improvements to
FDM Construction, LLC, 90 Willow Street, Carteret, NJ 07008
In the Amount of \$145,200.00.

WHEREAS, the Township of Bernards received bids on Wednesday, February 22, 2023 at 10:30 AM for the 2023 Sidewalk Improvements; and

WHEREAS, FDM Construction, LLC, 90 Willow Street, Carteret, NJ 07008 was the lowest responsible bidder; and

WHEREAS, on March 28, 2023, the Bernards Township Committee adopted Resolution #2023-0194 entitled “Award of Bid for the 2023 Sidewalk Improvements to FDM Construction, LLC, 90 Willow Street, Carteret, NJ 07008 In the Amount of \$145,200.00”; and

WHEREAS, on March 29, 2023, the Township’s Purchasing Agent sent a letter to Hugo Fernandes, Manager of FDM Construction, LLC, that the project had been awarded and required documents were to be executed and returned within seven (7) days upon receipt of the notification. Required documents were as follows:

1. Acknowledgement of the terms of the original resolution and contract by dating and signing.
2. Form AA-201
3. Insurance Certificate
4. Completed W-9
5. Signed Purchase Order RA

WHEREAS, on May 1, 2023, the Township’s Purchasing Agent sent follow up communications noting several documents were still outstanding, and

WHEREAS, on May 31, 2023, the Township’s Purchasing Agent issued the final letter to FDM Construction, LLC informing of the rescinding of the 2023 Sidewalk Improvements project due to failure to submit the outstanding documents, leaving the Township with no alternative but to rescind the contract.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that we do hereby rescind Resolution #2023-0194 Award of Bid for the 2023 Sidewalk Improvements to FDM Construction, LLC, 90 Willow Street, Carteret, NJ 07008 In the Amount of \$145,200.00

Agenda and Date Voted: 06/27/2023

Explanatory Statement

This resolution rescinds the award of the 2023 Sidewalk Improvements contract to FDM Construction, LLC due to failure to submit all required documents in the allowed 7-day timeframe.

Date: June 6, 2023

Katelyn E. Dmitruck, PE
Assistant Township Engineer

PURCHASING CERTIFICATION

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



Francis J. Decibus, QPA
Purchasing Agent

Date: June 8, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0287
Personnel Reappointment
Carol Callahan – Deputy Tax Assessor – Tax Assessor

WHEREAS, pursuant to NJSA 40A:9-148, the Deputy Tax Assessor shall be appointed a four-year term; and

WHEREAS, the Tax Assessor, Township Administrator, Chief Financial Officer and Human Resources Officer recommend re-appointment of Carol Callahan to the position of Deputy Tax Assessor effective July 1, 2023; and

WHEREAS, Carol Callahan has held the position of Deputy Tax Assessor since April 11, 2022, and has operated in good standing; and

NOW, THEREOFRE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that Carol Callahan be appointed Deputy Tax Assessor for a four-year term effective July 1, 2023 through June 30, 2027.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk

EXPLANATORY STATEMENT

As per NJSA 40A:9-148 the position of Deputy Tax Assessor, the appointment is for a four-year term beginning on July 1. Upon hire, Carol was appointed to fill the unexpired term of Patricia Caljean set to expire 6/30/2023. This resolution re-appoints Carol for her next four-year term.

Emily Kesselmeyer, HR Officer



Resolution of the Township of Bernards

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

Resolution #2023-0288

Award of Purchase Orders for Identified; AT Bucks County, LLC, AT Northern New Jersey LLC d/b/a Mid Atlantic, Challenger Fence, Inc., Flemington Department Store, Road Safety, LLC., and Ridge Painting Company

WHEREAS, the Township Committee of Bernards has adopted Ordinance #1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

WHEREAS, pursuant to the ordinance window contracts determined to exceed \$17,500.00 and within the bid threshold of \$44,000.00 requires governing body approval; and

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

Vendor	Not to Exceed	Vendor	Not to Exceed
AT Bucks County, LLC	\$ 44,000	Flemington Department Store	\$ 44,000
AT Northern New Jersey LLC d/b/a Mid Atlantic	\$ 44,000	Road Safety, LLC	\$ 44,000
Challenger Fence, Inc	\$ 44,000	Ridge Painting Company	\$ 44,000

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendors listed above to maintain continuity and facilitate the ordering process through December 31, 2023.

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

Pursuant to the adoption of the Bernards Township Pay to Play ordinance #1854 and P. L. 2004, Chapter 19, adoption will permit the purchases from noted vendor(s) relative to the day-to-day operation of the township departments.

Date: June 15, 2023

Francis J. Decibus, QPA, RPPO Purchasing Agent

PURCHASING CERTIFICATION

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

Date: June 15, 2023

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 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution # 2023-0289

Authorization for Tax Collector to Participate in Electronic Tax Sale Process

WHEREAS, N.J.S.A 54:5-19, authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of Division of Local Government Services (DLGS), and

WHEREAS, the Director of DLGS has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic programs; and

WHEREAS, the Director of DLGS has promulgated rules and regulations for pilot programs; and

WHEREAS, the electronic tax sale process provides the Township with a greater pool of potential lien buyers allowing for a more complete tax sale process;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Tax Collector be authorized to take necessary action to participate in the electronic tax sale on or about October 5, 2023.

Interpretive Statement: Authorization of the electronic tax sale provides a greater pool of potential lien buyers, in turn, allowing for a more complete tax sale process. Kevin Sant'Angelo, Tax Collector

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0291 Rejection of Bids for Library Entrance Project

WHEREAS, the Township of Bernards received bids on Thursday, May 25, 2023 at 10:30 AM for the Bernards Township Library Entrance Project. The bid summary is as follows:

BIDDER NAME	BASE BID
Innovational Construction and Design Inc.	\$137,500.00
GIG Construction and Consulting LLC	\$246,800.00
De Sapio Construction Inc.	\$282,000.00
Paley Construction Co.	\$296,624.00
A Plus Glass and Metal LLC	\$349,650.00
ZN Construction LLC	\$367,000.00

and;

WHEREAS, the low bidder Innovational Construction & Design did not acknowledge receipt of Addendum #1 and did not include a full subcontractor list pursuant to N.J.S.A. 40A:11-16 showing a structural steel contractor which is a fatal flaw in their bid; and

WHEREAS, it is the combined recommendation of the Township Engineer, Township Administrator, and Purchasing Agent to reject the bids pursuant to N.J.S.A. 40A:11-13.2(b) as the bids exceeds the project's cost estimate; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that all bids be rejected and that the Purchasing Agent be authorized to rebid this project.

NOW THEREFORE BE IT FURTHER RESOLVED, that a copy of this resolution shall be on file, available for public inspection in the office of the Bernards Township Purchasing Agent, 1 Collyer Lane, Basking Ridge, New Jersey 07920.

Agenda and Date Voted: June 27, 2023

Explanatory Statement

The Bernards Township Library seeks to repair, upgrade, and improve access to both our main and back entrances. This project includes new energy-efficient LED lighting, a new sloped pathway to the front door creating barrier-free access, and a new canopy over the back entrance to protect the lobby and book drops from water damage. After receiving the initial bids, lowest bidder Innovational Construction and Design, Inc. did not meet the requirements of the bid. The next lowest bidder came in higher than the projected cost estimate we received from our architectural firm, Acari + Iovino. After conferring with Anthony Iovino, he advised that the library rebid with the expectation that Innovational Construction and Design, Inc. will come back with a more competitive quote that meets all requirements of the project.

Rachel Burt, Library Director

Date: 06/15/2023

PURCHASING CERTIFICATION

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



Francis J. Decibus, QPA
Purchasing Agent

Date: June 16, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0292

Award of Change Order #1 for the
2020 & 2021 NJDOT Local Aid Projects: Spring Valley Boulevard Improvements
To Capital Paving and Contracting LLC, 67 Beaver Avenue Suite 25, Annandale, NJ 08801
Decrease of \$149,451.49 (11.97%)

WHEREAS, the Engineering Department requests the following change order be authorized by the Township Committee:

Vendor	CO	Original Award	Amount of Decrease	New Total
	Number 1	\$1,248,295.30 RA#210271	\$149,451.49 (11.97%)	\$1,098,843.81
TOTAL CO	CO #1		\$149,451.49 (11.97%)	\$1,098,843.81

WHEREAS, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to Capital Paving and Contracting LLC; and

WHEREAS, the Chief Financial Officer is directed to credit Capital Ordinance #2465, line account C-04-55-465-A01.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey, that the Purchasing Agent is hereby authorized to issue a change order to Capital Paving and Contracting LLC, 67 Beaver Avenue Suite 25, Annandale, NJ 08801.

Date Voted and Agenda: 06/27/2023

EXPLANATORY STATEMENT

This change order represents the net contract change as a result of as-built quantities measured in the field. P-1 is the lump sum assessment of liquidated damages due to failure to finish the punchlist within the allowable 30 day time period. P-2 is a lump sum penalty for the work required by the Bernards Township Sewerage Authority to respond to an overflow of a sanitary manhole due to a blockage created by large asphalt debris that was not sufficiently removed during construction. The labor, time and materials to remove the blockage has been documented and assessed accordingly.

Date: June 16, 2023

Katelyn E. Dmitruck, P.E.
Assistant Township Engineer

PURCHASING CERTIFICATION

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


For Purchasing Agent

Date: June 19, 2023

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 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0293

Authorizing A Memorandum Of Agreement With The Bernards Township Board Of Education
Concerning The Placement Of A School Resource Officer And
The Hiring Of Special Police Officer III's In Each School In The Bernards Township School District

WHEREAS, the State of New Jersey has created a new class of Special Police Officers known as Special Police Officer III (SLEOIII) specifically and solely for the purpose of school security as outlined in N.J.S.A. 40A:14-146.10, 40A:14-146.11, 40A:14-146.14, and 40A:14-146.16, and other appropriate provisions of New Jersey law; and

WHEREAS, the Township of Bernards (the "Township") and the Bernards Township Board of Education (the "Board" or "District") agree that having Special Class III's Police Officers who are specifically trained for school security is a best practice for the safety and security of the students, faculty, staff and visitors to District Schools located in Bernards Township; and

WHEREAS, the Township and the Board agree that school security is of the utmost importance to create a safe learning environment for students; and

WHEREAS, the Township and the Board agree that the Township, through the Bernards Township Police Department, shall hire, subject to the terms of a Memorandum of Agreement, and make available a number of SLEO III Officer's as determined necessary to the Bernards Township School District; and

WHEREAS, the completed Memorandum of Agreement will remain on file with the Office of the Municipal Clerk and is available for inspection.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby authorize and approve the Memorandum of Agreement with the Bernards Township Board of Education and authorize the Mayor and Clerk to execute the agreement on behalf of the Township.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk

EXPLANATORY STATEMENT:

The Board of Education wished to continue and increase the utilization of trained "Special Law Enforcement Officers III's" to provide an extra measure of security at all township schools and also continue to have a School Resource Officer for the district. These Special Law Enforcement Officers III's shall operate under the direction of the police department in collaboration with the Board of Education in order to assist in providing the safest environment possible in our school(s). The MOU document governing this agreement shall be updated to reflect current salary rates for SLEO III's and a School Resource Officer.

Jon Burger, Chief of Police
05/23/2023



Resolution of the Township of Bernards

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

Resolution #2023-0294

Approval of Street Closing Permit for a Block Party on
Grove Road, September 9, 2023 (Rain date September 10, 2023)

WHEREAS, Lesley Acheson of 60 Peachtree Road, Basking Ridge, New Jersey, hereinafter “the applicant,” has requested permission to close Grove Road on September 9, 2023 (rain date September 10, 2023) from 2:00 PM to 8:00 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 found it complete.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the street closing permit for a Block Party be approved.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0295

Acceptance of Grant and Insertion of Revenue Item Into the 2023 Budget
\$20,000.00 from the New Jersey Department of Health (NJDOH)
for the Vaccination Supplemental Funding FY 23-24 related to Covid-19 (VSF)

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

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

WHEREAS, the Township has received an award letter of \$20,000.00 from the New Jersey Department of Health (NJDOH) for the Vaccination Supplemental funding directly related to COVID-19 and wishes to amend its 2023 budget to include this amount as revenue.

Title of Award : Covid-19 Vaccination Supplemental Funding FY 2023-2024 (Year 3)
Grant Award No.: OLP22VSF019
Budget Period : 07/01/2023 through 06/30/2024

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

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written

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

Appropriations:

NJDOH-24 OLP22 Vaccination Supp (VSF)

BE IT FURTHER RESOLVED that a like sum of \$20,000.00 total be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Appropriations Offset by Revenues:

NJDOH-24 OLP22 Vaccination Supp (VSF)

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT:

This resolution authorizes the acceptance of the NJDOH-24 OLP22 Vaccination Supp (VSF) grant and amends the 2023 budget to appropriate the grant monies not anticipated at the time of budget adoption.

Date: 05/24/2023

Sean McCarthy, CFO

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0296

Amending Resolution #2023-0266

Authorizing and Approving Purchase of One (1) Ventrac Boom Mower Attachment from Sourcewell Co-op #031121-TTC to Storr Tractor Company, 3191 US Highway 22 East, Branchburg, NJ, 08876

In the Amount Not to Exceed \$18,507.17.

WHEREAS, on May 23, 2013, the Township Committee adopted Resolution #2023-0266 entitled: Authorizing and Approving Purchase of One (1) Ventrac Boom Mower Attachment from Sourcewell Co-op #031121-TTC to Storr Tractor Company, 3191 US Highway 22 East, Branchburg, NJ, 08876 In the Amount Not to Exceed \$18,507.17; and

WHEREAS, the Finance Department has requested resolution #2023-0266 be amended, ~~the line-item appropriation to be charged is line accounts #C-04-55-470-H02 (\$7,731.80) and #C-04-55-499-L01 (\$10,775.37);~~ **and the line-item appropriation to be charged is line accounts #C-04-55-470-H02 (\$2,126.20), #C-04-55-499-L01 (\$15,375.58), and C-04-55-524-H01 (\$1,005.39);** and

WHEREAS, the Township of Bernards Department of Public Works wishes to purchase One (1) Ventrac Boom Mower Attachment;

QTY	DESCRIPTION	UNIT TOTAL
1	Ventrac Model MA900 Boom Mower	\$16,592.40
1	Mid-Weight Bar Kit	\$290.40
1	Service Kit, 4 Pos Spool w/Detent	\$67.76
8	Additional Weights	\$844.80
	Setup Charges (2%)	\$355.91
	Freight (2%)	\$355.91
	TOTAL	\$18,507.17

and

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Storr Tractor Company, 3191 Route 22, Branchburg NJ, 08876 in the amount of \$18,507.17; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line-item appropriation to be charged is line accounts #C-04-55-470-H02 (\$2,126.20), #C-04-55-499-L01 (\$15,375.58), and C-04-55-524-H01 (\$1,005.39); and

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

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for One (1) Ventrac Boom Mower Attachment from Sourcewell Co-Op #031121-TTC to Storr Tractor Company, 3191 Route 22, Branchburg, NJ 08876 in the Amount Not to Exceed \$18,507.17.

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

It is my recommendation, based upon review of the Sourcewell Co-op #031121-TTC to issue a purchase order to Storr Tractor Company for one (1) Ventrac Boom Mower Attachment in the net total delivered price of \$18,507.17. This attachment is compatible with the Ventrac Tractor #624 in the Grounds Division fleet and will be used to maintain vegetation adjacent to various walking paths and sidewalks throughout Township parks & open space properties.

Date: 05/15/2023

Ryan Wallace,
Director of Public Works

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, CFO of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$18,507.17. Monies are available in line accounts #C-04-55-470-H02 (\$2,126.20), #C-04-55-499-L01 (\$15,375.58), and C-04-55-524-H01 (\$1,005.39).



Date: May 17, 2023

Sean McCarthy, CFO

PURCHASING CERTIFICATION:

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



Francis J. Decibus, QPA
Purchasing Agent

Date: May 19, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0297

Award of Bid for the 2023 Road Improvements to
Reivax Contracting Corp., 165 River Road, Flemington, NJ 08822
In the Amount of \$2,454,637.02.

WHEREAS, the Township of Bernards received bids on Wednesday, May 31, 2023 at 11:30 AM for the 2023 Road Improvements. The bid summary is as follows:

BIDDERS NAME	TOTAL BID AMOUNT
Reivax Contracting Corp.	\$2,454,637.02
AJM Contractors, Inc.	\$2,638,575.75*
KM Construction Corp.	\$2,640,407.50
Black Rock Enterprises, LLC	\$2,782,413.42
P.M. Construction Corp.	\$2,889,879.00
DLS Contracting, Inc.	\$3,002,779.25
Topline Construction Corp.	\$3,090,351.14

*correction due to arithmetic error

WHEREAS, it is the combined recommendation of the Township Engineer, Administrator and Purchasing Agent to award the contract to the lowest bidder Reivax Contracting Corp., 165 River Road, Flemington, NJ 08822 in the amount of \$2,454,637.02; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2524 line account C-04-55-524-A01 (\$500,000.00), Capital Ordinance #2524 line account C-04-55-524-A02 (\$800,000.00), Capital Ordinance #2446 line account C-04-55-446-A06 (\$99,055.89), Capital Ordinance #2446 line account C-04-55-446-A07 (\$99,777.05), Capital Ordinance #2465 line account C-04-55-465-A01 (\$700,000.00), and Capital Ordinance #2499 line account C-04-55-499-A01 (\$255,804.08); and

WHEREAS, this contract has been awarded to Reivax Contracting Corp. 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 Reivax Contracting Corp., 165 River Road, Flemington, NJ 08822 in the amount of \$2,454,637.02; and

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 Reivax Contracting Corp. ("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 2023 Road Improvements.
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 five (5) days written notice via certified mail.
8. The Contractor shall commence the work not later than ten (10) calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
9. 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.
10. 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 \$1,000.00 per day for every day after the 120 day deadline and \$1,000.00 per day for every day after the deadline 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.
11. 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 ten (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.

Xavier Pimenta, President

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT:

The scope of work for the 2023 Road Improvements project includes milling, paving, and reconstruction of various roads throughout the Township. The scope of work also includes repairs to various curb, sidewalk, and stormwater infrastructure. This resolution awards the contract to the lowest responsible bidder as part of the Township's capital improvement program.

Date: June 14, 2023

Katelyn E. Dmitruck, PE
Assistant Township Engineer

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$2,454,637.02. Monies are available in the Capital Ordinance Capital Ordinance #2524 line account C-04-55-524-A01 (\$500,000.00), Capital Ordinance #2524 line account C-04-55-524-A02 (\$800,000.00), Capital Ordinance #2446 line account C-04-55-446-A06 (\$99,055.89), Capital Ordinance #2446 line account C-04-55-446-A07 (\$99,777.05), Capital Ordinance #2465 line account C-04-55-465-A01 (\$700,000.00), and Capital Ordinance #2499 line account C-04-55-499-A01 (\$255,804.08).

Date: June 20, 2023

Judy O'Connell

For Sean McCarthy - Chief Financial Officer

PURCHASING CERTIFICATION

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

Francis J. Decibus
For Purchasing Agent

Date: June 14, 2023

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 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution # 2023-0298

Authorizing and Approving Repair and Upgrade of Guide Rail from MCCPC (Morris County Cooperative Pricing Council) Contract # 26 – Various Items to Road Safety Systems, LLC,
12 Park Drive, Shamong NJ, 08088
In the Amount Not to Exceed \$70,000

WHEREAS, the Township of Bernards Department of Public Works wishes to Upgrade and Repair Guide Rail at various locations within the Township; and

QTY	DESCRIPTION	UNIT TOTAL
	Repair of Guide Rail – Various Roads	\$70,000
	MCCPC Contract #26 – Various Items	
	TOTAL	\$70,000

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Road Safety Systems, LLC, 12 Park Drive, Shamong NJ, 08088 in the Amount Not to Exceed \$70,000.00; 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 #C-04-55-524-C03 (\$70,000); and

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

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for Repair of Guide Rail on Various Roads within the Township to Road Safety Systems, LLC, 12 Park Drive, Shamong NJ, 08088 in the Amount Not to Exceed \$70,000

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

It is my recommendation, based upon review of the Morris County Cooperative Pricing Council Contract #16, to issue a purchase order to Road Safety Systems, LLC, for Repair of Guide Rail at various location within the Township in the amount not to exceed \$70,000. The guide rail will be repaired and upgrade to current DOT safety standards: This recommendation is made in accordance with the capital improvement plan for 2023.

Date: 06/16/2023

Ryan Wallace, Director of Public Works

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$70,000 Monies are available in the Capital Ordinance #2524, line account #C-04-55-524-C03.

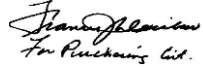
Judy O'Connell

Date: 06/20/2023

For Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION:

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



Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date: June 19, 2023

CERTIFICATION

**I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 06/27/2023.**

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0299

Award of Bid for DPW Road Repairs to Reivax Contracting Corp., 165 River Rd, Flemington, NJ 08822
In the Amount of \$216,010.00 for Alt. #1 and In the Amount Not To Exceed \$500,000.00 for Alt #2

WHEREAS, the Township of Bernards received bids on Wednesday, June 14, 2023 at 11:00 AM for DPW Road Repairs: The Bid Summary as follows:

Alternate # 1 (Various roadway repair throughout the Township, it is intended to keep the project open as outlined in specifications so as to repair various areas at various times as directed by Bernards Township DPW. Minimum repair area 4 SY)

Contractor	Alt. #1
Reivax Contracting Corp.	\$216,010.00
Renda Roads, Inc.	\$342,500.00

Alternate #1 (Various roadway repair throughout the Township, it is intended to keep the project open as outlined in specifications so as to repair various areas at various times as directed by Bernards Township DPW. Minimum repair area 4SY)

DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL UNIT PRICE
Fuel Price Adjustment	LS	1	\$500.00	\$500.00
Asphalt Price Adjustment	LS	1	\$500.00	\$500.00
2" Mill	SY	10,000	\$4.00	\$40,000.00
5" Mill	SY	400	\$10.00	\$4,000.00
Dense Graded Aggregate Repair Areas	TONS	100	\$54.10	\$5,410.00
Bit. Concrete Mix I-2, 5" Thick	TONS	200	\$92.00	\$18,400.00
FABC Mix I-5, 2" Thick	TONS	1,200	\$92.00	\$110,400.00
Walking/Biking Path, 4'-8'. FABC Mix I-5, 2" Thick	TONS	400	\$92.00	\$36,800.00
TOTAL UNIT PRICE BID				\$216,010.00

Alternate # 2 (Unit price for additional repair work from date of award of bid to June 26, 2025 for the repairing of various roads as directed by the Public Works Department not to exceed \$500,000.00.

Contractor	Alt. #2 (Unit Price)
Reivax Contracting Corp.	\$1,386.10
Renda Roads, Inc.	\$1,511.00

DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL UNIT PRICE
Fuel Price Adjustment	LS	1	\$500.00	\$500.00
Asphalt Price Adjustment	LS	1	\$500.00	\$500.00
2" Mill	SY	4	\$4.00	\$16.00
5" Mill	SY	4	\$10.00	\$40.00
Dense Graded Aggregate Repair Areas	TONS	1	\$54.10	\$54.10
Bit. Concrete Mix I-2, 5" Thick	TONS	1	\$92.00	\$92.00

FABC Mix I-5, 2" Thick	TONS	1	\$92.00	\$92.00
Walking/Biking Path, 4'-8'. FABC Mix I-5, 2" Thick	TONS	1	\$92.00	\$92.00
TOTAL BID				\$1,386.10

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award the contract Reivax Contracting Corp., 165 River Rd, Flemington, NJ 08822 in the amount of \$216,010.00 for Alt. #1 and in the amount not to exceed \$500,000.00 for Alt #2; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or ordinance to be charged will be Capital Ordinance #2524 line account #G-02-27-LFR-23D (\$216,010.00), for Alt. #1; and

WHEREAS, the Chief Financial Officer has certified funds will be budgeted in 2024; the line appropriations or ordinance to be charged will be Capital Ordinance – DPW Capital Improvements (\$450,000.00) and budget line account #4-01-26-290-266 – (\$50,000.00) contingent upon Township Committee budget approval for Alt. #2; and

WHEREAS, this contract has been awarded to Reivax Contracting Corp., 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: Reivax Contracting Corp., 165 River Rd, Flemington, NJ 08822;

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 Reivax Contracting Corp, ("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 2023 DPW Road Repairs Alt. #1 & Alt. #2.
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 10 days written notice via certified mail.
8. The Contractor shall commence the work not later than 120 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
9. 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.
10. 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.
11. 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.

Xavier Pimenta, President

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

The scope of work will include milling and resurfacing various failed areas throughout the Township.

Alt. #1 – The scope of work will include milling and resurfacing of various failed roadway areas throughout the Township as directed by the Public Works Department.

Alt. #2 – Hold construction prices from date of award of bid to June 27, 2025 for the repairing of various roads as directed by the Public Works Department.

Date: 6/19/2023

Ryan Wallace
Director of Public Works

CFO CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced contract for DPW Road Repairs. Monies are available in Capital Ordinance #2524 line account #G-02-27-LFR-23D (\$216,010.00) for Alt. #1;.

Funds will be budgeted in 2019; the line appropriations or ordinance to be charged will be Capital Ordinance – DPW Capital Improvements (\$450,000.00) and budget line account #4-01-26-290-266 – (\$50,000.00) contingent upon Township Committee budget approval for Alt. #2.

Judy O'Connell

Date: June 20, 2023

for Sean McCarthy, CFO

PURCHASING CERTIFICATION

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

Francis J. Decibus
For Purchasing Agent

Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date: June 19, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0300

Awarding Professional Services Contract for Construction Observation and Administration –
2023 Road Improvements
to Andrew S. Holt, P.E., P.P, C.M.E., NJ Lic. #24GE03855400 of the firm Suburban Consulting
Engineers, Inc., 96 U.S. Highway 206, Suite 101, Flanders, NJ 07836
- In the Not to Exceed Amount of \$85,300.00

WHEREAS, the Township of Bernards requires professional engineering services for the construction observation and administration for the 2023 Road Improvements project; and

WHEREAS, Andrew S. Holt, P.E., P.P, C.M.E., NJ Lic. #24GE03855400 of the firm Suburban Consulting Engineers, Inc., 96 U.S. Highway 206, Suite 101, Flanders, NJ 07836 has submitted a proposal dated June 13, 2023, outlining Professional Construction Observation and Administration services to the Township; and

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

WHEREAS, this contract is 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 funds are available in account name, 2022 Roadway Management Program, line account #C-04-55-499-A01 line-item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Andrew S. Holt, P.E., P.P, C.M.E., NJ Lic. #24GE03855400 of the firm Suburban Consulting Engineers, Inc., 96 U.S. Highway 206, Suite 101, Flanders, NJ 07836 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated June 13, 2023.
2. The contract term is from June 27, 2023, through June 26, 2024, for professional Construction Observation and Administration services not to exceed an amount of \$85,300.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. **Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.**
5. **No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.**
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Thomas Timko, Township Engineer, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT 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 notice of this contract award 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.

Andrew S. Holt, P.E., P.P, C.M.E., NJ Lic. #24GE03855400

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

This resolution awards professional construction observation and administration services for the 2023 Road Improvement Project which is needed due to staff vacancies in Engineering.

Date: June 16, 2023

Thomas Timko, P.E., C.M.E.
Township Engineer

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$85,300.00. Monies are available in 2022 Roadway Management Program line account ##C-04-55-499-A01.

Judy O'Connell

Date: June 20, 2023

for Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

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

Francis J. Decibus
For Purchasing Agent

Date: June 16, 2023

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 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0301

Authorizing and Approving Purchase of One (1) Dump Body, Salt Spreader, Plow, Hydraulic Control System and Accessories for 2024 International HV507 Single Axle Truck from ESCNJ Co-Op #20/21-55 to Cliffside Body Corporation, 130 Broad Avenue, Fairview New Jersey 07022
In the Amount Not to Exceed \$155,333.74.

WHEREAS, the Township of Bernards Department of Public Works wishes to purchase One (1) Dump Body, Salt Spreader, Plow, Hydraulic Control System and Accessories for 2024 International HV507 Single Axle Truck;

QTY	DESCRIPTION	UNIT TOTAL
1	12' Galion 433FT Stainless Steel Crossmemberless Dump Body Hoist: Mailhot Telescopic Double Acting Hoist Model # G4-110-5-3DA Capacity: 9.3 Cubic Yards	
	Monroe 11 Foot Stainless Steel Dual Auger V-Box Spreader including Monroe Hydraulics Operated Pre-wet System	
	11' Monroe Plow with QCP Loop and Snow Wheels	
	CIRUS Central Hydraulic System for dump, plow, spreader, pre-wet	
	Additional accessories, parts and labor required to build a complete functional dump truck with plow & sander.	\$155,333.74
	Per Quote # GB060823A Dated 6/8/2023	
	TOTAL	\$155,333.74

and

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Cliffside Body Corporation, 130 Broad Avenue, Fairview New Jersey 07022 in the amount of \$155,333.74; 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 #C-04-55-519-B02 (\$155,333.74); and

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

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for One (1) Dump Body, Salt Spreader, Plow, Hydraulic Control System and Accessories for 2024 International HV507 Single Axle Truck from ESCNJ Co-op #20/21-55 to Cliffside Body Corporation, 130 Broad Avenue, Fairview New Jersey 07022 in the Amount Not to Exceed \$155,333.74.

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

It is my recommendation, based upon review of the ESCNJ Co-op #20/21-55 to issue a purchase order to Cliffside Body Corporation, 130 Broad Avenue, Fairview New Jersey 07022 in the Amount Not to Exceed \$155,333.74. This recommendation is made in accordance with the fleet vehicle replacement plan for 2023. This resolution works in conjunction with the resolution of the Chassis and Cab. Together they will replace one (1) 2007 Sterling Tandem Dump Truck #26.

Date: 06/09/2023

Ryan Wallace,
Director of Public Works

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$155,333.74. Monies are available in line account #C-04-55-519-B02 (\$155,333.74).

Judy O'Connell

Date: June 20, 2023

for Sean McCarthy, CFO

PURCHASING CERTIFICATION:

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

Francis J. Decibus
For Purchasing Agent

Francis J. Decibus, QPA
Purchasing Agent

Date: June 9, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0302

Authorizing and Approving Purchase of One (1) Single Axle Cab & Chassis with Accessories from ESCNJ Co-Op #20/21-55 to
Allegiance Trucks of Northern NJ dba Mid-Atlantic Truck Centre, 525 Linden Ave, Linden, NJ 07036
In the Amount Not to Exceed \$123,147.50.

WHEREAS, the Township of Bernards Department of Public Works wishes to purchase one (1) Single Axle Cab & Chassis Truck;

QTY	DESCRIPTION	TOTAL
1	2024 International Model HV507 SFA Single Rear Axle Cab & Chassis	\$123,147.50
	Standard Warranty	Included
	Per Proposal 11942-01 Dated 5/17/2023	
	TOTAL	\$123,147.50

and

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to Allegiance Trucks of Northern NJ dba Mid-Atlantic Truck Centre, 525 Linden Ave, Linden, NJ 07036 in the amount of \$123,147.50; 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 #C-04-55-519-B02 (\$123,147.50); and

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

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for one (1) Single Axle Cab & Chassis with Accessories from ESCNJ Co-op#20/21-55 Allegiance Trucks of Northern NJ dba Mid-Atlantic Truck Centre, 525 Linden Ave, Linden, NJ 07036 in the amount not to exceed \$123,147.50.

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

It is my recommendation, based upon review of the ESCNJ Co-op #20/21-55 to issue a purchase order to Allegiance Trucks of Northern NJ dba Mid-Atlantic Truck Centre, 525 Linden Ave, Linden New Jersey 07036 in the Amount Not to Exceed \$123,147.50. This recommendation is made in accordance with the fleet vehicle replacement plan for 2023. This resolution will work in conjunction with a separate resolution for a Dump Body, Spreader, Plow, Hydraulic Control System & Accessories. Together they will replace one (1) 2007 Sterling Single Axle Dump Truck #26.

Date: 05/26/2023

Ryan Wallace, Director of Public Works

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$123,147.50. Monies are available in the Capital Ordinance #2519, line account #C-04-55-519-B02.

Judy O'Connell

Date: June 20, 2023

for Sean McCarthy, CFO

PURCHASING CERTIFICATION:

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


For Purchasing Agent

Francis J. Decibus, QPA
Purchasing Agent

Date: June 9, 2023

CERTIFICATION

**I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 06/27/2023.**

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution # 2023-0304

Award of Change Order #1 for 2022 Road Improvements
To MECO, Inc., PO Box 536, Clarksburg, NJ 08510
Increase of \$6,300.00 (0.65%)

WHEREAS, the Engineering Department requests the following change order be authorized by the Township Committee:

Vendor	CO	Original Award	Amount of Increase	New Total
	Number 1	\$974,775.50 RA230175	\$6,300.00 (0.65%)	\$981,075.50
TOTAL CO	CO #1		\$6,300.00 (0.65%)	\$981,075.50

WHEREAS, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to MECO, Inc., PO Box 536, Clarksburg, NJ 08510; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget or the line-item appropriation Capital Ordinance #2499, line account #C-04-55-499-A01.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey, that the Purchasing Agent is hereby authorized to issue a change order to MECO, Inc., PO Box 536, Clarksburg, NJ 08510 in the amount of \$6,300.00 for a new total award of \$981,075.50.

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

This change order represents the net contract change as a result of the revisions per field conditions.

Date: June 15, 2023

Katelyn E. Dmitruck, P.E.
Assistant Township Engineer

CFO CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available in the budget or the line-item appropriation Capital Ordinance #2499 in the not to exceed amount of \$6,300.00. Monies are available in account #C-04-55-499-A01.

Judy O'Connell

Date: June 20, 2023

For Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

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

Francis J. Decibus
For Purchasing Agent

Date: June 15, 2023

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 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0305

Authorizing A Shared Services Agreement
Between The Township Of Bernards And The Bernards Township
Board Of Education Concerning Paving Services

WHEREAS, the Township of Bernards (“Township”), is a Municipal Corporation of the State of New Jersey, having its principal office at the Municipal Building, One Collyer Lane, Basking Ridge, New Jersey, 07920; and

WHEREAS, the Bernards Township Board of Education (“Board” or “District”) is a public school district with its principal office at 101 Peachtree Road, Basking Ridge, New Jersey 07920; and

WHEREAS, the District operates Ridge High School (“High School”) which is located at 268 South Finley Avenue in Basking Ridge; and

WHEREAS, the Board and the Township desire to pave the existing path between the High School and the Municipal Building to allow for improved ingress and egress of vehicles between the High School and Municipal Building; and

WHEREAS, the Township has the capacity to provide such paving services through its Department of Public Works; and

WHEREAS, the Township and the Board agree that it is in their mutual interest to pave the path between the High School and the Municipal Building; and

WHEREAS, a completed Shared Service Agreement will remain on file with the Office of the Municipal Clerk and is available for inspection.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby authorize and approve the Shared Service Agreement with the Bernards Township Board of Education and authorize the Mayor and Clerk to execute the agreement on behalf of the Township.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0307

Approval To Submit A Grant Application And Execute A Grant Agreement With The
New Jersey Department Of Transportation For Lake Road Improvements

WHEREAS, application is hereby made to the Commissioner of Transportation for the allotment of State Aid for Lake Road Improvements. The Lake Road project limits are from the intersection of Mt. Airy Road (CR 525) to the intersection of South Finley Avenue (CR 613), a distance of 1.65 miles, or such portion thereof as may be approved by the Commissioner of Transportation; and

WHEREAS, the total cost estimate for these improvements is \$1,522,841.00. The Township requests the full amount of \$1,522,841.00 in State funds; and

WHEREAS, any aid received as a result of this application will only be used for eligible costs of the project;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Bernards Township, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Township Engineer and Municipal Clerk are hereby authorized to submit an electronic grant application identified as **MA-2024-Lake Road Improvements-00359** to the New Jersey Department of Transportation on behalf of the Township of Bernards; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Bernards and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Date Voted and Agenda: 06/27/2023

EXPLANATORY STATEMENT

The Bernards Township Engineering Department applies annually for a grant for infrastructure improvements from the NJDOT Municipal Aid program. Receipt of the grant supplements tax revenues used for infrastructure improvements. The grant application process requires formal approval from the Township Committee.

Date: 6/21/2023

Thomas Timko, P.E., C.M.E.
Township Engineer

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 06/27/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0308 Recognizing June as LGBTQ Pride Month

WHEREAS, the Township of Bernards is a diverse community which respects and supports the rights of every citizen to experience equality and freedom from discrimination; and

WHEREAS, the Township of Bernards values safety, equality, expression of independent thoughts and ideas, and inclusion for all our residents; and

WHEREAS, all people regardless of age, sexual orientation, gender identity, race, color, religion, marital status, national origin, or physical challenges have the right to be treated fairly and on the basis of their intrinsic value as human beings; and

WHEREAS, Lesbian, Gay, Bisexual, Transgender, and Queer Pride Month (LGBTQ Pride Month) is currently celebrated each year in the month of June to honor the 1969 Stonewall uprisings in Greenwich Village; and

WHEREAS, members of the United States military fought and died, and continue to fight and die for and protect, freedom, liberty and equality for all people; and

WHEREAS, governments of other countries continue to persecute and commit atrocities against individuals solely because of their sexual or gender identity or orientation; and

WHEREAS, the United States of America is one nation under God with liberty and justice for all.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Bernards hereby recognizes June 2023 as LGBTQ Pride Month and approved displaying banners in front of the Municipal Building during the month of June.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0284

Personnel Appointment

Kelli Schmolze – Police Matron – Police Department

WHEREAS, the position of on-call Police Matron is a necessary function of the Police Department; and

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

WHEREAS, Kelli Schmolze has applied for and is qualified to fill said position; and

WHEREAS, the Police Chief, Township Administrator, Chief Financial Officer and Human Resources Officer recommend the appointment of Kelli Schmolze to the position of Police Matron.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Kelli Schmolze be hired as an on-call Police Matron effective July 3, 2023, at an hourly rate of \$18.00. This appointment is contingent upon the successful completion of a background check.

Agenda and Dated Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine Kieffer, Municipal Clerk

EXPLANATORY STATEMENT

The duties and responsibilities of the Police Department create a need to hire on-call Police Matrons. Kelli Schmolze applied for the Police Matron position and is qualified to fill this position.
Carol Ackerman, HR Generalist



Resolution of the Township of Bernards

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

Resolution #2023-0286

Authorizing and Approving Purchase of Seven (7) Motorola APX6000LI Portable Radios from
New Jersey State Contract # T0109 to M&W Communications Inc, 361 Quakertown Rd, Flemington, New Jersey
08822

In the Amount Not to Exceed \$26,238.10

WHEREAS, the Township of Bernards Police Department wishes to purchase seven (7) Motorola APX6000LI portable radios;

QTY	DESCRIPTION	UNIT TOTAL
7	APX6000 7/800 MHZ Model 1.5 Portable Radio	\$9,975.00
	WITH ADDITIONAL OPTIONS	
	LI-ION IMPRES 2 IP68 3400 MAH Battery	\$525.00
	TDMA Operation	\$2,100.00
	Enhanced Zone Bank	\$393.75
	LI 9600 OR 3600 Single System Digital Trunking	\$9,744.00
	5Y Essential Service	\$1,442.00
	Charger, Single Unit, IMPRES 2, 3A, 115VAC, US/NA	\$840.00
	AUDIO ACCESSORY REMOTE SPEAKER MICROPHONE, IP68 REMOTE SPEAKER MICROPHONE, 3.5M M, UL	\$798.35
	Device Programming	420.00
	GRAND TOTAL	\$26,238.10

WHEREAS, it is the combined recommendation of the Police Chief, Administrator and Purchasing Agent to award this purchase to: M&W Communications Inc, 361 Quakertown Rd, Flemington, New Jersey 08822 in the amount of \$26,238.10; 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 #3-01-25-240-251 (\$26,238.10); and

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

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for seven (7) Motorola APX6000LI portable radios from New Jersey State Contract # T0109 to M&W Communications Inc, 361 Quakertown Rd, Flemington, New Jersey 08822 In the Amount Not to Exceed \$26,238.10.

Agenda and Date Voted: 06/27/2023

EXPLANATORY STATEMENT

The Police Department requires seven additional portable radios due to the addition of six SLEO III officers and one patrol officer.

Date: 06-14-2023

Jon Burger, Chief of Police



Resolution of the Township of Bernards

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

Resolution #2023-0293

Authorizing A Memorandum Of Agreement With The Bernards Township Board Of Education
Concerning The Placement Of A School Resource Officer And
The Hiring Of Special Police Officer III's In Each School In The Bernards Township School District

WHEREAS, the State of New Jersey has created a new class of Special Police Officers known as Special Police Officer III (SLEOIII) specifically and solely for the purpose of school security as outlined in N.J.S.A. 40A:14-146.10, 40A:14-146.11, 40A:14-146.14, and 40A:14-146.16, and other appropriate provisions of New Jersey law; and

WHEREAS, the Township of Bernards (the "Township") and the Bernards Township Board of Education (the "Board" or "District") agree that having Special Class III's Police Officers who are specifically trained for school security is a best practice for the safety and security of the students, faculty, staff and visitors to District Schools located in Bernards Township; and

WHEREAS, the Township and the Board agree that school security is of the utmost importance to create a safe learning environment for students; and

WHEREAS, the Township and the Board agree that the Township, through the Bernards Township Police Department, shall hire, subject to the terms of a Memorandum of Agreement, and make available a number of SLEO III Officer's as determined necessary to the Bernards Township School District; and

WHEREAS, the completed Memorandum of Agreement will remain on file with the Office of the Municipal Clerk and is available for inspection.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby authorize and approve the Memorandum of Agreement with the Bernards Township Board of Education and authorize the Mayor and Clerk to execute the agreement on behalf of the Township.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk

EXPLANATORY STATEMENT:

The Board of Education wished to continue and increase the utilization of trained "Special Law Enforcement Officers III's" to provide an extra measure of security at all township schools and also continue to have a School Resource Officer for the district. These Special Law Enforcement Officers III's shall operate under the direction of the police department in collaboration with the Board of Education in order to assist in providing the safest environment possible in our school(s). The MOU document governing this agreement shall be updated to reflect current salary rates for SLEO III's and a School Resource Officer.

Jon Burger, Chief of Police
05/23/2023



Resolution of the Township of Bernards

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

Resolution #2023-0303

Authorizing A Shared Services Agreement
Between The Township Of Bernards And The Bernards Township
Board Of Education Concerning Paving Services

WHEREAS, the Township of Bernards (“Township”), is a Municipal Corporation of the State of New Jersey, having its principal office at the Municipal Building, One Collyer Lane, Basking Ridge, New Jersey, 07920; and

WHEREAS, the Bernards Township Board of Education (“Board” or “District”) is a public school district with its principal office at 101 Peachtree Road, Basking Ridge, New Jersey 07920; and

WHEREAS, the District operates Ridge High School (“High School”) which is located at 268 South Finley Avenue in Basking Ridge; and

WHEREAS, the Board and the Township desire to pave the existing path between the High School and the Municipal Building to allow for improved ingress and egress of vehicles between the High School and Municipal Building; and

WHEREAS, the Township has the capacity to provide such paving services through its Department of Public Works; and

WHEREAS, the Township and the Board agree that it is in their mutual interest to pave the path between the High School and the Municipal Building; and

WHEREAS, a completed Shared Service Agreement will remain on file with the Office of the Municipal Clerk and is available for inspection.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby authorize and approve the Shared Service Agreement with the Bernards Township Board of Education and authorize the Mayor and Clerk to execute the agreement on behalf of the Township.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0305

Compliance with N.J.S.A. 40A:5-4, 2022 Annual Report of Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Township Clerk (received on June 6, 2023) as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: General Comments, Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: General Comments, Recommendations, as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bernards, hereby states that it has complied with N.J.A.C. 5:30-6 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Agenda and Date Voted: 06/27/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine Kieffer, Municipal Clerk

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Judy O'Connell, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$26,238.10. Monies are available in the Police Department – General Plant Supplies payment line account #3-01-25-240-251.

Judy O'Connell

Date: June 20, 2023

For Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION:

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

Francis J. Decibus
For Purchasing Agent

Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date: June 14, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 06/27/2023.

Christine V. Kieffer, Municipal Clerk



Ordinance of the Township of Bernards

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

ORDINANCE #2526

An Ordinance By The Township Committee Of The Township Of Bernards In The County Of Somerset Amending The Township Of Bernards Code Of Ordinances To Repeal Chapter 25 “Flood Damage Prevention”; To Adopt A New Chapter 25 “Flood Damage Prevention”; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; And Providing For Severability And An Effective Date.

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Township of Bernards and such areas may be subject to periodic inundation which may result 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, and

WHEREAS, the Township of Bernards was accepted for participation in the National Flood Insurance Program on September 1, 1978 and the Township of Bernards desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Township of Bernards is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Township of Bernards is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Township of Bernards is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the Township of Bernards is required to adopt this ordinance based on a model ordinance created by the New Jersey Department of Environmental Protection; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bernards that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Repeal Chapter 25 “Flood Damage Prevention” and replace with a new Chapter 25 “Flood Damage Prevention.”

SECTION 25-1 SCOPE AND ADMINISTRATION

25-1.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations of the Township of Bernards* (hereinafter “these regulations”).

25-1.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 25-2 of these regulations.

25-1.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- a. Protect human life and health.
- b. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- c. Manage the alteration of natural floodplains, stream channels and shorelines;
- d. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- e. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- f. Contribute to improved construction techniques in the floodplain.
- g. Minimize damage to public and private facilities and utilities.
- h. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- i. Minimize the need for rescue and relief efforts associated with flooding.
- j. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- k. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- l. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

25-1.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of Bernards administer and enforce the State building codes, the Township Committee of the Township of Bernards does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

25-1.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 25-3.14 of this ordinance.

25-1.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

25-1.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

25-1.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2,000, imprisonment for a term not exceeding ninety(90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine not to exceed \$2,000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance but shall be calculated separately from the fine imposed for the violation of the ordinance.

25-1.8(a) Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

25-1.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

SECTION 25-2 APPLICABILITY

25-2.1 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

25-2.2 Establishment of Flood Hazard Areas. The Township of Bernards was accepted for participation in the National Flood Insurance Program on September 1, 1978.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Engineering Department, 277 South Maple Avenue, Basking Ridge, NJ 07920.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- a. **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study, Somerset County, New Jersey (All Jurisdictions)” dated November 4, 2016 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 25-2.2(a) whose effective date is September 28, 2007 are hereby adopted by reference.

Table 25-2.2(a)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34035C0042	9/28/2007	E	34035C0062	9/28/2007	E
34035C0044	9/28/2007	E	34035C0063	9/28/2007	E
34035C0052	9/28/2007	E	34035C0064	9/28/2007	E
34035C0053	9/28/2007	E	34035C0066	9/28/2007	E
34035C0054	9/28/2007	E	34035C0067	9/28/2007	E
34035C0056	9/28/2007	E	34035C0068	9/28/2007	E
34035C0057	9/28/2007	E	34035C0069	9/28/2007	E
34035C0058	9/28/2007	E	34035C0152	9/28/2007	E
34035C0059	9/28/2007	E	34035C0156	9/28/2007	E
34035C0061	9/28/2007	E			

- b. **Federal Best Available Information.** Bernards Township shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as

Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 25-2.2(b)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
<i>None as of the date of this ordinance.</i>			

- c. **Other Best Available Data.** Bernards Township shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of Bernards. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 25-2.2(a) and (b), above. This information shall be used for floodplain regulation purposes only.
- d. **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 25-9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 25-2.2(c) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Passaic River, Primrose Bk	N0000016	3
Passaic River	N0000017	4
Passaic River	PRM00039	27
Passaic River	PRM00041	28
Passaic River	PRM00042	29
Passaic River	PRM00043	30
Passaic River	PRM00044	31
Passaic River	PRM00045	32
Passaic River	PRM00047	33 & 34
Passaic River	PRM00049	36
Passaic River	PRM00051	37
Passaic River	PRM00052	38
Dead River	SUPPI014	DR-1

Dead River	SUPPI016	DR-2
Dead River	SUPPI017	DR-3
Dead River	SUPPI018	DR-4
Dead River	SUPPI020	DR-5
Dead River	SUPPI021	DR-6
Dead River	SUPPI022	DR-7
Dead River	SUPPI023	DR-8
Harrison Brook	SUPPI024	HB-1
Harrison Brook	SUPPI026	HB-2
Harrison Brook	SUPPI027	HB-3
Harrison Brook	SUPPI028	HB-4
Harrison Brook	SUPPI029	HB-5
Harrison Brook, Branch #2	SUPPI030	HBB-2
Indian Grave Brook	SUPPI031	I-1
North Branch Raritan River	U0000057	NB-6
North Branch Raritan River	U0000058	NB-7
Passaic River	N0000071p	01p
Passaic River	PRM00038p	26A
Passaic River	PRM00040p	28A
Passaic River	PRM00046p	32A
Dead River	SUPPI015p	DR-2A
Dead River	SUPPI019p	DR-5A
Harrisons Brook	SUPPI025p	HB-1A

25-2.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 25-2.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- a. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 25-2.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- b. For any undelineated watercourse (where mapping or studies described in 25-2.2(a) and 25-2.2(b) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 1. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 2. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 25-5.2 and 25-5.3.
- c. AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- d. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional two (2) feet of freeboard in accordance with ASCE 24.
- e. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional one foot of freeboard in accordance with ASCE 24.

SECTION 25-3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

25-3.1 Floodplain Administrator Designation. The Township Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

25-3.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these

regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 25-7 of these regulations.

25-3.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

25-3.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- a. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 25-2 of these regulations.
- b. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- c. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- d. Determine whether additional flood hazard data shall be obtained or developed.
- e. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- f. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 25-3.14 of these regulations.
- g. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- h. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 25-7 of these regulations.
- i. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- j. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- k. Inspect development in accordance with Section 25-6 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- l. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 25-7 of these regulations.
- m. Cite violations in accordance with Section 25-8 of these regulations.
- n. Notify the Federal Emergency Management Agency when the corporate boundaries of Township of Bernards have been modified.
- o. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 25-2.2.

25-3.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

25-3.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including Section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

25-3.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- a. Obtain, review, and reasonably utilize data available from a Federal, State, or other source,
or
- b. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 25-2.2 and 25-2.3 respectively. This information shall be provided to the Construction Official and documented according to Section 25-3.15.

25-3.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

25-3.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

25-3.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity,

the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

25-3.10(a) Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

25-3.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

25-3.11(a) Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

25-3.12 Alterations in coastal areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

25-3.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

25-3.14 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- a. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- b. Determine and include the costs of all ordinary maintenance and minor work, as discussed in

Section 25-1.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

- c. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- d. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- e. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

25-3.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

25-3.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

SECTION 25-4 PERMITS

25-4.1 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

25-4.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- a. Identify and describe the development to be covered by the permit.
- b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- c. Indicate the use and occupancy for which the proposed development is intended.
- d. Be accompanied by a site plan and construction documents as specified in Section 25-5 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- e. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- f. Be signed by the applicant or the applicant's authorized agent.

25-4.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

25-4.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

25-4.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION 25-5 SITE PLANS AND CONSTRUCTION DOCUMENTS

25-5.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 25-5.2.
- c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 25-5.2(c) of these regulations.
- d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.

- e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- g. Extent of any proposed alteration of sand dunes.
- h. Existing and proposed alignment of any proposed alteration of a watercourse.
- i. Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

25-5.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- a. Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- b. Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- c. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

25-5.3 Analyses and certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 25-5.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- b. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic

and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 25-5.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- d. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- e. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

25-5.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 25-6 INSPECTIONS

25-6.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

25-6.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

25-6.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- a. **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 25-15.2 shall be submitted to the Construction Official on an Elevation Certificate.
- b. **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 25-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

- c. **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 25-15.2.
- d. **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 25-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

25-6.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

SECTION 25-7 VARIANCES

25-7.1 General. The Zoning Board of Adjustment shall hear and decide requests for variances. The Zoning Board of Adjustment shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 25-7.5, the conditions of issuance set forth in Section 25-7.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Zoning Board of Adjustment has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

25-7.2 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

25-7.3 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

25-7.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 25-5.3(a) of these regulations.

25-7.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- d. The importance of the services provided by the proposed development to the community.
- e. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.

- f. The compatibility of the proposed development with existing and anticipated development.
- g. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- j. 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, streets, and bridges.

25-7.6 Conditions for issuance. Variances shall only be issued upon:

- a. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- b. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 25-8 VIOLATIONS

25-8.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

25-8.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code but is regulated by these regulations and that is determined to be a violation.

25-8.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

25-8.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,000 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 25-9 DEFINITIONS

25-9.1 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

25-9.2 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of ‘Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood

Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see SPECIAL FLOOD HAZARD AREA

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and 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.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY – 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.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 25-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Township Committee requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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 a district 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.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on an Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's

modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LD FE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LD FE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. 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 as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

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

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, 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. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The **Start of Construction** is as follows:

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, 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 building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, 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.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means 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 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. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a 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.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

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

SUBSTANTIAL DAMAGE – 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 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent 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 a "historic structure", provided that the alteration will not preclude the structure's

continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

SECTION 25-10 SUBDIVISIONS AND OTHER DEVELOPMENTS

25-10.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- a. All such proposals are consistent with the need to minimize flood damage.
- b. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

25-10.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- a. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- b. Residential building lots shall be provided with adequate buildable area outside the floodway.
- c. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 25-11 SITE IMPROVEMENT

25-11.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 25-5.3(a) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 25-5.3(a) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 25-15.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

25-11.1.a Prohibited in floodways. The following are prohibited activities:

1. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
2. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

25-11.2 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

25-11.3 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

25-11.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

25-11.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

25-11.6 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

25-11.7 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

SECTION 25-12 MANUFACTURED HOMES

25-12.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

25-12.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 25-15.2.

25-12.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301(c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

25-12.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

25-12.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 25-15.2.

25-12.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 25-15.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 25-15.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 25-13 RECREATIONAL VEHICLES

25-13.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

25-13.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

25-13.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 25-15.2 for habitable buildings and Section 25-12.3.

SECTION 25-14 TANKS

25-14.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

SECTION 25-15 OTHER DEVELOPMENT AND BUILDING WORK

25-15.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 25-5.3(a) of this ordinance when located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 25-2.3;
4. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
5. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 25-2.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 1. Specifically allowed below the Local Design Flood Elevation; and
 2. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
6. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
7. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

25-15.2 Requirements for Habitable Buildings and Structures.

a. Construction and Elevation in A Zones not including Coastal A Zones.

1. No portion of a building is located within a V Zone.
2. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
3. All new construction and substantial improvement of any habitable building (as defined in Section 25-9) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 25-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
4. All new construction and substantial improvements of non-residential structures shall:
 - a) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service

equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 25-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or

- b) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1) Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - 2) Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

5. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

- a) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
- b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 25-15.2(a)(4)(b) are met;
- c) Be constructed to meet the requirements of ASCE 24 Chapter 2;
- d) Have openings documented on an Elevation Certificate; and
- e) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1) The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - 2) The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;

The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

25-15.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

25-15.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 25-5.3(a) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 25-7 of this ordinance.

25-15.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 25-5.3(a) of these regulations and N.J.A.C. 7:13.

25-15.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 25-5.3(a) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

25-15.7 Roads and watercourse crossings.

1. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
2. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 25-5.3(a) of these regulations.

SECTION 25-16 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

25-16.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

25-16.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

25-16.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 25-5.3(a) of these regulations.

SECTION 25-17 UTILITY AND MISCELLANEOUS GROUP U

25-17.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the New Jersey Edition of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

25-17.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 25-2.3.

25-17.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial

improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 25-2.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

25-17.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 25-15.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

25-17.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 25-2.3.

25-17.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 25-2.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 25-18. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 25-19 EFFECTIVE DATE.

This ordinance shall take effect on **{insert date}**.



Ordinance of the Township of Bernards

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

ORDINANCE #2527

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the
Revised General Ordinances of the Township of Bernards,
Chapter 21, "Land Development," Regarding the
Location of Utility Services

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that the Revised General Ordinances of the Township of Bernards, Chapter 21, "Land Development," Article IV, "Zoning," Section 21-26, "Utilities," shall be amended, revised and supplemented as follows (new text is double underlined; deleted text is ~~stricken~~):

SECTION 21-26 Utilities

§ 21-26.1 Utilities to Be Provided. [Ord. #585, § 514A]

- a. All developments shall be served by telephone and electric service and, where available, gas service, public water in accordance with Section 21-25, public sanitary sewerage in accordance with Section 21-24 and cable T.V.
- b. Each such service shall be connected to an approved public utilities system where one exists.

§ 21-26.2 Location. [Ord. #585, § 514B]

- a. All utility services shall be below ground, except that terminal boxes may be located above ground. If located within a street, the utilities shall be outside of the cartway except for required crossings. Lots which abut existing streets where overhead ~~electric or telephone distribution~~utility supply lines and service connections have heretofore been installed may be supplied with ~~electric and telephone~~overhead utility services from these existing overhead lines, ~~but any new service connections from the utilities' overhead lines shall be installed underground.~~ In the case of existing overhead utilities, however, should a road widening or an extension of service or other such condition occur as a result of the development and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground, if in accordance with current PUCState of New Jersey Board of Public Utilities regulations.
- b. ~~(Reserved) The developer shall arrange with the servicing utility for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as part of the servicing utility's tariff and on file with the State of New Jersey Board of Public Utility Commissioners. The developer shall submit to the Board, prior to the granting of~~

~~final approval, a written instrument from each servicing utility which shall evidence full compliance or intended full compliance with the provisions of this section.~~

§ 21-26.3 As-Built Plans. [Ord. #585. § 514C]

The developer shall provide the Township with at least four copies of a final "as built" plan showing the installed locations of all utilities.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

EXPLANATORY STATEMENT

The current ordinance requires that all new utility service connections (electric, telephone, cable) between the street and a new building shall be installed underground, even in areas where existing utility lines on the same street are overhead. The purpose of this ordinance amendment is to allow utility service connections for a new building on an existing street to be installed overhead, if the street has existing overhead utilities.

David Schley, PP, AICP, Township Planner



Ordinance of the Township of Bernards

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

ORDINANCE #2528

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the
Revised General Ordinances of the Township of Bernards,
Chapter 21, "Land Development," Regarding
Submission Requirements for Land Development Applications

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, "Land Development," of the Revised General Ordinances of the Township of Bernards shall be amended, revised and supplemented as follows:

Part I. Article VII, "Development Application Review Procedures," Section 21-52, "Submission of Applications for Final Approval of Minor Subdivisions," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

SECTION 21-52

Submission of Applications for Final Approval of Minor Subdivisions

§ 21-52.1 General. [Ord. #585, § 706A; Ord. #1429, 5-29-2001, amended]

The procedures and details set forth below constitute the only submission requirements for final approval of minor subdivisions unless otherwise provided for in this chapter.

§ 21-52.2 Procedure for Submitting Applications for Final Approval of Minor Subdivisions. [Ord. #585, § 706B]

- a. The applicant shall submit to the Board Secretary ~~after the fifteenth day of the calendar month preceding the first regularly scheduled monthly meeting of the Board, but not later than the first day of the calendar month in which such meeting is to be held, 18 copies of the application package, including the original and three (3) copies of the completed application form, together with four (4) collated sets of plans and support documents in accordance with Subsection 21-52.3 below~~ for purposes of classification, preliminary discussion and appropriate action, and the fees in accordance with Section 21-58 of this chapter. The Board Secretary shall assign an application number, and such number shall appear on all papers, maps, plats and other documents submitted for processing in conjunction with the application. The Board shall certify the application as complete or notify the applicant in writing of any deficiencies within 45 days of the submission. If the application has been certified as complete, the applicant shall submit 17 additional collated copies of the complete application package. If the application has been found to be incomplete, the applicant may submit an appropriately revised application as in the first instance. [Ord. #1456, 4-10-2001, amended; Ord. #1429, 5-29-2001, amended]

- b. ~~The appropriate Board Secretary shall forward one copy of the submission to the County Planning Board for review and action.~~ The applicant's initial hard copy (paper) submission, and all subsequent revised or supplemental hard copy submissions, including the application form and all plans and support documents, shall also be submitted digitally in Portable Document Format (PDF).
- c. Additional copies of the submission may be requested from the applicant to be forwarded to other individuals, offices and agencies for information, review and comment.

(no changes to § 21-52.3 through § 21-52.6)

§ 21-52.7 Digital Submission Requirements for Final Approval of Minor Subdivisions.
[Ord. #1433, 12-26-2000, added; Ord. #1429, 5-29-2001, amended]

Prior to the ~~issuance of any certificate of occupancy~~ plans associated with an approved application ~~being signed by the Board Secretary, or prior to filing any map/deed (if the application does not involve new construction),~~ the applicant shall submit to the Board Secretary digital copies of all maps, plans, documents and any other information submitted with the application. These digital copies shall be ~~in the format(s) specified in Appendix A, Article VII, Digital Submission Standards, found at the end of this chapter~~ submitted in Portable Document Format (PDF) and as Computer-Aided Design (CAD) files. The CAD files shall include all supporting CAD data and shall be in a format acceptable to the Township Engineer.

Part II. Article VII, "Development Application Review Procedures," Section 21-54, "Submission of Preliminary Plats and Preliminary Plans," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

SECTION 21-54

Submission of Preliminary Plats and Preliminary Plans

A preliminary submission is required of all subdivisions classified as major subdivisions and of all development proposals requiring site plan review. [Ord. #585, § 708]

§ 21-54.1 Procedure for Submitting Preliminary Plats and Preliminary Plans. [Ord. #585, § 708A; Ord. #760, § 53A; Ord. #1103, § 43]

- a. ~~The applicant shall submit to the Board Secretary 18 the original and three (3) copies of the application package, including the completed application form, together with four (4) collated sets of plans and support documents in accordance with Subsections 21-54.3 through 21-54.5-6 below; 24 copies of the project report and environmental impact assessment in accordance with Subsection 21-54.6 below; and the fees~~ in accordance with Section 21-58 of this chapter. The Board Secretary shall assign an application number, and such number shall appear on all papers, maps, plats and other documents submitted for processing in conjunction with the application. The Board shall certify the application as complete or notify the applicant, in writing, of any deficiencies within 45 days of the submission. If the application has been certified as complete, the applicant shall submit 17 additional collated copies of the complete application package. If the application has been found to be incomplete, the applicant may submit an appropriately revised application as in the first instance. [Ord. #1456, 4-10-2001, amended; Ord. #1429, 5-29-2001, amended]

- b. ~~The appropriate Board Secretary shall forward two copies of the submission to the County Planning Board for review and action.~~ The applicant's initial hard copy (paper) submission, and all subsequent revised or supplemental hard copy submissions, including the application form and all plans and support documents, shall also be submitted digitally in Portable Document Format (PDF).
- c. Additional copies of the submission may be requested from the applicant to be forwarded to other individuals, offices and agencies for information, review and comment.

(no changes to § 21-54.2 through § 21-54.10)

§ 21-54.11 Digital Submission Requirements for Preliminary Development Plans. [Ord. #1433, 12-26-2000, added; Ord. #1429, 5-29-2001, amended]

Prior to the ~~issuance of any certificate of occupancy~~ plans associated with an approved application ~~being signed by the Board Secretary, or prior to filing any map/deed (if the application does not involve new construction),~~ the applicant shall submit to the Board Secretary digital copies of all maps, plans, documents and any other information submitted with the application. These digital copies shall be ~~in the format(s) specified in Appendix A, Article VII, Digital Submission Standards, found at the end of this chapter~~ submitted in Portable Document Format (PDF) and as Computer-Aided Design (CAD) files. The CAD files shall include all supporting CAD data and shall be in a format acceptable to the Township Engineer.

Part III. Article VII, "Development Application Review Procedures," Section 21-55, "Submission of Final Development Plans," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

SECTION 21-55
Submission of Final Development Plans

A final submission is required of all development plans approved at the preliminary submission stage. [Ord. #585, § 709]

§ 21-55.1 Procedure for Submitting Final Plats and Final Plans. [Ord. #585, § 709A]

- a. Within three years after the date of preliminary approval, the applicant shall submit to the Board Secretary ~~after the fifteenth day of the calendar month preceding the first regularly scheduled monthly meeting of the Board which granted preliminary approval, but not later than the first day of the calendar month in which such meeting is to be held, 18 copies of the application package, including the original and three (3) copies of the completed application form, together with four (4) collated sets of plans and support documents in accordance with Subsection 21-55.2 below, and the fees in accordance with Article IX of this chapter~~ Section 21-58 of this chapter. The Board Secretary shall assign an application number, and such number shall appear on all papers, maps, plats and other documents submitted for processing in conjunction with the application. The Board shall certify the application as complete or notify the applicant in writing of any deficiencies within 45 days of the submission. If the application has been certified as complete, the applicant shall submit 17 additional collated copies of the complete application package. If the application has been found to be incomplete, the applicant may submit an appropriately revised application as in the first instance. [Ord. #1429, 5-29-2001, amended]

- b. ~~The Board shall certify the application as complete or direct the Board Secretary to notify the applicant in writing of any deficiencies within 45 days of the submission. If the application has been found to be complete, the Board Secretary shall forward two copies of the resolution to the County Planning Board for review and action. If the application has been found to be incomplete, the Board Secretary shall notify the applicant in writing and the applicant may submit an appropriately revised application as in the first instance.~~ The applicant's initial hard copy (paper) submission, and all subsequent revised or supplemental hard copy submissions, including the application form and all plans and support documents, shall also be submitted digitally in Portable Document Format (PDF). [Ord. #1456, 4-10-2001, amended; Ord. #1429, 5-29-2001, amended]
- c. ~~At the direction of the Planning Board or the Zoning Board of Adjustment, or at the suggestion of the Technical Coordinating Committee, a~~ Additional copies of the submission may be requested from the applicant to be forwarded to other individuals, offices and agencies for information, review and comment.

(no changes to § 21-55.2 through § 21-55.4)

§ 21-55.5 Digital Submission Requirements for Final Development Plans.
[Ord. #1433, 12-26-2000, added; Ord. #1429, 5-29-2001, amended]

Prior to the ~~issuance of any certificate of occupancy plans~~ associated with an approved application ~~being signed by the Board Secretary, or prior to filing any map/deed (if the application does not involve new construction),~~ the applicant shall submit to the Board Secretary digital copies of all maps, plans, documents and any other information submitted with the application. These digital copies shall be ~~in the format(s) specified in Appendix A, Article VII, Digital Submission Standards, found at the end of this chapter~~ submitted in Portable Document Format (PDF) and as Computer-Aided Design (CAD) files. The CAD files shall include all supporting CAD data and shall be in a format acceptable to the Township Engineer.

Part IV. Appendix A, Article VII, "Digital Submission Standards," is deleted in its entirety.

Part V. Table 901, "Application Fee and Escrow Deposit Fee Schedule," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

TABLE 901				
Application Fee and Escrow Deposit Fee Schedule				
			Application Fee¹	Escrow Deposit
1.	Subdivisions			
	a.	Minor	\$300 + \$50/lot	\$2,500
	b.	Preliminary plat, major	\$500 + \$100/lot	\$4,000 + \$200/lot
	c.	Final plat, major	\$300 + \$25/lot	\$2,000 + \$50/lot
2.	Site Plans			
	a.	Preliminary plan (residential) ²	\$500 + \$25/dwelling unit	\$2,500 + \$25/dwelling unit + \$25/acre
	b.	Preliminary plan (nonresidential) ³	\$500 + \$0.02/sq. ft. of building floor area + \$25/acre	\$2,500 + \$0.03/sq. ft. of building floor area + \$25/acre

	c.	Final plan (residential)	\$300 + \$10/dwelling unit	\$1,500
	d.	Final plan (nonresidential)	\$300 + \$0.01/sq. ft. of building floor area + \$25/acre	\$1,500
3.	Conditional Use			
	a.	Supplementary apartment	\$150	\$500 <u>2,000</u>
	b.	Other	\$250 + \$0.10/sq. ft. of conditional use building or structure	\$500 <u>2,000</u>
4.	Variances			
	a.	Appeals (N.J.S.A. 40:55D-70a)		
		1. Single-family residential	\$50	\$500
		2. Other	\$150	\$500
	b.	Interpretations (N.J.S.A. 40:55D-70b)		
		1. Single-family residential	\$50	\$500
		2. Other	\$150	\$500
	c.	Bulk variance (N.J.S.A. 40:55D-70c)		
		1. Single-family residential	\$100	\$1,500 <u>2,000</u>
		2. Other	\$250	\$1,500 <u>2,000</u>
	d.	Special reasons (N.J.S.A. 40:55D-70d)	\$500	\$1,500 <u>2,000</u>

NOTES:

1. No application fee shall exceed \$15,000.
2. Any nonresidential buildings in a predominantly residential site plan shall pay an escrow deposit of \$0.03 per square foot of nonresidential building floor area in addition to the residential escrow deposit.
3. Any residences in a predominantly nonresidential site plan shall pay \$25 per dwelling unit escrow deposit in addition to the nonresidential escrow deposit.
4. Document imaging: ~~All documents associated with an application shall be provided to the Board in the digital format specified in Appendix A, Article VII, Digital Submission Standards. For those applicants not providing these documents in digital format, t~~The following amounts shall be due and payable at the time of application to defray the cost of digital document imagingmanagement system entry:
 - (a) Subdivisions and site plans: \$150.
 - (b) Variances and all other applications: \$25.
5. Tax Map revision fee. In addition to the application fees set forth in Subparagraphs 1 and 2 above, the following amounts shall be due and payable at the time of application to defray the cost of professional services required to effect revisions to the Tax Map necessitated by the development application:
 - (a) Minor subdivision plat: \$75.00 per lot.
 - (b) Final major subdivision plat: \$50.00 per lot.
 - (c) Site plan application creating condominium units (whether residential or commercial units): \$50.00 per unit.
6. Amended application. Application fee shall be 1/2 of the original application fee but not to

exceed \$500.00. Escrow deposit shall be 1/2 of the original escrow deposit unless sufficient funds remain in the escrow account from the original application, such that the Board determines a lesser amount is adequate to cover anticipated bills.

7. Extension of preliminary approval, final approval, or variance approval. Application fee shall be 1/2 of the original application fee but not to exceed \$500.00. Escrow deposit shall be 1/2 of the original escrow deposit for preliminary or final extensions, and ~~\$300-1,000~~ for variance extensions, unless sufficient funds remain in the escrow account from the original application.
8. Conceptual approval. In the event that the developer chooses to submit an application for conceptual approval of the development plan, 25% of the entire preliminary development plan application fee and the entire escrow amount shall be paid at the time of such submission and the remainder shall be payable at the time of the submission of a complete application for preliminary approval.
9. Waiver of fees. Charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 [26 U.S.C. § 501(c) or (d)] shall pay one-half (1/2) of the normal application fee. All governmental agencies of the Township of Bernards are exempt from the payment of any fee required under this chapter.
10. Variances involving subdivisions or site plans shall be accompanied by the application fee and escrow deposit in Nos. 1 and 2.
11. Additional escrow funds shall be required by the Board when the escrow balance has been depleted below the amount of the original deposit. The additional deposit shall be an amount sufficient to restore the escrow balance to the amount of the original escrow deposit unless the Board determines a lesser amount is adequate to cover anticipated bills. Whenever additional funds are required, the applicant shall be notified in writing and the additional deposit shall be remitted to the Board Secretary within ten (10) days of the date of the written notification.
12. Modification or elimination of a condition contained in a previously adopted resolution of approval. Application fee shall be \$300. Escrow deposit shall be ~~\$1,000~~ \$1,500.
13. Informal review pursuant to N.J.S. 40:55D-10.1. Application fee shall be \$100, which shall be a credit toward the fee for the application for development.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

EXPLANATORY STATEMENT

This ordinance amends certain application review procedures, digital submission requirements, and escrow deposit requirements for land development applications filed with the Planning Board or Zoning Board of Adjustment. The amendment updates subdivision and site plan application procedures to be consistent with current practices and Board rules, and adds requirements for digital copies to be included with all submissions. The amendment eliminates current digital submission standards that are obsolete.

This amendment also increases the escrow deposits required for certain types of applications, based on actual costs incurred in the processing of applications over the last four years. For residential variance applications, which represent the majority of applications, the amendment increases the initial escrow deposit from \$1,500 to

\$2,000. This increases an applicant's upfront cost, however, does not affect the total cost of the application process.

David Schley, PP, AICP, Township Planner



Ordinance of the Township of Bernards

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

ORDINANCE #2529

An Ordinance to Amend Salary Ordinance #2455,
Fixing the Compensation of Certain Officers and Employees of the Township of Bernards on and After
07/01/2023

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset, that:

SECTION 1: This ordinance shall be known and may be referred to as the Bernards Township Salary Ordinance.

SECTION 2: The annual base salary of the following officers and employees of the Township of Bernards which, together with benefits now or hereafter provided by Township Ordinance or Resolution, shall be in lieu of all fees, now or hereafter provided by law, are hereby fixed and established as follows:

ELECTED OFFICIALS	
Township Committee Member	\$5,300 / Year
Mayor	\$6,000 / Year

DEPARTMENT / POSITION	HOURLY / SALARY RANGE
ADMINISTRATION	
Administrator/Chief Operating Officer	\$180,000 - \$220,000
Administrator/Chief Operating Officer/Chief Financial Officer	\$190,000 - \$230,000
Assistant Administrator (Limit 2)	\$5,000 - \$10,000
CLERK'S OFFICE	
Assistant to the Municipal Clerk	\$19.00 - \$26.00 / Hour
Deputy Municipal Clerk	\$50,000 - \$70,000
Document Imager/Records Retention Clerk	\$19.00 - \$26.00 / Hour
Municipal Clerk	\$80,000 - \$120,000
CONSTRUCTION	
Code Inspector-Building, Electrical, Fire & Plumbing	\$24.00 - \$31.00 / Hour
Code Inspector-Building, Electrical, Fire & Plumbing (Part-Time)	\$30.00 - \$50.00 / Hour
Construction Official	\$100,000 - \$135,000
Principal Technical Assistant to Construction Official	\$30.00 - \$38.00 / Hour
Sub-Code Official-Building, Electrical, Fire & Plumbing	\$35.00 - \$45.00 / Hour
Sub-Code Official-Building, Electrical, Fire & Plumbing (Part-Time)	\$45.00 - \$65.00 / Hour
Technical Assistant to Construction Official	\$25.00 - \$33.00 / Hour
ENGINEERING SERVICES	
Assistant Township Engineer	\$90,000 - \$125,000
Civil Engineering Technician	\$29.00 - \$39.00 / Hour
GIS Specialist (Part-Time)	\$24.00 - \$31.00 / Hour
Senior Staff Engineer	\$80,000 - \$110,000
Staff Engineer	\$33.00 - \$46.00 / Hour
Township Engineer	\$125,000 - \$165,000
FINANCE	
Accounting Specialist	\$21.00 - \$28.00 / Hour
Chief Financial Officer	\$120,000 - \$155,000
Finance Specialist	\$30.00 - \$39.00 / Hour
Payroll Specialist	\$24.00 - \$31.00 / Hour

Supervisor Treasury Services	\$65,000 - \$95,000
Treasurer	\$75,000 - \$105,000
FIRE PREVENTION	
Fire Prevention Inspector	\$25.00 - \$32.00 / Hour
Fire Official	\$80,000 - \$110,000
Smoke Detector Inspector (Part-Time)	\$18.00 - \$25.00 / Hour
HEALTH	
Animal Control Officer	\$26.00 - \$38.00 / Hour
Assistant Animal Control Officer (Part-Time)	\$20.00 - \$25.00 / Hour
HUMAN RESOURCES	
Human Resources Assistant Manager	\$65,000 - \$90,000
Human Resources Generalist	\$26.00 - \$36.00 / Hour
Human Resources Manager	\$75,000 - \$95,000
Human Resources Officer	\$90,000 - \$125,000
INFORMATION TECHNOLOGY	
Information Technology Director	\$100,000 - \$145,000
Information Technology Manager	\$80,000 - \$115,000
Information Technology Technician	\$26.00 - \$40.00 / Hour
LIBRARY	
Administrative Coordinator	\$29.00 - \$38.00/ Hour
Custodian (Part-Time)	\$15.00 - \$23.00/ Hour
Librarian	\$24.00 - \$33.00/ Hour
Library Assistant (Part-Time)	\$15.00 - \$19.00/ Hour
Library Bookkeeper	\$24.00 - \$31.00/ Hour
Library Coordinator of Programs	\$55,000 - \$75,000
Library Director	\$90,000 - \$125,000
Library Shelver (Part-Time)	\$14.00 - \$16.00/ Hour
Library Technician (Part-Time)	\$15.00 - \$19.00/ Hour
Senior Librarian	\$31.00 - \$42.00/ Hour
Senior Library Assistant	\$18.00 - \$32.00/ Hour
Supervising Librarian	\$65,000 - \$85,000
Teen Services Librarian	\$24.00 - \$33.00/ Hour
PARKS & RECREATION	
Assistant Director of Parks & Recreation	\$70,000 - \$105,000
Bus Driver	\$20.00 - \$30.00 / Hour
Director of Parks & Recreation	\$90,000 - \$125,000
Recreation Programs Manager	\$55,000 - \$70,000
PLANNING & ZONING	
Township Planner	\$110,000 - \$140,000
Zoning Officer	\$30.00 - \$42.00 / Hour
POLICE	
Chief of Police	\$180,000 - \$210,000
Class II Special Officer	\$30.00 - \$50.00 / Hour
Class III Special Officer	\$35.00 - \$50.00 / Hour
Crossing Guard (Part-Time)	\$18.00 - \$25.00 / Hour
Deputy Chief of Police	\$160,000 - \$190,000
Matron (Part-Time)	\$18.00 - \$25.00 / Hour
Officer In Charge	\$180,000 - \$210,000
Records Specialist	\$17.00 - \$24.00 / Hour
Senior Records Specialist	\$19.00 - \$26.00 / Hour

PUBLIC WORKS	
Assistant Superintendent of Public Works	\$90,000 - \$120,000
Landfill Attendant (Part-Time)	\$18.00 - \$25.00 / Hour
Project Coordinator	\$26.00 - \$40.00 / Hour
Public Works Supervisor	\$85,000 - \$115,000
Superintendent of Public Works	\$100,000 - \$140,000
PURCHASING	
Purchasing Agent	\$80,000 - \$110,000
TAX ASSESSOR	
Deputy Tax Assessor	\$55,000 - \$80,000
Field Inspector	\$18.00 - \$32.00 / Hour
Tax Assessment Associate	\$29.00 - \$38.00 / Hour
Tax Assessor	\$100,000 - \$140,000
TAX COLLECTOR	
Deputy Tax Collector	\$20.00 - \$32.00 / Hour
Tax Collector	\$60,000 - \$90,000
VARIOUS DEPARTMENTS	
Administrative Assistant	\$24.00 - \$34.00 / Hour
Administrative Associate	\$19.00 - \$26.00 / Hour
Administrative Coordinator	\$29.00 - \$38.00 / Hour

SECTION 3: Seasonal and Parks and Recreation Part-Time Employees: The Compensation of the following Seasonal and Parks and Recreation Department part-time employees of the Township of Bernards shall be as follows:

POSITION	RANGE
Assistant Pool Manger	\$10,000 - \$13,000 / Season
Assistant Program Site Supervisor	\$12.93 - \$23.00 / Hour
Bus Aide	\$12.93 - \$16.00 / Hour
Customer Relations (Pool)	\$12.93 - \$16.00 / Hour
Golf Course Operations Supervisor	\$12.93 - \$23.00 / Hour
Golf Course Ranger	\$12.93 - \$16.00 / Hour
Golf Course Shift Supervisor	\$12.93 - \$23.00 / Hour
Group Counselor	\$12.93 - \$16.00 / Hour
Group Leader	\$12.93 - \$16.00 / Hour
Gym Supervisor	\$12.93 - \$23.00 / Hour
Intern	\$12.93 - \$23.00 / Hour
Lifeguard	\$12.93 - \$23.00 / Hour
Lifeguard Supervisor	\$12.93 - \$23.00 / Hour
Pool Maintenance	\$12.93 - \$16.00 / Hour
Pool Management Pre-Season	\$12.93 - \$23.00 / Hour
Pool Manager	\$18,000 - \$21,000 / Season
Professional Instructor	\$20.00 - \$60.00 / Hour
Program Site Supervisor	\$12.93 - \$23.00 / Hour
Public Works-Grounds	\$12.93 - \$16.00 / Hour
Swim Team Assistant Coach	\$500 - \$1,500 / Season
Swim Team Coach	\$1,200 - \$2,000 / Season
Therapeutic Recreational Aide	\$12.93 - \$16.00 / Hour

SECTION 4: Definitions for the purposes of SECTION 2 of this Ordinance and Pay-for-Performance Compensation Program:

1) Definitions:

- A) “Base Salary” shall mean that part of an employee’s monetary compensation, stated in annualized or hourly terms as the case may be, upon which future percentage increases are to be calculated.
- B) “Salary” shall mean an employee’s base salary plus any monetary compensation paid to the employee, as defined in the Pay-for-Performance Compensation Program.
- C) “Increase” shall mean an increase in an employee’s monetary compensation, whether paid as an addition to base salary as a merit, assumption of additional duties, or otherwise.
- D) “Merit Increase” shall mean an increase, which is awarded based upon annual review of an employee’s performance.
- E) “Grade Cap” shall mean the maximum base salary within the position range for an employee’s position, as set forth in this ordinance which is amended from time to time.

2) Pay-for-Performance Compensation Program: Per the Township’s Pay-for-Performance Compensation Program, employees are granted a Merit Increase effective within the timing and budget as determined by the Township Committee. The Merit Matrix provides the increase percent eligibility based on performance levels. Increases to base salary are recommended by employee’s supervisors and approved by Human Resources within the budgetary framework. The merit increase to base will be paid in the employee’s regular payroll cycle.

- A) If an employee’s base salary is below the grade cap, all and or a portion of any increase may be added to the base salary, provided that such addition does not cause the resulting base salary to exceed the grade cap by more than 10%.
- B) If the market permits, the Township Committee may approve the hiring of an employee at a base salary up to 10% below the position’s range minimum. That employee’s base salary shall be increased to at least the position’s range minimum at the time of his or her first merit increase.

SECTION 5: Contractual Employees

- 1) The union contract effective July 1, 2021 is in effect for compensation of employees of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America Local 469 union until the contract expires June 30, 2025.
- 2) The union contract effective January 1, 2020 is in effect for compensation of employees of the Police Department represented by the Bernards Township Police Officer’s Association Local 357 for both “Police Officers and Detectives” and “Supervisors” until the contract expires on December 31, 2023.

SECTION 6: Health Department / Library / Stipends

- 1) The Board of Health of the Township of Bernards is responsible for fixing compensation for the following health department employees:
 - A) Accreditation Coordinator for PHAB
 - B) Community Assets Coordinator
 - C) Health Officer
 - D) Health Educator/Community Program Coordinator
 - E) Health Educator/Youth Services Coordinator
 - F) Health Educator/Youth Services Coordinator Assistant
 - G) Marketing Communications Coordinator
 - H) Registered Environmental Health Specialist I
 - I) Registered Environmental Health Specialist II/Employee Health & Safety Coordinator
 - J) Senior Registered Environmental Health Specialist
 - K) Public Health Nutritionist

- 2) The Municipal Housing Liaison receives a stipend of \$300.00 per month.
- 3) The Library Board of Trustees has the ability to fix compensation as set in SECTION 2 above in the appropriate salary range.

SECTION 7: Evaluation of Salary Ordinance

- 1) This salary ordinance shall be re-evaluated/recalibrated from time to time at the discretion of the Township. The structure will be adjusted to reflect changes in the external market.
- 2) Base salaries listed in this ordinance will automatically increase in accordance with federal & state minimum wage laws.
- 3) This Ordinance shall continue to be in effect from and after its year of adoption, except as it may be amended from time to time.
- 4) If any portion of this Ordinance is declared to be unconstitutional, invalid, or inoperative by a court of competent jurisdiction, those portions which are not unconstitutional, invalid or inoperative shall remain in full force and effect.

This ordinance shall take effect immediately upon final adoption and publication according to law.

EXPLANATORY STATEMENT

The salary ordinance was last reviewed and revised November 10, 2020. The Township conducted a salary survey and utilized salary data from the New Jersey League of Municipalities as well as surrounding municipalities to determine the appropriate salary ranges. This Salary Ordinance is updated to reflect changes in external market rates to ensure that the Township remains able to attract and retain talent. This Ordinance includes changes that more appropriately reflect market conditions based on individual position responsibilities and skills required. None of the changes in this ordinance will result in an additional headcount.
Emily Kesselmeyer, Human Resources Officer