

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
April 9, 2018 – 7:00 p.m.

1. **CALL MEETING TO ORDER**

Mayor Kevin Sooy
Council Member Jeffrey J. DeLeo
Council Member John Donahue
Council Member Thomas O'Dea
Council Member Chris Schmidt
Council Member Michael Sullivan
Council Member Christine Zamarra

2. **STATEMENT OF PRESIDING OFFICER**

Notice of this meeting was provided to the Bernardsville News, Courier News and the Star Ledger, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 12, 2017.

3. **PLEDGE OF ALLEGIANCE**

4. **OPEN SESSION**

<p>At this point in the meeting, the Mayor & Council welcome comments from any member of the public. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers shall limit their comments to 5 minutes. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes.</p>

5. **PRESENTATIONS**

None

6. **ITEMS OF BUSINESS**

6A. **ORDINANCES**

Mayor to continue public hearing from March 26, 2018 on Ordinance #18-1766, **AN ORDINANCE APPROPRIATING \$1,200,000 FROM THE BOROUGH OPEN SPACE TRUST FUND (OF WHICH \$500,000 IS TO BE REIMBURSED FROM A GREEN ACRES GRANT) FOR THE PURCHASE OF 20 DRYDEN ROAD**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

(pending adoption of Ordinance #18-1766) **RESOLUTION #18-93B, AUTHORIZING EXECUTION OF CONTRACT FOR PURCHASE OF 20 DRYDEN ROAD**

Moved:

Second:

Roll call vote:

Moved by _____ that Ordinance #18-1767 **CONCERNING THE USE OF BOROUGH FACILITIES BY OUTSIDE ORGANIZATIONS AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, April 23, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1768, **AN ORDINANCE REQUIRING THE REGISTRATION OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES INCLUDING PROPERTIES IN FORECLOSURE AND SUPPLEMENTING AND AMENDING CHAPTER XI OF THE BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE"** be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, April 23, 2018.

Second:

Vote:

6B. RESOLUTIONS

- #18-94 AUTHORIZING CHANGE ORDER #3 TO THE
CONTRACT FOR MUNICIPAL BUILDING SITE
IMPROVEMENTS**
- #18-95 AUTHORIZATION OF TAX REFUND**
- #18-96 SELF EXAMINATION OF BUDGET RESOLUTION**
- #18-97 AUTHORIZING THE MAYOR TO SIGN NJDEP
APPLICATION FOR FRESHWATER WETLANDS GP 20
BANK STABILIZATION AND FLOOD HAZARD AREA
PERMITS FOR THE WHITENACK ROAD BANK
STABILIZATION PROJECT**
- #18-98 AUTHORIZING REDEMPTION OF TAX LIEN
CERTIFICATION #13-00007, 33 SOMERSET AVENUE**
- #18-99 AUTHORIZING PAYMENT OF BILLS**
- #18-100 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$1,200,000 BOND ANTICIPATION NOTES OF THE
BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF
SOMERSET, NEW JERSEY**
- #18-101 AWARDING A CONTRACT TO QUEST DIAGNOSTICS
FOR THE LEASE OF SUITE 101 IN THE LOWER LEVEL
OF THE BOROUGH LIBRARY**

Moved
Second:
Roll call vote:

Mayor to open public hearing on:

#18-102 ADOPTING THE 2018 MUNICIPAL BUDGET

Mayor to close public hearing

Moved:

Second:

Roll call vote:

- 6C. Tour de Summer Camps NJ
- 6D. Facilities Management Report, March 2018
- 6E. Meeting Recording for Non-Statutory Boards
- 6F. University of Pennsylvania graduate students
- 6G. Special Events/Economic Development
- 6H. Draft Ordinance Adopting Website Policy
- 6I. Draft Ordinance Adopting Borough Park Naming Policies
- 6J. Draft Ordinance Adopting Borough Amenity Donation Program
- 6K. Sample Ordinance Regulating Food Trucks
- 6L. Welcome Signs
- 6M. Naming of Old Army Trail
- 6N. Correspondence

7. CLOSED SESSION

Council Member _____ moves, to adjourn to an executive session to consider:

Personnel Matters and Contract Negotiations

(Collective Bargaining, Contract negotiations, Personnel Matters, Pending or Anticipated Litigation, Property Acquisition, Attorney/Client Privilege), and that the time when and circumstances under which the matter can be disclosed to the public is when it (they) are finally resolved.

Seconded:

Vote:

8. REOPEN AND ADJOURNMENT

040918ag

**BERNARDSVILLE BOROUGH
ORDINANCE #18-1766**

**AN ORDINANCE APPROPRIATING \$1,200,000 FROM THE BOROUGH OPEN SPACE
TRUST FUND (OF WHICH \$500,000 IS TO BE REIMBURSED FROM A GREEN
ACRES GRANT) FOR THE PURCHASE OF 20 DRYDEN ROAD**

STATEMENT OF PURPOSE: To appropriate \$1,200,000 from the Borough open space trust fund to purchase 20 Dryden Road to be used only for open space and passive recreation purposes.

WHEREAS, the Borough is negotiating with the owners to purchase property located at 20 Dryden Road, known as lot 35 in block 2 on the Borough tax maps; and

WHEREAS, the Borough has received a \$500,000. Green Acres grant to purchase the property; and

WHEREAS, the Borough has also applied for a Somerset County Open Space Trust Fund grant; and

WHEREAS, the governing body wishes to pay the balance of the purchase price from the Borough's Open Space Trust Fund; and

WHEREAS, the Borough has obtained two appraisals of the property, the first by Norman Goldberg, who fixed the value of the property at \$1,251,000, and the second by Joshua mackoff who fixed the value at \$1,300,000;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey as follows:

Section 1. \$1,200,000 is hereby appropriated from the Borough Open Space Trust Fund to purchase the property described in the preamble to be used only for open space and passive recreation purposes.

Section 2. \$500,000 of the total amount will be reimbursed by a Green Acres grant as will any grant money that is awarded by the County;.

Section 3. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____
1st Publication: _____
Public Hearing and Adoption: _____
2nd Publication: _____

**BOROUGH OF BERNARDSVILLE
RESOLUTION #18-93B**

**RESOLUTION AUTHORIZING EXECUTION OF CONTRACT FOR PURCHASE OF
20 DRYDEN ROAD**

WHEREAS, the Borough Open Space Advisory Committee recommended the acquisition of property located at 20 Dryden Road and known as Block 2, Lot 35 on the Borough tax maps for open space and passive recreation purposes; and

WHEREAS, the Borough has obtained two appraisals of the property, the first by Norman Goldberg, who fixed the value of the property at \$1,251,000, and the second by Joshua Mackoff, who fixed the value at \$1,400,000; and

WHEREAS, Aaron Cela, a Land Preservation Specialist with the Land Conservation Conservancy of New Jersey, handled the negotiations on behalf of the Open Space Committee; and

WHEREAS, Mr. Cela has negotiated a purchase price of \$1,065,000; and

WHEREAS, the Borough has received a Green Acres grant in the amount of \$500,000 and hopes to obtain additional grants from Green Acres, as well as Somerset County; and

WHEREAS, the governing body has determined that the purchase of 20 Dryden Road for open space and passive recreation purposes as recommended by the Borough Open Space Advisory Committee is in the best interests of the Borough and its residents;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Bernardsville, in the County of Somerset, State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to sign the “Contract for sale of Real Estate”, a copy of which is attached hereto, to purchase 20 Dryden Road for open space and passive recreation purposes.

2. The form of the Contract is subject to the approval of the Borough Attorney.

3. The effectiveness of this ordinance is contingent upon the adoption of Ordinance #2018-410 appropriating \$1,200,000 from the Borough Open Space Trust Fund (of which \$500,000 is to be reimbursed from a Green Acres grant) for the purchase of 20 Dryden Road.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body at a duly convened meeting held Monday, April 9, 2018.

Anthony Suriano, Clerk

**BERNARDSVILLE BOROUGH
ORDINANCE #18-1767**

**CONCERNING THE USE OF BOROUGH FACILITIES BY OUTSIDE
ORGANIZATIONS AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE
BOROUGH CODE ENTITLED "ADMINISTRATION"**

BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter II of the Borough Code Entitled "Administration" is hereby supplemented and amended as follows:

Section 1. There is hereby created a new Article VIII entitled "Use of Borough Facilities by Outside Organizations" which reads as follows:

"2-71.1 Use of Borough Facility by Outside Organization

Outside organizations, which include those groups, committees, associations, clubs, individuals or organizations whose functions or activities are not sponsored, controlled or regulated by the Borough must comply with the following requirements in order to use a Borough facility.

a Governmental units which are a part of the Borough.

Definition: Entities subject to the Public Contracts Law, which are under the town's control.

Requirements: None. These entities are a part of the Borough's insurance program.

b Governmental units which are affiliated with the Borough but are autonomous.

Definition: Entities subject to the Public Contracts Law, but are independent of the town's control - (for example, an independent authority or a "fire district").

Requirements: The Borough, in its sole discretion, may apply to the Borough's insurance carrier or Joint Insurance Fund ("JIF") to include these entities into the Borough's insurance program. If the governing body chooses to not include any entity in the Borough's insurance program, that entity shall be treated as an unaffiliated non-profit organization for purposes of indemnification and insurance requirements.

c **Governmental units which are not affiliated with the Borough**

Definition: Entities subject to the Public Contracts Law, but are not affiliated with the Borough (for example, another municipality or the county).

Requirements: These entities are treated as unaffiliated, non-profit organizations provided, however, that the Borough shall not require another town which is a member of the same JIF as the Borough to provide an insurance certificate.

d **Non-Profit Entities (Quasi Municipal)**

Definition: Entities which (a) are not subject to the Public Contracts Law, but perform functions which otherwise could be performed by the Borough **and** (b) have been included in the Borough's insurance program.

Requirements: To be included in the Borough's insurance program, the governing body must adopt a resolution requesting coverage from the JIF, which will be considered by the JIF's Executive Committee in accordance with the policy described earlier.

e **Non-Profit Entities (Unaffiliated)**

Definition: Entities which (a) are not subject to the Public Contracts Law **and** (b) have not been included in the Borough's insurance program pursuant to the attached quasi municipal procedure.

Requirements: \$1 million coverage, and full indemnification and hold harmless.

f **Non- Profit Entities (Unaffiliated Individuals)**

Definitions: An individual who is holding a function at a municipal or quasi-municipal facility and such function is not sponsored for the benefit of an organization including governmental units non-profit entities or for-profit entities.

Requirement: \$300,000 in liability coverage, and full indemnification and hold harmless.

Exceptions: The governing body may exempt a non-profit organization from these requirements or may reduce the requirements upon a finding that the organization is small enough that it would not normally carry insurance, provided, however, that the governing body may not grant such exceptions if:

1. The organization is charging a fee to perform a service which is regularly supplied by for-profit organizations. For example, a day care center must have insurance and cannot be granted an exception.
2. The organization is conducting a regular ongoing sports program. For example, a little league program could not be granted an exception.
3. The organization is charging a fee for a function which includes alcohol. For example, a dinner where alcohol is being served cannot be granted an exception. However, an exception could be granted for a small organization holding an open house where a small amount of wine or beer is available.

g For Profit

Definition: Any organization other than a governmental entity or a non-profit as defined above.

Requirements: \$1 million coverage and full indemnification and hold harmless.

(a.) A Certificate of Insurance must show minimum limits of \$1,000,000 per loss for general liability. This certificate should name the member as an additional insured and must be received prior to granting use of the facilities. Please note, any event where liquor will be served, you should obtain a hold harmless agreement and a certificate of insurance naming the fund as an additional insured with minimum limits of \$3 million from an insurance company rated no lower than "A-". If you have any question, please contact the Fund's Underwriting Manager. In addition, at the very least, local citizen community groups such as garden clubs, etc., must provide the Fund with a Hold Harmless Agreement.

(b.) "Hold Harmless" Agreement must be signed which protects the Borough from any liability which may occur during the time the facilities are being used.

2-71.2 Special Events

Groups to whom the Borough grants formal approval under a Special Events permit issued pursuant to section 4-12 of this Code shall be required to sign a Hold Harmless Agreement, holding harmless the Borough from any and all liability which may occur during the time they are using the facility. In addition, they are required to provide a minimum of \$1 million per loss liability insurance, naming the Borough as additional insured.

The Borough may require coverage limits excess of the minimum amount shown above if, in its judgment, the special event warrants higher coverage.

2-71.3 Insurance Policies and Hold Harmless Agreements

All Certificates of Insurance and Hold Harmless Agreements are subject to the approval of the Borough Attorney and the Borough's Risk Manager.

2-71.4 Request for a Waiver of Insurance Requirements

The governing body may waive hold harmless and insurance agreements subject to the approval of the JIF.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

**BOROUGH OF BERNARDSVILLE
ORDINANCE #18-1768**

**AN ORDINANCE REQUIRING THE REGISTRATION OF VACANT AND
ABANDONED RESIDENTIAL PROPERTIES INCLUDING PROPERTIES IN
FORECLOSURE AND SUPPLEMENTING AND AMENDING CHAPTER XI OF THE
BOROUGH CODE ENTITLED "PROPERTY MAINTENANCE"**

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and

WHEREAS, in situations where properties are not in mortgage foreclosure, the abandoned properties create a range of problems; and

WHEREAS, the Abandoned Properties Rehabilitation Act (N.J.S.A. 55:19-78, et seq) authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties; and

WHEREAS, N.J.S.A. 40:48-2.12s authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security and upkeep of the exterior of vacant and abandoned residential properties for which a creditor has filed an action to foreclose; and

WHEREAS, it is in the public interest for the Borough of Bernardsville to establish a mechanism to identify and track vacant and abandoned residential properties in the Borough including those properties which are in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards of maintenance.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bernardsville, County of Somerset and State of New Jersey as follows:

Section 1. Chapter XI of the Borough Code entitled "Property Maintenance" is hereby supplemented and amended by adding a new section 11-4 entitled "Registration and Maintenance of Vacant and Abandoned Residential Properties Including Those in Foreclosure," which reads as follows:

11-4 Registration and Maintenance of Vacant and Abandoned Residential Properties Including Those in Foreclosure

11-4.1 Definitions

1. "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

2. "Vacant and Abandoned" residential property means, consistent with section 1 of P.L. 2012, c.70 (C.2A:50-73), residential real estate, where a notice of violation has been issued pursuant to Paragraph e. 1 of this Section and subsection b. of section 1 of P.L.2014, c.35 (C.40:48-2.12s), or property which any condition on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three (3) or more months.

Residential property shall further be deemed Vacant and Abandoned where a mortgaged property is not occupied by a mortgagor or tenant.

Such evidence would include, but is not limited to, evidence of the existence of two (2) or more of the following conditions at the property:

- (a) over grown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash or debris on the property;
- (f) the absence of window treatments such as blinds, curtains or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, association management, delivery persons, or government employees indicating that the residence is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or

deterioration of the property;

(l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;

(m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;

(n) a written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;

(o) any other reasonable indicia of abandonment.

3. "Owner" means the titleholder, any agent of the titleholder having authority to act with respect to the vacant property, or any other entity determined by the Borough of Bernardsville to act with respect to the property.

11-4.2 Registration of Vacant and Abandoned Properties

4. A Creditor filing a summons and complaint in an action to foreclose on a Vacant and Abandoned property, or a Creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes Vacant and Abandoned, or the Owner of a Vacant and Abandoned property, shall within thirty (30) calendar days after the building becomes Vacant and Abandoned or within thirty (30) calendar days after assuming ownership of the Vacant and Abandoned property, whichever is later; or within ten (10) calendar days of receipt of notice from the Borough, and annually thereafter, file a registration statement for such Vacant and Abandoned property with the municipal clerk on forms provided by the Borough for such purposes. Any failure to receive notice from the Borough shall not constitute grounds for failing to register the Vacant and Abandoned property.

5. Each Vacant and Abandoned property having a separate block and lot number as designated in the official tax maps of the Borough shall be registered separately.

6. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty one (21) years or older, designated by the Creditor or the Owner as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Creditor in connection with the enforcement of any applicable code.

7. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the Owner of the Vacant or Abandoned property or the firm's individual principal(s) responsible for maintaining the Abandoned and Vacant property. The Owner or the individual or representative of the firm responsible for maintaining the Abandoned and Vacant property shall be available by telephone or in person on a twenty-four-hour per day, seven-day per week basis. The two entities may be the same or different persons. In the case of a Creditor, both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

8. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed.

The Owner of the property or the Creditor shall be required to renew the registration annually as long as the building remains Vacant and Abandoned and shall pay a registration or renewal fee in the amount prescribed in Paragraph c. of this Section for each Vacant and Abandoned property registered.

9. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

10. The Owner of the property or the Creditor shall notify the municipal clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the municipal clerk for such purpose.

11. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Creditor.

11-4.3 Fee Schedule

The initial registration fee for each Vacant and Abandoned property under the provisions of this Section shall be five hundred (\$500.00) dollars. The fee for the first annual renewal shall be one thousand five hundred (\$750.00) dollars and the fee for all subsequent annual renewals shall be one thousand (\$1,000.00) dollars.

11-4.4 Penalties for Violation

a. Any person who violates any provision of this section shall be liable, upon conviction, to the penalties set forth in section 1-5 of this Code.

b. Upon conviction for violation of any of the provisions of this section, each and every day thereafter that the violation continues shall be deemed and constitute a separate and distinct offense hereunder.

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano, Borough Clerk

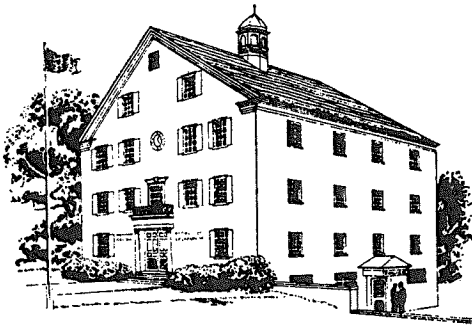
By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____



Borough of Bernardsville

***166 Mine Brook Road
Bernardsville, NJ 07924
Somerset County***

***Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788***

RESOLUTION #18 - 94

AUTHORIZING CHANGE ORDER #3 TO THE CONTRACT FOR MUNICIPAL BUILDING SITE IMPROVEMENTS

WHEREAS, the Public Works Manager recommends Change Order #3 to the contract for Municipal Building Site Improvements, as discussed in a memo dated March 28, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council to approve Change Order #3 for the Municipal Building Site Improvements contract with Your Way, Inc., in the amount of (-) \$9,758.06

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held April 9, 2018.

change order municipal site

BOROUGH OF BERNARDSVILLE, NJ

**RESOLUTION #18- 95
AUTHORIZATION OF TAX REFUND**

WHEREAS, the following tax overpayment exists due to a duplicate payment and/or an incorrect figure paid for the following parcel(s); and

Block & Lot	Quarter & Year	Amount	Reason for Refund	Issue Refund To
100/2.18	2018/1	\$4,515.93	Duplicate Payment	Corelogic Tax Collection Services Post Office Box 9205 Coppell, TX 75019-9214

WHEREAS, the tax collector is recommending a refund be issued.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, NJ that the Tax Collector is hereby authorized to refund the aforementioned tax overpayment(s)

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 9, 2018.

RESOLUTION 18- 96
BOROUGH OF BERNARDSVILLE
SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Bernardsville has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2018 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Bernardsville that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

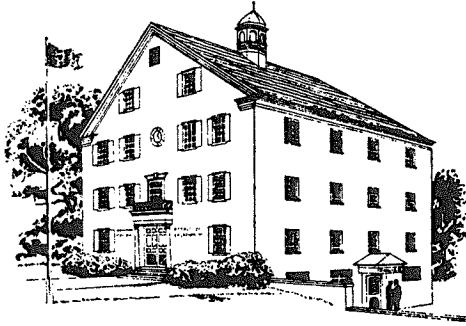
- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved (Vote recorded as follows):



Borough of Bernardsville

***166 Mine Brook Road
Bernardsville, NJ 07924
Somerset County***

***Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788***

RESOLUTION #18 -97

AUTHORIZING THE MAYOR TO SIGN NJDEP APPLICATION FOR FRESHWATER WETLANDS GP 20 BANK STABILIZATION AND FLOOD HAZARD AREA PERMITS FOR THE WHITENACK ROAD BANK STABILIZATION PROJECT

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to authorize the Mayor to sign, on behalf of the Borough of Bernardsville, an NJDEP application for freshwater wetlands GP 20 bank stabilization and flood hazard area permits for the Whitenack Road Bank Stabilization Project as discussed in a memo from the Public Works Manager dated April 2, 2018.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 9, 2018.

whitenack

BOROUGH OF BERNARDSVILLE, NJ

RESOLUTION #18-98
AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE #13-00007,
33 SOMERSET AVE

WHEREAS, at the Borough of Bernardsville Tax Sale held on September 18, 2013, a lien was sold on Block 72, Lot 8, also known as 9 Somerset Ave for delinquent sewer; and,

WHEREAS, this lien, known as Tax Sale Certificate #13-00008, was sold to Vasyl or Maria Kavatsiuk, for a premium of \$2,200.00 and,

WHEREAS, Tax Sale Certificate 13-00007 was redeemed on April 3, 2018 by the owner in the amount of \$7,326.75

NOW, THEREFORE, BE IT RESOLVED, that authorization is hereby given to issue a check in the amount of \$9,526.75, payable to Vasyl or Maria Kavatsiuk, 449 Mountain Avenue, Berkeley Heights, NJ 07922 for the redemption of Tax Sale Certificate #13-00007,

BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Bernardsville, NJ that authorization is hereby given to release for cancellation of record, the tax sale certificate set forth below: said certificate having been duly paid for to satisfy the amount of the lien.

Certificate #13-00007

Certificate Amount	\$	922.61
Certificate Interest	\$	-
Subsequents Paid	\$	4,534.22
Subsequent Interest	\$	1,796.47
Fees	\$	55.00
Redemption Penalty (2%)	\$	18.45
Legal Fees	\$	-
Total Redemption:	\$	7,326.75
PREMIUM	\$	2,200.00
Total to Lien Holder	\$	9,526.75 *

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 9, 2018.

RESOLUTION 18-99

AUTHORIZING PAYMENT OF BILLS

RESOLVED, that the list of bills, copies attached hereto, are hereby approved for payment.

01 State & Federal Grants	\$	827.05
04 Escrow	\$	7,156.22
05 Construction Trust	\$	-
06 Outside Employment	\$	2,925.00
10 Current Fund	\$	767,598.29
12 Animal Control Trust	\$	27.00
20 Payroll	\$	968,940.14
33 Capital Fund	\$	3,641.67
40 Sewer Utility Fund	\$	12,991.78
55 Sewer Capital	\$	-
70 COAH Trust	\$	-
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	555.00
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	3,292.17
78 General Trust	\$	291,182.14
79 Bernardsville Community Garden Trust	\$	-
81 Snow Removal Trust Fund	\$	12,598.62
82 Accumulated Absences Trust Fund	\$	-
85 Recreation Trust	\$	1,464.04
 TOTAL	 \$	 2,073,199.12

I, Anthony J. Suriano, Borough Clerk of the Borough of Bernardsville, herby certify the forgoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 9, 2018

EXTRACT from the minutes of a regular meeting of the Borough Council of the Borough of Bernardsville, in the County of Somerset, New Jersey, held at the Municipal Building, 166 Mine Brook Road, Bernardsville, New Jersey, on April 9, 2018, at 7:00 o'clock P.M.

PRESENT:

ABSENT:

* * *

_____ introduced and moved the adoption of the following resolution and
_____ seconded the motion:

RES#18-100 RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,200,000 BOND ANTICIPATION NOTES OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Borough of Bernardsville (the "Borough"), entitled: "Bond ordinance appropriating \$1,743,115.50, and authorizing the issuance of \$1,200,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Bernardsville, in the County of Somerset, New Jersey", finally adopted on March 12, 2018 (#2018-1760), bond anticipation notes of the Borough in a principal amount not exceeding \$1,200,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance,

including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 3. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 5. All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 6. This resolution shall take effect immediately.

Upon motion of _____, seconded by _____
_____, the foregoing resolution was adopted by the following vote:

AYES:

NOES:

**BERNARDSVILLE BOROUGH
RESOLUTION #18-101**

**AWARDING A CONTRACT TO QUEST DIAGNOSTICS FOR THE LEASE OF SUITE
101 IN THE LOWER LEVEL OF THE BOROUGH LIBRARY**

WHEREAS, Quest Diagnostic, Inc. is the current tenant in Suite 101 in the lower level of the Borough Library pursuant to a Lease Agreement dated April 20, 2015; and

WHEREAS, it is in the Borough's best interest not to have any vacancies in the lower level of the library; and

WHEREAS, bids were received on April 5, 2018 for the lease of Suite 101 of the lower level of the library, which measures 1,416 sq. ft.; and

WHEREAS, the Borough received one bid for the leasing of the space, which was submitted by the current tenant Quest Diagnostics; and

WHEREAS, Quest Diagnostic's bid was \$27.60 per sq. ft. for the base rent; and

WHEREAS, Borough Facilities manager Douglas Walker in an April 5, 2018 memorandum recommended awarding a bid to Quest Diagnostics in accordance with its April 5, 2018 bid, for a three-year term with a base rent of \$27.60 per sq. ft;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Bernardsville in the County of Somerset, New Jersey as follows:

1. The contract for the lease of Suite 101 for the lower level of the library as described in the preamble is hereby awarded to Quest Diagnostics in accordance with its April 5, 2018 bid.
2. The Mayor and Clerk are hereby authorized and directed to sign a Lease Agreement with Quest Diagnostics in form satisfactory to Douglas Walker and the Borough Attorney.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body at a duly convened meeting held Monday, April 9, 2018.

Anthony Suriano, Clerk

SECTION 2 - UPON ADOPTION FOR YEAR 2018
(Only to be Included in the Budget as Finally Adopted)

RESOLUTION #18-102

Be it Resolved by the Borough Council of the
Borough of Bernardsville, County of Somerset that the budget hereinbefore set forth is hereby adopted and
shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a)\$	9,746,218.44	(Item 2 below) for municipal purposes, and
(b)\$	0	(Item 3 below) for school purposes in Type I School District only (N.J.S. 18A:9-2) to be raised by taxation and,
(c)\$	0	(Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
(d)\$	448,633.00	(Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
(e)\$	772,290.56	(Item 5 below) Minimum Library Tax

RECORDED VOTE	Ayes {	Nays {	Abstained {
(Insert last name)			
			Absent {

SUMMARY OF REVENUES

1. General Revenues				
Surplus Anticipated			08-100	\$ 1,892,301.66
Miscellaneous Revenues Anticipated			13-099	\$ 2,465,501.86
Receipts from Delinquent Taxes			15-499	\$ 295,000.00
			07-190	\$ 9,746,218.44
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)				
3. AMOUNT TO BE RAISED BY TAXATION FOR _SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:				
Item 6, Sheet 41		07-195	\$	
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		07-191	\$	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only				
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR _SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:				
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		07-191	\$	
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY				
		07-192		772,290.56
Total Revenues		13-299	\$	15,171,312.52

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS		xxxxxxx	xxxxxxxxxxxxxx
<u>Within "CAPS"</u>		xxxxxxx	xxxxxxxxxxxxxx
(a&b) Operations Including Contingent		34-201	\$ 9,201,900.00
(e) Deferred Charges and Statutory Expenditures - Municipal		34-209	\$ 1,162,346.65
(g) Cash Deficit		46-885	\$
<u>Excluded from "CAPS"</u>		xxxxxxx	xxxxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"		34-305	\$ 1,089,436.00
(c) Capital Improvements		44-999	\$ 700,000.00
(d) Municipal Debt Service		45-999	\$ 1,221,000.00
(e) Deferred Charges - Municipal		46-999	\$
(f) Judgements		37-480	\$
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)		29-405	\$
(g) Cash Deficit		46-885	\$
(k) For Local District School Purposes		29-410	\$
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)		50-899	\$ 1,796,629.87
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)		07-195	\$
Total Appropriations		34-499	\$ 15,171,312.52

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 9th day of April, 2018. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2017 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 9th day of April, 2018

_____, Clerk

signature