

# **TOWNSHIP OF BERNARDS** **PLANNING BOARD**

## **MINUTES v2** **Re-organization & Regular Meeting** January 19, 2021

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

### **FLAG SALUTE**

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

### **OPEN MEETING STATEMENT**

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

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

## **REORGANIZATION MEETING**

### **OATHS OF OFFICE**

- Tyler Seville, Class I Member, one-year term expiring 12/31/21
- John Crane, Class II Member, one-year term expiring 12/31/21 (not present-administer on another date)
- Joseph Esposito, Class III Member, one-year term expiring 12/31/21 (not present-administer on another date)
- Paul Damurjian, Class IV Member, four-year terms expiring 12/31/24
- Andrew McNally, Class IV Member, four-year term expiring 12/31/24
- Lauren Manduke, Class IV Member, four-year term expiring 12/31/24
- Kathleen Mastrangelo, Class IV Member, filling unexpired four-year term of G. Hurley expiring 12/31/22
- Gary Baumann, Class IV, Alternate 1, filling two-year term of K. Mastrangelo expiring 12/31/21
- Daniel Eorio, Class IV, Alternate 2, two-year term expiring 12/31/2022

(Continuing Board Members: Asay, Piedici)

### **ROLL CALL**

Members Present:	Asay, Baumann, Damurjian, Eorio, McNally, Manduke, Mastrangelo*, Piedici, Seville
Members Absent:	Crane, Esposito
Also Present:	Attorney, Jonathan Drill, Esq.; Planner, David Banisch, PP, AICP; Township Planner, David Schley, PP, AICP; Secretary, Cyndi Kiefer.

\*Via Telephone

Moved by Ms. Manduke, seconded by Mr. Eorio, all in favor and carried, that the absences of Mr. Crane and Deputy Mayor Esposito be excused.

### **NOMINATIONS FOR CHAIRMAN**

Ms. Kiefer called for nominations for Chairman of the Board for 2021. Mr. Damurjian nominated Ms. Piedici for the position of Chairwoman of the Board for 2021. Ms. Asay seconded.

All eligible in favor and carried.

**NOMINATIONS FOR VICE CHAIRMAN**

Chairwoman Piedici called for nominations for Vice Chairman of the Board for 2021. Mr. McNally nominated Ms. Asay for the position of Vice Chairwoman of the Board for 2021. Mr. Seville seconded.

All eligible in favor and carried.

**NOMINATIONS FOR VICE CHAIRMAN PRO TEMP**

Chairwoman Piedici called for nominations for Vice Chairman Pro Temp of the Board for 2021. Ms. Asay nominated Mr. McNally for the position of Vice Chairman Pro Temp of the Board for 2021.

All eligible in favor and carried.

**APPOINTMENT OF BOARD ENGINEER**

Chairwoman Piedici called for appointments for Board Engineer for 2021. Ms. Asay nominated Larry Plevier PE, CME, for the position of Board Engineer for 2021. Ms. Manduke seconded.

**Resolution #21-01**

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

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

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

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

\* \* \*

Motion by Ms. Asay that Resolution #21-01 be adopted as drafted. Ms. Manduke seconded the motion.

Roll Call:       Aye:    Asay, Baumann, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville  
                  Nay:    NONE

Motion carried.

**APPOINTMENT OF BOARD PLANNER**

Chairwoman Piedici called for appointments for Board Planners for 2021. Ms. Asay nominated Francis J. Banisch PP, AICP and David J. Banisch, PP, AICP, for the position of Board Planners for 2021. Mr. Damurjian seconded.

**Resolution #21-02**

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

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

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

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

\* \* \*

Motion by Ms. Asay that Resolution #21-02 be adopted as drafted. Second by Mr. Damurjian.

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

Motion carried.

#### **APPOINTMENT OF BOARD SECRETARY**

Chairwoman Piedici called for appointments for the office of Board Secretary for the year 2021. Moved by Mr. Seville that Cyndi Kiefer be appointed as Board Secretary for the year 2021. Ms. Manduke seconded the motion.

All eligible in favor and carried.

Motion carried.

#### **APPOINTMENT OF BOARD ATTORNEY**

Chairwoman Piedici called for appointments for Board Attorney for the year 2021. Ms. Asay nominated Jonathan E. Drill, Esq. for the position of Board Attorney for 2021. Mr. Seville seconded.

#### **Resolution #21-03**

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

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

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

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

\* \* \*

Moved by Ms. Asay that Resolution #21-03 be adopted as drafted. Second by Mr. Seville.

Roll Call:       Aye:   Asay, Baumann, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville  
                  Nay:   NONE

Motion carried.

#### **ADOPTION OF OFFICIAL NEWSPAPERS**

Moved by Ms. Manduke to designate the Bernardsville News, Whippany, NJ and the Courier News, Bridgewater, NJ as the official newspapers for 2021. The Daily Record of Morristown, NJ and the Star Ledger of Newark, NJ are designated newspapers which may be given notice by the Secretary when the publication schedule of the Bernardsville News or the Courier News does not enable it to publish advance notice of special or rescheduled meetings. Second by Ms. Asay.

All eligible in favor and carried.

#### **ADOPTION OF MEETING DATES**

#### **Resolution #21-04**

**PLEASE TAKE NOTE** that the Planning Board of the Township of Bernards will meet to discuss or act upon public business at 7:30 PM on each of the dates in 2021 set forth below at the Municipal Building, Collyer Lane, Basking Ridge, New Jersey:

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

*January 18, 2022 – Reorganization Meeting*

\* Election Day

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

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

\* \* \*

Chairwoman Piedici called for a motion to adopt the adoption of the 2021 Calendar of Meeting Dates.

Moved by Ms. Asay that Resolution #21-04 be adopted, such that the regular meetings of the Planning Board be scheduled on the first Tuesday and the third Tuesday after the first Monday of the month, at 7:30 p.m. in the Municipal Building, Collyer Lane, Basking Ridge. Special meetings, if necessary, will be scheduled accordingly. Second by Ms. Manduke.

Roll Call:      Aye:    Asay, Baumann, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville  
                       Nay:    NONE

Motion carried.

## **ADOPTION OF RULES AND REGULATIONS OF THE BOARD**

### **Resolution #21-05**

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

**WHEREAS**, the Board determined that the rules and regulations attached hereto (bearing a print date of January 12, 2021) should be readopted as the rules and regulations for the year and shall continue in effect until otherwise replaced or amended as the Board believes same are reasonable and consistent with law;

**NOW, THEREFORE, BE IT RESOLVED** by the Bernards Township Planning Board on January 19, 2021 as follows:

1.        The Rules and Regulations as attached hereto (bearing a print date of January 12, 2021) are hereby readopted and shall govern the administration of the Board's functions, power and duties for the year 2021 and shall continue in effect until and unless otherwise replaced or amended.

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

\* \* \*

Moved by Ms. Asay and seconded by Mr. McNally that Resolution #21-05 be adopted as drafted.

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

Motion carried.

### **ADJOURNMENT**

On motion by Ms. Asay and second by Mr. McNally, all eligible in favor and carried, the reorganization portion of the meeting was adjourned at 7:47 PM.

## **REGULAR MEETING**

### **RESOLUTION OF DISMISSAL**

[Kearns, William J. & Virginia L.](#), Block 1602, Lot 2.01; 174 South Finley Avenue; PB20-002

Moved by Ms. Asay, seconded by Mr. McNally, that the resolution dismissing the above referenced application *without prejudice* upon request for withdrawal from the Applicant be adopted as drafted.

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

Motion carried.

### **EXECUTIVE SESSION**

[Resolution Authorizing Executive Session](#) - For the purpose of discussion of matters of attorney-client privilege and attorney-client advice where confidentiality is required for the Board Attorney to exercise his duties as an attorney specifically rendering legal advice pertaining to the Master Plan review process.

Chairwoman Piedici read the resolution in its entirety into the record. On motion made by Ms. Asay and seconded by Mr. Damurjian, all in favor and carried, the resolution was approved as read and the Open Session of the meeting was recessed at 7:48 PM.

\* \* \* \* \*

On motion made by Ms. Asay, seconded by Ms. Manduke, all in favor and carried, the Executive Session of the meeting was adjourned, and the Open Session was reconvened at 9:40 PM.

### **MASTER PLAN REVIEW**

Chairwoman Piedici stated that during the February 16, 2021 regularly scheduled meeting, the Board will begin discussions on the Land Use Element, specifically, the Millington Quarry site.

### **COMMENTS FROM MEMBERS**

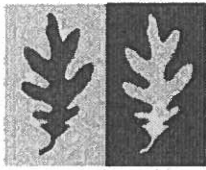
Chairwoman Piedici cancelled the February 2, 2021 meeting.

### **COMMENTS FROM STAFF** – None

### **ADJOURN**

On motion by Ms. Asay, seconded by Mr. Seville, all eligible in favor and carried, the meeting was adjourned at 9:41 PM.

Respectfully submitted,



# Resolution of the Township of Bernards Planning Board

277 S. Maple Ave, Basking Ridge, NJ 07920  
908-204-3026; [www.bernards.org](http://www.bernards.org)

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## Resolution #21-01

Professional Services Contract for January 1, 2021 through December 31, 2021  
Planning Board Engineer Awarded to Larry Plevier, PE, CME, NJ Lic #24GE04748500  
of the firm Mott MacDonald LLC  
In the Not to Exceed Amount of \$5,000.00  
(Excluding Charges covered by Escrow Funds)

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

**WHEREAS**, the Bernards Township Planning Board wishes to engage the services of an engineer to perform professional engineering services as required for the period January 1, 2021 through December 31, 2021, which is a "professional service" as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

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

**WHEREAS**, the Chief Financial Officer has certified that funds will be made available in the 2021 Current Professional Engineering Services of the Planning Board Other Expenses, account #1-01-21-180-204 for a not to exceed amount of \$5,000.00.

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

1. The contract will encompass services as outlined in the submitted contract proposal dated December 9, 2020 appended to this resolution.
2. The contract term is from January 1, 2021 through December 31, 2021 at the hourly rate of \$149.00 for alternate engineer, Larry Plevier, PE, CME, NJ Lic #24GE04748500 at a not to exceed amount of \$5,000.00, plus escrow funds paid by applicants in accordance with Bernards Township Ordinance No.1018.
3. The line item appropriation for professional engineering services of \$5,000.00 shall be charged to line account #1-01-21-180-204.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

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

**NOW THEREFORE BE IT RESOLVED**, that the Bernards Township Planning Board engage Larry Plevier, PE, CME, NJ Lic #24GE04748500. of the firm Mott MacDonald LLC, as its board engineer for the period January 1, 2021 through December 31, 2021, designated as the individual specifically authorized to act in the Board's behalf or any other engineer of that firm as he may designate.

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

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

  
Larry Plevier, PE, CME, NJ Lic #24GE04748500

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for this contract. The line item appropriation to be charged for Professional Engineering Services is Planning Board Other Expenses, Fees and Compensation line account #1-01-21-180-204 in the not to exceed amount of \$5,000.00.

Date: January 12, 2021

  
Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

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

Date: January 11, 2021


  
Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Dated: January 19, 2021

ATTEST:

  
Cyndi Kiefer, Board Secretary

ADOPTED:

  
Kathleen I. Piedici, Chairwoman





# Resolution of the Township of Bernards Planning Board

277 S. Maple Ave  
908-204-3026; [www.bernards.org](http://www.bernards.org)

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## **Resolution #21-02**

Professional Services Contract for 2021 Planning Board Planner

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

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

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

**WHEREAS**, the Bernards Township Planning Board wishes to engage the services of a planner to perform professional planning services as required for the year 2021, which is a “professional service” as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

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

**WHEREAS**, the Chief Financial Officer has certified that funds will be made available in the 2021 Current Professional Planning Services of the Planning Board Other Expenses, account #1-01-21-180-204 for a not to exceed amount of \$5,000.00.

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

1. The contract will encompass services as outlined in the submitted contract proposal dated December 2, 2020 appended to this resolution.
2. The contract term is from January 1, 2021 through December 31, 2021 at the hourly rate of \$154.00 for Principal Planner, David J. Banisch PP/AICP, NJ Lic # 33L100556500 and \$165.00 for Senior Planner, Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 at a not to exceed amount of \$5,000.00, plus escrow funds paid by applicants in accordance with Bernards Township Ordinance No.1018.
3. The line item appropriation for professional planning services of \$5,000.00 shall be charged to line account #1-01-21-180-204.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to PL 1975, c127, which is attached to this resolution as Exhibit A.



**NOW THEREFORE BE IT RESOLVED**, that the Bernards Township Planning Board engage Francis J. Banisch III PP/AICP, NJ Lic # 33L100168600 and David J. Banisch PP/AICP, NJ Lic # 33L100556500 of the firm Banisch Associates, Inc., as its board planners for the year 2021, designated as the individuals specifically authorized to act in the Board's behalf and, in his absence any other planner in that firm as they may designate.

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

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

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

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

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for this contract. The line item appropriations to be charged are Planning Board Other Expenses, for Professional Planning Services, account Fees and Compensation #1-01-21-180-204 in the not to exceed amount of \$5,000.00.

Date: January 12, 2021



Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

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



Date: January 11, 2021

Francis J. Decibus, QPA  
Purchasing Agent

Dated: January 19, 2020

ATTEST:

ADOPTED:

\_\_\_\_\_  
Cyndi Kiefer, Board Secretary

\_\_\_\_\_  
Kathleen I. Piedici, Board Chairman



# Resolution of the Township of Bernards Planning Board

277 S. Maple Ave, Basking Ridge, NJ 07920

908-204-3026; [www.bernards.org](http://www.bernards.org)

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## **Resolution #21-03**

**Professional Services Contract for 2021 Planning Board Attorney**

**Awarded to Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill**

**In the Not to Exceed Amount of \$ 20,000.00, including matters of litigation.**

**(Excluding Matters funded by Escrow)**

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

**WHEREAS**, the Bernards Township Planning Board wishes to engage the services of an attorney to perform legal services as required for the year 2021, which is a "professional service" as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

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

**WHEREAS**, the Chief Financial Officer has certified that funds will be made available in the 2021 Current Fund Budget for Professional Legal Services of the Planning Board Other Expenses account #1-01-21-180-204 for a not to exceed amount of \$2,500.00, and Planning Board-Litigation account #1-01-21-180-20A for a not to exceed amount of \$17,500.00.

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

1. The contract will encompass services as outlined in the submitted contract proposal dated November 12, 2020, appended to this resolution.
2. The contract term is from January 1, 2021 through December 31, 2021 at the hourly rate of \$190.00 at a not to exceed amount of \$20,000.00, plus escrow funds paid by applicants in accordance with Bernards Township Ordinance No.1018.
3. The line item appropriation for professional legal services of \$2,500.00 shall be charged to line account #1-01-21-180-204. The line item appropriation for matters of litigation of \$17,500.00 shall be charged line account #1-01-21-180-20A.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

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

**NOW THEREFORE BE IT RESOLVED**, that the Bernards Township Planning Board engage Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill as Planning Board Attorney for 2021 designated as the individual specifically authorized to act in the Board's behalf and, in his absence any other attorney in that firm as he may designate.

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

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

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



Jonathan E. Drill, Esq.

**CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that funds are available for this contract. The line item appropriation to be charged for Professional Legal Services is Planning Board Other Expenses, Fees and Compensation account #1-01-21-180-204 in the not to exceed amount of \$2,500.00 and the line item appropriation to be charged for Litigation Services is Planning Board Litigation account #1-01-21-180-20A in the not to exceed amount of \$17,500.00.

Date: January 12, 2021

  
Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

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

Date: January 11, 2021

  
Francis J. Decibus, QPA, RPPO  
Purchasing Agent

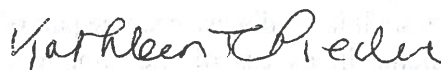
Dated: January 19, 2021

ATTEST:



Cyndi Kiefer, Board Secretary

ADOPTED:



Kathleen I. Piedici, Chairwoman

**TOWNSHIP OF BERNARDS  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY  
SCHEDULE OF MEETINGS FOR THE YEAR 2021  
PLANNING BOARD  
RESOLUTION #21-04**

**PLEASE TAKE NOTE** that the Planning Board of the Township of Bernards will meet to discuss or act upon public business at 7:30 PM on each of the dates in the year 2021 as set forth below at the Municipal Building, Collyer Lane, Basking Ridge, New Jersey:

February 2	February 16
March 2	March 16
April 6	April 20
May 4	May 18
June 8	June 22
July 6	July 20
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December 7	December 21

*January 18, 2022 – Reorganization Meeting*

\* Election Day

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

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

Roll call:     Aye:   Asay, Bauman, Damurjian, Eorio, McNally, Manduke, Mastrangelo,  
                      Piedici, Seville  
                      Nay:   NONE

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on January 19, 2021.



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**CYNDI KIEFER, Board Secretary**

January 19, 2021



**TOWNSHIP OF BERNARDS  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY  
RULES AND REGULATIONS FOR THE YEAR 2021  
PLANNING BOARD  
RESOLUTION #21-05**

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

**WHEREAS**, the Board determined that the Rules and Regulations attached hereto (bearing a print date of January 12, 2021) should be readopted as the rules and regulations for the year and shall continue in effect until otherwise replaced or amended as the Board believes same are reasonable and consistent with the law;

**NOW THEREFORE BE IT RESOLVED** by the Bernards Township Planning Board on January 19, 2021 as follows:

1. The Rules and Regulations as attached hereto (bearing a print date of January 12, 2021) are hereby adopted and shall govern the administration of the Board's functions, power and duties for the year 2021 and shall continue in effect until and unless otherwise replaced or amended.
2. Copies of the Rules and Regulations shall be maintained in the office of the Secretary of the Planning Board and the Clerk of the Township of Bernards and shall be available to any person who requests same upon payment of a reasonable fee for such copy.

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

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on January 19, 2021.

Attila

**CYNDI KIEFER, Board Secretary**

Dated: January 19, 2021

**BERNARDS TOWNSHIP PLANNING BOARD**

**WILLIAM AND VIRGINIA KEARNS**

**BLOCK 1602, LOT 2.01**

**APPLICATION NO. PB-20-002**

**RESOLUTION DISMISSING APPLICATION WITHOUT PREJUDICE UPON  
REQUEST FOR WITHDRAWAL OF APPLICATION**

**WHEREAS**, William and Virginia Kearns (the “**applicants**”) submitted an application to the Bernards Township Planning Board (the “**Board**”) which is application no. PB-20-002 (the “**application**”) seeking a subdivision of property owned by the applicants which is designated on the Bernards Township tax map as Block 1602, Lot 2.01 and has a street address of 174 S. Finley (the “**property**”);

**WHEREAS**, the application was deemed incomplete on June 2, 2020 and has remained incomplete since that time, and the applicants submitted a letter to the Board Secretary dated January 4, 2021 advising that they wished to withdraw the application;

**WHEREAS**, Board Rule 2:4-7, titled “Dismissal of Applications,” provides:

The Board, on its own motion, may dismiss any action without prejudice if neither the applicant nor anyone on his or her behalf appears at the time set for the hearing of said application. The Board may also dismiss any action without prejudice if neither the applicant nor anyone on his behalf actively prosecutes the application. Further, the Board, on its own motion, may dismiss any action without prejudice for failure to comply with these rules. Any applicant may, at any time before the commencement of the hearing, voluntarily withdraw his or her application, in which case, the application shall be dismissed without prejudice. After commencement of a hearing, a voluntary dismissal may be taken only with the approval of the Board, in which case the Board shall dismiss the action with or without prejudice depending on the circumstances of the particular case. The Board reserves the power to impose reasonable terms and conditions on any dismissal of an application made after commencement of the hearing on the application.

**WHEREAS**, based on the applicants’ letter indicating that they wish to withdraw the application, the Board hereby determines that the application should be

dismissed but should be dismissed without prejudice in accordance with Board Rule 2:4-7 to allow the applicants to submit a new application in the future if they wish without being barred by the legal doctrine of res judicata;

**NOW, THEREFORE, BE IT RESOLVED** by the Board, by motion duly made and seconded on January 19, 2021, as follows:

1. The application (PB-20-002) is hereby dismissed without prejudice.
2. The applicants may submit a new application in the future without being barred by the legal doctrine of res judicata.
3. The applicants' escrow account balance from the application, if any, shall be returned to the applicants after the payment of all invoices.
4. A signed copy of this resolution shall be mailed to the applicants and the applicants' attorney and notice of its adoption shall be published in the official newspaper of the Township.

The above memorializing resolution was adopted on January 19, 2021 by the following vote of eligible members:

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**THOSE IN FAVOR:** Asay, Baumann, Damurjian, Eorio, McNally, Manduke  
Mastrangelo, Piedici, Seville

**THOSE OPPOSED:** NONE

\*\*\*\*\*

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on January 19, 2021.



**CYNDI KIEFER, Board Secretary**



**BERNARDS TOWNSHIP PLANNING BOARD**

**RESOLUTION AUTHORIZING CLOSED SESSION**

**WHEREAS, N.J.S.A. 10:4-12** (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters:

**WHEREAS,** the Board is about to discuss such matters, namely attorney client privileged legal advice regarding the review standards applicable to the Master Plan review where confidentiality is required for the Board Attorney to exercise his ethical duties as a lawyer.

**WHEREAS,** this Board believes the public should be excluded from those discussions;

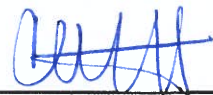
**NOW, THEREFORE,** be it resolved by the Bernards Township Planning Board on January 19, 2021 that the Board now go into closed session and the public be excluded and that the Board believes that the discussions conducted in the closed session may not be disclosed to the public because they will involve attorney-client privileged advice.

The above Resolution was adopted on January 19, 2021, by the following vote of the members of the Board:

AYES: Asay, Baumann, Damurjian, Eorio, McNally, Manduke, Mastrangelo, Piedici, Seville

NAYES: NONE

I, Cyndi Kiefer, Secretary to the Planning Board of the Township of Bernards in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of the memorializing resolution duly adopted by the said Planning Board on January 19, 2021.



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**CYNDI KIEFER, Board Secretary**

Dated: January 19, 2021