

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
April 23, 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. **PRESENTATION**

4A. Proclamation - Honoring Jeff Melitski, Enlisted Person of the Year Ribbon

5. **APPROVAL OF MINUTES**

March 26, 2018 (Mr. Schmidt was absent)
April 9, 2018

Motion:

6. **OPEN SESSION**

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.

7. **ORDINANCES**

Mayor to open public hearing on Ordinance #18-1767, **CONCERNING THE USE OF BOROUGH FACILITIES BY OUTSIDE ORGANIZATIONS AND SUPPLEMENTING AND AMENDING CHAPTER II OF THE BOROUGH CODE ENTITLED "ADMINISTRATION"**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

Mayor to open public hearing on 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"**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

8. **RESOLUTIONS**

#18-103 AUTHORIZING PAYMENT OF BILLS

#18-104 ACCEPTING MONTHLY REPORTS

#18-105 AUTHORIZING A 2018 OPEN SPACE GRANT APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC)

#18-106 BOROUGH OF BERNARDSVILLE RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS

**PER NJSA 40A:4-87 NJ DIVISION OF CRIMINAL JUSTICE
2015 COMMUNITY WILDFIRE PROTECTION PLAN**

- #18-107 APPOINTING ZAKARIAH WOJTECH AS DRIVER/LABORER,
PUBLIC WORKS DEPARTMENT**
- #18-108 AUTHORIZING THE BOROUGH OF BERNARDSVILLE OFFICE
OF EMERGENCY MANAGEMENT TO ACCEPT FUNDS FROM A
SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2017
EMERGENCY MANAGEMENT AGENCY ASSISTANCE
PROGRAM FUNDING AND FOR THE CHIEF FINANCIAL
OFFICER TO AMEND THE BUDGET AND CERTIFY THE
AVAILABILITY OF FUNDS**
- #18-109 AUTHORIZATION OF TAX REFUND**
- #18-110 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7000-0022, FOR PATRICK BOSWORTH, 61
ROEBLING ROAD**
- #18-111 AWARDING A CONTRACT FOR CHAPIN ROAD
DRAINAGE IMPROVEMENTS PROJECT**
- #18-112 AUTHORIZING DISPOSAL OF EQUIPMENT NO LONGER
NEEDED FOR PUBLIC USE**
- #18-113 ADOPTING NEW REGULATIONS REGARDING CLAIMANT
CERTIFICATIONS**
- #18-114 AUTHORIZING REFUND OF STORMWATER ESCROW
ACCOUNT 04-280-7000-0040, FOR PALADIN HOMES INC.,
FOR 70 POST KUNHARDT RD. BLOCK 30 LOT 6**
- #18-115 AUTHORIZING CHANGE ORDER #2 TO CONTRACT FOR
LIBERTY ROAD IMPROVEMENTS**
- #18-116 AUTHORIZING REFUND OF POLICE OFF-DUTY ESCROW
FUND BALANCES**

**#18-117 AUTHORIZING GRANT SUBMISSION TO THE SOMERSET
COUNTY 2018 HISTORIC PRESERVATION GRANT PROGRAM**

Moved:

Second:

Roll call vote:

9. REPORTS

9A. Municipal Attorney

9B. Council Public Safety Committee

9C. Council Finance & Personnel Committee

9D. Council Engineering, Technology & Public Works Committee

9E. Other committee/commission reports

9E1. Housing/Zoning report from Zoning Officer & Zoning Enforcement
Officer

10. ITEMS OF BUSINESS

10A. 2018 Farmers Market & 2017 Farmers Market Recognition

10B. NJ Audubon Trail

10C. Welcome Signs

10D. University of Pennsylvania graduate students

10E. Summer Hours

10F. School Bus Insurance

10G. Guide To Council Meetings

10H. Special Events/Economic Development

10I. Draft Ordinance Adopting Borough Website Policies

10J. Draft Ordinance Adopting Borough Park Naming Policies

10K. Draft Ordinance Adopting Borough Amenity Donation Program

10L. Discussion During Committee and Board Meetings

10M. Correspondence

11. **OPEN SESSION**

12. **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:

13. **REOPEN AND ADJOURNMENT**

**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

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.

ATTEST:

OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

RESOLUTION 18-103

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	25,059.67
04 Escrow	\$	1,215.50
05 Construction Trust	\$	19,612.08
06 Outside Employment	\$	-
10 Current Fund	\$	3,421,461.79
12 Animal Control Trust	\$	35.00
20 Payroll	\$	321,987.52
33 Capital Fund	\$	349,245.62
40 Sewer Utility Fund	\$	64,554.12
55 Sewer Capital	\$	-
70 COAH Trust	\$	17,347.40
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	201,246.96
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	887.29
78 General Trust	\$	9,526.75
79 Bernardsville Community Garden Trust	\$	-
81 Snow Removal Trust Fund	\$	-
82 Accumulated Absences Trust Fund	\$	-
85 Recreation Trust	\$	20,785.00
TOTAL	\$	4,452,964.70

I, Anthony J. Suriano, Borough 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 23, 2018

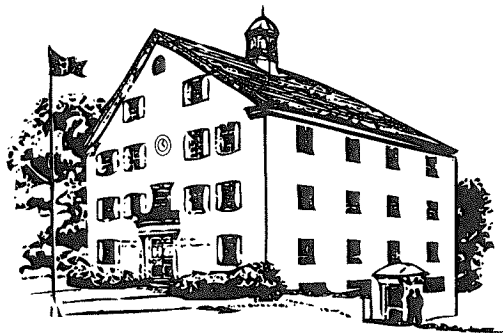
**RESOLUTION #18-104
ACCEPTING MONTHLY REPORTS**

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville to accept monthly reports from certain departments as follows:

Department	Month
Animal Control	March
Bureau of Fire Prevention	*
Construction	March
Court	*
Investment	*
Facilities	April
Library	March
Police	March
Property Maintenance/Landlord Registration	March
Public Works	April
Recreation	March
Revenue Report	*
Sewer Operators Report	*
Tax Collector	*
Zoning	March

*No report received

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 23, 2018.



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 #18-105

AUTHORIZING A 2018 OPEN SPACE GRANT APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS (ANJEC)

WHEREAS, the Environmental Commission of the Borough of Bernardsville is a member of ANJEC, the Association of New Jersey Environmental Commissions; and

WHEREAS, the Environmental Commission of the Borough of Bernardsville wishes to apply to ANJEC for grant funding to promote the planting of rain gardens on municipal sites and at private residences throughout the municipality to be done in partnership with Rutgers University Water Resources Program, Bernardsville Borough DPW, Somerset Hill School District and the Bernards High School Green Team; and

WHEREAS, the grant request is \$1,500.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to endorse the application to ANJEC for the project discussed herein.

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 23, 2018.

RESOLUTION #18-106
BOROUGH OF BERNARDSVILLE
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATIONS PER NJSA 40A:4-87
NJ DIVISION OF CRIMINAL JUSTICE
2015 COMMUNITY WILDFIRE PROTECTION PLAN

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

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

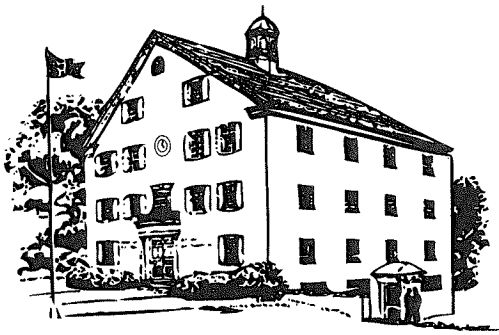
NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Bernardsville in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$5,000.000, which is now available from a New Jersey Forest Fire Service, Community Wildfire Protection Plan Grant and;

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption 2015 CWPP Grant; and

BE IT FURTHER RESOLVED that the above amount is the result of funds granted by the State of NJ Forest Fire Service in the amount of \$5,000.00.

I, Anthony Suriano, Clerk of the Borough of Bernardsville in the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough Council of the Borough of Bernardsville in the County of Somerset in the State of New Jersey on April 23, 2018.

Anthony Suriano
Borough Clerk



Borough of Bernardsville

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

***Administration (908) 766-3000
Engineering (908) 766-3850***

***Fax (908) 766-2401
Fax (908) 766-2788***

RESOLUTION #18- 107

APPOINTING ZAKARIAH WOJTECH AS DRIVER/LABORER, PUBLIC WORKS DEPARTMENT

WHEREAS, a regular, full-time position as Driver/Laborer is available and the Public Works Manager has recommended Zakariah Wojtech fill said opening.

NOW, THEREFORE, BE IT RESOLVED to appoint Zakariah Wojtech as a Driver/Laborer in the Public Works Department, effective Monday, May 14, 2018, at a starting salary of \$40,000.00 per year, payable bi-weekly, and subject to provisions of the Public Works Employees Association Agreement and the Personnel Policies of the Borough of Bernardsville.

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 23, 2018.

Wojtech.res

RESOLUTION #18-108

**AUTHORIZING THE BOROUGH OF BERNARDSVILLE OFFICE
OF EMERGENCY MANAGEMENT TO ACCEPT FUNDS FROM A
SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2017
EMERGENCY MANAGEMENT AGENCY ASSISTANCE PROGRAM
FUNDING AND FOR THE CHIEF FINANCIAL OFFICER TO AMEND
THE BUDGET AND CERTIFY THE AVAILABILITY OF FUNDS**

WHEREAS, The Borough of Bernardsville is the sub recipient; and

WHEREAS, the name of the grant is “FY17 EMPG EMAA 2017” and the name of the grant program is “Emergency Management Agency Assistance Grant EMAA (2017)”; and

WHEREAS, the subaward grant number is FY17-EMPG- EMAA-1803; and

WHEREAS, the Borough of Bernardsville Office of Emergency Management has been awarded Emergency Management Agency Assistance Subgrant Program (EMAA 2017) funding from the New Jersey State Police Office of Emergency Management available for successful applicants, funded through the FY 2017 Emergency Management Performance Grant for the dates of July 1, 2017 to June 30, 2018; and

WHEREAS, The Borough of Bernardsville is authorized to accept and does accept the subaward; and

WHEREAS, the Subgrant, consisting of a total amount of \$20,145.85 (including \$10,000 Federal Award and \$10,145.85 Local in-kind match) which the Borough of Bernardsville Office of Emergency Management will satisfy with the Office of Emergency Management’s existing salaries and wages.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bernardsville, County of Somerset, and State of New Jersey that the Administrator/Chief Financial Officer and the Director of Emergency Management for the Borough of Bernardsville are hereby authorized to sign the required Grant Applications/Subgrant Award Documents with the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED, that copies of this Resolution shall be forwarded to the New Jersey State Police Office of Emergency Management, the Somerset County Office of Emergency Management, the Director of the Division of Local Government Services, the Office of Emergency Management, and the Administrator/Chief Financial Officer of the Borough of Bernardsville.

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 23, 2018.

BOROUGH OF BERNARDSVILLE, NJ

RESOLUTION #18-109
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
118/14	2018/1	\$2,889.54	Duplicate Payment	SunTrust Mortgage, Inc Attn: Tax Services, RVW-3166 1001 Semmes Ave Richmond, VA 23224

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 23, 2018.

RESOLUTION #18-110

AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT
04-280-7000-0022, FOR PATRICK BOSWORTH, 61 ROEBLING ROAD

WHEREAS, A STORMWATER MANAGEMENT ACCOUNT WAS STARTED ON 5/18/17 FOR, BLOCK 14.01, LOT 9, ALSO KNOWN AS 61 ROEBLING ROAD; AND

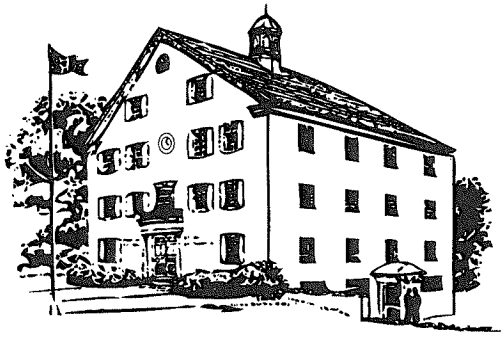
WHEREAS, THE PROJECT AT 61 ROEBLING RD HAS BEEN FINISHED AND A CERTIFICATE OF APPROVAL HAS BEEN ISSUED, IT HAS BEEN REQUESTED BY THE OWNERS THAT THE REMAINING BALANCE OF THEIR STORMWATER ESCROW ACCOUNT BE REFUNDED TO THEM, THE BALANCE OF WHICH IS 208.75.

WHEREAS, IT HAS BEEN CONFIRMED BY THE ZONING OFFICER GEOFFREY B. PRICE THAT THE APPLICANTS SHOULD RECEIVE A REFUND FOR THE REMAINING BALANCE, 208.75.

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 following Stormwater escrow account balance:

BLOCK, LOT	RECIPIENT	REFUND AMOUNT
Block 14.01, Lot 9	Mr. Patrick Bosworth 61 Roebling Rd. Bernardsville, NJ 07924	\$208.75

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 23, 2018.



Borough of Bernardsville

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

*Administration (908) 766-3000
Engineering (908) 766-3850*

*Fax (908) 766-2401
Fax (908) 766-2788*

RESOLUTION #18-111

AWARDING A CONTRACT FOR CHAPIN ROAD DRAINAGE IMPROVEMENTS PROJECT

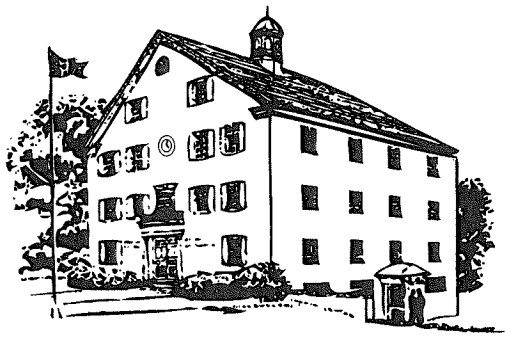
WHEREAS, bids were received for the Chapin Road Drainage Improvements Project, supported by the required documentation, as discussed in a memo from the Public Works Manager dated April 16, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council as follows:

- (1) A contract is hereby awarded to the low bidder, M Sky Construction Corp, for the Base Bid Items 1 - 16 for the Chapin Road Drainage Improvements Project at the unit prices indicated in their bid for the total price of \$52,320.00 based on the estimated quantities in the bid proposal.
- (2) The Mayor and Clerk are hereby authorized to sign a contract with M Sky Construction Corp., which has been approved in form by the Borough Attorney.

I, Ralph A. Maresca, Jr., C.M.F.O., hereby certify, in accordance with requirements of N.J.A.C. 5:30-14.5, that funds for the project discussed herein are available in Capital Ordinance No. 15-1691 (Acct Nos. 33-215-1400-1004).

I, Anthony Suriano, Borough 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 23, 2018.



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RESOLUTION #18-112 AUTHORIZING DISPOSAL OF EQUIPMENT NO LONGER NEEDED FOR PUBLIC USE

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, to authorize disposal of the following items:

MAKE

Coats 5065 A/E/AX/EX
Tire Changer
Asset# 00166

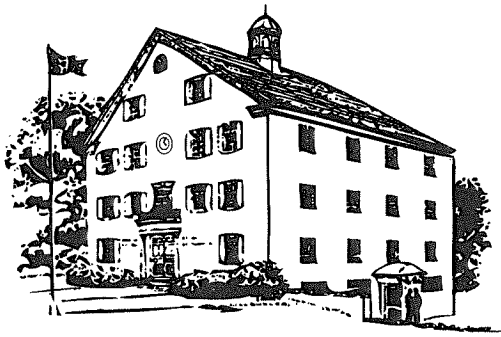
REASON

Obsolete

Accu Industries, Inc.
Computer Wheel Balancer
Asset#00165

Obsolete

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 23, 2018.



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RESOLUTION #18-113 ADOPTING NEW REGULATIONS REGARDING CLAIMANT CERTIFICATIONS

WHEREAS, N.J.A.C. 5:30-9A.6(c) and 5:31-4.1 gives local units discretion whether or not to require claimant certification under certain circumstances; and

WHEREAS, a local unit may also enact a standard policy through resolution to not require claimant certification where the vendor or claimant does not provide such certification as part of its normal course of business; and

WHEREAS, in instituting such a policy, the local unit shall have the discretion to require claimant certification as it deems necessary and appropriate; and

WHEREAS, claimant certification cannot be waived for the advance or reimbursement of employee expenses, or for services provided exclusively and entirely by an individual (e.g. sole proprietors); and

WHEREAS, N.J.A.C. 5:30-9A.6(c)(1) and 5:31-4.1 now expressly permit payment to vendors in advance of delivery of materials or services for the following purposes: Payment obligations to the State or to federal governments; Membership in a non-profit organization; Educational courses, including, but not limited to, those where continuing education credits are awarded; Registration for a conference or convention sponsored by a nonprofit organization; Website hosting, including registration and maintenance of a domain name; and

WHEREAS, claimant certification is not required under the above-referenced circumstances except for the payment of advances for officers and employees.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to adopt the policy stated above.

BE IT FURTHER RESOLVED, to keep the current procedures in place; Mailing purchase orders; Requiring an invoice; Bill List approval.

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 23, 2018.

RESOLUTION #18-114

AUTHORIZING REFUND OF STORMWATER ESCROW ACCOUNT
04-280-7000-0040, FOR PALADIN HOMES INC. FOR:
70 POST KUNHARDT RD. BLOCK 30 LOT 6

WHEREAS, A STORMWATER MANAGEMENT ACCOUNT WAS STARTED ON 4/4/18 FOR, BLOCK 30, LOT 6, ALSO KNOWN AS 70 POST KUNHARDT ROAD; AND

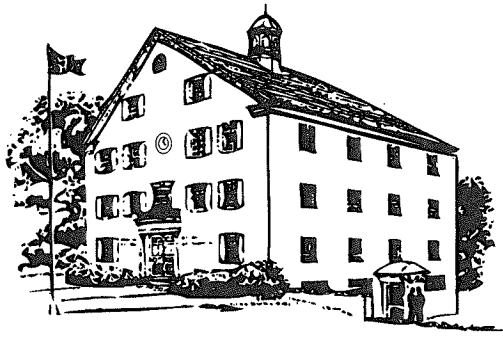
WHEREAS, THE ABOVE CONTRACTOR FOR 70 POST KUNHARDT RD., IS NO LONGER INVOLVED IN THE PROJECT AT THE ABOVE ADDRESS. A REFUND SHOULD BE ISSUED IN THE AMOUNT OF 750.00.

WHEREAS, IT HAS BEEN CONFIRMED BY THE ZONING OFFICER GEOFFREY B. PRICE THAT THE APPLICANTS SHOULD RECEIVE A REFUND FOR THE BALANCE, 750.00.

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 following Stormwater escrow account balance:

BLOCK, LOT	RECIPIENT	REFUND AMOUNT
Block 30, Lot 6	Paladin Homes Inc. 233 Mount Airy Rd. Basking Ridge, NJ 07920	\$750.00

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on April 23, 2018.



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RESOLUTION #18 - 115

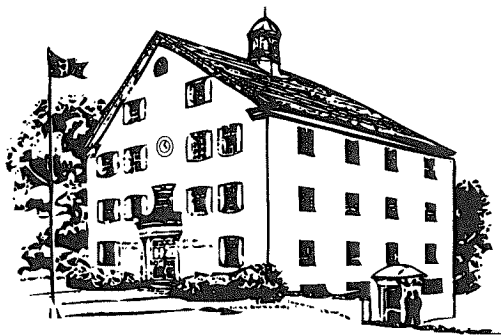
AUTHORIZING CHANGE ORDER #2 TO THE CONTRACT FOR LIBERTY ROAD IMPROVEMENTS

WHEREAS, the Public Works Manager recommends Change Order #2 to the contract for the Liberty Road Improvements, as discussed in a memo dated April 19, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council to approve Change Order #2 to the contract for Liberty Road Improvements in an amount not to exceed \$21,820.80.

I, Ralph A. Maresca, Jr., C.M.F.O., hereby certify, in accordance with requirements of N.J.A.C. 5:30-14.5, that funds for the project discussed herein are available in Capital Ordinance No. 15-1691, Acct No. 33-215-1400-1004.

I, Anthony Suriano, Borough 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 23, 2018.



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RESOLUTION #18-116

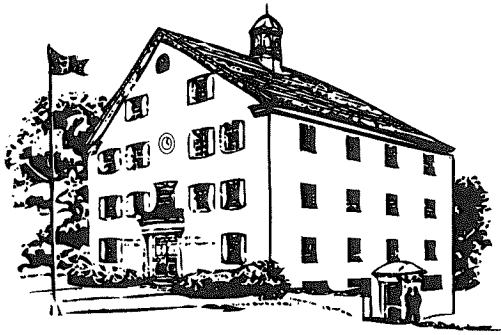
AUTHORIZING REFUND OF POLICE OFF-DUTY ESCROW FUND BALANCES

WHEREAS, police outside employment projects have been completed and there are police off duty escrow fund balances which may now be returned.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to authorize refunds as follows:

<u>Vendor</u>	<u>Refund Amount</u>
Our Lady of Perpetual Help Church 111 Claremont Road Bernardsville, NJ 07924	\$512.00

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 23, 2018.



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RESOLUTION # 18 -117 AUTHORIZING GRANT SUBMISSION TO THE SOMERSET COUNTY 2018 HISTORIC PRESERVATION GRANT PROGRAM

WHEREAS, the Friends of Historic Bernardsville have prepared a grant application, requesting funding from the 2018 Somerset County Cultural and Heritage Commission Historic Preservation Grants Program for exterior renovation and painting for the Cottage/Garage/Barn/Stables building located on the Dunster Squibb property owned by the Borough of Bernardsville, and located at 189 Mine Brook Road, Bernardsville, NJ 07924, and;

WHEREAS, these projects include the following items:

- Repair and replace existing minor sections of damaged or split exterior wood clapboard siding at the Barn and Stables.
- Replace inappropriate treated wood and rotted fascia trim at the Cottage and rear side of the Barn and Garage areas
- Replace broken and missing window panes at the Barn, Garage and Stables. Scrape, reputty, and reglaze all wood windows at the Cottage, Barn, Garage and Stables. (Note that most of the windows at the cottage are vinyl replacement type windows except at the rear entry wing.)
- Scrape and paint the entire exterior of the Cottage/Garage/Barn and Stables siding, trim, windows and doors left unpainted from previous work.
- Associated architect and engineering (A&E) fees required for the projects listed above.

NOW, THEREFORE, LET IT BE RESOLVED, by the Governing Body of the Borough of Bernardsville that it does hereby authorize submission of a grant application to the Somerset County 2018 Cultural and Heritage Commission Historic Preservation Program to fund work at the Cottage/Garage/Bar/Stables building as follows: siding & trim removals and repairs; window & door repairs, exterior painting and associated A&E fees as described above for the Dunster Squibb property owned by the Borough of Bernardsville, and located at 189 Mine Brook Road, the Borough of Bernardsville, County of Somerset, New Jersey.

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 23, 2018.
