

BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE

COMBINED AGENDA - REGULAR MEETING

December 12, 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 #2023-0489 - Authorizing an Executive Session Meeting of the Bernards Township Committee

8:00 PM

6. PRESENTATION

A. Resolution #2023-0450 - In Recognition of Service to Bernards Township Cindy Aiken – Shade Tree Commission

B. Resolution #2023-0451 - In Recognition of Service to Bernards Township Frank Goodhart – Shade Tree Commission

C. Resolution #2023-0452 - In Recognition of Service to Bernards Township Kathleen (Kippy) Piedici - Planning Board

D. Resolution #2023-0445 - In Recognition of Outstanding Service to Bernards Township – James Baldassare, Jr.

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

13. UNFINISHED BUSINESS

A. Ordinance #2539 - An Ordinance to Authorize the Renewal of the Leasing of Property to the Ridge Baseball Club, Inc. ("Ridge Baseball Club" or "Lessee") For a Period of an Additional Twenty Years for a Nominal Consideration – Public Hearing



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

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 #2023-0490 - Approval of the Bill List Dated 12/12/2023
- 2) Resolution #2023-0483 - Resolution to Oppose Bill A-5659 that Dramatically Increases Workers' Compensation Rates in New Jersey
- 3) Resolution #2023-0484 - Authorization to Award Contracts
- 4) Resolution #2023-0485 - Authorizing the Purchase of Electricity Supply Services for Public Use on an Online Auction Website
- 5) Resolution #2023-0487 - Transfer Resolution – December 12, 2023
- 6) Resolution #2023-0492 – Unused Vacation Accrual Due Steven Waters Bernards Township – Fire Prevention
- 7) Resolution #2023-0494 – Awarding an Extraordinary Unspecifiable Professional Services Contract for IT Managed Services and Compliance to John Karpinski of the firm Ocean Computer Group, Inc. In the Not to Exceed Amount of \$186,500.00

B. Resolution #2023-0493 - Unused Vacation Accrual Due Nicholas Brett Bernards Township – Police Department

C. Resolution #2023-0495 – Approval of the Memorandum of Agreement Between Bernards Township and the PBA/SOA Local No. 357 January 1, 2024 through December 31, 2027

D. Ordinance #2540 - Accepting a Riparian Zone Conservation Easement on Property Located at 27 Quincy Road; Block 5402, Lot 29, from Richard W. Chapin and Anita Dawson to the Township of Bernards – Map – Introduction

E. Ordinance #2541 - An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Revised Land Use Ordinances," to Create the Westgate Village Mixed Use Senior Overlay Zone within the E-3 Zone – Map – Introduction

F. Ordinance #2542 – An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Section 2-7 entitled "Police Department" of the Bernards Township General Ordinances to add Subsection 2-7.16 entitled "Outside Employment of Off-Duty Police Officers" – Introduction

G. Resolution #2023-0486 – Addressing the "Frown Free Town Zone"

H. Approval of Minutes:

11/28/2023 Open Session Minutes
11/28/2023 Closed Session Minutes

15. EXECUTIVE SESSION (if required)

16. ADJOURNMENT

Christine V. Kieffer, Municipal Clerk



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 #2023-0489

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.

Reason for Closed Session

Estimated Time of Disclosure or Upon Occurrence Of

- ☐ 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
- ☐ Any matter in which the release of information would impair a right to receive funds from the federal government.
- ☐ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy.
- ☐ 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.
- ☐ Any matter involving the purpose, 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.

Personnel - 2024 Boards/Commissions

Upon Appointment

☐ 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: 12/12/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

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 #2023-0450

In Recognition of Service to Bernards Township
Cindy Aiken – Shade Tree Commission

WHEREAS, Cindy Aiken has given innumerable hours to our local government, its democratic process, and to the citizens of Bernards Township; and

WHEREAS, Cindy Aiken has rendered inestimable services as a member of the Shade Tree Commission from 2017 to 2023; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that in recognition of her years of faithful service, the Bernards Township Committee extends to Cindy Aiken deep appreciation and sincere gratitude on behalf of all the residents and officials of Bernards Township; and

NOW THEREFORE BE IT FURTHER RESOLVED, that this citation of her service be inscribed at length in the minutes of this Township meeting, held on the 12th day of December 2023, and that a suitable copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to Cindy Aiken.

Agenda and Date Voted: 12/12/2023

Andrew McNally, Mayor

Jennifer Asay, Deputy Mayor

James Baldassare, Jr.

Janice M. Fields

Gary Baumann

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 12/12/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0451

In Recognition of Service to Bernards Township
Frank Goodhart – Shade Tree Commission

WHEREAS, Frank Goodhart has given innumerable hours to our local government, its democratic process, and to the citizens of Bernards Township; and

WHEREAS, Frank Goodhart has rendered inestimable services as a member of the Shade Tree Commission from 2016 to 2023; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that in recognition of his years of faithful service, the Bernards Township Committee extends to Frank Goodhart deep appreciation and sincere gratitude on behalf of all the residents and officials of Bernards Township; and

NOW THEREFORE BE IT FURTHER RESOLVED, that this citation of her service be inscribed at length in the minutes of this Township meeting, held on the 12th day of December 2023, and that a suitable copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to Frank Goodhart.

Agenda and Date Voted: 12/12/2023

Andrew McNally, Mayor

Jennifer Asay, Deputy Mayor

James Baldassare, Jr.

Janice M. Fields

Gary Baumann

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0452
In Recognition of Service to Bernards Township
Kathleen (Kippy) Piedici - Planning Board

WHEREAS, Kathleen (Kippy) Piedici has given innumerable hours to our local government, its democratic process, and to the citizens of Bernards Township; and

WHEREAS, Kippy Piedici has rendered inestimable services as a member of the Planning Board from 2013 to 2023.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that in recognition of her years of faithful service, the Bernards Township Committee extends to Kippy Piedici deep appreciation and sincere gratitude on behalf of all the residents and officials of Bernards Township; and

NOW THEREFORE BE IT FURTHER RESOLVED, that this citation of her service be inscribed at length in the minutes of this Township meeting, held on the 12th day of December, 2023, and that a suitable copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to Kathleen (Kippy) Piedici.

Agenda and Date Voted: 12/12/2023

Andrew McNally, Mayor

Jennifer Asay, Deputy Mayor

James Baldassare, Jr.

Janice M. Fields

Gary Baumann

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0445

In Recognition of Outstanding Service to Bernards Township – James Baldassare, Jr.

WHEREAS, James Baldassare, Jr. has given innumerable hours to our local government and its democratic process, and to the citizens of Bernards Township beginning in 2013, joining the Township Committee in 2018, serving as mayor in 2020 and 2022, and deputy mayor in 2019 and 2021; and

WHEREAS, in addition to being a cherished member of the Township Committee, Committeeman Baldassare also served the people of Bernards Township through his service on the Agricultural Advisory Committee, Board of Education Liaison, Board of Health, Deer Management Advisory Committee, DPW & Engineering Sub-Committee, Emergency Management Committee, Golf Advisory Committee, Insurance Fund Committee, Local Emergency Planning & Flood Mitigation Committee, Planning Board, Pool Commission, Quarry Advisory Task Force, the Somerset County Wastewater Management Advisory Committee, the Somerset County Community Wastewater Management Plan Committee, the Somerset County Solid Waste Advisory Committee, Sewerage Authority, Shade Tree Commission, Zoning Board and as Township Committee liaison to Parks, Pathways & Recreation, Shade Tree Commission, Liberty Corner Fire Company and Liberty Corner First Aid Squad; and

WHEREAS Committeeman Baldassare is the third generation of his family to live in Bernards Township with his fourth-generation children; and

WHEREAS, Committeeman Baldassare has adhered to conservative fiscal policies of reducing spending, following a pay as you go philosophy, and paying off all debt; and

WHEREAS Committeeman Baldassare worked tirelessly on the various committees he served on, often during difficult and uncertain times including during the COVID-19 pandemic and aftermath of Tropical Storm Ida; and

WHEREAS, Committeeman Baldassare demonstrated through his actions that he always placed the interests of Bernards Township first.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that in recognition of Jim's faithful service, we express our deep appreciation and sincere gratitude on behalf of all the residents, officials and employees of Bernards Township; and extends to James Baldassare, Jr. our very best wishes for health, happiness and continued success; and

NOW THEREFORE BE IT FINALLY RESOLVED, that this citation of his service be inscribed at length in the minutes of this Township meeting, held on the 12th day of December, in the year of Our Lord, 2023, and that a suitable copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to James Baldassare, Jr.

Agenda and Date Voted: 12/12/2023

Andrew McNally, Mayor

Jennifer Asay, Deputy Mayor

Gary Baumann

Janice M. Fields

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

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 #2539

An Ordinance to Authorize the Renewal of the Leasing of Property
to the Ridge Baseball Club, Inc. (“Ridge Baseball Club” or “Lessee”)
For a Period of an Additional Twenty Years for a Nominal Consideration

WHEREAS, the Ridge Baseball Club, Inc. is a nonprofit corporation, organized under the laws of the State of New Jersey on March 4, 2011, having its principal office at c/o Ridge Baseball Club, P.O. Box 98, Basking Ridge, New Jersey 07920 (hereinafter referred to as the “Ridge Baseball Club”); and

WHEREAS, Bernards Township (the “Township”) owns certain lands not presently needed for municipal purposes, formerly Block 178.01, Lot 4, now Block 92.04, Lot 4 (the “Premises”), and is authorized under N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15(i) to lease lands to a nonprofit organization for the promotion of the health, safety, morals and general welfare of the community; and

WHEREAS, the Township and the predecessors to the Ridge Baseball Club entered into a Lease Agreement for the Premises dated May 14, 2004, and a First Amendment to Lease Agreement dated November 27, 2007, Second Amendment to Lease dated March 25, 2008, and Third Amendment to Lease Agreement dated November 30, 2011. (collectively, the “Lease Agreement”); and

WHEREAS, the Township agreed to the assignment of the Lease Agreement by Bernards Township Ordinance #2179, pursuant to paragraph 16, from the Basking Ridge Little League, Inc. to the Ridge Baseball Club. Ridge Baseball Club shall assume and be bound by all terms of the Lease Agreement; and

WHEREAS, the Township has received a letter dated March 6, 2023, from the law firm Day Pitney representing Ridge Baseball Club, requesting a renewal of the Lease Agreement for twenty (20) years; and

WHEREAS, both the Township and Ridge Baseball Club desire to continue its lease of said lands for an additional twenty-year term commencing May 14, 2024, and expiring May 14, 2044; and

WHEREAS, the Township Committee has acknowledged Ridge Baseball Club’s service to the community and its youth.

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bernards, Somerset County, New Jersey as Follows:

1. The Mayor and Clerk or their deputies, are hereby authorized to execute a Fourth Amendment to Lease Agreement on behalf of the Township, as lessor, with the Ridge Baseball Club, as Lessee, leasing said lands described as Block 92.04, Lot 4 (the “Premises”) on the Tax Map of the Township of Bernards for a nominal consideration of \$1.00 per year, pursuant to NJSA 40A:12-14 (c) and 40A:12-15 (i).
2. Said Fourth Amendment to the Lease Agreement is on file with the Township Clerk.
3. The public purpose of the Lease Agreement is to provide Ridge Baseball Club facilities to the community and to facilitate the Lessee’s promotion of health, safety, morals, and general welfare of the community.
4. The term of the lease is extended for twenty years commencing May 14, 2024, and expiring May 14, 2044, with a renewal option for an additional twenty (20) year term upon Lessee providing written notice to the Township not later than one (1) year before the expiration date of the Lease term, provided the Township Committee adopts such ordinance approving said lease renewal.

5. Pursuant to said Fourth Amendment to Lease Agreement, Lessee shall have the right to use the field lights described in Section D of the Lease Agreement only during the following periods each year, subject to the hours restriction in the Lease Agreement: (a) from and including April 1 to and including August 8; and (b) from and including September 1 to and including November 15.
6. Pursuant to said Fourth Amendment to the Lease Agreement, within six (6) months from the effective date of this Lease Amendment, Lessee shall install ambient noise attenuating devices designed to reduce noise from the batting cages near Valley Road. Such devices shall be product(s) specifically manufactured for purposes of noise reduction and shall be installed by attaching the product(s) directly to the fence along Valley Road immediately adjacent to the batting cages. The noise attenuating devices installed by RBC shall be attached to approximately 150 linear feet of fence, shall be approximately 6 feet in height.
7. The officer responsible for enforcing the conditions of the lease shall be the Township Administrator and Chief Operating Officer.
8. The Lessee shall submit to the Township Administrator and Chief Operating Officer on or before December 31 annually, a report setting forth the use to which the leasehold was put during the proceeding year; the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of said Lessee pursuant to both State and Federal law.
9. The Lessee shall be subject to such terms and conditions as are set forth in the lease agreement on file with the Township Clerk.

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

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

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

EXPLANATORY STATEMENT

Bernards Township and Ridge Baseball Club desire to continue its lease of Block 92.04, Lot 4 for an additional twenty-year term commencing May 14, 2024, and expiring May 14, 2044 and amend the lease to permit additional usage of the field lights on said premises during certain portions of the year and to require the installation of noise attenuating devices along the batting cage fence adjacent to Valley Road for a nominal consideration of \$1.00 per year, pursuant to NJSA 40A:12-14 (c) and 40A:12-15 (i).

Date: 11/28/2023

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2539 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 11/28/23 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 12/12/23, 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

Prepared By:

John P. Belardo, Esq.
Bernards Township Attorney
Since 1998

FOURTH AMENDMENT TO LEASE AGREEMENT

THIS FOURTH AMENDMENT TO LEASE AGREEMENT is made as of this effective date of December ____, 2023, between:

RIDGE BASEBALL CLUB, INC., a not-for-profit corporation organized under the law of the State of New Jersey on March 4, 2011, its successors and assigns, having its principal office at c/o Ridge Baseball Club, P.O. Box 98, Basking Ridge, New Jersey 07920 (hereinafter referred to as the “Ridge Baseball Club”), and

THE TOWNSHIP OF BERNARDS, in the County of Somerset, a municipal corporation of the State of New Jersey, having offices at One Collyer Lane, Basking Ridge, New Jersey 07920 (hereinafter referred to as the “Township”);

WITNESSETH:

WHEREAS, the Township owns land on Valley Road, formerly Block 178.01, Lot 4, now Block 92.04, Lot 4 (“Premises”), which contains a baseball complex; and

WHEREAS, the Township Premises is not required for municipal purposes and the Township currently leases the Premises to Ridge Baseball Club for the purpose of constructing, improving and maintaining a baseball complex (the “Fields and Facilities”); and

WHEREAS, the Township is authorized by law to lease its lands to any non-profit organization or association having for its purposes the promotion of the health, safety, morals and general welfare of the community while it is used for such purposes and not for commercial purposes pursuant to N.J.S.A. 40A:12-14(c) and 40A: 12-15 (i); and

WHEREAS, the Township and the predecessor to the Ridge Baseball Club previously entered a Lease Agreement dated May 14, 2004, a First Amendment to Lease Agreement dated November 27, 2007, a Second Amendment to Lease Agreement dated March 25, 2008, and a Third Amendment to Lease Agreement dated November 30, 2011 (collectively, the “Lease Agreement”), and the Township and Ridge Baseball Club by execution of this Fourth Amendment to Lease Agreement desire to amend the Lease Agreement and to incorporate those terms herein; and

WHEREAS, on March 6, 2023, pursuant to Section 3 of the Lease Agreement, Ridge Baseball Club exercised its option to renew the Lease Agreement for an additional 20-year term from May 14, 2024 to May 14, 2044; and

WHEREAS, Ridge Baseball Club has also requested an amendment to the Lease Agreement concerning the months in which the field lights may be used.

NOW, THEREFORE, the parties agree to this Fourth Amendment to Lease Agreement, to add the following new sections to the Lease Agreement:

- 24. The term of the Lease is extended from May 14, 2024, to May 14, 2044.**
- 25. Ridge Baseball Club shall have the option of renewing this Lease Agreement for an additional term of twenty (20) years upon the same terms and conditions as set forth in the Lease Agreement by giving written notice to the Township not later than one (1) year before the expiration date of the Lease term, provided the Township Committee adopts such ordinance approving said lease renewal.**
- 26. Notwithstanding anything in this Lease Agreement, as amended, to the contrary, Ridge Baseball Club shall have the right to use the existing field lights at the Fields and Facilities described in Section D of the Lease Agreement only during the following periods each year:**
 - a. From and including April 1 to and including August 8; and**
 - b. From and including September 1 to and including November 15.**
- 27. All other restrictions set forth in this Lease Agreement, as amended, governing use of the field lights shall remain unaltered and in full force and effect. For the avoidance of doubt, the parties agree that the daily and hourly use limitations set forth in Section D(15)(a)-(d) of this Lease Agreement shall apply during any and all periods when use of the field lights is permitted.**
- 28. Within six (6) months from the effective date of this Lease Amendment, RBC shall install ambient noise attenuating devices designed to reduce noise from the batting cages near Valley Road. Such devices shall be product(s) specifically manufactured for purposes of noise reduction and shall be installed by attaching the product(s) directly to the fence along Valley Road immediately adjacent to the batting cages. The noise attenuating devices installed by RBC shall be attached to approximately 150 linear feet of fence, shall be approximately 6 feet in height.**

[signature page follows]

IN WITNESS WHEREOF the parties hereto have caused these presents to be signed by their proper corporate officers and their corporate seals to be affixed hereto.

ATTEST:

RIDGE BASEBALL CLUB

Name:

Title:

Dated: _____, 2023

By: _____

Name:

Title: President

For the Board of Directors of the
Ridge Baseball Club

AS APPROVED BY PROPER AND
AUTHORIZED CORPORATE RESOLUTION

ATTEST:

TOWNSHIP OF BERNARDS

Name: Christine Kieffer, R.M.C.

Title: Township Clerk

Dated: _____, 2023

By: _____

Name: Andrew J. McNally

Title: Mayor

For the Township Committee



Resolution of the Township of Bernards

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

Resolution #2023-0490

Approval of the Bill List Dated 12/12/2023

BE IT RESOLVED, that the bill list dated 12/12/2023 be audited, and if found correct, be paid

December 12, 2023
08:59 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				
138272	12/12/23	90220 BETTLER, DENNIS	170.08	1732 Direct Deposit
138273	12/12/23	90267 AMERMAN, GLEN	117.98	1732 Direct Deposit
138274	12/12/23	90270 GELETA, ERIC M.	227.47	1732 Direct Deposit
138275	12/12/23	90395 NERI, MARK	13.82	1732 Direct Deposit
138276	12/12/23	90500 BALDASSARE, TRACY	90.00	1732 Direct Deposit
138277	12/12/23	90505 DECIBUS, FRANCIS J.	154.72	1732 Direct Deposit
138278	12/12/23	90520 SWEENEY, MICHAEL	183.00	1732 Direct Deposit
138279	12/12/23	90563 CARTOCCIO, KAITLIN	252.98	1732 Direct Deposit
138280	12/12/23	90604 KIEFER, CYNTHIA	177.66	1732 Direct Deposit
138281	12/12/23	A0168 ALLIED OIL COMPANY, LLC	13,435.92	1732 Direct Deposit
138282	12/12/23	A0425 ATLANTIC TACTICAL	3,703.10	1732 Direct Deposit
138283	12/12/23	A0453 AMAZON.COM	5,075.03	1732 Direct Deposit
138284	12/12/23	A0559 ARCARI IOVINO ARCHITECTS,PC	550.00	1732 Direct Deposit
138285	12/12/23	A0611 AMERICAN WEAR, INC	883.64	1732 Direct Deposit
138286	12/12/23	A0748 ARMENTI CONTRACTING	6,280.00	1732 Direct Deposit
138287	12/12/23	B0388 BLACKSTONE AUDIO BOOKS	7.95	1732 Direct Deposit
138288	12/12/23	B0581 BUY WISE AUTO PARTS	931.48	1732 Direct Deposit
138289	12/12/23	C0597 CLIFFSIDE BODY CORPORATION	71.84	1732 Direct Deposit
138290	12/12/23	D0339 DEER CARCASS REMOVAL SVC, LLC	105.00	1732 Direct Deposit
138291	12/12/23	D0754 DC EXPRESS	792.00	1732 Direct Deposit
138292	12/12/23	E0008 EBSCO SUBSCRIPTION SERVICES	5,198.00	1732 Direct Deposit
138293	12/12/23	E0267 EAW SECURITY	353.00	1732 Direct Deposit
138294	12/12/23	E0327 ELITE VEHICLE SOLUTIONS	2,186.35	1732 Direct Deposit
138295	12/12/23	E0338 EMPIRE BACKFLOW	1,572.46	1732 Direct Deposit
138296	12/12/23	F0003 FOLEY, INCORPORATED	1,749.30	1732 Direct Deposit
138297	12/12/23	F0299 FASTENAL CO.	126.36	1732 Direct Deposit
138298	12/12/23	F0445 FACILITIES PARTNERS & SOLUTION	3,260.86	1732 Direct Deposit
138299	12/12/23	G0066 GRAINGER INC	857.24	1732 Direct Deposit
138300	12/12/23	G0133 GARDEN STATE LABORATORIES, INC	110.00	1732 Direct Deposit
138301	12/12/23	G0201 GENERAL CODE LLC	2,510.00	1732 Direct Deposit
138302	12/12/23	G0305 GREAT AMERICAN SIGN COMPANY	1,834.00	1732 Direct Deposit
138303	12/12/23	G0333 BEDMINSTER CAR WASH	120.00	1732 Direct Deposit
138304	12/12/23	G0674 GALLS, LLC	155.55	1732 Direct Deposit
138305	12/12/23	M0015 MCKESSON MEDICAL SURGICAL	526.05	1732 Direct Deposit
138306	12/12/23	M0511 MOTOROLA SOLUTIONS, INC.	26,238.10	1732 Direct Deposit
138307	12/12/23	M0823 MOOSEWOOD TREE SERVICE	8,000.00	1732 Direct Deposit
138308	12/12/23	M0898 MESSERCOLA EXCAVATING INC	47,598.60	1732 Direct Deposit
138309	12/12/23	O0135 OUTHUSE LLC	100.00	1732 Direct Deposit
138310	12/12/23	O0164 ODP BUSINESS SOLUTIONS LLC	141.88	1732 Direct Deposit
138311	12/12/23	P0534 PLUG 'N PAY TECHNOLOGIES, INC.	20.00	1732 Direct Deposit
138312	12/12/23	P0663 PALINDROME TECHNOLOGIES INC	2,000.00	1732 Direct Deposit
138313	12/12/23	R0393 RESEARCH&DESIGN LANDSCAPE LLC	15,633.00	1732 Direct Deposit
138314	12/12/23	R0509 REIVAX CONTRACTING CORPORATION	942,070.20	1732 Direct Deposit
138315	12/12/23	R0824 REPUBLIC SERVICES OF NJ LLC	79.00	1732 Direct Deposit
138316	12/12/23	S0443 STAPLES ADVANTAGE	465.23	1732 Direct Deposit
138317	12/12/23	S0741 SUBURBAN CONSULTING ENGINEERS	37,211.33	1732 Direct Deposit
138318	12/12/23	S0764 STERICYCLE	35.70	1732 Direct Deposit
138319	12/12/23	S1177 SAL ELECTRIC CO., INC.	5,821.00	1732 Direct Deposit
138320	12/12/23	T0066 CENGAGE LEARNING CREDIT SVCS	364.77	1732 Direct Deposit
138321	12/12/23	T0192 TURN OUT UNIFORMS INC	1,374.88	1732 Direct Deposit
138322	12/12/23	V0020 VILLAGE OFFICE SUPPLY	43.00	1732 Direct Deposit
138323	12/12/23	A0126 AFLAC NEW YORK	137.94	1733
138324	12/12/23	A0161 ANCHOR RUBBER STAMP & PRINTING	38.90	1733
138325	12/12/23	A0232 ARROW ELEVATOR, INC.	350.00	1733
138326	12/12/23	A0338 AFLAC	1,075.21	1733
138327	12/12/23	A0666 ALSTEDE FARMS, LLC	5,250.00	1733
138328	12/12/23	A0753 ACHARI, MURALI	185.00	1733
138329	12/12/23	B0001 BAKER & TAYLOR, INC.	7,245.61	1733
138330	12/12/23	B0017 BRIDGEWATER RESOURCES, INC.	2,547.71	1733
138331	12/12/23	B0026 BERNARDS TOWNSHIP CURRENT	214,057.17	1733
138332	12/12/23	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	609,381.29	1733
138333	12/12/23	B0044 BASKING RIDGE ANIMAL HOSPITAL	600.00	1733
138334	12/12/23	B0241 BANISCH ASSOCIATES, INC.	44,361.50	1733
138335	12/12/23	B0518 BERNARDSVILLE HARDWARE	12.98	1733
138336	12/12/23	B0608 BURK, FREDERIC	85.00	1733
138337	12/12/23	B0703 BEASLEY, JAY OR JENNIFER	90.00	1733
138338	12/12/23	B0874 BRYSON, WARREN	100.00	1733
138339	12/12/23	C0287 COMPUSCORE	200.00	1733
138340	12/12/23	C0395 CARBONETTI CO	25,340.00	1733
138341	12/12/23	C0482 OPTIMUM	137.95	1733
138342	12/12/23	C0482 OPTIMUM	13.96	1733
138343	12/12/23	C0482 OPTIMUM	44.95	1733
138344	12/12/23	C0482 OPTIMUM	33.34	1733
138345	12/12/23	C0613 CIGNA GROUP INSURANCE	1,575.59	1733
138346	12/12/23	C0681 CAST TECHNOLOGY, INC	140.00	1733
138347	12/12/23	C0697 BB&T/CPS	39.71	1733
138348	12/12/23	C0774 COLONIAL LIFE & ACC INSURANCE	539.52	1733
138349	12/12/23	C0887 CREATIVE WISDOM WELLNESS	550.00	1733
138350	12/12/23	C0914 COLLABORATIVE SUMMER LIBRARY	349.79	1733

138351	12/12/23	C0965	CLIFFORD, MICHELLE OR MATTHEW	90.00	1733
138352	12/12/23	D0635	DELAMATER, JAMES	100.00	1733
138353	12/12/23	D0661	DAVID WEBER OIL CO.	978.86	1733
138354	12/12/23	E0144	E-Z PASS	300.00	1733
138355	12/12/23	E0246	EMSL ANALYTICAL, INC.	83.78	1733
138356	12/12/23	E0303	EXTECH BUILDING MATERIALS INC	4,789.79	1733
138357	12/12/23	E0342	EB EMPLOYEE SOLUTIONS, LLC	14,370.90	1733
138358	12/12/23	F0001	FEDEX	23.25	1733
138359	12/12/23	F0047	FULLERTON FORD	37.57	1733
138360	12/12/23	F0259	FAR HILLS BOROUGH	8,190.99	1733
138361	12/12/23	F0289	FIREFIGHTER ONE	14,178.45	1733
138362	12/12/23	F0324	FLAGSHIP DENTAL PLANS	61.59	1733
138363	12/12/23	F0330	FIDELITY SECURITY LIFE INS	328.94	1733
138364	12/12/23	G0098	JCP&L	5,989.95	1733
138365	12/12/23	G0481	GLOCK PROFESSIONAL, INC.	1,000.00	1733
138366	12/12/23	G0614	GRAMAGLIA, GIANCARLO OR KELLY	1,812.50	1733
138367	12/12/23	H0235	HOOVER TRUCK CENTERS	385.85	1733
138368	12/12/23	H0241	HASTY AWARDS INC.	233.00	1733
138369	12/12/23	H0246	HOME DEPOT CREDIT SERVICES	558.00	1733
138370	12/12/23	H0386	HOROWITZ & SONS CONSTRUCTION	2,340.00	1733
138371	12/12/23	H0499	HUNT, DWAYNE	300.00	1733
138372	12/12/23	H0500	HEYDAY ATHLETIC	462.50	1733
138373	12/12/23	J0255	JERSEY WHOLESALE TIRE CORP.	644.00	1733
138374	12/12/23	K0059	KAYSER, JOHN P	1,110.00	1733
138375	12/12/23	K0259	KONICA MINOLTA PREMIER FINANCE	108.92	1733
138376	12/12/23	K0259	KONICA MINOLTA PREMIER FINANCE	123.54	1733
138377	12/12/23	K0331	KONICA MINOLTA PREMIER FINANCE	325.91	1733
138378	12/12/23	L0495	LTM PROPERTIES	3,950.00	1733
138379	12/12/23	L0505	THE LIBRARY STORE, INC.	190.19	1733
138380	12/12/23	L0515	LINCOLN AVENUE GOSPEL HALL	6,669.02	1733
138381	12/12/23	M0178	MARK'S AUTO SERVICE	37.50	1733
138382	12/12/23	M0493	MCELROY, DEUTSCH, MULVANEY &	7,735.63	1733
138383	12/12/23	M0518	KONICA MINOLTA BUSINESS SOL.	26.00	1733
138384	12/12/23	M0518	KONICA MINOLTA BUSINESS SOL.	50.00	1733
138385	12/12/23	M0518	KONICA MINOLTA BUSINESS SOL.	19.13	1733
138386	12/12/23	M0518	KONICA MINOLTA BUSINESS SOL.	12.42	1733
138387	12/12/23	M0815	M & M PERROTTIS	315.31	1733
138388	12/12/23	M0996	MCGREAL, GERARD	1,350.00	1733
138389	12/12/23	M1024	MAJOR, TERRI	600.00	1733
138390	12/12/23	M1039	MMS CONSTRUCTION & MGMT LLC	500.00	1733
138391	12/12/23	N0006	NEW JERSEY AMERICAN WATER CO.	50,344.87	1733
138392	12/12/23	N0016	NJSOPHE MEMBERSHIP	65.00	1733
138393	12/12/23	N0032	NJ STATE DEPT HEALTH/SR SVCS	15.60	1733
138394	12/12/23	N0179	NEW JERSEY STATE GOLF ASSOC.	33.00	1733
138395	12/12/23	N0389	NJ MOTOR VEHICLE COMMISSION	60.00	1733
138396	12/12/23	N0389	NJ MOTOR VEHICLE COMMISSION	60.00	1733
138397	12/12/23	N0389	NJ MOTOR VEHICLE COMMISSION	60.00	1733
138398	12/12/23	N0389	NJ MOTOR VEHICLE COMMISSION	60.00	1733
138399	12/12/23	N0441	NEW JERSEY LINE-X	1,700.00	1733
138400	12/12/23	N0470	NATIONWIDE	182.77	1733
138401	12/12/23	N0530	NATIONAL HIGHWAY PRODUCTS, INC	1,076.84	1733
138402	12/12/23	O0100	OVERDRIVE, INC.	5,707.20	1733
138403	12/12/23	O0105	O.C.A. BENEFIT SERVICES, LLC	84.15	1733
138404	12/12/23	O0167	O'ROURKE, TIMOTHY OR ROSEAMME	205.00	1733
138405	12/12/23	P0014	PUBLIC SERVICE ELEC. & GAS CO	2,328.09	1733
138406	12/12/23	P0046	RESERVE ACCOUNT	982.80	1733
138407	12/12/23	P0525	POWER PLACE, INC.	177.70	1733
138408	12/12/23	P0723	PARTNERS IN PREVENTION	2,000.00	1733
138409	12/12/23	P0725	PENCZAK, JOSEPH	50.00	1733
138410	12/12/23	P0739	PIPER PROPERTY MANAGEMENT LLC	505.00	1733
138411	12/12/23	P0743	PROJECT LIFESAVER INTL	156.85	1733
138412	12/12/23	P0747	POTO, KELLY OR JERRY	65.00	1733
138413	12/12/23	P0756	PRISCILLA'S PANTRY LLC	424.80	1733
138414	12/12/23	Q0032	QUINN, THOMAS J.	1,200.00	1733
138415	12/12/23	R0005	RECORDER PUBLISHING CO., INC	22.95	1733
138416	12/12/23	R0010	REIDER ASSOCIATES, INC.	60.00	1733
138417	12/12/23	R0023	RICHIES TIRE SERVICE, INC.	1,335.60	1733
138418	12/12/23	R0841	REED SYSTEMS, LTD	9,956.46	1733
138419	12/12/23	S0378	STAVOLA ASPHALT	445.92	1733
138420	12/12/23	S0418	NJSOPHE PROGRAMS	40.00	1733
138421	12/12/23	S0432	SOMERSET COUNTY TREASURER	16,292.64	1733
138422	12/12/23	S0556	SBLENDORIO, ANTHONY	1,825.00	1733
138423	12/12/23	S0628	STATE OF NEW JERSEY-HB	234,133.58	1733
138424	12/12/23	S0659	SANTORO, RANDY	60.00	1733
138425	12/12/23	S0736	SOMERSET COUNTY	313.34	1733
138426	12/12/23	S0875	SUNLIGHT GENERAL CAPITAL	142.43	1733
138427	12/12/23	S0977	STAVOLA CONSTRUCTION MATERIALS	578.70	1733
138428	12/12/23	S0987	SCHWALB, JEFF	750.00	1733
138429	12/12/23	S1131	STROMOSKI, RICK	250.00	1733
138430	12/12/23	S1191	SAVO, SCHALK, CORSINI, GILLESPIE,	1,570.00	1733
138431	12/12/23	S1218	SKOPYE, LLC	17,150.00	1733
138432	12/12/23	S1225	SELL, ADAM OR SARAH	475.00	1733
138433	12/12/23	T0372	TLO, LLC	182.40	1733
138434	12/12/23	T0478	TALATI, RUMIKA	975.00	1733
138435	12/12/23	U0131	UGI ENERGY SERVICES, LLC	177.67	1733
138436	12/12/23	U0134	UNITED STATES GOLF ASSOCIATION	233.07	1733
138437	12/12/23	V0037	VILLAGE SUPERMARKET, INC.	611.70	1733
138438	12/12/23	V0056	VERIZON WIRELESS	1,638.07	1733
138439	12/12/23	V0058	VERIZON	42.20	1733
138440	12/12/23	V0058	VERIZON	182.74	1733
138441	12/12/23	V0058	VERIZON	87.90	1733
138442	12/12/23	V0058	VERIZON	42.20	1733
138443	12/12/23	V0058	VERIZON	42.20	1733
138444	12/12/23	V0058	VERIZON	89.62	1733
138445	12/12/23	V0058	VERIZON	648.92	1733
138446	12/12/23	V0124	VERIZON BUSINESS FIOS	204.99	1733
138447	12/12/23	V0177	VERIZON	338.42	1733
138448	12/12/23	V0202	VESUVIO, JASLYNN OR MICHAEL	880.00	1733
138449	12/12/23	V0231	VERIZON COMMUNICATIONS, INC.	723.88	1733
138450	12/12/23	W0016	WARRENVILLE TRUE VALUE	112.82	1733
138451	12/12/23	W0291	WEISBURG, ALLAN	500.00	1733
138452	12/12/23	W0325	WERNER, ALBERT	503.80	1733
138453	12/12/23	W0347	WACKS DEBONA BEILIN & WEBER	126.00	1733
138454	12/12/23	W0372	WEINER, EVAN	150.00	1733
138455	12/12/23	X0003	XEROX CORPORATION	209.36	1733

Report Totals	Paid	Void	Amount Paid	Amount Void
	-----	-----	-----	-----
Checks:	134	0	1,358,380.60	0.00
Direct Deposit:	51	0	1,140,979.53	0.00
	=====	=====	=====	=====
Total:	185	0	2,499,360.13	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	2-01	181,904.43	0.00	0.00	181,904.43
CURRENT FUND	3-01	1,075,873.12	0.00	0.00	1,075,873.12
DOG FUND	3-12	898.57	0.00	0.00	898.57
GOLF COURSE UTILITY	3-26	771.43	0.00	0.00	771.43
Year Total:		1,077,543.12	0.00	0.00	1,077,543.12
CAPITAL FUND	C-04	1,049,393.12	0.00	0.00	1,049,393.12
PUBLIC GRANTS	G-02	105,666.85	0.00	0.00	105,666.85
TRUST FUNDS	T-13	59,555.07	0.00	0.00	59,555.07
PROJECTS		25,297.54			25,297.54
Total Of All Funds:		2,499,360.13	0.00	0.00	2,499,360.13

Agenda and Date Voted: 12/12/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

Christine Kieffer , Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0483

Resolution to Oppose Bill A-5659 that
Dramatically Increases Workers' Compensation Rates in New Jersey

WHEREAS: Local Government is facing the largest budget increase for property/casualty insurance since the mid-1980s; and

WHEREAS: The property/casualty budget for the typical municipality has already experienced a 20% to 25% increase since 2021 and will experience another 12% to 20% increase in 2024; and

WHEREAS: New Jersey now has the highest workers' compensation premium rates in the country based on data from the U.S. Bureau of Labor Statistics; and

WHEREAS: Workers' Compensation escalated because New Jersey judges are now reopening cases up to four and five times, whereas in the past they rarely reopened a case more than once; and

WHEREAS: Workers' Compensation also escalated because of a 2021 Department of Labor decision that directed workers' compensation to pay many accidental disability claims that previously were paid by the pension plans; and

WHEREAS: Another recent law created a presumption that firefighters diagnosed with cancer are eligible for workers' compensation; and

WHEREAS: During the COVID 19 Pandemic, the Legislature approved a law that made COVID contracted by first responders and essential employees compensable under New Jersey's workers' statute resulting in the COVID cost per employee being the second highest in the country; and

WHEREAS: Liability has increased because of the erosion of Title 59 protections in New Jersey's courts. Judges are now reluctant to grant summary judgement dismissing even frivolous claims because of the 2021 New Jersey Supreme Court decision in Gonzalez v. Jersey City; and

WHEREAS: The recent amendment in the sexual molestation statute of limitations also increased Title 59 liability costs. In some cases, towns are being sued based on allegations going back to the 1970s; and

WHEREAS: Property premiums are increasing rapidly because the world-wide frequency of large natural disasters has almost tripled since 2000. New Jersey alone was hit with Hurricane Irene in 2011, Superstorm Sandy in 2012 and Tropical Storm Ida in 2021; and

WHEREAS: Property insurance premiums are also indexed to replacement values that have jumped because of supply chain issues and the labor shortage; and

WHEREAS: Cyber liability premiums have more than doubled in recent years. Organizations without strong cyber risk controls are finding it difficult to purchase any coverage.

NOW, THEREFORE BE IT RESOLVED, the Township Committee of the Township of Bernards in the County of Somerset that we are in support of,

- 1) The Legislature is urged to adopt budget and levy cap exemptions for property/casualty insurance and claims; and
- 2) The Administration and the Legislature should not adopt additional legislation or regulations that will increase municipal claims without a thorough and complete analysis of the cost; and
- 3) The New Jersey Department of Labor, the New Jersey Department of Banking and Insurance and the New Jersey Department of Community Affairs should meet with representatives of municipal government to discuss ways to reduce property/casualty costs.

BE IT FURTHER RESOLVED the Township Committee of the Township of Bernards in the County of Somerset urge to oppose the passage of Assembly Bill No. 5659, and

BE IT FURTHER RESOLVED this resolution shall be forwarded to the sponsors of A-5659, to our legislators, and to the New Jersey State League of Municipalities.

Agenda and Date Voted: 12/12/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

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 #2023-0484 Authorization to Award Contracts

WHEREAS, P.L. 2023, C. 30, known as the "Elections Transparency Act" made significant changes to New Jersey's pay-to-play laws; and

WHEREAS, Sections 11 and 12 of the Act amended N.J.S.A. 19:44A-20.4 and 20.5., to clarify that the governing body of a municipality may delegate authority to the Township Qualified Purchasing Agent to award contracts having an anticipated value in excess of \$17,500, up to the municipality's bid threshold; and

WHEREAS, the Township Committee wishes to authorize the Township Qualified Purchasing Agent to award contracts and purchase goods and services on behalf of the Township up to the Township's bid threshold.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that Francis J. Decibus the Township Qualified Purchasing Agent is hereby authorized to award contracts and purchase goods and services on behalf of Bernards Township up to the Township's bid threshold.

Agenda and Date Voted: 12/12/2023

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy. The "Election Transparency Act" provides the PA the authority under the legislation to issue window contracts between \$ 17,500.00 and the bid threshold of \$ 44,000.00 providing the criteria relative to the law is adhered to upon receipt of a vendors Business Entity Disclosure Document.


For Purchasing Agent

Date: November 30, 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 12/12/2023.

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 #2023-0485

Authorizing the Purchase of Electricity Supply Services for Public Use on an Online Auction Website

WHEREAS, the Township of Bernards has determined to move forward with the EMEX Reverse Auction in order procure electricity for Township accounts; and

WHEREAS, the Local Government Electronic Procurement Act (P.L. 2018, c. 156) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, the Township of Bernards will utilize the online auction services of EMEX, LLC, a division of Mantis Innovation, an approved vendor pursuant to the Act; and

WHEREAS, EMEX, LLC a division of Mantis Innovation, is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price for metered electricity of \$0.06400/kWh or less for a 12 month term, a price of \$0.06400/kWh or less for an 18 month term, or a price of \$0.06540/kWh or less for a 24 month term; the Township of Bernards may award a contract to the winning supplier for metered electricity for the selected term.

NOW THEREFORE BE IT RESOLVED, that the Township Administrator or the Qualified Purchasing Agent of the Township of Bernards is hereby authorized to execute on behalf of the Township of Bernards any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price for metered electricity of \$0.06400/kWh or less for a 12 month term, a price of \$0.06400/kWh or less for an 18 month term, or a price of \$0.06540/kWh or less for a 24 month term; the Township of Bernards may award a contract to the winning supplier for the selected term.

Agenda and Date Voted: 12/12/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023

Christine Kieffer, Municipal Clerk

Explanatory Statement:

EMEX, LLC is a company that runs sophisticated on-line reverse auctions for electric supply for a large number of public entities both in the State of NJ and elsewhere in the US. This procurement strategy is approved by state law and has been proven to be a successful process. If we see advantageous rates bid that are below the above "trigger prices", the Township can lock in savings. These rates will not be effective until July 2024 when the current EMEX contract ends.

Pat Monaco, Township Administrator/COO



Resolution of the Township of Bernards

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

Resolution #2023-0487

Transfer Resolution – December 12, 2023

WHEREAS, there appears to be insufficient funds in the following account(s) (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demands for the balance of the Current Year; and

Current Fund – 2023 Budget Appropriations

Municipal Swimming Pool – General Repairs Other Expenses

WHEREAS, there appears to be a surplus in the following accounts(s) (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund, or Interest and Debt Redemption Charges) over and above the demand deemed necessary for the balance of the Current Year; and

Current Fund – 2023 Budget Appropriations

Municipal Swimming Pool – Salary & Wage

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provision of N.J.S.A. 40A:4-58, part of the surplus in the account heretofore mentioned be and the same is hereby transferred to the account (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized and directed to make the following transfers to be effective 12/12/2023:

<u>FROM:</u>	<u>AMOUNT</u>	<u>TO</u>
2023 Budget Appropriations: Mun. Swimming Pool SW	\$57,000.00	2023 Budget Appropriations: Mun. Swimming Pool
		- General Repairs O.E.

Agenda and Date Voted: 12/12/2023

EXPLANATORY STATEMENT:

This transfer is necessary to fund a portion of the bid awarded to Premier Pool Renovations Inc., to replaster the main pool and spray grounds at Pleasant Valley Pool (Resolution 2023-0438). \$57,000 in funds currently charging the budget account Municipal Swimming Pool S&W will be changed to budget account Municipal Swimming Pool General Repairs OE following this transfer. No additional funds are being appropriated for this project, and the total contract amount remains \$465,000 as awarded on October 24, 2023.

Sean McCarthy, CFO

December 6, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

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 #2023-0492

Unused Vacation Accrual Due

Steven Waters

Bernards Township – Fire Prevention

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, Steven Water's full-time employment will terminate on December 31, 2023; and

WHEREAS, per the requirements of the Township's Personnel Policy, Steven Waters is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$23.00.

	Total Hours Available	Amount Due
Vacation Accrual	79.25	\$1,822.75

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: 12/12/2023

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 Fire Prevention part time S&W Line, Account #3-01-25-265-102 for an amount not to exceed \$4,849.50

Sean McCarthy, CFO

Date: December 7, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

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

Resolution #2023-0494

Awarding an Extraordinary Unspecifiable Professional Services Contract
for IT Managed Services and Compliance
to John Karpinski of the firm Ocean Computer Group, Inc.
In the Not to Exceed Amount of \$186,500.00

WHEREAS, the Township of Bernards requires IT Managed Services and Compliance; and

WHEREAS, a quotation for the extraordinary unspecifiable services received pursuant to the criteria

Vendor	Quote Amount
Ocean Computer Group, Inc.	\$186,500.00

and;

WHEREAS, John Karpinski of the firm Ocean Computer Group, Inc., 90 Matawan Road – Suite 105, Matawan, NJ, 07747 has submitted a proposal dated November 28, 2023 outlining IT Managed Services and Compliance services to the Township; and

WHEREAS, section N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law exempts such extraordinary unspecifiable 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 to be made available in Computer Network Administration – Fees and Compensation Account # 4-01-20-140-204 pending adoption of the 2024 budget; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that an extraordinary unspecifiable service contract be awarded to Ocean Computer Group, Inc. as follows:

1. The contract will encompass services as outlined in the submitted proposal dated November 28, 2023.
2. The contract term is based on a project duration from January 1, 2024 to December 31, 2024 at a not to exceed amount of \$186,500.00.
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. Either party upon 10 days written notice via certified mail may terminate this contract.
7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
8. This contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
9. The contractor shall report directly to Township Administrator/COO Pat Monaco, 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.

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

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

Pat Monaco/Township Administrator/COO

Date Voted and Agenda: 12/12/2023

CERTIFICATE DECLARATION FOR EXTRAORDINARY UNSPECIFIABLE SERVICE	
Describe in detail the nature of work:	See proposal dated November 28, 2023, Exhibit A.
Describe why the contract meets the provision of the statute:	The services provided by Ocean Computer Group, Inc. are specialized and qualitative in nature, requiring expertise, extensive training and proven reputation in the field of IT Managed Services and Compliance.
Describe why the service is qualitative in nature requiring the need for expertise, extensive training and proven reputation:	This provider will evaluate the Township's existing infrastructure, making evaluations and recommendations for cost saving measures and general operational efficiencies.
Explain why it is not reasonably possible to draft specifications:	Service is particular and inherent to this provider because of the scope of work.
Describe the informal solicitation of quotes:	Ocean Computer Group, Inc. was solicited because of their vast experience in the area of IT Managed Services and Compliance.
 Francis J. Decibus, QPA, Purchasing Agent	I, Francis J. Decibus, have reviewed the rules of the DLGS pursuant to N.J.A.C. 5:34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.
CHIEF FINANCIAL OFFICER I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$ 186,500. Monies are available in: Computer Network Administration – Fees and Compensation Account # 4-01-20-140-204 pending adoption of the 2024 budget. Date: December 7, 2023	
 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: December 7, 2023

CERTIFICATION

**I hereby certify this is a true and exact copy of a resolution adopted
by the Bernards Township Committee on 12/12/2023.**

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 #2023-0493

Unused Vacation Accrual Due

Nicholas Brett

Bernards Township – Police Department

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, Nicholas Brett's full-time employment terminated on November 29, 2023; and

WHEREAS, per the requirements of the Township's Personnel Policy, Nicholas Brett is entitled to a Vacation Time Accrual payment for vacation time as calculated below based on an hourly rate of \$26.20.

	Total Hours Available	Amount Due
Vacation Accrual	41	\$1,074.20

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: 12/12/2023

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 Police S&W Line, Account #3-01-25-240-101 for an amount not to exceed \$1,074.20

Sean McCarthy, CFO

Date: December 7, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

Christine Kieffer, Municipal Clerk



Resolution of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-204-2510; www.bernards.org

Resolution #2023-0495

Approval of the Memorandum of Agreement
Between Bernards Township and the PBA/SOA Local No. 357
January 1, 2024 through December 31, 2027

WHEREAS, the Township of Bernards and the PBA/SOA Local No. 357 had an Agreement in place for the period of time from January 1, 2020 through December 31, 2023; and

WHEREAS, the Township of Bernards and the PBA/SOA Local No. 357 have negotiated in good faith for terms to replace the expiring Agreement; and

WHEREAS, the Township of Bernards and the PBA/SOA Local No. 357 have commemorated the terms of this agreement into a formal Memorandum of Agreement to cover the period of time from January 1, 2024 through December 31, 2027; and

WHEREAS, the Township Committee of the Township of Bernards has reviewed the terms of settlement and is in agreement; and

WHEREAS, the Township Committee of the Township of Bernards directs that the terms defined in the Memorandum of Agreement between the Township of Bernards and the PBA/SOA Local No. 357 be commemorated to a new contract for the period of time between from January 1, 2024 through December 31, 2027.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the Memorandum of Agreement dated December 12, 2023 between Bernards Township and the PBA/SOA Local No. 357 be and is hereby approved and hereby authorizes the Mayor to sign the original of this agreement.

Agenda and Vote Date: 12/12/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

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 #2540

Accepting a Riparian Zone Conservation Easement on
Property Located at 27 Quincy Road; Block 5402, Lot 29, from
Richard W. Chapin and Anita Dawson 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:

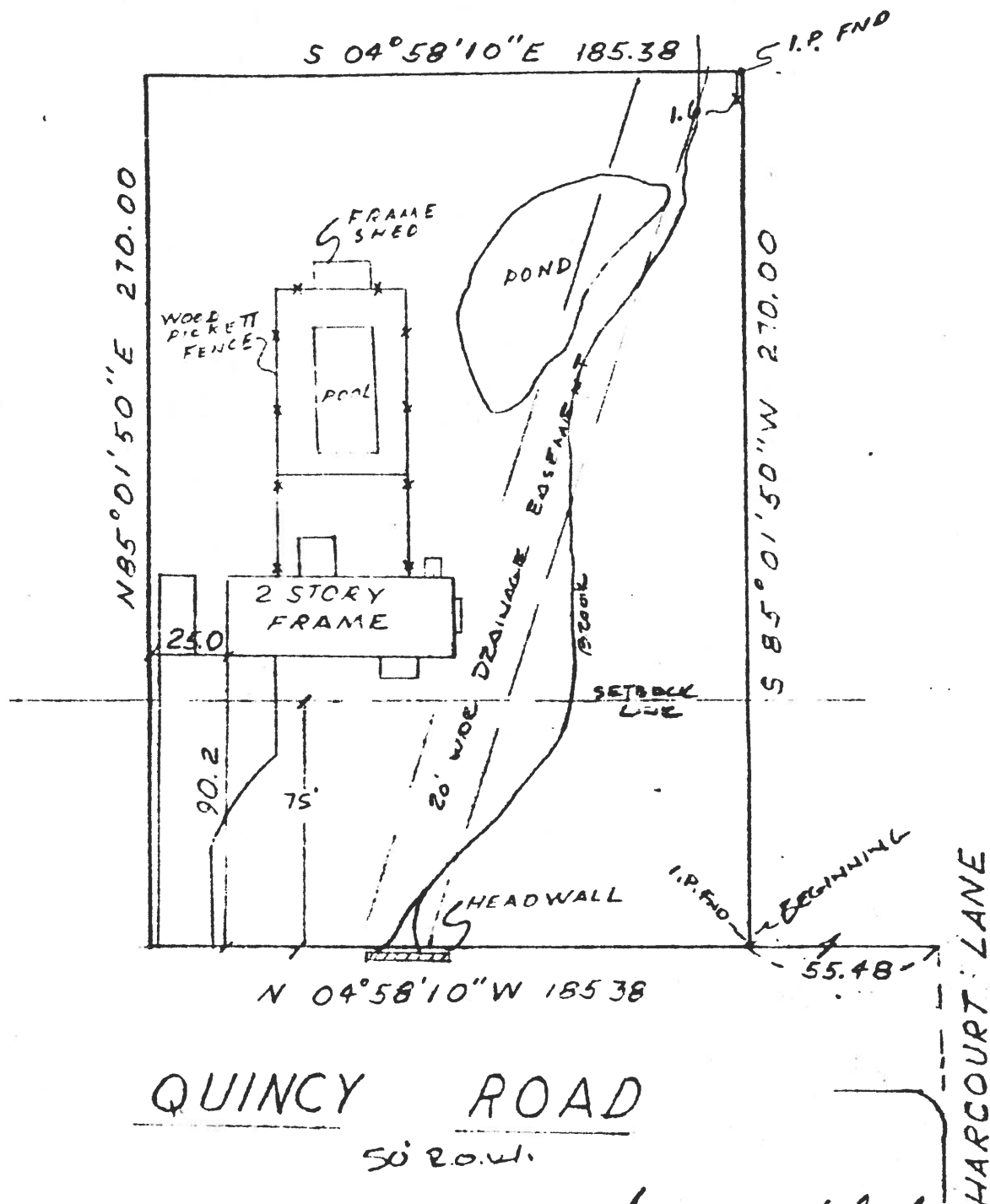
1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Richard W. Chapin and Anita Dawson, with a mailing address at 27 Quincy Road, Basking Ridge, New Jersey, 07920, a Riparian Zone Conservation Easement on Block 5402, Lot 29, in Bernards Township.
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 riparian zone located adjacent to the stream on the property. The property owners have submitted fees to reimburse the Township for costs incurred in processing the easement.

Date: November 29, 2023

David Schley, PP, AICP, Township Planner



9/24/86
DATE

Mark A. Helmke
JOHN CILO JR. N.J.P.E. & L.S. LIC. No. 12942
MARK A. HELMKE N.J.L.S. LIC. No. 29183



Property corners not set
at the time of survey

JOHN CILO Jr. ASSOCIATES
PROFESSIONAL ENGINEER - LAND SURVEYOR - PLANNER
198 West High Street Somerville - New Jersey - 08876

THIS SURVEY IS CERTIFIED TO:

OWNER: MASON S. SISK, JR. AND JOHN C. SISK
MORTGAGEE: FIRST PROVIDENT MORTGAGE CORPORATION
ATTORNEY: MICHAEL J. PASNIK, ESQ.



Ordinance of the Township of Bernards

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

ORDINANCE #2541

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey,
Amending, Revising and Supplementing the Code of the Township of Bernards,
Chapter 21, "Revised Land Use Ordinances," to Create the
Westgate Village Mixed Use Senior Overlay Zone within the E-3 Zone

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

Part I. Existing § 21-10.5, "E-1, E-2, E-3, E-4 and E-5 - Office Zones," is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

§ 21-10.5 E-1, E-2, E-3, E-4 and E-5 - Office Zones.

[Ord. #585, § 403D.2; Ord. #641; Ord. #1068, § 2; Ord. #1103, § 9; Ord. #1144; Ord. #1793, 7-12-2005 amended]

a. Uses.

1. Permitted Uses. These zones are designed for office and laboratory uses. The following uses are permitted:

- (a) Administrative, business, or executive office buildings.
- (b) Professional office buildings.
- (c) Scientific or research laboratories.
- (d) Data processing centers.
- (e) Hospitals and medical clinics.
- (f) Farming, agriculture and horticulture not including the raising or keeping of livestock.
- (g) Public parks, roads and other public purpose uses.
- (h) Child-care centers.

The following additional uses are permitted in specific zones:

- (i) Banks and other financial institutions in the E-2, E-3, E-4 and E-5 Zones only.
- (j) Radio or television studios in the E-2 Zone only.

- (k) Light manufacturing in the E-2 Zone only.
 - (l) Storage and maintenance of vehicles operated by or as a business in the E-4 Zone only.
 - (m)(Reserved)
 - (n) Country inns and country inns with restaurants/taverns in the E-2 Zone only.
2. Accessory Uses. Accessory uses customarily incidental to the above permitted uses.
 3. Conditional Uses: **[Ord. #1407, 5-9-2000, amended]**
 - (a) Public utilities in accordance with Section 21-12.
 - (b) Conference inn, as defined in Section 21-3, in the E-1 and E-2 Zones only and in accordance with Section 21-12.
 - (c) Retail sales and services, retail outlet stores, specialty food stores, health clubs and restaurants in the E-2 Zone only and in accordance with Section 21-12.3n.
 - (d) Retail sales and services, retail outlet stores, specialty food stores and restaurants in the E-3 Zone only and in accordance with Section 21-12.3.o.
 - (e) Houses of worship and/or houses of worship with clergyman's residence on the same premises in accordance with Section 21-12. **[Ord. #2242, 10-15-2013, added]**
 - (f) Public and private schools in accordance with Section 21-12. **[Ord. #2242, 10-15-2013, added]**
 - b. Requirements. The requirements listed in Table 402 must be complied with in the E-1 through E-5 Zones.
 - c. Westgate Village Mixed Use Senior Overlay Zone within the E-3 Zone.
 1. Where Permitted. The Westgate Village Mixed Use Senior Overlay Zone is an overlay zone that adds an alternative development option for mixed use development only in the E-3 Zone and only on property located at 477 Martinsville Road and presently occupied by Westgate Corporate Center, specifically Lot 7, Block 11301. The underlying E-3 Zone provisions shall apply if the site is not developed in accordance with the Westgate Village Mixed Use Senior Overlay Zone development option.
 2. Applicability of Other Regulations. Except as otherwise specified in this subsection (§ 21-10.5.c), all development within the Westgate Village Mixed Use Senior Overlay Zone shall be subject to all other provisions of this chapter. Where a provision set forth elsewhere in this chapter conflicts with a provision set forth in this subsection, this subsection shall supersede.
 3. Mixed Use Development. Multiple principal buildings, principal uses, accessory structures and accessory uses shall be permitted. Single buildings may contain

multiple uses.

4. Permitted Principal Uses.

- (a) Multifamily age-restricted dwelling units where the head of the household is a minimum age of either 62 years, or 55 years, and meets the provisions of 42 U.S.C. §§3601 et seq. (also, see § 21-85.2, Definitions).
- (b) Age-restricted affordable units (as defined at N.J.A.C. 5:80-26.2 and § 21-85.2, Definitions).
- (c) A hotel or extended stay hotel, which may include conference facilities, event space and corporate suites with full kitchens and living accommodations.
- (d) Retail Sales and Services.
- (e) Restaurants.
- (f) Administrative, business, executive and professional offices.
- (g) Banks and other financial institutions.
- (h) Child care centers.

5. Permitted Accessory Uses.

- (a) Accessory uses customarily incidental to the above permitted principal uses.

6. Prohibited Uses.

- (a) Any use not designated as a permitted principal use or accessory use is prohibited.

7. Maximum Number of Multifamily Dwelling Units: 374, of which 15% of rental units and 20% of for-sale units shall be set aside and affordable to low and moderate income households.

8. Maximum Number of Hotel or Extended Stay Hotel Guest Rooms: 150.

9. Maximum Floor Area for Nonresidential Uses (excludes multifamily dwelling units and related multifamily amenities):

- (a) Maximum Floor Area for a Building Containing a Hotel or Extended Stay Hotel: 216,687 square feet.

- (b) Maximum Floor Area for Nonresidential Uses Not Located Within a Building Containing a Hotel or Extended Stay Hotel: 230,519 square feet.

10. Maximum impervious coverage: 80%.

11. Area, Yard and Building Requirements.

- (a) Minimum tract area: 30 acres.

- (b) Minimum tract frontage: 700 feet.
- (c) Minimum tract width: 700 feet.
- (d) Principal Buildings.
 - (1) Minimum building setback from the Martinsville Road right-of-way: 150 feet.
 - (2) Minimum building setback from a residential zone: 65 feet.
 - (3) Minimum building setback from any other property line: 50 feet.
 - (4) Minimum building setback from the curbline or edge of pavement of any internal street, parking space or other vehicular area excluding entrances to under-building parking: 10 feet.
 - (5) Minimum distance between principal buildings: 50 feet.
 - (6) Building projections such as canopies, awnings, balconies and similar unenclosed features and architectural elements designed to provide visual interest may extend into the above required setbacks/distances by not more than 10 feet.
 - (7) Maximum height.
 - [a] Multifamily buildings: four stories, including any parking level, and 60 feet, as measured from finished grade based on the grading plan approved by the Board. If the building is located at least 175' feet from the Martinsville Road right-of-way, the maximum height shall be four stories, including any parking level, and 70 feet.
 - [b] Hotel or extended stay hotel building: four stories, including any parking level, and 60 feet, as measured from finished grade based on the grading plan approved by the Board. If the building is located at least 175' feet from the Martinsville Road right-of-way and from any residential zone, the maximum height shall be five stories, including any parking level, and 70 feet.
 - [c] Other principal buildings: as set forth in this chapter for the E-3 Zone.
- (e) Accessory Structures.
 - (1) Accessory structures shall not be located in a front yard.
 - (2) Accessory structures shall not be located within 50 feet of any property line except when specifically approved by the Board.
 - (3) Freestanding parking structures shall not be located within 50' of any property line.
 - (4) Maximum height of accessory structures: 20 feet, except a freestanding parking structure containing not more than four levels may be up to 42 feet

high measured to the top of the deck wall and 52 feet high measured to the top of the stair tower. A height exceeding 20 feet shall be permitted only when the Board finds that the parking structure is adequately screened from adjoining residential zones and that vehicles in the structure are adequately screened from public view.

12. Parking and Loading.

- (a) Parking spaces may be constructed as surface parking or within a building or structure, and shall be provided in accordance with the New Jersey Residential Site Improvement Standards (RSIS; N.J.A.C. 5:21) and this chapter.
- (b) Minimum parking setback from the Martinsville Road right-of-way: 75 feet.
- (c) Minimum parking setback from a residential zone: 65 feet.
- (d) Minimum parking setback from any other property line: 50 feet.
- (e) Loading spaces shall be provided in accordance with this chapter, except shared loading spaces shall be permitted. Where multiple uses occupy a single building, the minimum required number of loading spaces shall be based on the total floor area of the building, regardless of the number of uses in the building.

13. Buffers.

- (a) Buffers designed and constructed in accordance with Section 21-28 shall be required where the tract in the Westgate Village Mixed Use Senior Overlay Zone abuts a residentially zoned lot or lots.
- (b) In addition to the exceptions set forth in § 21-28.2.b, accessory uses and accessory structures not exceeding 500 square feet in footprint or 20 feet in height shall be permitted in buffers when specifically approved by the Board.

14. Mechanical equipment and other utility hardware placed on the roof of any buildings shall be properly screened from public view.

15. All uses shall be serviced by public water and public sanitary sewer systems.

16. Signs.

- (a) Multifamily Uses. For each neighborhood in the development, one main identification sign not exceeding 30 square feet in area and six feet in height shall be permitted. The sign(s) shall be located not less than 20 feet from all tract property lines.
- (b) Nonresidential Uses. Freestanding and wall-mounted signs shall be permitted as set forth in this chapter for the E-3 Zone.
- (c) In addition to the above, the Board may approve directional, wayfinding and building identification sign(s) which are not intended to be visible from off site, provided each such sign shall not exceed 24 square feet in area.

17. Neighborhood Recreation Amenities. The site plan shall include adequate neighborhood recreation amenities to serve each age group residing in the multifamily dwelling units. On-site recreation amenities shall be subject to approval by the Board and shall provide formal and informal recreation activities that may include, but not be limited to, some of the following: outdoor swimming areas, outdoor seating areas, tot lots, playgrounds, play fields, and similar indoor or outdoor active or passive recreation areas. Recreation amenities may also include paths for bike riding, hiking or walking.
18. Site Plan. The site plan, including the building and parking layout and the location of preserved wooded areas, shall be organized substantially in accordance with Figure Z of this chapter, provided that the building and parking layout shown on Figure Z is meant as a guideline and may be modified by the developer to reflect market conditions, site constraints, applicable development regulations and other relevant factors. The final layout shall be approved by the Board.
19. Multi-family Dwelling Unit Affordable Housing Requirements.
- (a) The Affordable housing development shall conform to Chapter 21, Article XIII, Affordable Housing for very low-, low- and moderate-income units.
 - (b) Fifteen percent (15%) of age-restricted multi-family rental units shall be affordable age-restricted multi-family rental units, and twenty percent (20%) of age-restricted multi-family for-sale units shall be affordable age-restricted multi-family for-sale units.
 - (c) The Affordable Units shall be provided in accordance with the schedule set forth in N.J.A.C. 5:93-5.6(d) and in accordance with all other applicable New Jersey regulations and statutes governing the construction, delivery, marketing, tenant qualification, tenant placement, administration, and maintenance of affordable units for inclusionary development. Certificates of occupancy shall be issued in accordance with the schedule provided at N.J.A.C. 5:93-5.6(d) to achieve compliance with this requirement.
 - (d) Term of Affordable Units: In accordance with N.J.A.C. 5:80-26.1 et. seq., and in accordance with the voluntary agreement of the owner of the Westgate Drive property which, in part, induced the Township to re-zone that property to an inclusionary low and moderate income housing site, with other uses permitted, the period within which the Affordable Units shall be restricted to low and moderate income households shall be an initial 30-year term beginning on the date of issuance of a certificate of occupancy for each set-aside unit (the “initial 30-year term”), followed by a second 30-year term (the “second 30-year term”) which, however, the Township shall have the option of canceling. In the event that the Township does not provide written notice of cancellation of the second 30-year term prior to the conclusion of the initial 30-year term, the second 30-year term shall begin running automatically at the conclusion of the initial 30-year term. The Township shall be entitled to credits for the Affordable Units as may be allowed by then-applicable law. The Township will retain any rights it has under N.J.A.C. 5:80-26.1 et. seq. (Uniform Housing Affordability Controls “U.H.A.C.”) to continue to maintain affordability controls on the Westgate Drive site.

- (e) Income Distribution Requirements: The affordable dwelling units shall be split between very low-, low-, and moderate-income units as those terms are defined in N.J.S.A. 52:27D-304 and the U.H.A.C. A minimum of fifty percent (50%) of the affordable housing units shall be affordable to low-income households. At least thirteen percent (13%) of the affordable units shall be very low-income units. Thirteen percent (13%) of the affordable units that shall be very low-income units shall count toward the total of all low-income units required. Not more than fifty percent (50%) of the affordable housing units shall be available as moderate-income housing units.
- (f) Bedroom mix: At a minimum, the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the affordable development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.
- (g) Other Affordable Housing Unit Requirements.
- (1) The Developer will comply with all applicable requirements of UHAC and the Township's Affordable Housing Ordinance, including, but not limited to: (1) affirmative marketing requirements; and (2) tenant qualification, screening and placement requirements, including annual income qualification of tenants, which shall be reported on an annual basis to the Township's Administrative Agent and affordable housing liaison.
 - (2) The Developer may, in its sole discretion, choose to serve as the Administrative Agent for the affordable units. If the Developer does not elect to serve as the Administrative Agent for the affordable units, the Developer shall contract with either (1) a qualified and experienced third-party Administrative Agent, or (2) the Township's Administrative Agent, for administration of the affordable units. The developer shall pay all costs for administration of the affordable units, including annual reporting to the Township and providing information and documentation that may be needed by the Township for affordable housing annual reporting obligations. The Developer shall pay the cost for all administrative and recording of Deed Restrictions associated with the affordable housing units.
 - (3) Whether the Developer acts as the Administrative Agent or contracts with the Township's Administrative Agent or another qualified Administrative Agent, the Developer shall agree to provide, within thirty (30) days after written notice, detailed information reasonably requested by the Township or the Township's Administrative Agent concerning the Developer's compliance with the U.H.A.C., the Township's Affordable Housing Ordinance, the Township's Amended Affordable Housing Plan, and any applicable Court orders (including the Township's JOR Order for the Third Round and subsequent Rounds of affordable housing obligations), and all applicable laws and regulations.
 - (4) In all respects, the Developer shall comply with the requirements of the NJ Fair Housing Act, the Uniform Housing and Affordability Controls, Bernards Township's affordable housing ordinance and all other applicable law pertaining to occupancy and administration of the affordable housing units.

- (5) The affordable housing units shall be interspersed among all buildings and floors of the market-rate multi-family units such that the affordable housing units are indistinguishable from the market-rate housing units.
- (6) The developer shall provide floor plans identifying the location of all affordable units with respect to bedroom type and affordability classification (i.e., very low-, low- and moderate-income units), and shall include the square footage of each affordable unit provided.
20. Subdivision of lots. The subdivision of land within the Westgate Village Mixed Use Senior Overlay Zone for the purpose of financing, property management, conveyance or creation of fee simple lots shall be permitted by the Board, notwithstanding that after subdivision the individual lots and improvements thereon may not comply with all requirements of this chapter, provided that the pre-subdivision lot remains in compliance with the site plan approved by the Board. Any subdivision shall be subject to the Board conditioning final subdivision approval upon submission by the applicant and approval by the Township Attorney, of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances dealing with items, including but not limited to access, security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items that are to be provided for the development.

[Figure Z, referenced in § 21-10.5.c.18 above, is attached]

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 purpose of this ordinance amendment is to add an overlay zone within the existing E-3 Office Zone, to provide for the housing needs set forth in the Township Master Plan. The Westgate Village Mixed Use Senior Overlay Zone will allow an alternative development option on property located at 477 Martinsville Road, which is presently occupied by Westgate Corporate Center. The overlay zone will permit up to 374 age-restricted (senior) multifamily dwelling units, of which 15% of any rental units and 20% of any for-sale units will be affordable to low and moderate income households. The overlay zone will also permit retail, office and hotel uses.



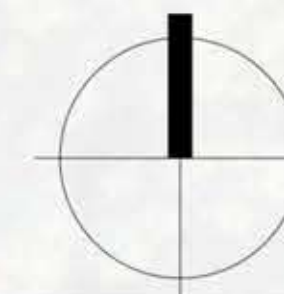
DEVELOPMENT PROGRAM

SITE 1 (OFFICE PARCEL)

TOTAL NO. UNITS (A & B)	374 DU
AFFORDABLE UNIT SET ASIDE:	
• (15%) IF FOR-RENT AFF. UNITS:	57 DU
• OR (20%) IF FOR-SALE AFF. UNITS:	75 DU
BUILDING HEIGHT	3 Stories Residential over 1 levels parking
TOTAL PARKING	TBD Spaces

SITE 2 (LIBERTY CORNER PARCEL)

TOTAL CORPORATE SUITES	150 ROOMS
TOTAL RETAIL	20,000 SF
BUILDING HEIGHT	3 Stories Corp. Suites over 1 Level Retail
TOTAL PARKING	TBD Spaces



CONCEPT SITE PLAN

SCALE: 1"=60'-0"
DATE: 12/06/2023



Ordinance of the Township of Bernards

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

ORDINANCE #2542

An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Section 2-7 entitled “Police Department” of the Bernards Township General Ordinances to add Subsection 2-7.16 entitled “Outside Employment of Off-Duty Police Officers”

WHEREAS, the Township of Bernards (the “Township”) has permitted private contractors to retain the services of off-duty police officers to provide police officer services; and

WHEREAS, in order to ensure that the Township is paid for these services, and that assignments to outside contractors do not conflict with the needs of the Township, it is appropriate to establish hourly rates and procedures to be followed by private contractors and the Bernards Township Police Department,

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 2, “Administration,” Section 2 “Outside Employment of Off-Duty Police Officers” of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in double underline; deletions are ~~stricken~~):

§ 2-7.16. Outside Employment of Off-Duty Police Officers.

****Subsection a through e – NO CHANGE IN TEXT****

f. Rates for off-duty police services are:

1. ~~The standard rate of pay for Off Duty Police Services is time and one half. The base flat rate of pay shall be calculated annually as time-and-one-half rate of Sergeant’s maximum attainable pensionable rate for that year. All personnel above the rank of Sergeant on 12/31/2023 shall have their higher rate grandfathered without annual increase. Should the flat rate become higher than an employee’s grandfathered rate, the employee shall be transitioned to the flat rate.~~
2. Bernards Twp. PBA 357 reserves the right to negotiate alternate flat rates of pay as needed for recurring jobs with outside vendors, to include public and private schools, the Township of Bernards and other organizations or corporations.
3. Such alternate flat rates of pay shall be reviewed annually by PBA 357 and be communicated to the Township no later than one week following the second PBA meeting of the calendar year.
4. Bernards Twp. PBA 357 reserves the right to appoint a designee from the membership to negotiate flat rates with outside vendors for recurring jobs that are not anticipated during the second PBA meeting of the calendar year.

In addition to the amounts noted above, an Administrative Fee of 15% of gross wages paid will be charged to the contractor. The failure of a contractor to contact the Police Department at least two hours in advance of the start of an assignment to cancel the request for off-duty police services will result in a four-hour charge to the contractor. The Bernards Township Board of Education shall be exempt from this Administrative Fee.

****Subsection g – NO CHANGE IN TEXT****

h. When a Township police vehicle is available and being utilize as an “Active” traffic control device the fee charged for use within the Township is \$100 flat fee for the first 4 hours or any portion thereof; the fee charged for use outside of the Township is \$150 flat fee for the first 4 hours or any portion thereof. Regardless of geographic location, jobs in excess of 4 hours will incur an additional vehicle fee of \$15 per hour or portion thereof. \$50 flat fee per day or any portion thereof; the fee charged for use outside of the Township is \$100 flat fee per day or any portion thereof. The Bernards Township Board of Education, the Township of Bernards and not-for-profit organizations located in Bernards Township are exempt from the fees charged for use of police vehicles.

****Subsection i – NO CHANGE IN TEXT****

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

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

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



Resolution of the Township of Bernards

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

Resolution #2023-0486 Addressing the “Frown-Free Town”

WHEREAS, the Township Committee of Bernards Township would like to acknowledge that it is not in fact illegal to frown in Bernards Township; and

WHEREAS, the Township Committee of Bernards Township in 1995 in its resolution #95068 had good intentions to declare Bernards Township a “Frown-Free Town Zone”; and

WHEREAS, the intention of the resolution for a “Frown-Free Town Zone” began with a student at Ridge High School with the hopes to ensure that the small towns friendliness of the community would be lost in the crowd due to the increase in population and wanted to promote positive feelings to create an association for residents between smiling and the community; and

WHEREAS, the First Amendment of the United States Constitution as well as the Township Committee of Bernards Township respects and welcomes free expression, which includes frowning; and

WHEREAS, the Township Committee of Bernards Township understands that this resolution for a “Frown-Free Town Zone” did not work to make frowning illegal in the Township but was done in the spirit of promoting good intentions.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of Bernards Township declares that while it’s the hope that our residents and visitors to have no reason to frown, they are free to do so based on the First Amendment of the United States Constitutions right to freedom of expression.

Agenda and Date Voted: 12/12/2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Committee on 12/12/2023.

Christine Kieffer, Municipal Clerk