

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
July 13, 2020 – 7:00 p.m.

1. CALL MEETING TO ORDER

Mayor Mary Jane Canose
Council Member John Donahue
Council Member Jeffrey Hammond
Council Member Jena McCredie
Council Member Chad McQueen
Council Member Thomas O'Dea
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 January 3, 2020.

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

None

5. APPROVAL OF MINUTES

June 22, 2020

Motion:
Second:
Voice Vote:

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 3 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** (Public Hearing)

Mayor to open public hearing on Ordinance #2020-1843, **AN ORDINANCE CONCERNING USES PERMITTED IN THE I INDUSTRIAL DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND DEVELOPMENT CODE ENTITLED “ZONING”**

Mayor to close public hearing

I move to pass Ordinance #2020-1843 on final reading and adopt as published:

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #2020-1844, **ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 125 LOT 13 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. (AUDI SITE)**

Mayor to close public hearing

I move to pass Ordinance #2020-1844 on final reading and adopt as published:

Second:

Roll call vote:

ORDINANCES (Introduction) - None

I move that Ordinance #2020-1845, **AN ORDINANCE AMENDING THE BOROUGH PROPERTY MAINTENANCE CODES IN THEIR ENTIRETY AND SUPPLEMENTING AND AMENDING CHAPTER 11 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, August 10, 2020.

Second:
Voice Vote:

I move that Ordinance #2020-1846, **AN ORDINANCE CONCERNING PARKING IN THE LIBRARY PARKING LOT AND AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED “PARKING LOTS AND OFF-STREET TRAFFIC REGULATIONS”** 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, August 10, 2020.

Second:
Voice Vote:

I move that Ordinance #2020-1847, **AN ORDINANCE CONCERNING TREE REMOVAL PERMITS AND AMENDING CHAPTER XIII OF THE BOROUGH CODE ENTITLED “TREE PROTECTION”** 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, August 10, 2020.

Second:
Voice Vote:

I move that Ordinance #2020-1848, **AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF THE REAL PROPERTY LOCATED AT 210 NORTH FINLEY AVENUE, BLOCK 175, LOT 25, BERNARDSVILLE, NEW JERSEY NOW OWNED BY ALTOMARE REALTY INC,** 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, August 10, 2020.

Second:
Voice Vote:

8. **RESOLUTIONS**

#20-180 AUTHORIZING PAYMENT OF BILLS

- #20-181 ACCEPTING MONTHLY REPORTS**
- #20-182 A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR UNIFORM CONSTRUCTION
CODE FEE TRUST FUND REQUIRED BY NJSA 52:27D-124e et
seq.**
- #20-183 A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR AN AFFORDABLE HOUSING
TRUST FUND REQUIRED BY NJSA 40A:12A-3 et seq**
- #20-184 AUTHORIZING AN AGREEMENT WITH THE SOMERSET
HILLS REGIONAL SCHOOL DISTRICT TO PROVIDE SPECIAL
POLICE OFFICERS IN DISTRICT SCHOOLS**
- #20-185 AMENDING SHARED MUNICIPAL COURT AGREEMENT**
- #20-186 AWARDING A CONTRACT FOR WHITENACK ROAD BANK
STABILIZATION PROJECT**
- #20-187 AUTHORIZING DISPOSAL OF VEHICLES WITHOUT VALUE**
- #20-188 ACCEPTING A DONATION TO THE BERNARDSVILLE POLICE
DEPARTMENT**
- #20-189 ADOPTING AN UPDATED PURCHASING MANUAL**
- #20-190 AMENDING THE PROFESSIONAL SERVICES CONTRACT
WITH CLEARY, GIACOBBE, ALFIERI, & JACOBS**

I move that Resolutions #20-180 to #20-190 be adopted

Second:

Roll call vote:

- #20-191 ADOPTING THE 2020 MUNICIPAL BUDGET**

Mayor to open public hearing on Resolution #20-191, Adopting the 2020
Municipal Budget

Mayor to close public hearing

I move to adopt Resolutions #20-191, Adopting the 2020 Municipal
Budget

Second:
Roll call vote:

9. REPORTS

- 9A. Municipal Attorney
- 9B. Council Public Safety Committee
- 9C. Council Finance Committee
- 9D. Council Personnel Committee
- 9E. Council Engineering, Technology & Public Works Committee
- 9F. Land Use Committee
- 9G. Other committee/commission reports
 - 9G1. Housing/Zoning report from Zoning Officer & Zoning Enf. Officer
 - 9G2. Council Liaison Reports

10. ITEMS OF BUSINESS

- 10A. DePodwin Appeal of Shade Tree Permit Granted for 31 Old Colony Road
- 10B. Borough Policies
 - (1) Borough Infection Prevention Policy and DPW Amendments
 - (2) Travel Advisory and Post-Travel Quarantine Policy
 - (3) Supplement to Infection Control Policy for Non-Contractual Employees
- 10C. Drive-in Concert at Library in September
- 10D. Request for Partial Refund of Train Station Parking Decal Fee
- 10E. Request for Sewer User Fee Relief Due to Tenant Vacancy
- 10F. Inactive ABC Licenses
- 10G. Mayor's Update

10H. Correspondence

10H (1). Letter from Senator Bucco, Overdose Awareness Day in NJ

10I. Unfinished Business

10J. New Business

11. **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 3 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.

12. **CLOSED SESSION**

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

(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**

071320ag

**BERNARDSVILLE BOROUGH
ORDINANCE # 2020-1843**

**AN ORDINANCE CONCERNING USES PERMITTED IN THE I INDUSTRIAL
DISTRICT AND AMENDING CHAPTER XII OF THE BOROUGH LAND
DEVELOPMENT CODE ENTITLED "ZONING"**

STATEMENT OF PURPOSE: *To repeal Ordinance #18-1779 and thereby reinsert a materials recovery facility as a principal permitted use in the I Industrial District in accordance with the settlement agreement entered into between the Borough of Bernardsville and Old Quarry Road Associates, LLC, which was approved by the Borough Council by the adoption of Resolution 20-143 on May 11, 2020.*

WHEREAS, at its May 28, 2015 meeting, the Borough Planning Board considered an informal presentation by representatives of Rubinetti Disposal ("Rubinetti") to amend the permitted uses in the Industrial Zone to permit a recycling facility, predominantly construction materials; and

WHEREAS, at the conclusion of that presentation, the Planning Board directed the Board Planner to work with Rubinetti's professionals to create a draft ordinance for future discussion; and

WHEREAS, the Planning Board discussed the draft ordinance prepared by the Board Planner at its June 25, 2015 meeting and directed the Board Planner to amend the draft ordinance as discussed by the Board and to circulate it to all Board members for final comments prior to transmittal to Mayor and Council; and

WHEREAS, the Borough Planner submitted the ordinance as recommended by the Planning Board to the Borough Clerk by email dated July 1, 2015; and

WHEREAS, the Council introduced the ordinance, as submitted by the Planning Board, as Ordinance #15-1699 at its July 13, 2015 meeting; and

WHEREAS, the Council held a public hearing on Ordinance #15-1699 at its August 10,

2015 meeting; and

WHEREAS, no residents spoke either in favor of or against Ordinance #15-1699 at the public hearing; and

WHEREAS, at the conclusion of the public hearing, Ordinance #15-1699 was unanimously adopted by the 2015 Council; and

WHEREAS, on September 10, 2018, the 2018 Council, in response to a public outcry, adopted Ordinance #2018-1779 repealing Ordinance #2015-1699; and

WHEREAS, Old Quarry Road Associates, LLC thereafter filed suit against the Borough in the Superior Court of New Jersey, Law Division, Somerset County, at Docket No. SOM-L-001327-18 alleging that Ordinance #18-1779 is unreasonable, arbitrary and capricious and requesting judgment invalidating the ordinance; and

WHEREAS, the Borough then retained DeCotiis, FitzPatrick, Cole & Giblin, LLP, of Paramus, New Jersey ("DeCotiis") to represent the Borough's interests in the litigation; and

WHEREAS, DeCotiis negotiated a proposed settlement of the litigation and recommended its approval; and

WHEREAS, the settlement agreement will mitigate the impact of the proposed recycling facility, and includes a number of concessions by Old Quarry Road Associates that would not be available if the case were litigated to conclusion, including, but not limited to the following:

- Incoming truck traffic to the facility will cease at 4:00 on weekdays and 2:00 p.m. on Saturdays instead of 6:00 p.m. as originally requested. The facility will be closed on Sundays.
- The trucks associated with existing truck storage site will be removed from the site prior to the inception of operation of the MRF and those trucks will be stored at a site not

located in the Borough of Bernardsville.

- The Borough will have the opportunity to monitor the truck traffic, including the routes, volume and timing of the truck traffic, for a period of one-year. If the Borough is able to demonstrate that the truck traffic is not consistent with the representations made by Old Quarry Road Associates, Old Quarry Road Associates will be in default of the settlement agreement.
- Old Quarry Road Associates has agreed that it will only accept and process waste types set forth in NJ DEP 13 and 13C, and specifically agrees that it will not accept or process discarded automobiles, trucks, trailers large vehicle parts, tires or kitchen waste. If such wastes are discovered during tipping, the hauler will be required to remove them from the site.
- Old Quarry Road Associates will not operate a tub grinder or a wood grinder on the site.
- Old Quarry Road Associates will utilize spray insulation or a similar noise reducing material or mechanism on the walls of the facility.
- Old Quarry Road Associates will provide landscaping for the entrance to the facility in the area of the grass swale.
- Old Quarry Road Associates will provide signage for the entrance to the facility including directional signage for Route 202, subject to DOT approval.
- Old Quarry Road Associates will pay for the costs to design, obtain permits for and construct a pedestrian bridge over the creek adjacent to the ballfield to provide safe pedestrian access to the ballfield from the parking area
- Old Quarry Road Associates has agreed to share revenue on the basis of \$1.50 per ton of material processed.

- The State will inspect the facility approximately once a month. The Borough shall have the right to inspect the facility at any time.
- All trucks utilizing the facility shall be limited to 5 minutes of idling, pursuant to Federal regulations; and

WHEREAS, the settlement agreement provides in relevant part that, “[the Borough] will adopt an ordinance, in accordance with the terms and conditions of [the agreement, authorizing [Old Quarry Road Associates, LLC] to operate a Materials Recovery Facility at 100 tons per day”]; and

WHEREAS, repealing Ordinance #2018-1779 will satisfy that requirement of the settlement agreement;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter XII of the Borough Land Use Code Entitled “Zoning” is hereby amended as follows:

Section 1. Ordinance #2018-1779 is hereby repealed in its entirety and the provisions of Ordinance 15-1699 as set forth in sections 2 and 3 below are hereby readopted.

Section 2. Section 1-3.2 of the Borough Land Use Ordinance entitled “Definitions” is supplemented and amended by adding the following definitions in alphabetical order:

‘Materials recovery facility shall mean a small scale recovery solid waste facility which is primarily designed, operated and permitted to process a nonhazardous solid waste stream by utilizing manual and/or mechanical methods to separate from the incoming waste stream categories of useful materials which are then returned to the economic mainstream in the form of raw materials or product of reuse.

Construction and demolition solid waste shall mean building material and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures.

Bulky solid waste shall mean large items of waste material , such as appliances and furniture.”

Section 3: Section 12-18.1 of the Borough Land Use Ordinance entitled “Primary Intended Use [in the I Industrial District] is supplemented and amended by adding the following provisions:

‘j. Materials recovery facility; shall be subject to the following:

1. Materials to be recovered and recycled are limited to construction, demolition, and bulky solid waste, and
2. Demonstration that the applicant-user can comply with all Somerset County and State Department of Environmental Protection rules and regulations, including, but not limited to, N.J.A.C. 7:26-2.1 et, seq; and
3. Capacity of facility is less than 100 tons per day, and
4. All construction, demolition and bulky solid waste materials shall be delivered, separated and processed within an enclosed building.

k. Other accessory uses on the same lot and customarily incidental to the principal use, such as office and shipping facilities, machine shop, locker room, boiler room, scale house, concrete plant, asphalt plant and rock crushers.’

Section 4. 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 5. 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 6. 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: _____
Mary Jane Canose, Mayor

1st Reading and Introduction: June 8, 2020

1st Publication: June 11, 2020

Referral to Planning Board: June 10, 2020

Notice to County Planning Board Prior to Adoption: June 11, 2020

Notice to Clerks of Adjoining Municipalities (if required): June 11, 2020

Notice to Affected Property Owners (if required): June 18, 2020

2nd Reading and Adoption: July 13, 2020

2nd Publication: _____

Filing with County Planning Board: _____

ORDINANCE #2020-1844

ORDINANCE OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 125 LOT 13 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* (AUDI SITE)

WHEREAS, the Borough of Bernardsville, in the County of Somerset, New Jersey (the “**Borough**”), a public body corporate and politic of the State of New Jersey (the “**State**”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on April 22, 2019, the Borough Council of the Borough of Bernardsville, by Resolution, directed the Planning Board to conduct a preliminary investigation to determine if properties identified as Block 125 Lot 13 meet the criteria to be determined as “Condemnation area in need of redevelopment (the “**Study Area**”); and

WHEREAS, the Borough Planning Board, after conducting the required investigation and holding a public hearing on November 21, 2019 recommended that the Study Area met the statutory criteria; and

WHEREAS, the Borough Council on December 19, 2019 adopted a Resolution accepting the Planning Board’s recommendation that the area was found to meet the necessary statutory criteria, and designated the entire Study Area as a *Condemnation Area in Need of Redevelopment*; and

WHEREAS, pursuant to the provisions of *N.J.S.A. 40A:12A-7(e and f)* and *N.J.S.A. 40A:12A-15* of the Redevelopment Law, the Borough’s staff and/or Planning Board professionals, is permitted to prepare a redevelopment plan; and

WHEREAS, a redevelopment plan for the Study Area titled “Redevelopment Plan 65 Morristown Road Block 124 Lot 13 Bernardsville”, has been prepared by Topology and submitted to the Borough Council for review (the “**Redevelopment Plan**”); and

WHEREAS, the Borough Council directs the Planning Board to conduct a hearing to review the Redevelopment Plan to determine if it is consistent with the Borough’s Masterplan; and

WHEREAS, upon receipt and review of the Planning Board’s recommendations relating to the Redevelopment Plan, the Borough Council desires to adopt the Redevelopment Plan in order to effectuate a plan that is consistent with the goals and objectives of the Borough for the redevelopment of the Property; and

WHEREAS, the Borough Council believes that the adoption of the Redevelopment Plan is in the best interest of the Borough for the redevelopment of the Property.

NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BERNARDSVILLE, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Upon introduction of the Ordinance the Borough Clerk is hereby directed to forward a copy of this Ordinance and the Redevelopment Plan to the Borough Planning Board for a consistency review and comment pursuant to *N.J.S.A. 40A:12A-7(f)*.

Section 3. The Redevelopment Plan titled “Redevelopment Plan 65 Morristown Road Block 124 Lot 13 Bernardsville” is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

Section 4. The zoning district map in the zoning ordinance of the Borough is hereby amended to include the Property per the boundaries described in the Redevelopment Plan and the provisions thereon.

Section 5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 6. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.

Attest: _____

Mayor: _____

Introduced:

Published:

Adopted:

Published:

**BERNARDSVILLE BOROUGH
ORDINANCE 2020-#1845**

**AN ORDINANCE AMENDING THE BOROUGH PROPERTY MAINTENANCE CODES
IN THEIR ENTIRETY AND SUPPLEMENTING AND AMENDING CHAPTER 11
OF THE BOROUGH CODE ENTITLED “PROPERTY MAINTENANCE CODE”**

***STATEMENT OF PURPOSE:** To update and streamline the various Borough property maintenance codes by adopting a new consolidated code.*

WHEREAS, the current Borough commercial and residential property maintenance codes were adopted in 1994 and 1995 and need to be updated and streamlined: and

WHEREAS, the Housing, Property Maintenance and Zoning Compliance Advisory Committee has prepared a new consolidated ordinance, which is more consistent, more comprehensive and easier to understand than the current codes:

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter 11 of the Borough Code entitled “Property Maintenance Code” is supplemented and amended as follows:

Section 1. Chapter 11 of the Borough Code entitled “Property Maintenance Code” is amended in its entirety and the new amended Chapter 11 is attached hereto and incorporated herein by reference.

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:_____
Mary Jane Canose, Mayor

Introduction:

1st Publication:

Public Hearing and Adoption:

2nd Publication:

BERNARDSVILLE BOROUGH

Chapter 11 Property Maintenance

11-1.1. Definitions.

The following words, wherever used in this chapter, shall have the meanings set forth:

OPERATOR — Any person who has charge, care or control of a building or premises or a part thereof, whether with or without the consent and knowledge of the owner.

OWNER — Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof; or shall have charge, care or control of any property, as owner or agent of the owner, or as fiduciary, including but not limited to: executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee entitled to possession or in possession regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

PERSON — Any actual living person, or any corporation, partnership or other legal entity.

REFUSE – Shall mean putrescible and non-putrescible solid waste, including, but not limited to: garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and industrial waste.

RUBBISH- Shall mean non-putrescible solid waste consisting of both combustible and non-combustible waste such as paper, wrappings, cigarettes, cardboard, cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

RUBBLE – shall mean all debris from the construction, demolition, or alteration of building, earth, rocks, or incinerator ashes, brick, mortar, concrete, and similar solid material.

11-1.2. Title; purpose.

- A. This chapter shall be known as the ‘Property Maintenance Code of the Borough of Bernardsville.’

B. The purpose of this chapter is to:

- (1) Provide for the public health, safety and welfare.
- (2) Avoid, prevent and eliminate the maintenance or creation of hazards to the public health or safety.
- (3) Avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- (4) Prevent the creation, continuation, extension or aggravation of blight.
- (5) Preserve property values in the Borough.
- (6) Maintain the value and economic health of the commercial property and businesses that serve and help to support the Borough and its citizens.

11-1.3. Compliance required.

A. The owner of every building, structure, or lot and the premises on which it is situated within the Borough shall comply with the provisions of this chapter, whether or not any such building or structure shall have been constructed, altered or repaired before or after the enactment hereof and irrespective of any permits or licenses which may have been issued for the use or occupancy of such building or for the installation or repair of equipment or facilities prior to the effective date hereof.

11-1.4. Maintenance of property.

All property in the Borough of Bernardsville shall meet the following standards:

- A. Sanitation. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage.
- B. Containers. The operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times cause to be used, leakproof containers, provided with close-fitting covers, for the storage of such materials until removed from the premises for disposal.
- C. Litter and maintenance of solid waste disposal facilities for nonresidential sites. All industrial and commercial sites shall be kept free from noticeable accumulation of paper and solid waste

debris. Common refuse storage areas shall be kept in a clean and repaired state in full conformance with the site plan provisions for such facilities.

- D. Litter and maintenance of solid waste disposal facilities for residential sites. All residential sites shall be kept free from noticeable accumulation of paper and solid waste debris. Refuse storage areas shall be kept in a clean and repaired state in full conformance with the Health and Sanitation Code of the Borough.
- E. Insect and rat control. An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior and interior areas of the premises. Whenever infestation exists in the shared or public parts of the premises, extermination shall be the responsibility of the owner.
- F. Site improvements. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair including those on public right of way adjacent to the site.
- I. Site vegetation.
 - (1) All brush, shrubs, grass and trees shall be maintained so as not to obstruct public access to sidewalks and roadways and so as not to obstruct the necessary line of sight from any roadway. Brush, shrubs, grass and trees shall be kept trimmed so that they do not cross the line of the sidewalk from the ground to a height of seven feet. Poison ivy, poison sumac and similar noxious vegetation shall be removed from the vicinity of any public sidewalk or roadway.
 - (2) Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of four (4") inches from the front of the structure to the edge of the street/curb and all side yards.¹ Weeds shall include all grasses, annual plants and vegetation, other than trees and shrubs, but shall not include maintained cultivated flowers and gardens.
 - (3) Trees and shrubs. On-site dead and dying trees, limbs, and leaves, or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons on adjacent properties or the adjoining public rights-of-way shall be kept pruned, trimmed, or removed to prevent such conditions. The properties on which such natural growth is located shall be kept clean so as not to constitute a hazard to persons in the vicinity thereof.
- J. Exhaust vents. A person shall not construct, maintain or operate pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors of other gaseous or

particulate wastes so as to discharge directly upon abutting or adjacent public and private property or that of another tenant.

- K. Swimming pools. All on-site swimming pools shall be maintained and secured. When the property is vacant, water in the swimming pool must be treated or removed to prevent the pool from becoming a breeding site for mosquitos.
- L. Prohibited conditions. The exterior of all premises shall be kept free of the following matter, materials or conditions:
 - (1) Abandoned, uncovered or structurally unsound walls, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.
 - (2) Abandoned iceboxes/freezers, refrigerators, heaters, television sets and other similar major appliances.
 - (3) Hidden or uncovered ground or surface hazards, such as holes, sudden depressions, sharp or jagged projections or obstructions.
 - (4) Buried rubble, refuse or rubbish.
 - (5) Vehicles or parts thereof, including boats and trailers, motorized or not, licensed or unlicensed, registered or unregistered, which vehicles or parts thereof are or have been junked, abandoned, dismantled or are in a state of disrepair.
 - (6) Dangerously loose and overhanging objects, including, but not limited to, dead trees or tree limbs, accumulations of snow, ice or any object, natural or man-made, which could threaten the health and safety of persons if caused to fall or other similar dangerously loose and overhanging objects, which, by reason of their location above ground level, constitute an actual hazard to persons or vehicles in the vicinity thereof.
 - (7) Structurally unsound, loose, dangerous, crumbling, missing, broken, rotten or unsafe exterior portions of buildings or structures, including but not limited to porches, landings, balconies, stairways, handrails, steps, walls, overhangs, roofs, fences, supporting members, timbers, abutments, fire escapes, signs or loose, crumbling or falling bricks, stones, mortar or plaster.
 - (8) Exterior surfaces or parts of buildings or structures containing sharp, rough or projecting surfaces or objects which might cause injury to persons coming in contact therewith.
 - (9) Peeling paint, broken glass or windows or rotted, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other major exterior component parts of

buildings or structures.

11-1.5. Maintenance of exterior of structures.

- A. General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.
- B. Structural members. All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.
- C. Exterior surfaces (foundations, walls and roof). Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.
- D. Foundation walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to public safety and welfare.
- E. Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration.
- F. Roofs. The roof and gutters shall be structurally sound and tight and shall not have defects which might admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
- G. Chimneys. All chimneys, cooling towers, smokestacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint, or similar surface treatment where necessary.
- H. Stairs and porches. Every stair, porch and balcony, and all appurtenances attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which they are subjected and shall be kept in sound condition and good repair.
- I. Any awnings or marquees and accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair

and shall not constitute a safety hazard. In the event such awnings or marquees are not maintained in accordance with the foregoing they shall, together with their supporting members, be removed forthwith. In the event said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic where exposed to public view shall not show evidence of excessive weathering, discoloration, ripping, tearing or holes.

11-1.6. Standards for residential property.

In addition to the standards cited in sections 11-1.4 and 11-1.5, the following standards apply to residential properties:

- A. All outdoor storage and on-site parking shall be in accordance with the requirements of section 12-23.22 of the Borough Land Use Ordinance.

11-1.7. Access to properties.

When the lack of maintenance of a Borough property results in violations of the Borough's Property Maintenance Code which are obvious from adjacent public rights-of-way or from adjoining property whose owners have provided access for the purpose of inspecting the property containing the violations, the property maintenance enforcement officer shall send a notice to the owner of record for the subject property citing the visible violations and demanding access to the property to conduct a more thorough inspection. The notice shall specify a time frame for the correction of the visible violations as provided for in this Property Maintenance Code. Said notice may also set forth a day and time for the more thorough inspection, which time shall be no less than 10 days after the mailing of the notice. If owner of the property or his designated agent are not present for this inspection and/or do not object to the enforcement officer making the inspection, the enforcement officer can conduct an inspection of the exterior of the property and shall send to the owner of record a statement indicating the findings of said inspection and any required repairs or violations. If the property owner refuses to allow the inspection, the enforcement officer shall file a complaint with the Municipal Court citing the violations visible from the public right-of-way or adjacent properties seeking not only the abatement of the violations cited but also authority to conduct a more thorough inspection.

11-1.8. Enforcement officers.

The provisions of this chapter shall be enforced by the Zoning Officer and the Zoning Enforcement Officer.

11-1.9. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be liable to the general penalties set forth in Section 1-5 of this Code, and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

11-1.10. Borough intervention.

- A. Filing of report with governing body. If, within the time permitted, the owner shall fail to abate the nuisance, correct the defect or defects or put the premises in proper condition so as to comply with the requirements of applicable ordinances and state laws or conditions of approval received from any board or agency of the Borough, after notice thereof and opportunity to do so as provided elsewhere in this chapter, the enforcement official shall forthwith file a report with the governing body of the Borough of Bernardsville, which said report shall set forth in detail the condition or conditions constituting the nuisance or the defect or defects and shall contain a copy of the notice served upon the owner and the date and the manner thereof and a certification that such condition or conditions still exist.
- B. Hearing; resolution to abate; expenditure of municipal funds.
 - (1) Upon the filing of the report by the enforcement official, a hearing shall be held upon at least five days' notice to the owner, served in the same manner as is provided elsewhere. At such hearing, the enforcement official shall submit a report of his findings and recommendations to the Borough Council. If the governing body is of the opinion that such action is in the public interest, the governing body may adopt a resolution in the public's interest to abate the nuisance, to correct the defect or defects or to put the premises in proper condition so as to comply with the requirements of applicable ordinances and state laws or conditions of approval received from any board or agency of the Borough, at the cost and expense of the owner.
 - (2) The governing body may, by such resolution, also authorize the expenditure of municipal funds and fix the amount thereof for the purpose of correcting such conditions, and, in such cases where the nuisance or defect falls within a category for which there is statutory authority for the creating of a tax lien, such expenditure shall be charged against the premises, and the amount thereof shall be a lien collectible as provided in this chapter.

- (3) The enforcement official or the Superintendent of Public Works, depending upon the volume of the work performed in accordance with the resolution at Borough's expense, not to exceed the amount specified in the resolution, shall, upon completion thereof, submit a report of the monies expended and costs to the Borough Council.
- (4) After review of the report, the Borough Council may approve the expenses and costs whereupon the same shall become a lien against the premises, collectible as provided by law. A copy of the resolution approving the expenses and costs, whereupon the same, shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection, and a copy of the report and resolution for the collection, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner.”

11-2 Certificate of Inspection; Residential Rental Properties.

- a. *Purpose.* The purposes of this section are as follows:
 1. To protect the health and safety of residential tenants by insuring that all rental properties are maintained in a safe and sanitary condition.
 2. To protect the welfare of residential tenants by assuring that maximum occupancy limits are not exceeded in rental units.
 3. To protect the real estate values of properties located in close proximity to rental housing by requiring the upkeep and maintenance of building exteriors and outside property areas.
- b. *Applicability; Exceptions.* This section shall apply to all residential rental uses.
- c. *Requirements for Certificate of Rental Housing Compliance.*
 1. No person shall let or sublet any residential unit without first obtaining from the Code Enforcement Officer one of the following:
 - (a) A certificate of rental housing compliance stating that the unit complies with the property maintenance standards of this chapter and is approved for occupancy and meets all Borough zoning requirements.¹ The certificate of rental housing compliance shall be renewed annually on the anniversary date of the issuance of the original permit, and upon any change in occupancy of a rental unit.

¹In accordance with the provisions of N.J.S.A. 40:55D-68.4, this section does not prohibit any senior citizen, who is the owner of a single-family dwelling, which is his or her primary residence, from renting or leasing a room or rooms within that dwelling, together with general use associated with that dwelling, to one person.

(b) A conditional certificate of rental housing compliance indicating that the unit is conditionally approved for occupancy in accordance with the provisions of paragraph e,5.(b). below.

d. *Rental Housing Standards.* All rental housing shall comply with the following codes and regulations:

1. Borough Property Maintenance Code (Code Section 11-1).

2. New Jersey State Housing Code (N.J.A.C. 5:28).

(as supplemented and amended as set forth in Appendix "A" to this section).

3. Uniform Construction Code (N.J.S.A. 52:27D-123; N.J.A.C. 5:23).²

²The Uniform Construction Code may only be enforced by the Construction Official and Subcode Officials. Issuance of a certificate of rental housing compliance pursuant to this section does not relieve the property owner from complying with all requirements of the Uniform Construction Code.

4. Uniform Fire Code (N.J.S.A. 52:27D-198; N.J.A.C. 5:70).³

³Although the Uniform Fire Code may only be enforced by the Fire Official and Fire Subcode Official, the Housing Inspector shall not issue a Certificate of Inspection until he has inspected the premises and determined that the dwelling complies with the requirements of N.J.A.C. 5:70-4.19 with respect to smoke detectors and carbon monoxide alarms. Issuance of a certificate of rental housing compliance pursuant to this section does not relieve the property owner from complying with any other requirements of the Uniform Fire Code or the Uniform Fire Safety Act.

5. Borough Land Development Regulations (Volume II of the Borough Code).⁴

⁴Development approvals may only be granted pursuant to the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. Issuance of a certificate of rental housing compliance pursuant to this section shall not be deemed to be a development approval of any kind or a certification of nonconforming use.

There shall be a continuing obligation to comply with all relevant statutes, ordinances and regulations including but not limited to those set forth above.

e. *Procedures for Inspections and Issuance of Certificates of Rental Housing Compliance.*

1. The Code Enforcement Officer shall prepare the necessary application form and checklist which shall be available at the Borough Clerk's office and the Borough Planning and Zoning Department. At a minimum, that application form shall contain the following information:

(a) Street address of unit and tax map block and lot of the rental unit.

(b) The name, address, phone number and email address of the owner. If the owner is a business entity, the application must include the name and address of the registered agent who authorized to receive service of on behalf of that entity.

(c) The name, address, telephone number and email address of the managing agent of the property, if any.

- (d) The name, address, telephone number and email address of an emergency contact who can be contacted by the Borough after hours in case of fire, flood or other emergency.
 - (e) Proof that all required zoning, construction, fire and other required Borough, County, State and Federal approvals, permits and licenses have been obtained.
 - (f) A floor plan of the rental unit showing the dimensions and location of each room must be attached.
 - (g) Name, address, telephone number and email address of the tenant and all occupants of the unit.
 - (h) Names, grade levels and schools attended for all occupants of the rental unit who attend or who will be attending Bernardsville public schools.
 - (i) A certification by the person completing the application that such person is authorized to complete the application on behalf of the owner, that the subject property will be maintained in compliance with all applicable ordinances, statutes and regulations, including, but not limited to, the Borough Zoning Ordinance, the Uniform Construction Code, the Borough Residential Property Maintenance Code, and the New Jersey State Housing Code.
2. The applicant shall submit a completed application and all required fees to the Borough Clerk by the anniversary date of the issuance of the original permit for an annual certificate and at least five (5) business days before the date that a new tenant is anticipated to occupy the dwelling. Inspections may be requested up to thirty (30) days before the desired inspection date and shall be scheduled by the Code Enforcement Officer in the order that completed applications are received.
 3. Following receipt of a completed application and all required fees, the Code Enforcement Officer or his or her designee shall inspect the building interior, exterior and outside premises to make sure that the premises comply with the standards incorporated in paragraph d. above as set forth in the checklist adopted by the Code Enforcement Officer.
 4. All inspections shall be conducted in accordance with the standards set forth in Section 11-3 of this Code.
 5. Following inspection, the Code Enforcement Officer shall issue a placard designating the maximum occupancy for the unit and a certificate of rental housing compliance, a conditional certificate of rental housing compliance, or a denial of rental housing compliance. The standards for certificates are:
 - (a) If the dwelling complies with the codes and regulations set forth in paragraph d. above, a certificate of rental housing compliance shall be issued.
 - (b) If the dwelling fails to comply with all of the above codes and regulations but none of the violations jeopardizes the health, safety or welfare of the intended occupants, a conditional certificate of rental housing compliance

shall be issued for a period not to exceed thirty (30) days from the initial inspection.

- (c) If the building fails to comply and such violations endanger the health, safety or welfare of the intended occupants, a denial of rental housing compliance shall be issued.
 - 6. If a conditional certificate of rental housing compliance or a denial of rental housing compliance is issued, the applicant shall perform the required work prior to reinspection.
 - 7. If the inspection was scheduled in advance, as required by subsection 11-2.5c. above, the new tenant shall be permitted to occupy the unit without its being deemed a violation of subsection 11-2.5e,2. above. However, the Borough reserves the right to conduct the inspection at a later time and to issue an appropriate certificate.
- f. *Fees.* All fees shall be paid at the time an application is filed and prior to the inspection being performed in accordance with the following schedule:
- 1. Initial inspection: one hundred fifty (\$150.00) dollars per unit. (Ord. No. 2017-1733)
 - 2. First reinspection: no charge.
 - 3. Second reinspection: \$250.00 per unit. (Ord. No. 2017-1733)
 - 4. Third reinspection: \$350.00 per unit. (Ord. No. 2017-1733)
 - 5. Fourth reinspection: \$450.00 per unit. (Ord. No. 2017-1733)
 - 6. Fifth and all subsequent reinspections: \$500.00 per unit. (Ord. No. 2017-1733)
- g. The following information shall be provided to each tenant at the time of his or her initial occupancy of the dwelling:
- 1. A Truth-in-Renting Statement prepared by the Department of Community Affairs in accordance with the Truth-in-Renting Act (N.J.S.A. 46:8-43 et seq.) shall be distributed to all tenants living in buildings with more than two (2) dwelling units.
 - 2. A copy of the registration statement filed with the Borough Clerk and/or New Jersey Bureau of Housing Inspection.
 - 3. A copy of the New Tenant Notification Form provided by the Borough. A copy of this form shall be signed by the tenant and maintained by the owner during the term of the tenancy. For buildings with more than four (4) units, the form shall be maintained in a log at the rental office.
- h. *Rental Property Owner Registration Requirements.*
- 1. In addition to the application for a certificate of rental housing compliance required by paragraph c. above and in addition to complying with the requirements of the New Jersey Hotel and Multiple Dwellings Law, N.J.S.A. 55:13A-1 et seq., every owner of any building or structure which comes under the

provisions of this subsection shall, within five (5) days of the change of ownership of any building subject to the requirements of this subsection file with the Borough Clerk a written registration statement, which shall contain the following information on a form to be provided by the Borough:

- (a) The names and addresses of the owners of the property.
 - (b) If the record owner is a corporation, the name of the registered agent who will accept all legal notices on behalf of the corporation.
 - (c) If the owner is an entity other than an individual (i.e, a corporation, company, trade name, partnership, trust, condominium association or other legal entity), the names and address of each partner and/or owner or person having a beneficiary interest. In the case of a corporation, the names and addresses of each stockholder if the total number of stockholders is twenty (20) or less. In any event, with regard to corporate ownership, the registry shall disclose the name and address of any stockholder who owns, either directly or beneficially, ten (10%) percent of the stock of the corporation.
 - (d) The name, address and telephone number of the managing agent of the premises, if any.
 - (e) The name, address and telephone number, including the dwelling unit, apartment or room number, of the superintendent, janitor, custodial or other individual employed by the record owner or managing agent to provide regular maintenance service, if applicable.
 - (f) The name, address and telephone number of an individual principal or partner of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or property, or any unit or dwelling or commercial space therein, and who has the authority to make emergency decisions concerning the building or property and any repair thereto or expenditures in connection therewith.
 - (g) The number of dwelling units by unit type.
- 2. If there is any change in any of this information, an amended registration statement must be filed within five (5) days, and the amended statement posted and distributed to tenants within seven (7) days of filing.
 - 3. The placard designating the maximum occupancy and current certificate of rental housing compliance issued by the Code Enforcement Officer pursuant to paragraph e,5 above and a copy of the floor plan shall be posted in the kitchen sink cabinet in a conspicuous location where it can easily be seen by tenants in English and in the primary languages spoken by the tenants.
 - 4. The initial registration for all buildings shall also be accompanied by a floor plan and the square footage for each unit to be used by the Borough in establishing maximum occupancy limits for each unit type.
- i. *Violations and Penalties.*

1. Any lessor of rental property who fails to distribute required information to tenants, fails to secure a required certificate of rental housing compliance, fails to enforce maximum occupancy limits, fails to register with the Borough or allows a tenant to occupy rental premises after expiration of a conditional certificate of rental housing compliance or who violates any other provision of this ordinance, shall be liable to the penalties stated in Chapter I, Section 1-5. The minimum fine for a violation of this section shall be one hundred (\$100.00) dollars.
 2. In any apartment unit that violates maximum occupancy restrictions, the landlord and/or the tenant named on the lease shall be liable to the penalties stated in Chapter I, Section 1-5. The minimum fine for a violation of this section shall be one hundred (\$100.00) dollars.
 3. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.
 4. Any person who is convicted of violating this subsection within one (1) year of the date of a previous violation of the same provision of this subsection and who was fined for the previous violation shall be subject to the additional fine for repeat offenders set forth in subsection 1-5.3 of this Code.
 5. In addition to the above fines and penalties, any owner-landlord who is convicted of a second or subsequent violation of this chapter, where the illegal tenancy is determined to have resulted in a resident or residents attending the Somerset Hills Regional School District public school system, and who has been afforded the opportunity for a hearing on the matter, may be assessed a penalty equal to the annual tuition cost for each student, prorated to the time of the student's ineligible attendance at such public school. The fine shall be recovered in a civil action by a summary proceeding in the name of the Borough of Bernardsville pursuant to the "Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et seq.)" The Municipal Court and/or the Superior Court shall have jurisdiction of the proceedings for the enforcement of the penalty provided by this paragraph. The tuition cost shall be calculated in the manner prescribed for nonresidential pupils in N.J.S.A. 18A:38-19. Payment of the fine shall be remitted to the Somerset Hills Board of Education. For the purposes of this section, the term "owner-landlord" shall exclude mortgagees in possession of a structure through foreclosure. For the purposes of this section, a "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are the result of distinct and separate zoning or code enforcement activities, and shall not include any continuing violations for which citations are issued by a Zoning or Code Enforcement Officer during the time period required for summary disposition proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction.
- j. In accordance with the provisions of N.J.S.A. 2A:18-16.1g, any tenant who receives a notice of eviction pursuant to N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activity for an illegal occupancy as set forth in this section shall be considered a displaced person and shall be entitled to relocation assistance in amount equal to six (6) times the monthly rental paid by the displaced person or persons. The owner-landlord of the structure shall be liable for the payment of relocation assistance

pursuant to this paragraph. In addition, after being required to pay reimbursement for relocation assistance, an additional fine shall be paid by the owner/landlord of the structure for each illegal occupancy, up to an amount equal to six (6) times the monthly rental paid by the displaced person or persons.

11-3 HOUSING INSPECTIONS.

11-3.1 Procedure.

Inspections of residential units by the Borough Code Enforcement Officer to insure compliance with this chapter and related codes and ordinances shall be conducted in accordance with the following standards and procedures:

a. The Borough Code Enforcement Officer shall have the responsibility to initiate, conduct and authorize enforcement of any provisions of the Borough Property Maintenance Code and related ordinances and regulations.

b. If none of the adult residents then present in the dwelling being inspected speaks English proficiently, and the inspector is not fluent in the language of the residents, the inspection must be abandoned and may not be resumed without the presence of an interpreter.

c. Residential inspections shall not be conducted by uniformed law enforcement officers, nor shall Borough inspectors be accompanied by uniformed law enforcement officers, unless there is a reasonable concern of violence occurring during the inspection. The basis for the concern must be included on the inspection log maintained by the Code Enforcement Officer.

d. Residential inspections shall ordinarily be conducted between 8:00 a.m. and 7:00 p.m. on non-holiday weekdays except as provided below.

e. Residential inspections may be conducted on weekdays between the hours of 7:00 p.m. and 9:00 p.m., on Saturdays between 11:00 a.m. and 4:00 p.m. if there have been at least two (2) previous failed attempts on two (2) different days to inspect during the hours set forth in paragraph d. above.

f. No residential code enforcement inspection shall be conducted without first providing notice to the residents of their rights regarding whether or not to permit an inspection. The Borough inspection official shall provide such notice orally and in writing and where the subject of an inspection has limited English proficiency, such notice shall be provided in the language of the resident as well as in English.

g. No residential code enforcement inspection shall be conducted without first obtaining consent from the residents of the subject property.

h. No residential inspection shall be conducted after 9:00 p.m. or before 8:00 a.m. except under emergency circumstances, such as if Borough police, fire or medical emergency personnel,

during the course of responding to an emergency at a dwelling, witness life-hazard violations of the Property Maintenance Code and alert the Code Enforcement Officer of such life-hazard violations, the Code Enforcement Officer may conduct an inspection within twelve (12) hours of notification.

i. The following record shall be kept and maintained by the Code Enforcement Officer.

1. Complaint form and investigation form which shall record the date and time of complaint, name of complainant, address and telephone number of complainant, address of property for which complaint is made, nature of complaint, details of alleged violations, basis for or evidence supporting complaint, identity of any other witnesses, date, time and manner of initial contact and all subsequent contacts, name and title of any and all Borough officials, agents, employees and/or individuals acting on behalf of the Borough involved in the contact, whether the subject of the complaint is proficient in English and/or what language the subject speaks; record of substantive investigation conducted; and the outcome of such investigation, whether to end investigation without further action, continue investigation, and/or conduct an inspection.

2. Inspection log which shall record date and time of inspection, verification that resident was provided proper notice regarding the inspection and his or her rights and responsibilities; the Borough official's requested permission to enter the premises and inspect; that the residents or owners gave authorization for inspection; the duration of the inspection; areas of residence inspected; individuals interviewed or spoken to during inspection; the results of the inspection, including specified Property Maintenance Code violations, if any; evidence of violations uncovered; date on which violation was or will be referred for prosecution; dates of notices of prosecution; court and hearing dates; settlements or pleas; and dates case closed, or whether no evidence of violation was found.

3. Direction that if a complaint made to the Borough lacks the basis for the complaint or the identity of the complainant, Borough inspectors must take some independent action or investigation to verify that a basis for the complaint exists prior to conducting an inspection. Such independent action or investigation shall be recorded in writing on the complaint and investigation form.

j. These procedures shall not apply if the Code Enforcement Officer has obtained a court-issued warrant to search the premises nor shall they affect Borough Police authority to enter a residence when responding to potential violation of zoning, land use, property maintenance or other similar laws.

(Ord. #2006-1435 §2)

11-4 REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES INCLUDING THOSE IN FORECLOSURE.

11-4.1 Definitions.

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.

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.

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.

11-4.2 Registration of Vacant and Abandoned Properties.

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. The registration shall remain valid for one (1) 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 subsection 11-4.3 for each Vacant and Abandoned property registered.
- f. 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.

- g. 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.
- h. 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 (\$1,000.00) dollars and the fee for all subsequent annual renewals shall be two thousand (\$2,000.00) 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.

APPENDIX “A”

STATE HOUSING CODE AS SUPPLEMENTED AND AMENDED

11-2.4 Standard to Apply.

a. With respect to residential structures and premises, and pursuant to the provisions of N.J.S.A. 40:49-5.1 et seq. the New Jersey State Housing Code (1980 Revision), as approved by the Department of Community Affairs and filed in the Secretary of State's Office, is hereby accepted, adopted and established as a standard to be used in determining whether residential structures, premises or dwellings in this municipality are safe, sanitary and fit for human habitation.

b. For good reasons, the Governing Body may adopt revisions to the State Housing Code using a model code or standard of some other nationally recognized organization or based on a recommendation of the Borough Housing Advisory Committee, as long as such revision promotes the purposes of this ordinance, is legally reasonable and is adopted for health and safety reasons and not for some other purpose.

c. A copy of the State Housing Code (1980 revision) (as revised pursuant to the preceding paragraph b.) is attached to this section.

(Ord. #95-1039 §1; Ord. #2006-1435 §3; Ord. #2009-1518 §2; Ord. #2015-1692 §1; Ord. #2015-1694)

New Jersey State Housing Code

(As adopted and amended by Ord. No. 2015-1692 and Ord. No. 2015-1694. See source history at subsection 11-2.4 for prior ordinance history.)

1. Scope. (N.J.A.C. 5:28-1.1 Scope)

The provisions of this subchapter shall constitute the standards to guide the Public Officer or his agents in determining the fitness of a building for human habitation, use, or occupancy.

2. Definitions. (N.J.A.C. 5:28-1.2 Definitions)

The words, terms or phrases listed below for the purpose of this chapter shall be defined and interpreted as follows.

"Administrative Authority" shall mean the department, branch or agency of this municipality which is authorized by the adopting ordinance to administer the provisions of this chapter.

"Building" shall mean any building or structure, or part thereof, used for human habitation, use, or occupancy and includes any accessory buildings and appurtenance belonging thereto or usually enjoyed therewith.

"Dwelling" shall mean a building or structure or part thereof containing one or more dwelling units or lodging units.

"Dwelling unit" shall mean any room or group of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used, or designed to be used for living, sleeping, cooking, and eating.

"Garbage" shall mean the animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

"Habitable room" shall mean a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets, and storage spaces.

"Infestations" shall mean the presence, within or around a building, of any insects, rodents, or other pests.

"Local health agency" shall mean any county, regional, municipal or other governmental agency organized for the purpose of providing health services, administered by a full-time health officer and conducting a public health officer program pursuant to law.

"Lodging house" shall mean any building, or that part of any building containing one or more lodging units, each of which is rented by one or more persons not related to the owner.

"Lodging unit" shall mean a rented room or group of rooms, containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within a building.

"Occupant" shall mean any person or persons in actual possession of, and living in the building or dwelling unit, including the owner.

"Owner" shall mean any person properly authorized to exercise powers of, or for an owner of property for purposes of its purchase, sale, use, occupancy, or maintenance.

"Person" shall be given the same meaning as defined in R.S. 1:1-2 of the Revised Statutes of New Jersey.

"Plumbing fixtures" shall mean and include all installed receptacles or devices which are supplied with water or which receive or discharge liquid waste or sewage into the drainage system with which they are directly or indirectly connected.

"Public Officer" shall mean the officer or officers who are authorized by the adopting Ordinance to exercise the powers prescribed by this chapter.

"Rubbish" shall mean and include all combustible and noncombustible waste material, except garbage.

"Utilities" shall mean and include electric, gas, heating, water and sewerage services, and equipment therefor.

3. Water Supply. (N.J.A.C. 5:28-1.3 Water supply)

(a) Every dwelling unit and lodging house shall be provided with a safe supply of potable water meeting the standards as set forth in the New Jersey Safe Drinking Water Act regulations (N.J.A.C. 7:10-1 et seq.) published by the New Jersey Department of Environmental Protection.

(b) The source of such water supply shall be approved by the New Jersey Department of Environmental Protection and/or the local health agency.

(c) The minimum rate of flow of hot or cold water issuing from a faucet or fixture shall not be less than

one gallon per minute.

4. Facilities. (N.J.A.C. 5:28-1.4 Facilities)

- (a) Every dwelling unit shall contain a kitchen sink of nonabsorbent impervious material, at least one flush type water closet, a lavatory, and a bathtub or shower, available only for the use of occupants of that dwelling unit.
- (b) Every lodging house shall be provided with a minimum of one flush type water closet, lavatory, and a bathtub or shower for every eight persons or part thereof.
- (c) Every water closet, lavatory, and bathtub or shower for each dwelling unit or lodging house shall be accessible from within the building without passing through any part of any other dwelling unit or lodging unit and in a lodging house shall be located no farther than one floor above or below the lodging units served. Such water closet, lavatory and bathtub or shower shall be contained in a room or rooms which are separated from all other rooms by walls, doors, or partitions that afford privacy.
- (d) Every plumbing fixture shall be connected to water and sewer systems approved by the New Jersey Department of Environmental Protection and/or the local health agency and shall be maintained in good working condition.
- (e) Every kitchen sink, lavatory, and bathtub or shower required by this chapter shall be connected to both hot and cold water lines.
- (f) Every dwelling shall have water heating facilities which are installed and maintained in good and safe working condition, connected with the hot water lines required under the provisions of (e) above, and capable of delivering water at a minimum temperature of not less than 120 degrees Fahrenheit and at a maximum temperature of not more than 140 degrees Fahrenheit at all times in accordance with anticipated need.

5. Garbage and Rubbish Storage. (N.J.A.C. 5:28-1.5 Garbage and rubbish storage)

- (a) Garbage or other organic waste shall be stored in watertight receptacles of metal or other approved material. Such receptacles shall be provided with tight fitting covers. At least one approved type garbage receptacle shall be provided for each dwelling unit, in accordance with N.J.A.C. 5:28-1.12(I).
- (b) Rubbish shall be stored in receptacles of metal or other approved material. At least one rubbish receptacle shall be provided for each dwelling unit, in accordance with N.J.A.C. 5:28-1.12(I).
- (c) Rubbish that does not include materials determined by local ordinance to be recyclable may be stored together with garbage in an approved type garbage receptacle, unless otherwise provided by ordinance. Recyclable materials shall be stored separately from non-recyclable materials.
- (d) The owners of all rental residential properties shall provide tenants with at least twice-weekly trash pickup. 1 Paragraph "d" was added by Ordinance No. 2006-1435 as recommended by the Housing Advisory Committee.

6. Lighting. (N.J.A.C. 5:28-1.6 Lighting)

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window or skylight area measured between stops, for every habitable room shall be eight percent of the floor area of such room. Whenever walls or other portions of structures face a window of any habitable room and are located less than three feet from the window and extended to a level above that of the ceiling of the room, such a window shall not be included in calculating the required minimal total window area.

(b) Every dwelling shall be provided with electric service.

(c) Every habitable room shall contain at least two separate wall-type electric convenience outlets, or one such convenience outlet and one ceiling or wall type electric light fixture. Every such outlet and fixture shall be maintained in good and safe condition and shall be connected to the source of electric power. No temporary wiring shall be used except extension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie under rugs or other floor coverings nor extend through doorways, transoms, or other openings through structural elements.

(d) Every portion of each staircase, hall, cellar, basement landing furnace room, utility room, and all similar non-habitable space located in a dwelling shall have either natural or artificial light available at all times, with an illumination of at least two lumens per square foot (two foot-candles) in the darkest portions.

(e) Every portion of any interior or exterior passageway or staircase common to two or more families in a dwelling shall be illuminated naturally or artificially at all times with an illumination of at least two lumens per square foot (2 foot-candles) in the darkest portion of the normally traveled stairs and passageways. In dwellings comprising two dwelling units such illumination shall not be required at all times if separate switches, convenient and readily accessible to each dwelling unit, are provided for the control of such artificial light by the occupants thereof.

(f) Every bathroom and water closet compartment shall have either natural or artificial light available at all times, with an illumination of at least three lumens per square foot (three foot-candles). Such light shall be measured 36 inches from the floor at the center of the room. Artificial lighting shall be controlled by a wall switch so located as to avoid danger of electrical hazards.

7. Ventilation. (N.J.A.C. 5:28-1.7 Ventilation)

(a) Means of ventilation shall be provided for every habitable room. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least two air changes per hour.

(b) Means of ventilation shall be provided for every bathroom or water closet compartment. Such ventilation may be provided either by an easily operable window or skylight having an openable area of at least 50 percent of the minimum window area or minimum skylight area as required in N.J.A.C. 5:28-1.6(a), or by other means acceptable to the Administrative Authority which will provide at least six air changes per hour.

8. Heating Equipment. (N.J.A.C. 5:28-1.8 Heating equipment)

(a) Every dwelling shall have heating facilities which are properly installed, maintained in good and safe working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms,

and water closet compartments located therein to a temperature of at least 68 degrees Fahrenheit when the outside temperature is zero degrees Fahrenheit. The temperature shall be read at a height of three feet above floor level at the center of the room.

(b) Every space heater, except electrical, shall be properly vented to a chimney or duct leading to outdoors, unless the appliance is labeled as having been tested and approved for unvented operation, in compliance with the State Uniform Construction Code. Unvented portable space heaters that burn solid, liquid, or gaseous fuels shall be prohibited.

9. Egress. (N.J.A.C. 5:28-1.9 Egress)

(a) Every dwelling, dwelling unit, or lodging unit shall have safe and unobstructed means of egress. Such means of egress shall not be through any other dwelling unit or part thereof and shall lead to a safe and open space at ground level accessible to a street.

(b) A room used for sleeping purposes under the provisions of N.J.A.C. 5:28-1.11(d) shall be provided with a safe and unobstructed means of egress leading directly to an outside area accessible to a street.

(c) There shall be not fewer than two independent exits remote from each other from every floor of a building greater than two stories in height having more than two dwelling and/or lodging units.

10. Maintenance (N.J.A.C. 5:28-1.10 Maintenance)

(a) Every foundation, floor, wall, ceiling, door, window, roof, or other part of a building shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted.

(b) Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every stairway having three or more steps shall be properly banistered and safely balustraded.

(c) Every porch, balcony, roof, and/or similar place higher than 30 inches above the ground, used for egress or for use by occupants shall be provided with adequate railings or parapets. Such protective railings or parapets shall be properly balustraded and be not less than three feet in height.

(d) Every roof, wall, window, exterior door, and hatchway shall be free from holes or leaks that would permit the entrance of water within a dwelling or be a cause of dampness.

(e) Every foundation, floor, and wall of a dwelling shall be free from chronic dampness.

(f) Every dwelling shall be free from rodents, vermin and insects. Rodent or vermin extermination and rodent proofing and vermin proofing may be required by the local health agency. Rodent and vermin extermination shall be carried out in accordance with N.J.A.C. 5:28-1.12(k). Every openable window, exterior door, skylight, and other opening to the outdoors shall be supplied with properly fitting screens in good repair from May 1st until October 1st of each year. Such screens shall have a mesh of not less than No. 16.

(g) Every building, dwelling, dwelling unit and all other areas of the premises shall be clean and

free from garbage or rubbish and hazards to safety. Lawns, hedges and bushes shall be kept trimmed and shall not be permitted to become overgrown and unsightly. Fences shall be kept in good repair.

(h) The Public Officer may order the owner to clean, repair, paint, whitewash, or paper such walls or ceilings, when a wall or ceiling within a dwelling has deteriorated so as to provide a harborage for rodents or vermin, or when such a wall or ceiling has become stained or soiled, or the plaster, wallboard, or other covering has become loose or badly cracked or missing. Nothing in this subsection shall be so construed as to place upon the nonresident owner responsibilities for cleanliness contained in N.J.A.C. 5:28-1.12(f).

(i) Every water closet compartment floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to water so as to permit such floor to be kept in a clean condition.

(j) Exterior boards that cover the windows and doorways of a vacant property shall be painted so that they either match or reasonably coordinate with the color of the rest of the structure's exterior. All windows, doors and openings of vacant buildings shall be free of any posters or paper coverings.²

2 Paragraph "j" of Section 5:28-1.10 was added by Ordinance No. 2009-1518 as recommended by the Housing Advisory Committee.

11. Use and occupancy of space; Overcrowding.³ (N.J.A.C. 5:28-1.11 Use and occupancy of space)

3 Paragraph "(a)" of Section 5:28-1.11 is based on Section 404.5 of the International Property Maintenance Code.

(a) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following Table:

Table

	MINIMUM AREA IN SQUARE FEET		
	1-2	3-5	6 or more occupants
Living room	120	120	150
Dining room	No	80	100
Bedrooms	Shall comply with Paragraph (b) of this section.		

i. The minimum occupancy area required by the above shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with paragraph "(b)" below.

iv. Combined living room and dining room spaces shall comply with the requirements of the above Table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(b) Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

(c) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be

considered as part of the floor area in computing the total floor area in the room for the purpose of determining the maximum permissible occupancy thereof.

(d) A room located in whole or in part below the level of the ground may be used for sleeping provided that the walls and floors thereof in contact with the earth have been damp-proofed in accordance with a method approved by the Administrative Authority; and provided that all requirements otherwise applicable to habitable rooms generally are satisfied.

(e) Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

(Exception: Units that contain fewer than two bedrooms.)

(f) Bedrooms shall have a minimum of four (4) square feet of closet space for each occupant. A shelf and clothes-hanging rod shall be provided in each closet with a depth of two (2) feet or more. The closet may be permanent or portable, but the square footage of any portable closet must be deducted from the square footage of the sleeping room for the purpose of calculating minimum net floor area pursuant to Section 13- 43b.4

4Paragraph "f" was added upon the recommendation of the Borough Housing Advisory Committee.

(g) Kitchens shall have a minimum clear passageway of 3 feet between counter fronts and appliances or counter fronts and walls.5 5Paragraph "(g)" of Section 5:28-1.11 is based on Section 404.2 of the International Property Maintenance Code.

12. Reserved.

13. Conflict of Ordinances. (N.J.A.C. 5:28-1.13 Conflict of ordinances)

Nothing in this chapter shall be construed to abrogate or impair the powers of any department of this municipality or any agency of the State of New Jersey to enforce any provisions of its charter or its ordinances, codes, regulations or statutory provisions or to prevent or punish violations thereof.

**BERNARDSVILLE BOROUGH
ORDINANCE 2020-1846**

**AN ORDINANCE CONCERNING PARKING IN THE LIBRARY PARKING LOT AND
AMENDING CHAPTER VIII OF THE BOROUGH CODE ENTITLED “PARKING
LOTS AND OFF-STREET TRAFFIC REGULATIONS”**

WHEREAS, the Borough Recreation Department is in the process of moving into the lower level of the Bernardsville Library building; and

WHEREAS, the Recreation Department will be joining the Construction Office, the Fire Prevention Bureau, the Housing Department and the Zoning Department, all of which are already located in the Library building; and

WHEREAS, Zoning Officer Geoff Price has recommended that the Library parking lot ordinance be amended to accommodate the additional recreation staff and anticipated visitors;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter VIII of the Borough Code Entitled “Parking Lots and Off-Street Traffic Regulations” be amended as follows:

Section 1. Paragraph “b” of section 8-4A.2 of the Borough Code entitled “Employee, Client, Customer and Patron Spaces; Special Permits; Parking Restrictions” is amended to read as follows:

“§ 8-4A.2 Employee, Client, Customer and Patron Spaces; Special Permits; Parking Restrictions.

“d. ~~The first 12 parking spaces designated by signs on the north side of the driveway from Anderson Hill Road shall be restricted to the employees and patrons of the Borough construction and zoning offices. These spaces shall be subject to a four-hour parking limit, except for employees' vehicles displaying a decal pursuant to subsection 8-10.4k below.~~ The first 17 parking spaces designated by signs on the north side of the driveway from Anderson Hill Road shall be restricted to the employees and patrons of the Borough Offices. The first 4 spaces at Anderson Hill Road will be reserved for Borough Visitors Only between the hours of 7:00 a.m. and 6:00 p.m., weekdays. The remaining 13 spaces will be reserved for Borough Employees Only between the hours of 7:00 a.m. and 6:00 p.m., weekdays. The visitors' spaces shall be subject to a four-hour parking

limit. All employees' vehicles shall display a decal pursuant to subsection 8-10.4k below.”

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 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: _____
Mary Jane Canose, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

**BERNARDSVILLE BOROUGH
ORDINANCE #2020-1847**

**AN ORDINANCE CONCERNING TREE REMOVAL PERMITS AND AMENDING
CHAPTER XIII OF THE BOROUGH CODE ENTITLED “TREE PROTECTION”**

WHEREAS, the governing body wishes to simplify the appeal process set forth in the Borough Tree Protection Ordinance;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter XIII of the Borough Code Entitled “Tree Protection” is hereby amended as follows:

Section 1. Section 13-16 entitled “Appeal Procedure” is amended to read as follows:

“§ 13-16 APPEAL PROCEDURE.

“a. Any person who is aggrieved by the action of the Tree Conservation Officer or any other municipal official in the enforcement of the Tree Protection Ordinance may file a written appeal with the Shade Tree Committee. Such appeal shall be made within 10 days of the written decision of the Tree Conservation Officer (or other municipal official). The Shade Tree Committee shall hear the appeal at a public hearing within 30 days after the appeal is filed. Notice of the hearing date shall be given by the applicant to the Building Inspector, Tree Conservation Officer, the Environmental Commission and the owners of all abutting real property as shown on the current tax duplicates located within 200 feet in all directions of the property which is the subject of such hearing. Parties may appear in person or by attorney and [T]he Shade Tree Committee may reverse, affirm, or modify such action of the Tree Conservation Officer, or other municipal official.

~~“b. Any person aggrieved by a decision of the Shade Tree Committee may appeal therefrom by letter to the governing body. Such appeal shall be made within 10 days of the written decision of the Shade Tree Committee. The governing body shall hear the appeal within a period of 30 days from the date of receipt of the letter. Appellant shall give at least 10 written days' notice of the hearing to the owners of all lands within 200 feet of the affected lot or parcel. All interested parties may appear in person or by attorney and shall have an opportunity to be heard. The governing body shall render a decision affirming, reversing or modifying the decision of the Shade Tree Committee or Tree Conservation Officer upon terms and conditions as it shall deem appropriate.~~

“c. Appeals from decisions of the approving authority shall be taken in accordance with the Municipal Land Use Law and the Borough Land Development

Ordinances. ~~Ten copies of the petition of appeal and all supporting plans and documentation must be submitted to the Borough Clerk or the appeal shall be deemed incomplete."~~

Section 2. The latest version of the Housing Code as revised by this ordinance shall be annexed to Borough Code Section 11-2.4, in accordance with the terms of that section

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: _____
Mary Jane Canose, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

**BOROUGH OF BERNARDSVILLE
ORDINANCE NO. 20-1848**

**AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF
THE REAL PROPERTY LOCATED AT 210 NORTH FINLEY AVENUE, BLOCK
175, LOT 25, BERNARDSVILLE, NEW JERSEY NOW OWNED BY ALTOMARE
REALTY INC.**

WHEREAS, the New Jersey Supreme Court, through its rulings in In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Hous., 221 N.J. 1 (2015) (Mount Laurel IV); Hills Dev. Co. v. Twp. of Bernards 103 N.J. 1 (1986) (Mount Laurel III); S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II); . Burlington Cty. NAACP v. Twp. of Mount Laurel, 67 N.J. 151,174 (1975) (Mount Laurel I) (the “Mount Laurel Decisions”), has determined that municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families; and

WHEREAS, the New Jersey State Legislature, in response to the Mount Laurel Decisions, adopted the Fair Housing Act, N.J.S.A. 53:27D-301 *et seq.* to codify the obligation of municipalities to provide a realistic opportunity for housing for low and moderate income families; and

WHEREAS, the Borough recognizes its obligation under the State Constitution, as further set forth in the Mount Laurel Decisions and the Fair Housing Act, to provide a realistic opportunity for housing for low and moderate income individuals and families; and

WHEREAS, on July 6, 2015, the Borough filed a declaratory judgment action, in accordance with Mount Laurel IV, seeking a declaration of its compliance with the Mount Laurel Decisions and the Fair Housing Act (the “Action”); and

WHEREAS, The Fair Share Housing Center (FSHC) intervened in the Action and, with the assistance of a special master, reached a settlement with the Borough (the “Fair Share Settlement”, annexed herein as Exhibit A) which sets forth the manner in which the Borough will ensure the opportunity for housing for low and moderate income families; and

WHEREAS, in accordance with the Fair Share Settlement, the Borough has determined to provide for the construction of affordable housing on certain Borough-owned properties, and to acquire other properties as it deems necessary in order to provide for the construction of affordable housing; and

WHEREAS, in the Fair Share Settlement, the Borough has identified the property located at 210 North Finley Avenue and shown on the tax maps of the Borough of Bernardsville as Block 175, Lot 25 as a site for the development of 20 units of 100% Affordable Senior Rental housing; and

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and

WHEREAS, an appraiser retained by the City, Integra Realty Resources, determined the value of the Property to be \$ 890,000.00 as more fully set forth in the Appraisal entitled “Appraisal of Real Property- 210 North Finley Ave. Bernardsville, Somerset County, New Jersey 07924” dated May 15, 2020, which is attached hereto as Exhibit B and made a part of this Ordinance; and

WHEREAS, the Borough Council wishes to authorize the Mayor and/or her designee to negotiate for the acquisition of the Property in an amount not to exceed the appraised value for the Property, and if negotiated purchase cannot be effectuated, to initiate eminent domain actions to acquire title to the Property under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. so long as all legal prerequisites for eminent domain are satisfied and to thereafter prosecute such eminent domain actions to completion and to arrange for the Borough to satisfy any judgments entered in such eminent domain proceedings.

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

Section 1. The appraisal of the Property prepared by the firm of Integra Realty Resources, LLC on behalf of the Borough is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$ 890,000.00.

Section 2. After the effective date of this Ordinance, the Borough shall reserve the sum of \$750,000 From Bond Ordinance 19-1797 Providing for the Acquisition of Lands for Affordable Housing Purposes in and by the Borough of Bernardsville, And \$140,000 From The Borough Affordable Housing Trust Fund For A Total Of \$890,000.00, and the Chief Financial Officer has certified the availability of funds for the purposes set forth herein.

Section 3. The Mayor and/or her designee are hereby authorized to negotiate for the acquisition by voluntary purchase and, if voluntary purchase cannot be effectuated, to carry out the condemnation of 210 North Finley Avenue and shown on the tax maps of the Borough of Bernardsville as Block 175, Lot 25 (the “Property”) in the amount not to exceed the

appraised value of the Property for the purpose of providing an opportunity for opportunity for housing for low and moderate income individuals and families.

Section 4. The Mayor and/or her designee are hereby authorized to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Property, including but not limited to a written offer for the purchase of the aforementioned property, land sale contracts and deeds for the sale of the Property and Verified Complaints, Declarations of Taking, and any other necessary documents for eminent domain proceedings for the Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

Section 5. In conjunction with said acquisition, the Borough hereby reserves and shall reserve any and all rights it had or may have to recover in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of contamination and/or removal of solid waste that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the Property in the name of the City.

Section 6. In conjunction with said acquisition, the Borough hereby reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the Property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste. The Borough is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the City's ownership.

Section 7. The Mayor, Borough Council, and such other officials, consultants, agents, employees and professionals of the Borough as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

Section 8. A copy of the Ordinance and any agreements authorized herein shall be placed on file with the Borough Clerk's Office.

Section 9. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 10. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage and publication.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

Mary Jane Canose, Mayor

Introduction:

1st Publication:

Public Hearing and Adoption:

2nd Publication:

STATEMENT

This Ordinance authorizes the acquisition by purchase or condemnation of the property located at 210 North Finley Avenue and shown on the tax maps of the Borough of Bernardsville as Block 175, Lot 25 in the amount not to exceed the appraised value of \$ 890,000.00 as of May 15, 2020.

RESOLUTION 20-180

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	3,408.67
04 Escrow	\$	5,992.75
06 Outside Employment	\$	-
10 Current Fund	\$	2,721,829.64
19 Other Trusts	\$	34,570.09
20 Payroll	\$	293,911.63
33 Capital Fund	\$	160,930.78
40 Sewer Utility Fund	\$	47,620.06
55 Sewer Capital	\$	-
70 COAH Trust	\$	6,313.60
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	11,339.00
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
85 Recreation Trust	\$	1,795.93
TOTAL	\$	3,287,712.15

I, Anthony J. Suriano, Borough Clerk of the Borough of Bernardsville, hereby
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 July 13, 2020.

List of Bills - (0110101002000) CASH - MILLINGTON - STATE & FEDERAL STATE & FEDERAL GRANTS

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/08/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
2224	3573 - BEDMINSTER TOWNSHIP POLICE DEPT. 01-G19-0110-0366	PO 106266 DARE SUPPLIES - BEDMINSTER* 2020 MUNICIPAL ALLIANCE - OTHER (19/20)	1,405.50	1,405.50	1,405.50
2225	104 - BERNARDSVILLE PRINT CENTER 01-G19-0110-0361	PO 105877 NJDEP Stormwater Solutions Flyer CLEAN COMMUNITIES (2019) - CHAPTER 159	323.28	323.28	323.28
2226	5235 - CREATIVE PRODUCT SOURCING, INC 01-G19-0110-0366	PO 106250 DARE SUPPLIES 2020 MUNICIPAL ALLIANCE - OTHER (19/20)	1,496.14	1,496.14	1,496.14
2227	4213 - SHERRIE CALISH 01-G19-0110-0366	PO 106249 PROGRAM COORDINATOR SALARY - JUNE 2020* 2020 MUNICIPAL ALLIANCE - OTHER (19/20)	183.75	183.75	183.75
TOTAL					3,408.67
Total to be paid from Fund 01 STATE & FEDERAL GRANTS		3,408.67	=====		
		3,408.67			

List of Bills - (0410101001000) CASH - MILLINGTON - ESCROW ESCROW

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/08/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
2216	6386 - BURGIS ASSOCIATES, INC	PO 106175 BOA Planner contract & application servi		225.00	
	04-280-4004-0103	DISBURSEMENTS - BOA #19-06 - MASTROBATTI	225.00		225.00
2217	1307 - FERRIERO ENGINEERING, INC	PO 106172 Borough Engineer construction inspection		1,330.00	
	04-280-6000-0052	ESCROW - BERNARDSVILLE CENTRE E&I ACCT	70.00		
	04-280-6000-0063	ESCROW-NGC DEVP ENG INSP SCH A,B,C	1,260.00		
		PO 106173 BOA Engineer contract & application serv		3,265.25	
	04-280-4000-0093	ESCROW - ROBERTS #18-01 B50 L1	959.00		
	04-280-4004-0103	DISBURSEMENTS - BOA #19-06 - MASTROBATTI	171.25		
	04-280-4000-0108	ESCROW-DALLAS #19-02 B14 L11.04	245.00		
	04-280-4002-0103	DISBURSEMENTS - GALAWAY & CRANE - 9 CHUR	315.00		
	04-280-4013-0103	DISBURSEMENTS - BOA# 20-01 - NJAW - B5,	1,575.00		
		PO 106226 5/22/20 Inspect drywells/leader drains.		490.00	
	04-280-7000-0053	ESCROW-RYLOCATE HOLDINGS	490.00		
		PO 106227 Review SWM report. O&M Plan*		70.00	
	04-280-7000-0030	ESCROW - 8 STEVENS HOLDINGS LLC	70.00		5,155.25
2218	5632 - VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C	PO 106176 PB Attorney contract & application servi		612.50	
	04-280-5001-0103	DISBURSEMENTS - PB #655 - STIDWORTHY - B	612.50		612.50
TOTAL					5,992.75
Total to be paid from Fund 04 ESCROW			5,992.75		
			=====		
			5,992.75		

List of Bills - (1910101001000) CASH - OTHER TRUSTS OTHER TRUSTS

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
241	5595 - ANIMAL CONTROL SOLUTIONS, LLC 19-285-0500-3001	PO 106253 7/2/20 DISPOSAL OF ANIMAL ON 4/16 RESERVE FOR ANIMAL CONTROL	50.00	50.00	50.00
242	104 - BERNARDSVILLE PRINT CENTER 19-285-0500-8002	PO 106193 20 12 BY 18 PARKING SIGNS STORM RECOVERY TRUST - COVID-19	362.80	362.80	
	19-285-0500-8002	PO 106228 DO YOUR PART STAY SIX FEET APART STORM RECOVERY TRUST - COVID-19	49.90	49.90	412.70
243	547 - HOME DEPOT CREDIT SERVICES 19-285-0500-8002	PO 106286 COVID 19* STORM RECOVERY TRUST - COVID-19	713.80	713.80	713.80
244	6043 - JCP&L 19-285-0500-5001	PO 106240 JCP&L 5//20-6/20/20* RESERVE FOR RAILROAD STATION	5.39	5.39	5.39
245	5816 - MY LOCAL GARDEN 19-285-0500-7001	PO 106164 HOSES, MULCH* RESERVE FOR COMMUNITY GARDEN	120.58	120.58	120.58
246	6714 - PAYBYPHONE TECHNOLOGIES INC 19-285-0500-5001	PO 106036 SERVICE FEES - TRAIN STATION PARKING MET RESERVE FOR RAILROAD STATION	150.00	150.00	
	19-285-0500-5001	PO 106293 SERVICE FEES - TRAIN STATION PARKING MET RESERVE FOR RAILROAD STATION	150.00	150.00	300.00
247	3221 - PETER RUBINETTI PRIVATE DISPOSAL 19-285-0500-5001	PO 105050 2020 Train Station Disposal Service / Re RESERVE FOR RAILROAD STATION	178.66	178.66	178.66
248	895 - PIDGEON AND PIDGEON,P.C. 19-285-0500-5001	PO 106307 JUNE LEGAL SERVICES* RESERVE FOR RAILROAD STATION	39.00	1,072.50	
	19-285-0500-8001	RESERVE FOR STORM RECOVERY	1,033.50		1,072.50
249	6108 - R. MOORE & ASSOC. TREE EXPERTS, LLC 19-285-0500-4001	PO 105751 Watering Shade Tree Route 202 Tree Plant RESERVE FOR SHADE TREES	2,906.00	2,906.00	2,906.00
250	5108 - SERVICEMASTER ABSOLUTE CLEANING LLC 19-285-0500-8002	PO 106007 Borough Hall COVID-19 Contamination Clea STORM RECOVERY TRUST - COVID-19	800.00	800.00	
	19-285-0500-8002	PO 106225 Weekly COVID-19 Disinfecting at Borough STORM RECOVERY TRUST - COVID-19	825.00	825.00	1,625.00
251	6303 - SYNCB/AMAZON 19-285-0500-8002	PO 105995 Breville BOV800XL Smart Oven 1800-Watt C STORM RECOVERY TRUST - COVID-19	269.95	269.95	269.95
252	2186 - TREASURER-STATE OF NEW JERSEY 19-285-0500-2002	PO 106306 2ND QUARTER 2020 CONSTRUCTION DCA FEES* DUE TO STATE - DCA	5,905.00	5,905.00	5,905.00
253	3488 - VERIZON 19-285-0500-5001	PO 106168 INTERNET SERVICE AT TRAIN STATION ACC 75 RESERVE FOR RAILROAD STATION	151.99	151.99	151.99
254	61 - VERIZON 19-285-0500-5001	PO 106270 908-204-3475 347 38Y - TRAIN STATION FI RESERVE FOR RAILROAD STATION	71.19	71.19	71.19
TOTAL					13,782.76
Total to be paid from Fund 19 OTHER TRUSTS			13,782.76		

List of Bills - (1910101001000) CASH - OTHER TRUSTS **OTHER TRUSTS**

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
		13,782.76			

Checks Previously Disbursed

19108	CURRENT ACCOUNT	PO# 106305 TRANSFER OF CONST.FEES JUNE 2020	13,135.00	7/08/2020	
19107	PAYROLL ACCOUNT	PAYROLL - ACCUMULATED ABSENCES - R	7,472.07	6/26/2020	
19106	PAYROLL ACCOUNT	PAYROLL - RAILROAD - 6/26/20	180.26	6/26/2020	

			20,787.33		

Totals by fund	Previous Checks/Voids	Current Payments	Total

Fund 19 OTHER TRUSTS	20,787.33	13,782.76	34,570.09

BILLS LIST TOTALS	20,787.33	13,782.76	34,570.09
			=====

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Disbursements Journal - (20) PAYROLL AGENCY

From 06/25/2020 to 07/31/2020

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
6/26/2020	2001		20603	20-280-5600-0900	ACTION DATA SERVICES-PAYROLL PAYROLL DIRECT DEPOSIT	156,619.79		20-101-0100-2000
6/26/2020	2002		20604	20-280-5600-0850	ACTION DATA SERVICES-PAYROLL NET PAYROLL	746.79		20-101-0100-2000
6/26/2020	2003		20605	20-280-5600-0852	ACTION DATA SERVICES-PAYROLL FEDERAL	24,373.10	79,774.01	20-101-0100-2000
				20-280-5600-0853	FICA SS EE	8,192.85		
				20-280-5600-0854	MEDICARE EE	3,181.47		
				20-280-5600-0855	NJ STATE TAX	8,391.12		
				20-280-5600-0856	EMPLOYEE SUI/SDI	272.44		
				20-280-5600-0858	PA STATE TAX	19.19		
				20-280-5600-0870	PERS	9,219.19		
				20-280-5600-0874	PERS CONTRIBUTORY INSURANCE	573.34		
				20-280-5600-0890	DEFERRED COMP	3,186.86		
				20-280-5600-0898	GARNISHMENTS	548.77		
				20-280-5600-0901	EMPLOYER SS	8,192.85		
				20-280-5600-0902	MED EMPLOYER	3,181.47		
				20-280-5600-0903	EMPLOYER SUI	383.27		
				20-280-5600-0882	DCRP EE CONTRIBUTION - 5%	121.22		
				20-280-5600-0883	DCRP EMPLOYER CONTRIBUTION - 3%	89.26		
				20-280-5600-0871	PERS LOAN	941.84		
				20-280-5600-0877	PFRS	7,878.19		
				20-280-5600-0895	PBA DUES	332.00		
				20-280-5600-0893	DPW DUES	156.00		
				20-280-5600-0905	AFLAC POST TAX	27.89		
				20-280-5600-0906	AFLAC PRE TAX	105.45		
				20-280-5600-0872	PAYABLE PERS BACK DEDUCTIONS	406.24		
6/30/2020	1995		20602	20-285-0500-1001	CURRENT FUND - MILLINGTON TRANSFER INTEREST DUE TO CURRENT	239.47		20-101-0100-2000
7/06/2020	2008		20606	20-280-5600-0870	ACTION DATA SERVICES-PAYROLL PENSION BILL - LIBRARY PORTION - 2NDQTR 202	5,907.92	6,301.80	20-101-0100-2000
				20-280-5600-0874	PENSION BILL - CONT INS - LIBRARY PORTION -	393.88		
7/07/2020	2011	106166		20-280-5600-0904	FSA REIMBURSEMENT	800.00		
		13			KATHLEEN REDLING		800.00	20-101-0100-2000
7/07/2020	2013	106257		20-260-0500-1001	EMPLOYEE MEDICAL FROM PAYROLL (DUE TO CURRE	18,210.68		
				20-260-0500-1003		1,628.26		
		20607			CURRENT ACCOUNT		19,838.94	20-101-0100-2000
7/07/2020	2016	106005		20-260-0500-1001	EMPLOYEE MEDICAL FROM PAYROLL (DUE TO CURRE	27,148.44		
				20-260-0500-1003		2,442.39		
		20608			CURRENT ACCOUNT		29,590.83	20-101-0100-2000

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
20-101-0100-2000	CASH - MILLINGTON - PAYROLL				293,911.63
20-260-0500-1001	PAYABLE - CURRENT - MEDICAL INSURANCE			45,359.12	

Disbursements Journal - (20) PAYROLL AGENCY

From 06/25/2020 to 07/31/2020

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
20-260-0500-1003	PAYABLE - SEWER - MEDICAL INSURANCE				4,070.65
20-280-5600-0850	NET PAYROLL PAYABLE				746.79
20-280-5600-0852	PAYROLL TAXES PAYABLE - FEDERAL				24,373.10
20-280-5600-0853	PAYROLL TAXES PAYABLE - FICA				8,192.85
20-280-5600-0854	PAYROLL TAXES PAYABLE - MEDICARE				3,181.47
20-280-5600-0855	PAYROLL TAXES PAYABLE - NJ STATE TAX				8,391.12
20-280-5600-0856	PAYROLL TAXES PAYABLE - EMPLOYEE SUI /SD				272.44
20-280-5600-0858	PAYROLL TAXES PAYABLE - PA TAX				19.19
20-280-5600-0870	PAYABLE - P.E.R.S.				15,127.11
20-280-5600-0871	PAYABLE - P.E.R.S. LOAN				941.84
20-280-5600-0872	PAYABLE - P.E.R.S. - BACK DEDUCTIONS				406.24
20-280-5600-0874	PAYABLE - P.E.R.S. - CONTRIBUTORY INS.				967.22
20-280-5600-0877	PAYABLE - P.F.R.S.				7,878.19
20-280-5600-0882	DCRP-5.5% (EMPLOYEE CONTRIBUTION)				121.22
20-280-5600-0883	DCRP-3%(EMPLOYER CONTRIBUTION)				89.26
20-280-5600-0890	PAYABLE - DEFERRED COMPENSATION PLAN				3,186.86
20-280-5600-0893	PAYABLE - DPW UNION DUES				156.00
20-280-5600-0895	PAYABLE - PBA DUES				332.00
20-280-5600-0898	PAYABLE-GARNISHMENT				548.77
20-280-5600-0900	PAYABLE - DIRECT DEPOSIT				156,619.79
20-280-5600-0901	PAYROLL TAXES PAYABLE - EMPLOYER S.S				8,192.85
20-280-5600-0902	PAYROLL TAXES PAYABL MED				3,181.47
20-280-5600-0903	PAYROLL TAXES PAYABLE - EMPLOYER SUI				383.27
20-280-5600-0904	PAYABLE - FSA				800.00
20-280-5600-0905	AFLAC POST TAX				27.89
20-280-5600-0906	AFLAC PRE TAX				105.45
20-285-0500-1001	DUE TO CURRENT - INTEREST				239.47

TOTALS (FOR RANGE):

293,911.63 293,911.63

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List of Bills - (3310101004000) CASH - MILLINGTON - CAPITAL CAPITAL FUND

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/08/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
5539	6913 - ADG CONTRACTING CORP	PO 106288 Hull/Lindabury Drainage, Curbing and Roa		140,229.67	
	33-215-2907-1002	2019-1827 - UNFUNDED - VARIOUS ROADS	140,229.67		140,229.67
5540	239 - BERNARDS TOWNSHIP	PO 106261 Traffic Control Hull/Lindabury work alon		1,002.00	
	33-215-2907-1002	2019-1827 - UNFUNDED - VARIOUS ROADS	1,002.00		1,002.00
5541	6386 - BURGIS ASSOCIATES, INC	PO 106204 John Szabo, work on 210 N. Finley Ave.		225.00	
	33-215-2902-1003	BOND ORD 19-1797 - COAH LAND - SOFT COST	225.00		225.00
5542	6887 - DOODYCALLS	PO 106170 Dog Waste Stations for Ballfields		698.02	
	33-215-2910-1000	O/S ORD#2020-1840 - SANITIZER STATIONS	698.02		698.02
5543	533 - HAWKINS, DELAFIELD, & WOOD,LLP	PO 106183 PROFESSIONAL SERVICES FOR APRIL 23, 2020		13,339.74	
	33-215-2800-1036	18-1760 - ADMIN - VARIOUS CAP- UNFUNDED	3,021.39		
	33-215-2902-1003	BOND ORD 19-1797 - COAH LAND - SOFT COST	2,395.08		
	33-215-2906-1003	2019-1816 - SOFT COSTS - 271 MINE BROOK	4,634.37		
	33-215-2907-1003	2019-1827 - SOFT COSTS - VARIOUS ROADS	2,690.92		
	33-215-2912-1008	2020-1837 - GENERAL IMP/EQUIPMENT	597.98		13,339.74
5544	124 - JAEGER LUMBER	PO 106178 4x4x10 Posts for Sanitizer Stations		163.92	
	33-215-2910-1000	O/S ORD#2020-1840 - SANITIZER STATIONS	163.92		163.92
5545	6830 - MARAZITI FALCON, LLP	PO 106190 PROFESSIONAL SERVICES CONTRACT - PURCHAS		245.55	
	33-215-2902-1003	BOND ORD 19-1797 - COAH LAND - SOFT COST	245.55		245.55
5546	6809 - NEW JERSEY SIDING & WINDOWS, INC	PO 105239 3 REPLACEMENT WINDOWS FOR POLICE DEPARTM		1,377.78	
	33-215-2800-1036	18-1760 - ADMIN - VARIOUS CAP- UNFUNDED	1,377.78		1,377.78
5547	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS,	PO 106278 Reseed Woodland Road and Stevens Street		1,301.28	
	33-215-1400-1002	Ord. 15-1691Improvements VariousRoads	1,301.28		1,301.28
5548	31 - RECORDER PUBLISHING CO	PO 106169 Notice to Bidders Whitenack Rd		89.57	
	33-215-2903-1000	CAP ORD 19-1801 - WHITENACK ROAD	89.57		89.57
5549	196 - SOMERSET COUNTY, TREASURER	PO 106285 Traffic Control Hull/Lindabury Project J		863.10	
	33-215-2907-1003	2019-1827 - SOFT COSTS - VARIOUS ROADS	863.10		863.10
5550	6303 - SYNCB/AMAZON	PO 106177 HP LaserJet Pro 500 color MFP M570dn (CZ		739.00	
	33-215-2912-1008	2020-1837 - GENERAL IMP/EQUIPMENT	739.00		
		PO 106192 Sanitizer and Pump Dispenser		618.65	
	33-215-2910-1000	O/S ORD#2020-1840 - SANITIZER STATIONS	618.65		1,357.65
5551	6525 - TOPOLOGY NJ LLC	PO 104421 PLANNING SERVICES - QUIMBY LANE PHASE 1		37.50	
	33-219-0803-1000	RESERVE - QUIMBY LN PROFESSIONAL PLANNER	37.50		37.50
TOTAL					160,930.78
Total to be paid from Fund 33 CAPITAL FUND			160,930.78		
			=====		
			160,930.78		

List of Bills - (4010101002000) CASH - MILLINGTON - SEWER UTILITY SEWER UTILITY FUND

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/08/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
9263	4333 - BERNARDSVILLE HARDWARE 40-C00-0101-0205 SEWER - GENERAL EXPENSES	PO 106294 JUNE 2020*	92.47	92.47	92.47
9264	485 - CAMPBELL FOUNDRY COMPANY 40-C00-0101-0207 SEWER - EQUIP. PARTS & SUPPLY	PO 106139 Sewer Manhole Frames and Grates: Morris	2,072.00	2,072.00	2,072.00
9265	386 - DELTA DENTAL OF NEW JERSEY, INC 40-C00-0101-0230 SEWER - GROUP INSURANCE	PO 106256 7/1-7/30/20 DENTAL BENEFITS PAYMENT INV	241.41	241.41	241.41
9266	6045 - DEMAJO ELECTRICAL COMPANY, INC 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 106236 SBR Blower Room Exhaust Fan Repair	300.00	300.00	300.00
9267	5570 - EMR POWER SYSTEMS, LLC 40-C00-0101-0214 SEWER - PUMP STATION MAINT.	PO 106237 Quarterly Generator Service 6/8/2020	735.00	735.00	735.00
9268	2253 - EUROFINIS QC, INC 40-C00-0101-0215 SEWER - TESTING	PO 106245 Lab Services 5/20/20 - 6/18/20	1,137.28	1,137.28	1,137.28
9269	57 - NJ AMERICAN WATER CO. 40-C00-0101-0229 SEWER - WATER BILLS	PO 106216 NJ AMERICAN WATER - 5/9/20-6/8/20*	4,368.23	4,368.23	4,368.23
9270	57 - NJ AMERICAN WATER CO. 40-C00-0101-0229 SEWER - WATER BILLS	PO 106232 NJ AMERICAN WATER - 4/3/20-5/4/20*	19.21	19.21	19.21
9271	3221 - PETER RUBINETTI PRIVATE DISPOSAL 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 106187 July 2020 Service	411.83	411.83	411.83
9272	1994 - RUSSELL REID 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 106132 May 2020 Service	2,496.00	2,496.00	2,496.00
9273	4434 - TOM SHADDOO 40-A00-0101-0202 (2019) SEWER - DUES & SUBSC.	PO 106135 Yearly Membership	117.00	117.00	117.00
9274	183 - TOWNSHIP OF PARSIPPANY-TROY HILLS 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 106235 May 2020 Service	1,799.00	1,799.00	1,799.00
9275	3431 - TREASURER-STATE OF NEW JERSEY 40-A00-0101-0217 (2019) SEWER - STATE FEES	PO 106217 Bernardsville STP Annual NJPDES Permit F	4,506.72	4,506.72	4,506.72
TOTAL					18,296.15
Total to be paid from Fund 40 SEWER UTILITY FUND		18,296.15			
		18,296.15			

Checks Previously Disbursed

40318	CURRENT ACCOUNT	PO# 106006 REIMBURSE JUNE 2020 HB TO CURRENT	4,907.46	7/07/2020
40317	CURRENT ACCOUNT	PO# 106258 REIMBURSE JULY 2020 HB TO CURRENT	4,907.46	7/07/2020
40316	PAYROLL ACCOUNT	PAYROLL - SEWER 6/26/20	19,508.99	6/26/2020

**List of Bills - (4010101002000) CASH - MILLINGTON - SEWER UTILITY
SEWER UTILITY FUND**

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/08/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
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29,323.91

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 40 SEWER UTILITY FUND	29,323.91	18,296.15	47,620.06
BILLS LIST TOTALS	29,323.91	18,296.15	47,620.06

**List of Bills - (7010101002000) CASH - MILLINGTON - COAH
COAH TRUST**

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/08/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
2094	5366 - CGP&H, LLC 70-286-5685-4013	COAH - ADMINISTRATIVE COSTS	PO 106219 ADMINISTRATIVE AGENT&PLANNING SERVICES-A	1,388.10	1,388.10
2095	6909 - INTEGRA REALTY RESOURCES - NNJ 70-286-5685-4013	COAH - ADMINISTRATIVE COSTS	PO 106260 APPRAISAL - 210 N FINLEY AVE - AFFORDABL	2,800.00	2,800.00
2096	895 - PIDGEON AND PIDGEON,P.C. 70-286-5685-4013	COAH - ADMINISTRATIVE COSTS	PO 106307 JUNE LEGAL SERVICES*	2,125.50	2,125.50
TOTAL					----- 6,313.60
Total to be paid from Fund 70 COAH TRUST			6,313.60 =====		
			6,313.60		

List of Bills - (7210101002000) CASH - MILLINGTON - OPEN SPACE TRUST OPEN SPACE TRUST

Meeting Date: 07/13/2020 For bills from 06/23/2020 to 07/08/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
2089	6825 - BRANDSTETTER CAROL, INC	PO 105443 PROFFESIONAL SERVICES - PARK, RECREATION		4,500.00	
	72-286-5685-3075	ORD 2019-1812 - VARIOUS IMPROVEMENTS	4,500.00		4,500.00
2090	6824 - GZA GEOENVIRONMENTAL, INC	PO 105444 Explore/Estimate/Perform/Discuss constru		6,800.00	
	72-286-5685-3074	ORD 2019-1799 - REMEDIATION OF DAM	6,800.00		6,800.00
2091	895 - PIDGEON AND PIDGEON,P.C.	PO 106307 JUNE LEGAL SERVICES*		39.00	
	72-286-5685-3001	RESERVE FOR OPEN SPACE	39.00		39.00
TOTAL					11,339.00
Total to be paid from Fund 72 OPEN SPACE TRUST			11,339.00		
			=====		
			11,339.00		

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Boro of Bernardsville

Disbursements Journal - (85) RECREATION TRUST

From 07/01/2020 to 07/08/2020

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
7/02/2020	2017		85141		GATEWAY		20.00	85-101-0100-2000
				85-286-5685-2001	CREDIT CARD FEES - JULY 2020	20.00		
7/02/2020	2018		85142		CAPTUREPOINT		1,775.93	85-101-0100-2000
				85-286-5685-2001	CREDIT CARD FEES - JULY 2020	1,775.93		

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
85-101-0100-2000	CASH - MILLINGTON - RECREATION TRUST				1,795.93
85-286-5685-2001	RECREATION TRUST - CONVENIENCE FEES			1,795.93	
TOTALS (FOR RANGE):				1,795.93	1,795.93
		=====	=====	=====	=====

List of Bills - (1010101006000) CASH - MILLINGTON - CURRENT FUND CURRENT FUND

Meeting Date: 07/13/2020 For bills from 06/10/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
50317	6311 - ACTION DATA SERVICES 10-C00-0110-0200 FINANCE DEPT - OE	PO 106212 PAYROLL INVOICE PERIOD END DATE 6/6/20*	492.97	492.97	492.97
50318	6311 - ACTION DATA SERVICES 10-C00-0110-0200 FINANCE DEPT - OE	PO 106271 PAYROLL INVOICE PERIOD END DATE 6/20/20*	438.13	438.13	438.13
50319	6438 - ALEXANDRA RASMUSSEN 10-190-CY00-0 REVENUE CONTROL	PO 106282 REFUND - POOL MEMBERSHIP	345.00	345.00	345.00
50320	1806 - ALLIED OIL LLC (CORP) 10-C00-0315-0200 GASOLINE	PO 106129 GASOLINE - JUNE 2020 (ESTIMATE)	2,212.63	2,212.63	2,212.63
50321	4500 - AMERICAN BRICKWORK & CONCRETE, INC 10-A00-0271-0200 (2019) SWIM POOL - OE	PO 104921 repair of baby pool tiles and concrete	4,500.00	4,500.00	4,500.00
50322	6063 - AMERICAN WEAR, INC 10-C00-0145-0200 BUILD. & GROUNDS - OE 10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105013 2020 Cleaning Walkoff Rugs and Uniforms	342.22 44.00	386.22	386.22
50323	3477 - AMERIGAS PROPANE LP 10-C00-0271-0200 SWIM POOL - OE	PO 106222 Snack Bar	88.93	88.93	88.93
50324	6910 - ANGELICA OLIVEIRA 10-190-CY00-0 REVENUE CONTROL	PO 106283 REFUND - OUTDOOR ADULT WORKOUTS (REGISTE	20.00	20.00	20.00
50325	5595 - ANIMAL CONTROL SOLUTIONS, LLC 10-C00-0260-0200 ANIMAL CONTROL - OE	PO 104964 24 HOUR ANIMAL CONTROL COVERAGE - 2020	1,500.00	1,500.00	1,500.00
50326	4351 - APRUZZESE, McDERMOTT, MASTRO&MURPHY 10-C00-0101-0200 HUMAN RESOURCES - OE	PO 106215 MAY 2020 GENERAL LABOR SERVICES - ACCT#1	5,186.50	5,186.50	5,186.50
50327	4214 - ATLANTIC TACTICAL OF NJ 10-A00-0195-0200 (2019) POLICE - OE 10-A00-0195-0200 (2019) POLICE - OE 10-A00-0195-0200 (2019) POLICE - OE 10-A00-0195-0200 (2019) POLICE - OE 10-C00-0195-0200 POLICE - OE	PO 102323 Officer Uniforms PO 102950 Replacement and additional duty holsters PO 104576 Holsters for Sig Sauer 9MM handguns PO 104947 Firearms supplies and cleaning kits PO 105670 SAFARILAND P320 HOLSTERS	185.47 74.40 78.75 229.44 1.64	185.47 74.40 78.75 229.44 1.64	569.70
50328	5894 - BARNWELL HOUSE OF TIRES 10-C00-0220-0200 STREETS & ROADS - OE	PO 106224 TIRES	540.72	540.72	540.72
50329	4333 - BERNARDSVILLE HARDWARE 10-C00-0220-0200 STREETS & ROADS - OE 10-C00-0145-0200 BUILD. & GROUNDS - OE 10-C00-0272-0200 RECREATION - OE	PO 106294 JUNE 2020*	313.77 602.77 5.98	922.52	922.52
50330	104 - BERNARDSVILLE PRINT CENTER 10-C00-0165-0200 ENVIRON. COMM. - OE 10-C00-0272-0200 RECREATION - OE	PO 105975 ENV COMM FLYERS PO 106113 REC SIGNS PO 106275 11x17 20# Bond	298.78 17.40 10.60	298.78 17.40 10.60	

List of Bills - (1010101006000) CASH - MILLINGTON - CURRENT FUND

CURRENT FUND

Meeting Date: 07/13/2020 For bills from 06/10/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
10-C00-0272-0200	RECREATION - OE		10.60		
		PO 106276 Laminating		20.00	
10-C00-0271-0200	SWIM POOL - OE		20.00		346.78
50331	5668 - BEYER FORD LLC	PO 104694 OPEN PURCHASE ORDER FOR POLICE VEHICLE P		17.63	
10-A00-0246-0200	(2019) VEHICLE MAINT. -OE		17.63		17.63
50332	5243 - BOOTH WALTZ ENTERPRISES,INC	PO 105824 OIL		526.00	
10-C00-0246-0200	VEHICLE MAINT. -OE		526.00		526.00
50333	6905 - CAITLYNN DUNNE	PO 106201 REFUND OF 2020 PARKING DECAL 6/1-12/31 -		177.92	
10-190-CY00-0	REVENUE CONTROL		177.92		177.92
50334	5550 - CEUNION	PO 106194 Seminar for RMC CEU's for Anthony Surian		95.00	
10-C00-0102-0200	MUNICIPAL CLERK - OE		95.00		
		PO 106297 Seminar for RMC CEU's for Anthony Surian		245.00	
10-C00-0102-0200	MUNICIPAL CLERK - OE		245.00		340.00
50335	4239 - COMCAST	PO 106213 XFINITY TV & INTERNET - ACCT# 849905289		203.40	
10-C00-0305-0200	TELEPHONE		203.40		203.40
50336	4239 - COMCAST	PO 106242 XFINITY TV & INTERNET - ACCT#84990528900		24.00	
10-C00-0305-0200	TELEPHONE		24.00		24.00
50337	4239 - COMCAST	PO 106243 XFINITY TV & INTERNET - ACCT#84990528900		44.31	
10-C00-0100-0200	ADMIN. & EXEC. OE		44.31		44.31
50338	4239 - COMCAST	PO 106244 XFINITY ACCOUNT 8499052890036488 - 6/18/		29.56	
10-C00-0100-0200	ADMIN. & EXEC. OE		29.56		29.56
50339	4827 - D'ONOFRIO & SONS INC	PO 105560 2020 Recreation Grass Cutting and Lawn M		2,880.00	
10-C00-0145-0200	BUILD. & GROUNDS - OE		2,880.00		2,880.00
50340	386 - DELTA DENTAL OF NEW JERSEY, INC	PO 106256 7/1-7/30/20 DENTAL BENEFITS PAYMENT INV		1,745.15	
10-C00-0175-0200	GROUP INSURANCE - OE		1,745.15		1,745.15
50341	3070 - DUBLIN MAINTENANCE CONTRACTORS,INC	PO 105006 2020 Cleaning Suite 103 Construction Off		1,625.00	
10-C00-0145-0200	BUILD. & GROUNDS - OE		1,625.00		1,625.00
50342	3070 - DUBLIN MAINTENANCE CONTRACTORS,INC	PO 105007 2020 Cleaning Library Lower Level Common		500.00	
10-C00-0145-0200	BUILD. & GROUNDS - OE		500.00		500.00
50343	6903 - EMMA HORSFIELD	PO 106181 REFUND - POOL MEMBERSHIP DUE TO PRORATED		80.00	
10-190-CY00-0	REVENUE CONTROL		80.00		80.00
50344	5570 - EMR POWER SYSTEMS,LLC	PO 106218 Borough Hall Generator Service Check		105.00	
10-C00-0145-0200	BUILD. & GROUNDS - OE		105.00		105.00
50345	1307 - FERRIERO ENGINEERING,INC	PO 106174 PB Engineer contract & application servi		70.00	
10-C00-0150-0200	PLANNING BOARD - OE		70.00		70.00

List of Bills - (1010101006000) CASH - MILLINGTON - CURRENT FUND CURRENT FUND

Meeting Date: 07/13/2020 For bills from 06/10/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
50346	2487 - FLAGSHIP HEALTH SYSTEMS INC 10-C00-0175-0200 GROUP INSURANCE - OE	PO 106252 JULY 2020 DENTAL BENEFITS PAYMENT - FLAG	127.95	127.95	127.95
50347	2933 - GLENN MILLER ELECTRICAL CONTRACTING 10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 106273 Troubleshoot Police Conference Room Swit	173.55	173.55	173.55
50348	5718 - GOOGLE INC 10-C00-0100-0200 ADMIN. & EXEC. OE 10-C00-0195-0200 POLICE - OE	PO 106254 GOOGLE APPS - E-MAIL SERVICE - JUNE 2020	427.20 106.80	534.00	534.00
50349	185 - GRAINGER 10-C00-0220-0200 STREETS & ROADS - OE	PO 105559 TOOLS AND SUPPLIES	252.98	252.98	252.98
50350	1636 - HIGHVIEW GARAGE 10-A00-0246-0200 (2019) VEHICLE MAINT. -OE	PO 104283 VEHICLE REPAIR	176.91	176.91	176.91
50351	547 - HOME DEPOT CREDIT SERVICES 10-C00-0271-0200 SWIM POOL - OE	PO 106287 CAULK/CONCRETE	163.78	163.78	163.78
50352	6911 - JAMES HUNZIKER 10-190-CY00-0 REVENUE CONTROL	PO 106284 REFUND - SWIM TEAM (REGISTERED TWICE)	90.00	90.00	90.00
50353	87 - JCP&L 10-C00-0310-0200 ELECTRICITY 10-C00-0225-0200 STREET LIGHTING - OE	PO 106233 JCP&L 5/18-6/17/20*	2,455.23 2,198.46	4,653.69	4,653.69
50354	87 - JCP&L 10-C00-0310-0200 ELECTRICITY	PO 106239 JCP&L 5/22-6/20/20*	638.35	638.35	638.35
50355	6247 - JOY AUTO PARTS 10-A00-0246-0200 (2019) VEHICLE MAINT. -OE	PO 103346 PARTS	184.21	184.21	184.21
50356	2731 - KEVIN VALENTINE/PETTY CASH 10-C00-0195-0200 POLICE - OE	PO 106202 REPLENISH PETTY CASH	244.82	244.82	244.82
50357	6421 - LAURA HARTNETT 10-190-CY00-0 REVENUE CONTROL	PO 106180 REFUND - SWIM TEAM	180.00	180.00	180.00
50358	4407 - LEXISNEXIS RISK SOLUTIONS 10-C00-0195-0200 POLICE - OE	PO 105179 OPEN MONTHY ACCURINT SERVICE 11/19 - 12/	150.00	150.00	150.00
50359	1972 - LIN-GATE EQUIPMENT INC 10-A00-0220-0200 (2019) STREETS & ROADS - OE	PO 104706 SUPPLIES	25.64	25.64	25.64
50360	6388 - LTI, INC 10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105561 2020 Borough Grass Cutting and Lawn Main	2,580.00	2,580.00	2,580.00
50361	4349 - MAPLECREST FORD 10-C00-0246-0200 VEHICLE MAINT. -OE	PO 105514 PARTS	491.16	491.16	491.16
50362	6799 - MARCO TECHNOLOGIES	PO 106186 2020 SERVICE CONTRACT #006433-03 - COPY		173.40	

List of Bills - (1010101006000) CASH - MILLINGTON - CURRENT FUND

CURRENT FUND

Meeting Date: 07/13/2020 For bills from 06/10/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
	10-C00-0112-0200	TECH.INF.SYSTEM-OE	122.20		
	10-C00-0100-0200	ADMIN. & EXEC. OE	51.20		173.40
50363	4188 - MATTHEW BENDER & CO. INC	PO 106062 NJ CRIMINAL JUSTICE CODE 2020 LOOSELEAF		204.70	
	10-C00-0195-0200	POLICE - OE	204.70		204.70
50364	322 - MGL FORMS PRINTING SOLUTIONS,LLC	PO 106106 ENVELOPES		343.00	
	10-C00-0100-0200	ADMIN. & EXEC. OE	343.00		343.00
50365	5653 - MIRACLE CHEMICAL CO	PO 106206 Chemicals Pool		917.50	
	10-C00-0271-0200	SWIM POOL - OE	917.50		917.50
50366	98 - MJ NEILL, INC	PO 106269 DIESEL USAGE - JUNE 2020*		847.64	
	10-C00-0315-0200	GASOLINE	801.11		
	10-A00-0315-0200	(2019) GASOLINE	46.53		847.64
50367	6728 - NAPA OF CHESTER, INC	PO 104764 PARTS & SUPPLIES		15.43	
	10-A00-0246-0200	(2019) VEHICLE MAINT. -OE	15.43		15.43
50368	6809 - NEW JERSEY SIDING & WINDOWS, INC	PO 105239 3 REPLACEMENT WINDOWS FOR POLICE DEPARTM		1,310.22	
	10-C00-0145-0200	BUILD. & GROUNDS - OE	1,310.22		1,310.22
50369	57 - NJ AMERICAN WATER CO.	PO 106216 NJ AMERICAN WATER - 5/9/20-6/8/20*		770.86	
	10-C00-0145-0200	BUILD. & GROUNDS - OE	770.86		770.86
50370	57 - NJ AMERICAN WATER CO.	PO 106231 NJ American Water 5/9-6/8/20*		48.00	
	10-C00-0145-0200	BUILD. & GROUNDS - OE	48.00		48.00
50371	57 - NJ AMERICAN WATER CO.	PO 106295 NJ American Water 4/30-5/28/20*		7,084.00	
	10-C00-0145-0200	BUILD. & GROUNDS - OE	7,084.00		7,084.00
50372	4963 - PAYPHONE OPERATIONS INC	PO 104972 2020 CHARGES FOR PAYPHONE #917-406-1614		150.00	
	10-C00-0305-0200	TELEPHONE	150.00		150.00
50373	3221 - PETER RUBINETTI PRIVATE DISPOSAL	PO 105011 2020 Solid Waste Removal Library (2) and		1,075.84	
	10-C00-0145-0200	BUILD. & GROUNDS - OE	1,075.84		
		PO 106229 Disposal Service July		247.32	
	10-C00-0271-0200	SWIM POOL - OE	247.32		1,323.16
50374	895 - PIDGEON AND PIDGEON,P.C.	PO 106307 JUNE LEGAL SERVICES*		7,810.40	
	10-C00-0135-0200	LEGAL SERVICES - OE	7,810.40		7,810.40
50375	5503 - PROFESSIONAL CLIMATE CONTROL	PO 105374 2020 HVAC Maintenance of Library Rooftop		8,986.91	
	10-C00-0145-0200	BUILD. & GROUNDS - OE	8,986.91		8,986.91
50376	4435 - PROFESSIONAL GOVERNMENT EDUCATORS	PO 105327 WEBINAR - LONG TERM CAPITAL/BUDGETING -		95.00	
	10-C00-0120-0200	TAX COLLECTOR - OE	95.00		95.00
50377	6042 - PSE&G	PO 106304 5/27-6/24/20*		57.22	
	10-C00-0320-0200	GAS	57.22		57.22

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Meeting Date: 07/13/2020 For bills from 06/10/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
50378	6829 - QUADIENT, INC	PO 106214 LEASE PAYMENT - BOROUGH HALL METER - LEA		593.16	
	10-C00-0100-0200 ADMIN. & EXEC. OE		593.16		593.16
50379	6849 - R & R CONSTRUCTION, INC	PO 105807 Repair Track on Cat 953C Loader		3,292.43	
	10-C00-0246-0200 VEHICLE MAINT. -OE		3,292.43		
		PO 105968 Emergency Repair to John Deere 444H Wheel		5,817.21	
	10-C00-0220-0200 STREETS & ROADS - OE		3,385.00		
	10-C00-0246-0200 VEHICLE MAINT. -OE		2,432.21		9,109.64
50380	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS,	PO 105588 Borough Hall Landscape Bed Maintenance		1,245.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		1,245.00		1,245.00
50381	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS,	PO 105860 Weed and Mulch Front Beds - 271 Mine Bro		2,210.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		2,210.00		2,210.00
50382	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS,	PO 105861 Weekly Lawn Maintenance (May-June) - 271		2,425.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		2,425.00		2,425.00
50383	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS,	PO 106277 Weedwack Knotweed at Claremont Field		450.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		450.00		450.00
50384	1042 - READY REFRESH	PO 105010 2020 Bottled Water Borough Hall and Suit		248.03	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		243.04		
	10-C00-0145-0200 BUILD. & GROUNDS - OE		4.99		248.03
50385	31 - RECORDER PUBLISHING CO	PO 106197 Publications in Bernardsville News 6/11/		77.01	
	10-C00-0102-0200 MUNICIPAL CLERK - OE		77.01		
		PO 106199 Publication in Bernardsville News 6/4/20		42.84	
	10-C00-0150-0200 PLANNING BOARD - OE		21.93		
	10-C00-0155-0200 BOARD OF ADJ. - OE		20.91		
		PO 106230 LEGAL NOTICE 6/18/20		81.60	
	10-C00-0102-0200 MUNICIPAL CLERK - OE		81.60		201.45
50386	5864 - REILLY SWEEPING, INC	PO 105940 Downtown + Street Sweeping - June - Aug		1,529.00	
	10-C00-0220-0200 STREETS & ROADS - OE		1,529.00		1,529.00
50387	3499 - RICHIE'S TIRE SERVICE INC	PO 105389 TIRE SERVICE		151.90	
	10-C00-0246-0200 VEHICLE MAINT. -OE		151.90		151.90
50388	5500 - RICOH USA, INC	PO 105430 OPEN P.O. FOR MAINTENANCE / TONER / EXTR		186.65	
	10-C00-0195-0200 POLICE - OE		186.65		186.65
50389	6786 - RUTGERS, THE STATE UNIVERSITY OF NJ	PO 104825 GREEN INFRASTRUCTURE DESIGN & IMPLEMENTA		1,113.00	
	10-A00-0165-0200 (2019) ENVIRON. COMM. - OE		1,113.00		1,113.00
50390	6190 - SEAL MASTER PRODUCTS AND SERVICES	PO 105211 Crack Sealing Equipment Rental - 1 Week		340.00	
	10-C00-0220-0200 STREETS & ROADS - OE		340.00		340.00
50391	5108 - SERVICEMASTER ABSOLUTE CLEANING LLC	PO 105008 2020 Cleaning Borough Hall		1,367.87	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		1,367.87		1,367.87
50392	123 - SOMERSET GRAIN & FEED	PO 106274 Hay Straw for Reseeding After Water Main		12.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		12.00		12.00

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Meeting Date: 07/13/2020 For bills from 06/10/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
50393	4914 - SOMERSET HILLS REFRIGERATION 10-C00-0271-0200 SWIM POOL - OE	PO 106182 Snack Bar Refrigerator fluids	190.00	190.00	190.00
50394	3325 - SOUTH JERSEY ENERGY 10-C00-0310-0200 ELECTRICITY	PO 106221 ELECTRIC COMMODITY 5/22-6/19/20*	18.36	18.36	18.36
50395	3672 - ST. NICK POOL MANAGEMENT, INC. 10-C00-0271-0200 SWIM POOL - OE	PO 106131 POOL OPENING	6,950.00	6,950.00	
	10-C00-0271-0200 SWIM POOL - OE	PO 106262 6" flow meter installed in a preexisting	300.00	300.00	7,250.00
50396	1805 - STATE OF NJ/DEPT. OF LABOR 10-C00-0100-0200 ADMIN. & EXEC. OE	PO 106290 QTRLY REPORT OR REIMBURSEMENT CHARGE PER	19.59	19.59	19.59
50397	2249 - STATEWIDE STRIPING CORP. 10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 106188 Stripe Swim Pool Parking Lot	1,020.00	1,020.00	1,020.00
50398	6303 - SYNCB/AMAZON 10-C00-0100-0200 ADMIN. & EXEC. OE	PO 106136 PRINTER	168.99	168.99	
	10-C00-0271-0200 SWIM POOL - OE	PO 106144 5 Handheld Thermometers	284.50	284.50	
	10-C00-0100-0200 ADMIN. & EXEC. OE	PO 106265 INK	141.96	141.96	595.45
50399	6845 - TCTANJ 10-C00-0120-0200 TAX COLLECTOR - OE	PO 105743 WEBINAR CONFERENCE - JUNE 16TH & 17TH -	200.00	200.00	200.00
50400	1552 - TOWNSHIP OF BEDMINISTER 10-C00-0357-0200 Municipal Court Shared Service	PO 106251 SHARED SERVICES - MUNICIPAL COURT - JANU	23,680.53	23,680.53	23,680.53
50401	3431 - TREASURER-STATE OF NEW JERSEY 10-C00-0220-0200 STREETS & ROADS - OE	PO 106238 Annual NJDEP Stormwater Discharge Genera	2,000.00	2,000.00	2,000.00
50402	5802 - TRUGREEN 10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105118 2020 (organic) Thomas Peters Park& Ball	157.00	157.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105123 2020 (organic) Pool Complex and Skate Pa	98.00	98.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105124 2020 (organic) Polo Grounds- Baseball/ S	370.00	370.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105125 2020 Kiwanis Baseball Fields-Playing Are	264.00	264.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105126 2020 Claremont Park Lawn Maintenance	143.00	143.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105128 2020 Rosebowl Field Lawn Maintenance	143.00	143.00	
	10-C00-0145-0200 BUILD. & GROUNDS - OE	PO 105159 2020 (organic) Evankow Soccer Upper & Lo	499.50	499.50	1,674.50
50403	5632 - VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C 10-C00-0150-0200 PLANNING BOARD - OE	PO 106176 PB Attorney contract & application servi	1,575.00	1,575.00	1,575.00
50404	61 - VERIZON 10-C00-0305-0200 TELEPHONE	PO 106167 TELEPHONE BILLS 6/13-7/12/20*	170.35	170.35	170.35

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Meeting Date: 07/13/2020 For bills from 06/10/2020 to 07/09/2020

Check#	Vendor	Description	Account	PO Payment	Check Total
50405	61 - VERIZON	PO 106210 TELEPHONE BILLS JUNE 20- JULY 19, 2020*		2,197.67	
	10-C00-0305-0200 TELEPHONE		2,197.67		2,197.67
50406	3488 - VERIZON	PO 106211 FIOS - ACCT# 554-658-975-0001-21 -6/21-7		179.00	
	10-C00-0305-0200 TELEPHONE		179.00		179.00
50407	61 - VERIZON	PO 106241 FAX LINE - SUITE 103 - ACCOUNT 908 766-1		41.84	
	10-C00-0305-0200 TELEPHONE		41.84		41.84
50408	868 - VIKING PEST CONTROL	PO 105028 2020 Annual Pest Control @ Borough Hall		138.44	
	10-C00-0145-0200 BUILD. & GROUNDS - OE		138.44		138.44
50409	5318 - W.B.MASON CO, INC	PO 105566 SUPPLIES - S101626880		49.92	
	10-C00-0100-0200 ADMIN. & EXEC. OE		49.92		
		PO 106165 SUPPLIES - S104710124		18.48	
	10-C00-0100-0200 ADMIN. & EXEC. OE		18.48		
		PO 106203 OFFICE SUPPLIES - S104825585		66.73	
	10-C00-0115-0200 TAX ASSESSOR - OE		29.17		
	10-C00-0102-0200 MUNICIPAL CLERK - OE		26.36		
	10-C00-0120-0200 TAX COLLECTOR - OE		11.20		135.13
TOTAL					128,991.11
Total to be paid from Fund 10 CURRENT FUND		128,991.11			
		=====			
		128,991.11			

Checks Previously Disbursed

10655	STATE OF NJ PENSIONS & BENEFITS	PO# 106289 HEALTH BENEFITS JULY 2020*	89,622.58	7/08/2020
10654	SYNCB/AMAZON	PO# 104732 MONITORS	275.00	7/08/2020
10653	SPHERE COMMERCE	PARKING METER FEES - JULY 2020	63.47	7/02/2020
50233	AMY HENDERSHOT	PO# 106157 REFUND - POOL MEMBERSHIP DUE TO P	80.00	6/22/2020
50224	QUADIENT FINANCE USA, INC	PO# 106092 POSTAGE FOR BOROUGH HALL METER -	1,000.00	6/12/2020
10649	SOMERSET HILLS BOARD OF ED.	JUNE SCHOOL TAX	2,216,409.34	6/10/2020
50223	PIDGEON AND PIDGEON,P.C.	PO# 106056 MAY LEGAL SERVICES*	7,388.50	6/10/2020
10648	STATE OF NJ PENSIONS & BENEFITS	PO# 106002 HEALTH BENEFITS JUNE 2020*	89,384.06	6/15/2020
10647	PAYROLL ACCOUNT	PO# 105997 5/29/20 PAYROLL*	188,557.48	6/01/2020
10646	SPHERE COMMERCE	PARKING METER FEES - JUNE 2020	58.10	6/02/2020

			2,592,838.53	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 10 CURRENT FUND	2,592,838.53	128,991.11	2,721,829.64
BILLS LIST TOTALS	2,592,838.53	128,991.11	2,721,829.64
=====			

RESOLUTION #20-181
ACCEPTING MONTHLY DEPARTMENT 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	June
Bureau of Fire Prevention	*
Capital/Engineering Project Management	*
Construction	*
Court	*
Investment	*
Facilities/Public Works	June
Library	June
Police	June
Property Maintenance/Landlord Registration	June
Zoning	June
Recreation	*
Revenue Report	*
Sewer Operators Report	*
Tax Collector	June

*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 July 13, 2020.

BOROUGH OF BERNARDSVILLE
RESOLUTION 20-182
A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR UNIFORM CONSTRUCTION CODE FEE TRUST FUND
REQUIRED BY NJSA 52:27D-124e et seq.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, NJSA 52:27D-124e et seq. provides for receipt of Uniform Construction Code Fees by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the UNIFORM CONSTRUCTION CODE TRUST are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bernardsville of Somerset County, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the UNIFORM CONSTRUCTION CODE TRUST REQUIRED BY NJSA 52:27D-124e et seq.
2. The Clerk of the Borough of Bernardsville, County of Somerset is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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 July 13, 2020.

BOROUGH OF BERNARDSVILLE
RESOLUTION 20-183
A RESOLUTION REQUESTING PERMISSION FOR THE
DEDICATION BY RIDER FOR AN AFFORDABLE HOUSING TRUST FUND
REQUIRED BY NJSA 40A:12A-3 et seq

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and'

WHEREAS, NJSA 40A:12A-3 et seq. provides for receipt of Affordable Housing Funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the AFFORDABLE HOUSING TRUST FUND are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bernardsville of Somerset County, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the AFFORDABLE HOUSING TRUST FUND REQUIRED BY NJSA 40A:12A-3 et seq.
2. The Clerk of the Borough of Bernardsville, County of Somerset is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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 July 13, 2020.

**BOROUGH OF BERNARDSVILLE
RESOLUTION #20-184**

**AUTHORIZING AN AGREEMENT WITH THE SOMERSET HILLS REGIONAL
SCHOOL DISTRICT TO PROVIDE SPECIAL POLICE OFFICERS
IN DISTRICT SCHOOLS**

WHEREAS, the Somerset Hills Regional School District (the “District”) has asked the Borough Police Department to place two special police officers in District schools to ensure the security and safety of the students, faculty and staff; and

WHEREAS, the Special Law Enforcement Officers’ Law at N.J.S.A. 40A:14-146.8, et seq. was amended in 2016 to establish a new category of Class III Special Law Enforcement Officers (SLEO III’s) comprised of retired law enforcement officers who are authorized to provide security in the State’s public and non-public schools; and

WHEREAS, the Chief of Police and Borough Administrator have negotiated an agreement with the District which would place two SLEO III officers in the District schools; and

WHEREAS, the agreement further provides that the District will reimburse the Borough \$54,305 for these SLEO IIIs for six months (payable in monthly installments of \$9,050.83; and

WHEREAS, the governing body has determined that it is in the best interest of the Borough and its residents, as well as the District to provide this service;

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 execute a contract with the Somerset Hills Regional School District to place two SLEO IIIs in the District schools as outlined in the preamble.
2. The form of the agreement shall be subject to the approval of the Borough Attorney.
3. The term of the agreement shall run from July 1, 2020 through December 31, 2020.

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, July 13, 2020.

Anthony Suriano, Clerk

**BOROUGH OF BERNARDSVILLE
RESOLUTION #20-185**

AMENDING SHARED MUNICIPAL COURT AGREEMENT

WHEREAS, the Township of Bedminster (“Bedminster”), the Borough of Peapack and Gladstone (“Peapack-Gladstone”), the Borough of Bernardsville (“Bernardsville”) and the Township of Bernards (“Bernards”) have reviewed their needs, resources and personnel and have found that they can assist each other at considerable savings to the tax payers of each municipality by establishing and operating a shared municipal court; and

WHEREAS, pursuant to N.J.S.A. 40A:65-1, et seq., any municipality of the State of New Jersey may contract with any other municipality for the shared provision within their several jurisdictions of any service that any party to the agreement is empowered to provide within its own jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 2B:12-1(c), two or more municipalities, by resolution, may agree jointly to provide for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court; and

WHEREAS, in a Shared Municipal Court, each Court retains its own identity; and

WHEREAS, the Shared Municipal Court shall be operated as four separate courts, pursuant to which Bedminster is the host municipality and provides the services described in this Agreement to Peapack and Gladstone, Bernardsville and Bernards; and

WHEREAS, the Shared Services Agreement, in the form attached hereto and made a part hereof, was negotiated and agreed to by Bedminster, Peapack-Gladstone, Bernardsville and Bernards which establishes a shared municipal court and provides for the sharing of court facilities and court staff including the municipal judge, court administrators, other court employees, prosecutors, public defenders and security personnel; and

WHEREAS, Bedminster, Peapack-Gladstone, Bernardsville and Bernards have negotiated this final version of the Shared Services Agreement, which is attached hereto and made a part hereof; and

WHEREAS, the Shared Services Agreement has been reviewed by the Municipal Attorney; and

WHEREAS, the Borough Council of the Borough of Bernardsville finds it to be in the best interest of the Borough and its residents to enter into this Shared Services Agreement with Bedminster, Peapack-Gladstone, and Bernards for the establishment and operation of a shared municipal court.

COMMENCING ON OR ABOUT AUGUST 1, 2020, NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, in the County of Somerset, and State of New Jersey, as follows:

1. There shall be established a shared municipal court servicing the Township of Bedminster, Borough of Peapack and Gladstone, Borough of Bernardsville and Township of Bernards subject to compliance with the terms and conditions of the approval of Honorable Thomas Miller, A.J.S.C.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Shared Services Agreement with the Borough of Peapack and Gladstone, the Township of Bedminster and the Township of Bernards, which Agreement sets forth the terms and conditions for the operation of the shared municipal court, including the sharing of court facilities and court staff including the municipal judge, court administrators, other court employees, prosecutors, public defenders and security personnel.
3. The Borough Administrator and Borough Attorney and other appropriate Township officials are further authorized to take any and all action required to comply with this Agreement.
4. This Resolution shall take effect immediately upon adoption, and the adoption of the appropriate mechanism approving the Shared Services Agreement adopted by the Borough.

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 July 13, 2020.

RESOLUTION #20-186

**AWARDING A CONTRACT FOR
WHITENACK ROAD BANK STABILIZATION PROJECT**

WHEREAS, bids were received for the Whitenack Road Bank Stabilization Project, supported by the required documentation, as discussed in a memo from the Project Manager dated July 8, 2020.

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

(1) A contract is hereby awarded to the low bidder, CMS Construction, Inc., 521 North Avenue, Plainfield, NJ 07060 in the amount of \$59,955.00.

(2) The Mayor and Clerk are hereby authorized to sign a contract with CMS Construction, Inc. 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 33-215-2903-1000 Capital Ordinance #19-1801 Whitenack 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 Borough Council at a duly convened meeting held July 13, 2020.

RESOLUTION #20-187

AUTHORIZING DISPOSAL OF VEHICLES WITH NO VALUE

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, to authorize disposal of the following vehicles that have no value:

2005 Ford Crown Victoria, VIN #2FAFP71W55X173593

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 July 13, 2020.

RESOLUTION #20-188

ACCEPTING A DONATION TO THE BERNARDSVILLE POLICE DEPARTMENT

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville to accept a donation to the Bernardsville Police Department in the amount of \$250 from the St. John's Nursery School.

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 July 13, 2020.

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**BOROUGH OF BERNARDSVILLE
RESOLUTION 20-189**

ADOPTING AN UPDATED PURCHASING MANUAL

BE IT RESOLVED, by the Governing Body of the Borough of Bernardsville of Somerset County, New Jersey to adopt the attached purchasing manual.

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 July 13, 2020.

BOROUGH OF BERNARDSVILLE

PURCHASING MANUAL



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I. PURPOSE

The purpose of this manual is to give an overview of the Local Public Contracts Law (LPCL) 40A:11-1 et seq. and N.J.C.A 5:34, and to define the Borough's purchasing process.

A few things to be aware of are:

1. Goods and/or Services cannot be ordered or scheduled until a Purchase Order has been processed by the Finance Department and signed by the Purchasing Agent.
2. Most services, not obtained by bid or RFP, require a Certificate of Insurance naming the Borough of Bernardsville as an additional insured before a Requisition will be approved by the Purchasing Agent.
3. The Borough requires three (3) quotes (the requisition plus two additional quotes) for all purchases over \$6,000.
4. All services over \$15,444 require conformance with the Prevailing Wage laws.
5. All purchases of \$17,500 require conformance with the Pay to Play laws and required Borough Council approval.
6. All purchases over \$44,000 require Borough Council approval. (effective July 1, 2020)
7. All purchases shall be completed in accordance with LPCL.
8. All purchases shall be reviewed by the Purchasing Agent to ensure compliance with all applicable laws and Borough requirements.
9. All purchases are subject to certification of funds by the CFO.

II. PURCHASING GOALS AND OBJECTIVES

Promote Ethics, Efficiency, Economy and Effectiveness and Full, Fair, Free, Open Competition to Purchase:

the: Right Quality
in: Right Quantity
for: Right Price
from: Right Source
at: Right Time
in: Right Manner

And in accordance with sound procurement practices and policies; the Local Public Contracts Law and Rules; and other governing statutes and regulations.

III. GENERAL POLICY STATEMENT - ALL PURCHASES

This Manual presents the Borough of Bernardsville (herein referred to as the "Borough") required purchasing process to assure uniformity of purchasing procedures, as well as compliance with state statutes and rules governing purchasing and the expenditure of public funds. Centralization of purchasing functions is key to an effective requisitioning and purchase order system, as well as control of public funds. Thus:

A. Only the Purchasing Agent or his/her designees can initiate and conduct solicitations for informal quotations for the purchase of necessary goods and services. (Department heads are considered designated; all others must have Purchasing Agent approval.)

B. No individual, group or User department¹ has the authority to legally and/or financially

¹ The term User Department means any department, division, bureau, or office of Borough Government, which acquires goods or services purchased pursuant to these procedures.

commit the Borough to any contract, agreement or purchase order for goods or services.

C. All User agencies are required to adhere to the purchasing procedures in requisitioning all goods and services.

D. All Borough employees must adhere to the Local Government Ethics Law, NJSA 40A:9-22.1et seq. Among other things, that law provides that no Borough official, officer, employee or person functioning in that capacity, or member of their immediate family or business organization in which they have an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment or other thing of value from a vendor doing business with the Borough, for the purpose of influencing him/her, directly or indirectly, in the discharge of his official duties.

E. All Borough employees must adhere to the Local Unit Pay to Play Law, P.L. 2004 c.19, N.J.S.A 19:44A-20.4 et seq., The law requires that all contracts with a value over \$17,500 (aggregation rules apply) be awarded pursuant to a “fair and open” or “non-fair and open” process, both of which are defined in the law.

F. All Borough employees must adhere to the Prompt Payment Law, P.L. 2006 c.96, N.J.S.A. 2A:30A-1 et seq., (Appendix C-8). The law intends to ensure that construction contractors submitting bills for completed work are paid on a timely, established schedule, and that the full chain of subcontractors receive timely payment from their hiring contractor.

NOTE: Since multiple steps are involved in the overall purchasing process, the process involves significant time. Therefore, it is extremely important that the User Departments plan for the long term and allow sufficient time between the requisition of and the receipt of the goods and services described in the requisition.

ADMINISTRATIVE REPONSIBILITES

A. Purchasing Department

To administer a centralized purchasing system that will result in the most effective, efficient, and economic benefits to the Borough:

To purchase supplies, equipment, materials, and contract for all services within the structures of the Local Public Contracts Law (N.J. S.A. 40:A:11-1) and any other pertinent state mandates;

To prepare and maintain, with the assistance of the User Department, specification files for required good and services:

To control spending within the strictures of the budget to prevent over-expenditures and provide greater financial control;

- To advise departments of cost-saving procurement related measures;
- To maintain state mandated records of Fixed Assets Inventory;
- To arrange for the sale of surplus or obsolete property in accordance with state statutes; and,
- To maintain and promote an environment of openness, competitiveness, and equity with vendors.

B. User Department

- To plan purchases to permit adequate time to obtain proposals, quotations, or bids, issue purchase orders and/or contracts with enough reasonable lead time for delivery; and eliminate avoidable emergencies;
- To prepare specifications for technical or specialized equipment;
- To prepare requisitions for purchases of goods and services with complete and accurate information in a timely manner;
- To cooperate with the Purchasing Department in controlling spending to avoid over-expenditures and provide great financial control; and,
- To provide Purchasing with updated lists of designees authorized to prepare and/or sign requisitions. All designees must have approval of department head, Purchasing Agent, and Borough Administrator.

C. Finance Department

- To certify the availability of funds in accordance with state statutes and mandates;
- To pay vendor invoices;
- To maintain accurate financial records; and,
- To insure adequate unencumbered funds.

D. Vendors

- To be equitable, responsible, and competitive in all transactions with the Borough;
- To be responsible and responsive when responding to invitations for bids or quotations sought by the Borough;
- To refrain from practices that would discourage competition; and,

To refrain from attempting to influence any Borough employee by offering any gratuities.

E. Preparation and Submission of a Requisition

1. A Purchase Requisition is prepared by a User Department for all goods and services required by it. The requisition shall contain all of the following information:
 - a. Requisition Number (automatically generated by system)
 - b. Date of Requisition (automatically generated by system)
 - c. Name of the User Department
 - d. Appropriation Code
 - e. Delivery Point for Goods and/or Services Requested
 - f. Required Delivery Date
 - g. Price per item
 - h. Quantity and Unit Amount Required
 - i. Full Description of Requested Purchase. Add additional information on the Notes pages if needed.
 - j. Copies of quotes for all purchases as required. *Copy of quote should be attached to the Requisition and listed on the Notes.*
 - k. State or Co-op Contract number, if the items are being purchased thorough one of these methods. *Copies of supporting documentation should be attached to the Requisition and the Contract number listed on the Notes page..*
 - l. Copies of Certificates of Insurance for any programs or events. *Copies of supporting documentation should be attached to the Requisition.*
2. Each User Department requisition is subject to a two part approval process consisting of the following:

First Approval

The Purchasing Agent will render first approval upon data entry into the computer system.

All requisitions are subject to delay if the above information is missing or incomplete. If any of the above required information is missing or incomplete, the Purchasing Agent, at his/her discretion, will either deny or hold the requisition and contact the User Department. If further information is provided, the Purchasing Agent can then issue first approval.

All requisitions should be submitted well in advance of when goods and services are required. Be advised that requisitions requiring the development of detailed specifications may require formal contracts and will need more time to complete. Failure to adhere to this requirement could delay the processing of the request.

Final Approval

The Chief Financial Officer or his/her assigned designee, after review of the first approval, will add the final approval to the Requisition. The Finance Department will then generate a hard copy of the Purchase Order or the User Department may print out a copy of the Purchase Order.

NOTE: Quotes will only be solicited if the estimated dollar amount exceeds the Quote threshold, which is \$6,000.00. If in excess of the bid threshold (in the aggregate), a formal bid may be necessary, 40A:11-3C.

F. Purchases under the Quote Threshold Established by State Law.

For goods or services less than the quote threshold, the purchasing procedure is as follows:

1. When prices are obtained, the Purchasing Agent approves the requisition for a Purchase Order.
2. The white copy is forwarded by the department of record to the Finance department, signed, and with copies of all back up, for final processing after they have ensured that the goods or services are properly received or performed, inspected and verified as conforming to the order, the User Department's designee authorized to take receipt of the goods/services, signs the white copy, verifying receipt of goods and performance of service and returns it to the Finance Department.

THIS IS A CRITICAL STEP. PAYMENT WILL NOT BE MADE TO THE VENDOR UNTIL THE WHITE COPY OF THE PURCHASE ORDER SIGNED AND WITH ALL APPROPRIATE BACK UP IS SUBMITTED TO THE FINANCE DEPARTMENT.

In the case of partial payments, a copy of the original receiving report must be signed and forwarded to the Finance Department. In the case of the last payment, the original receiving report must be marked as "close out" payment, and forwarded to the Finance Department.

3. The Finance Department reviews the Purchase Order Packet for completeness of matching the receiving report and if satisfactory will process the packet for payment. Purchases involving Grant funding must be reviewed and approved by the Finance Officer prior to processing the payment.

Note: Packet for payment consists of white copy & Department Head Certification of goods received Vendors Invoice; Solicited Quotes, if required, or a copy of the State or Co-op Contract.

G. Purchases over Quote Threshold but Under Pay to Play Threshold

For goods or services over the amount of the quote threshold but under the Pay to Play threshold, the purchasing procedure is as follows:

1. The department's requisition is entered into the on-line purchasing program. Two (2) other quotes shall be listed on the notes page of the online requisition.

2. The department should select the vendor submitting the lowest responsible quote, with price and other factors considered. The Finance Department will retain all quotation documents as backup information with the purchase orders.

H. Purchase Over Pay to Play Threshold but under Bid Threshold

1. The Purchasing agent is to be consulted prior to any action being taken by the Department.
2. The Department shall solicit at least two other quotes to confirm dollar amount of goods or services required.
3. The Purchasing Agent with the Department Head will devise the best method of procuring necessary items.

I. Purchases over Bid Threshold (Bid/RFP Procedures)

When the amount of the purchase exceeds the bid threshold, specific statutory and regulatory requirements must be followed in regard to: 1) preparation of written specifications; 2) the proper legal advertising; and 3) preparation and implementation of formal bid procedures.

1. Written Specifications

For goods and/or services in excess of the bid threshold the User Department examines and determines the appropriate specifications and publicly advertises for bids.

2. Bid/RFP Procedure

- a. As part of the bid process, advertisements in the Public Notice section of an authorized newspaper must be published no less than ten days prior to the receipt of bids. Therefore, it is important for User Departments to understand the time limitations and procedures required in the formal bid process. Understanding and knowledge of the process by User Departments will avoid unnecessary delays or confusion.

Each bid package shall contain at least the following items:

Notice to Bidders
Bid Proposal Form
Instruction to Bidders
Non-Collusion Affidavit
Necessary Affirmative Action Language
Corporate Disclosure
Contractor's Qualification Statement
Necessary Bonding Requirements, optional
Prevailing Wage Form, if necessary
Check List
Technical Specifications

- b. At the time and date of the advertised opening of bids User Department shall publicly open and read aloud the bids as to the name of the vendor and offered price.

- c. The User Department shall review the bids for statutory completeness. Once deemed responsive and responsible, the User Department submits his/her recommendations along with copies of all submitted bids to the Borough Administrator. Award of the bid shall be to the lowest, most responsible and most responsive bidder whose proposal is the most advantageous to the N.J.S.A. 40:11-13, they should not hinder or prohibit competition or be tailor-made for a specific supplier. Specifications not meeting these requirements will be rejected by the Purchasing Agent and returned to the User Department.
- d. Upon completion of the legal review by the Borough Attorney, the User Department forwards the request to the Municipal Clerk's Office for inclusion on the Borough Council agenda.
- e. At the appropriate Council meeting, the Borough Council will, through resolution, vote either to approve or disapprove the award of a contract. Item (s) "tabled" by Council will automatically be resubmitted for reconsideration by the Municipal Clerk. No-Action items must be resubmitted by the User Department.
- f. A contract is prepared by the User Department and approved by the Purchasing Agent when it receives an approved Resolution from the Municipal Clerk which indicates the contract was awarded by Borough Council.
- g. Three copies of the Contract are sent to the vendor, a copy of the Resolution and the Purchase Order, The vendor must sign and return all Contract copies to the Purchasing Agent, along with the signed Voucher. The Mayor must sign all copies of the contract. The Municipal Clerk acts as the witness and records all signed contracts. Contracts are distributed as follows:
 - One original is maintained by the User Department.
 - One original is maintained in the project file, held by the Purchasing Agent.
 - One original is returned to the vendor by the Purchasing Agent.
 - If the contract involves grant funding, an additional contract summary will be required for the Finance Department for grants management.
- i. The Notice to Proceed shall originate from the User Department unless directed differently.

J. Payments

The average payment processing period is two weeks. Payment of invoices requires appropriation approval by the Borough Council at its bi-monthly meetings held on the second and fourth Mondays of the month. Partial payment of invoices shall be allowed for construction progress and professional services as set forth in the N.J.S.A.40:11-1 et. seq. State statutes prohibit advance payments so payment MUST be for work actually completed and documented.

K. Progress Payments

Some contracts will require that goods or services be furnished over an extended period. The contract may provide for periodic progress payments as goods or services are provided.

L. Change Orders

A Change Order as defined by N.J.A.C.5:34-4.1 “is a properly prepared document authorized by the governing body which directs and authorizes a contractor, consultant, or other vendor performing work for or supplying materials to a local unit pursuant to a contract to change the quantity or character of work, service, or materials to be performed, rendered, or furnished from that originally specified or estimated and to correspondingly change the payment due therefor.”

In accordance with State Statutes, Change Orders shall neither alter the original Purchase Order nor contract in such a manner that it neither effects the competitive determination of lowest, responsible price made at the time of award if such changes could have been foreseen nor be withheld until completion of entire project. All Change Orders shall follow the procedures mandated in N.J.A.C.5:34-4.1 to 4.9.

All Change Orders receiving authorization by the Borough Council shall be in writing and numbered consecutively; and, a certification of funds by the Chief Financial Officer or Treasurer be obtained. After authorization by the Borough Council, all Change Orders and necessary documents shall be attached to the original Purchase Order or contract for the project.

IV. EXEMPTIONS TO BIDDING REQUIREMENTS

Requests for utilization of any exemptions as authorized by State Law must be initially submitted in writing to the Purchasing Agent by the User Department. The Borough Attorney **shall review and approve all exceptions to bidding requirements in writing**, in accordance with statutory guidelines, and submit to the Purchasing Agent.

A. State Contract Awards

The Borough takes advantage of the Cooperative Purchasing section of the New Jersey State Purchasing Bureau by purchasing from State Contracts; therefore relieving the Borough from requirements mandated under N. J. S. A. 40A:11. However for the procurement of items over the bid threshold, the State requires an authorization resolution be passed by the governing body.

The Borough can take advantage of this method only if we accept the items as awarded to the State of NJ and verify the vendor has been awarded a contract for the item being purchased.

B. Professional Services

Certain services are occasionally required to handle specific matters relating to areas of expertise, which are governed through education, licensing and statutory requirements. The User Department, upon identifying the needed services, prepares a requisition and, in consultation with the Purchasing Agent, determines whether the request qualifies as a Professional Service.

A Professional Service is defined in N.J.S.A. 40A:11-2(6) as services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as

distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor

A Purchase Requisition will be prepared by the User Department, upon normal encumbrance procedures, a request for action by Borough Council shall be forwarded to the Purchasing Agent.

C. Emergency Procurements

1. Unanticipated emergencies, which affect the public health, safety, or welfare of citizens may require the immediate delivery of goods or the performance of services. (N.J.S.A. 40A:11-6a) discusses emergency contracts.
2. A request with supporting documentation is submitted to the Purchasing Agent for legal review.
3. A written memorandum (hereafter memo) for the performance of such work or labor or the furnishing of material, supplies or service is filed with the Purchasing Agent. The written memo must describe the nature of the emergency, the time of its occurrence and the need for involving emergency procurement procedures. This statement of need shall be certified by the officer or director in charge of the department (User Department) responsible for securing performance of the work or procurement of the goods required to address the emergency conditions described in the statement.
4. When goods or services cannot be obtained pursuant to procedural requirements, within the guidelines of N.J.S.A. 40A:11-6, a Requisition must be prepared and the Purchasing Agent notified immediately. Only when a specified, definable danger to the public health, safety or welfare requires immediate delivery of goods/services, can the Purchasing Agent take the applicable steps necessary to execute a Purchase Order. Whenever practicable the Purchasing Agent or designee will attempt to obtain at least two written quotes for the goods or services necessary to resolve the emergency. If any quotes are received verbally, the designee must document the quotes in writing indicating the name of the vendor and the price quoted. The contract awarded will then be exclusive only to satisfy the immediate needs of the emergent situation.
5. Council provides for payment by Resolution.

D. Extraordinary, Unspecifiable Services (EUS)

Extraordinary, Unspecifiable Services (EUS) are specifically defined by state statute (N.J.S.A. 40A: 11-2(7)) as services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor. If the User Department believes a service qualifies as a EUS, the department must complete a certification, which contains the information supporting the request. Actions by the governing body in each instance must provide supporting rationale for its action in the resolution awarding each contract.

E. Other Exemptions That Exceed the Bid Threshold

Any contract in the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding as defined in N.J.S.A. 40A:11-5 and shall be awarded by Resolution of the governing body.

F. Formal Contracts

A formal written contract is required for all procurements over the bid threshold. The contract will be prepared by the User Department and approved by the Borough Attorney. NOTE: The only exception would be purchases done under State Contract, but Council action is required if the amount exceeds the threshold.

V. FEDERAL AND STATE GRANT PURCHASING PROCEDURES

- A. All grants are established as appropriation items and, as such, the purchasing process outlined in this manual shall apply. The statute, regulation or contract establishing the grant may contain requirements or restrictions that exceed those required by State law.
- B. When a purchase is funded by grant funds, the requisition shall be reviewed by the Purchasing Agent. The Purchasing Agent will consult with the CFO for compliance with all applicable grant requirements, including eligibility and whether the activity is allowable within the scope of the grant.
- C. Sub-recipient agreements are contractual arrangements with agencies, e.g., nonprofits, which are to perform or administer federal or state grant funds to carry out programs on behalf of the Borough.

Sub-recipient agreements shall be processed in accordance with all applicable regulations of the original funding source. Such agreements shall be awarded by Resolution of Borough Council, and are executed only by formal contract. The Purchasing Agent will review all required documentation for sub-recipient agreements and prepare the necessary requisition(s). The Requisition shall only be prepared after all requests for proposals (RFP's), advertisements for bids if required, pre-award assessment(s) and ranking of proposals have been evaluated and approved by the Purchasing Agent. The Purchasing Agent then submits a fully completed and approved Purchase Order, via the Administrator, to the Finance Department for inclusion on the Council Agenda and subsequent award by Borough Council Resolution.

- D. Copies of all documentation pertaining to the grant must be maintained in the Finance Department. Such documentation shall include, but not be limited to, advertisement for bids or Requests for Proposals (RFP's), formal bids, contracts, payment vouchers, etc. The originals of all contracts shall be maintained by the Borough Clerk's Office.

VI. FIXED ASSETS AND PROPERTY MANAGEMENT

A. Fixed Asset Recording

Proper management of fixed assets is necessary for all User Departments, pursuant to New Jersey Department of Community Affairs, Division of Local Government Services Technical Accounting Directive No. 85-2. A fixed asset is generally defined as a non-disposable item costing more than \$500. Generally non-disposable includes any item designed for more than a single use with a purchase value of greater than \$500. A physical inventory of property/fixed

assets must be taken and the results reconciled with property records at least once every two years and maintained by Public Works. Property records must be maintained to include:

1. Description of the property
2. Serial number/identification number
3. Source of property
4. Title holder
5. Acquisition date
6. Cost of property
7. Location of property
8. Date of disposal (or sale) of property

Regardless of financial source, all properties, including those purchased via grants, are to be managed with the recorded information as detailed above. In addition, any asset purchased with grant funds must also indicate the following:

1. Sources of grant funds - i.e., grantor department
2. A separate accounting of fixed assets by grant source
3. Follow the disposition of asset rules as stated in OMB A-102: Common Rule

B. Inventory Testing

A Product Material Inspection (PMI) must be conducted by the User Department upon receipt of all goods, material or equipment. All such item(s) received must be inspected and examined to ensure that they function according to the specified purchase requirements.

Damaged goods and/or incomplete orders must be recorded on the Receiving Report. The designee will contact the vendor to resolve the discrepancy (i.e. replacement, removal from invoice). **No payment will be authorized until goods are received or services are rendered according to specification(s) and contract terms.**

C. Exceptions 40A:11-5

Any contract in the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefore and shall be awarded by Resolution of the governing body if:

- (1) The subject matter thereof consists of:
 - (a) (i) Professional Services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating such contracting unit; or (ii) Extraordinary Unspecifiable Services. The application of this exception shall be construed narrowly in favor of open competitive bidding, whenever possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations after

consultation with the Commissioner of Education limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection 1) (a) (i) of this section, a brief notice of the award of such contract;

- (b) The performing of any work by employees of the contracting unit;
- (c) The printing of legal briefs, records and appendices to be used in any legal proceeding in which the contracting unit may be a party;
- (d) The furnishing of a tax map or maps for the contracting unit;
- (e) The purchase of perishable foods as a subsistence supply;
- (f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission, or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, and filed with the board or commission;
- (g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;
- (h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;
- (i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
- (j) The publishing of legal notices in newspapers as required by law;
- (k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;
- (l) Those goods and services necessary or required to prepare and conduct an election;
- (m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
- (n) The doing of any work by handicapped persons employed by a sheltered workshop;
- (o) The provision of any goods or services including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;
- (p) Library and educational goods and services;
- (q) The marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products;

- (r) Contracting unit towing and storage contracts, provided that all such contracts shall be pursuant to reasonable non-exclusionary and non-discriminatory terms and conditions, which may include the provision of such services on a rotating basis, at the rates and charges set by the municipality pursuant to section 1 of P.L.1979, c.101 (C.40:48-2.49). All contracting unit towing and storage contracts for services to be provided at rates and charges other than those established pursuant to the terms of this paragraph shall only be awarded to the lowest responsible bidder in accordance with the provisions of the "Local Public Contracts Law" and without regard for the value of the contract therefor;
- (s) The purchase of steam or electricity, or the rendering of services directly related to the purchase of such steam or electricity, from a qualifying small power production facility or a qualifying cogeneration facility as defined pursuant to 16 U.S.C.s.796;
- (t) The purchase of electricity or administrative or dispatching services directly related to the transmission of such purchased electricity, by a contracting unit engaged in the generation of electricity;
- (u) The printing of municipal ordinances or other services necessarily incurred in connection with the revision and codification of municipal ordinances;
- (v) An agreement for the purchase of an equitable interest in a water supply facility or for the provision of water supply services entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an agreement entered into pursuant to P.L.1989, c.109 (N.J.S.40A:31-1 et al.), so long as such agreement is entered into no later than six months after the effective date of P.L.1993, c.381;
- (w) A contract for the provision of water supply services entered into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);
- (x) The cooperative marketing of recyclable materials recovered through a recycling program;
- (y) A contract for the provision of wastewater treatment services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et al.);
- (z) Expenses for travel and conferences;
- (aa) The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software;
- (bb) Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;
- (cc) A contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c.198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15);

- (dd) The purchase of electricity generated from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contracting unit.
- (2) It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, department or authority thereof or any other state or subdivision thereof.
- (3) Bids have been advertised pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract; provided, however, that:
- (i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from a department or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;
 - (ii) The terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4); and
 - (iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4), shall be stated in the resolution awarding such contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such goods or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

- (4) The contracting unit has solicited and received at least three (3) quotations on materials, supplies or equipment for which a State contract has been issued pursuant to section 12 of P.L.1971, c.198 (C.40A:11-12), and the lowest responsible quotation is at least 10% less than the price the contracting unit would be charged for the identical materials, supplies or equipment, in the same quantities, under the State contract. Any such contract entered into pursuant to this subsection may be awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing such a contract. A copy of the purchase order relating to any such contract, the requisition for purchase order, if applicable, and documentation identifying the price of the materials, supplies or equipment under the State contract and the State contract number shall be filed with the director within five working days of the award of any such contract by the contracting unit. The director shall notify the contracting unit of receipt of the material and shall make the material available to the State Treasurer. The contracting unit shall make available to the director upon request any other documents relating to the solicitation and award of the contract, including, but not limited to, quotations, requests for quotations, and resolutions. The Director periodically shall review material submitted by contracting units to determine the impact of such contracts on local contracting and shall consult with the State Treasurer on the impact of such contracts on the State procurement process. The Director may, after consultation with the State Treasurer, adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the use of this subsection, after considering the impact of contracts awarded under this subsection on State and local contracting, or after considering the extent to which the award of contracts pursuant to this subsection is consistent with and in furtherance of the purposes of the public contracting laws.
- (5) Notwithstanding any provision of law, rule or regulation to the contrary, the subject matter consists of the combined collection and marketing, or the cooperative combined collection and marketing of recycled material recovered through a recycling program, or any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products, provided that in lieu of engaging in such public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing said services. Within 30 days after receipt of the written description the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process as described shall be deemed approved. As used in this section, "collection" means the physical removal of recyclable materials from curbside or any other location selected by the contracting unit.

- (6) Notwithstanding any provision of law, rule or regulation to the contrary, the contract is for the provision of electricity by a contracting unit engaged in the distribution of electricity for retail sale, or for the provision of administrative or dispatching services related to the transmission of such electricity, provided that in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing such services. Such process shall be designed in a way that is appropriate to and commensurate with industry practices, and the integrity of the government contracting process. Within 30 days after receipt of the written description, the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process, as submitted to the director pursuant to this section, shall be deemed approved.

L.1971,c.198,s.5; amended 1975, c.353, s.4; 1976, c.20; 1977, c.53, s.2; 1982, c.208; 1983, c.209; 1983, c.331, s.2; 1985, c.436; 1986, c.61; 1987, c.102, s.32; 1989, c.92; 1989, c.159, s.1; 1991, c.142, s.1; 1991, c.143, s.2; 1991, c.368; 1993, c.381, s.4; 1995, c.101, s.12; 1995, c.103, s.4; 1995, c.216, s.11; 1997, c.387, s.2; 1999, c.440, s.9; 2002, c.47, s.8; 2003, c.150, s.2; 2005, c.212, s.2; 2005, c.296, s.1.

D. Payment 2A:30A-2

To prime contractor, subcontractor, sub-subcontractor, timely payment; exceptions; disputes; resolution.

- a. If a prime contractor has performed in accordance with the provisions of a contract with the owner and the billing for the work has been approved and certified by the owner or the owner's authorized approving agent, the owner shall pay the amount due to the prime contractor for each periodic payment, final payment or retainage monies not more than 30 calendar days after the billing date, which for a periodic billing, shall be the periodic billing date specified in the contract. The billing shall be deemed approved and certified 20 days after the owner receives it unless the owner provides, before the end of the 20-day period, a written statement of the amount withheld and the reason for withholding payment, except that in the case of a public or governmental entity that requires the entity's governing body to vote on authorizations for each periodic payment, final payment or retainage monies, the amount due may be approved and certified at the next scheduled public meeting of the entity's governing body, and paid during the entity's subsequent payment cycle, provided this exception has been defined in the bid specifications and contract documents.
- b. If a subcontractor or sub-subcontractor has performed in accordance with the provisions of its contract with the prime contractor or subcontractor and the work has been accepted by

the owner, the owner's authorized approving agent, or the prime contractor, as applicable, and the parties have not otherwise agreed in writing, the prime contractor shall pay to its subcontractor and the subcontractor shall pay to its sub-subcontractor within 10 calendar days of the receipt of each periodic payment, final payment or receipt of retainage monies, the full amount received for the work of the subcontractor or sub-subcontractor based on the work completed or the services rendered under the applicable contract. In the case of ongoing work on the same project for which partial payments are made, the amount of money owed for work already completed shall only be payable if the subcontractor or sub-subcontractor is performing to the satisfaction of the prime contractor or subcontractor, as applicable.

- c. If a payment due pursuant to the provisions of this section is not made in a timely manner, the delinquent party shall be liable for the amount of money owed under the contract, plus interest at a rate equal to the prime rate plus 1%. Interest on amounts due pursuant to this section shall be paid to the prime contractor, subcontractor or sub-subcontractor for the period beginning on the day after the required payment date and ending on the day on which the check for payment has been drawn. The provisions of this subsection c. shall not apply to any transportation project as defined in section 3 of P.L. 1984, c.73 (C.27:1B-3), if that project receives federal funding and the awarding department has been notified by the federal government that it will be classified as a high risk grantee pursuant to 49 C.F.R. 18.12.
- d. A prime contractor, subcontractor or sub-subcontractor may, after providing seven calendar days' written notice to the party failing to make the required payments, suspend performance of a construction contract, without penalty for breach of contract, until the payment required pursuant to this section is made, if the contractor, subcontractor or sub-subcontractor: is not paid as required by this section; is not provided a written statement of the amount withheld and the reason for the withholding; and the payer is not engaged in a good faith effort to resolve the reason for the withholding. The provisions of this subsection d. shall not apply to any transportation project as defined in section 3 of P.L. 1984, c.73 (C.27:1B-3), if that project receives federal funding and the application of this provision would jeopardize the funding because the owner could not meet the federal standards for financial management systems as outlined in 49 C.F.R. 18.20.
- e.
 - (i) The rights, remedies or protections provided by this section for prime contractors, subcontractors and sub-subcontractors shall be in addition to other remedies provided pursuant to any other provision of State law. To the extent that the provisions of this section provide greater rights, remedies or protections for prime contractors, subcontractors and sub-subcontractors than other provisions of State law, the provisions of this section shall supersede those other provisions.
 - (ii) No provision of this section shall be construed as restricting in any way the rights or remedies provided by any other applicable State or federal law to an owner who is a resident homeowner or purchaser with respect to the real property being improved.

- f. All contracts for the improvement of structures entered into after the effective date of P.L.2006, c.96 between owners, prime contractors, subcontractors or sub-subcontractors shall provide that disputes regarding whether a party has failed to make payments required pursuant to this section may be submitted to a process of alternative dispute resolution. Alternative dispute resolution permitted by this section shall not apply to disputes concerning the bid solicitation or award process, or to the formation of contracts or subcontracts. In any civil action brought to collect payments pursuant to this section, the action shall be conducted inside of this State and the prevailing party shall be awarded reasonable costs and attorney fees.

L.1991, c.133, s.2; amended 2006, c.96, s.2.

E. Contributors 19:44A-20.4

... to county Council of political party of elective officers; eligibility for county contracts.

1. Notwithstanding the provisions of any other law to the contrary:

a county, or any department or instrumentality thereof, shall not enter into a contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the county, department or instrumentality, with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any county Council of a political party in that county if a member of that political party is serving in an elective public office of that county when the contract is awarded or to any candidate Council of any person serving in an elective public office of that county when the contract is awarded; and a business entity that has entered into a contract having an anticipated value in excess of \$17,500 with a county, or any department or instrumentality thereof, except a contract that is awarded pursuant to a fair and open process, shall not make such a contribution, reportable by the recipient under P.L.1973, c.83 (C.19:44A-1 et seq.), to any county Council of a political party in that county if a member of that political party is serving in an elective public office of that county when the contract is awarded or to any candidate Council of any person serving in an elective public office of that county when the contract is awarded, during the term of that contract.

No such Council shall accept such a contribution from a business entity during the term of its contract with the county.

L.2004,c.19,s.3.

F. Emergency Contracts 40A:11-6

Emergency contracts: Any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; provided that the awarding of such contracts is made in the following manner:

- a. The official in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of that official, shall notify the purchasing agent, a supervisor of the purchasing agent, or a designated representative of the governing body, as may be appropriate to the form of government, of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking this section. If that person is satisfied that an emergency exists, that person shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs. Such notification shall be reduced to writing and filed with the purchasing agent as soon as practicable.
- b. Upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment. The governing body of the contracting unit shall take such action as shall be required to provide for the payment of the contract price.
- c. The Director of the Division of Local Government Services in the Department of Community Affairs shall prescribe rules and procedures to implement the requirements of this section.
- d. The governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of this section. L.1971,c.198,s.6; amended 1975, c.353, s.5; 1977, c.53, s.3; 1979, c.350, s.3; 1985, c.60, s.3; 1985, c.469, s.8; 1999, c.440, s.10.

G. Unsafe structures 5:23-2.32

(a) All buildings or structures that shall become unsafe, or unsanitary, or that contain deficient or blocked exit way facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or that by reason of illegal or improper use or occupancy shall be deemed unsafe buildings or structures, shall be taken down and removed or made safe and secure. A vacant building that is unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this chapter.

1. Examination and record of damaged structure: The appropriate sub-code official shall examine every building or structure reported as dangerous, unsafe structurally, unsanitary or constituting a fire hazard and shall prepare a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature of the hazard, the nature and estimated amount of damages, if any, caused by collapse or failure.

2. Notice of unsafe structure: If an unsafe or unsanitary condition is found in a building or structure, the construction official shall serve a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be vacated or demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the construction official his or her acceptance or rejection of the terms of the order. Such person may seek review before the Construction Board of Appeals within 15 days of receipt of the notice.

Restoration of unsafe structure: A building or structure condemned by the construction official may be restored to a safe condition in accordance with 5:23-6, Rehabilitation Sub-code. A certificate of approval or certificate of occupancy, as appropriate, shall be obtained prior to re-occupancy of the building or structure.

4. Posting notice of unsafe structure: If the person addressed with a notice of unsafe structure cannot be found within the municipality after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person, as on file with the office of the tax collector, and a copy of the notice of unsafe structure shall be posted in a conspicuous place on the premises; and such procedures shall be deemed the equivalent of personal notice.

5. Upon refusal or neglect of the person served with a notice of unsafe structure to comply with the requirements of the order to abate the unsafe condition, the construction official shall, in addition to any other remedies herein provided, forward the matter to the legal counsel of the jurisdiction for an action to compel compliance.

(b) Emergency measures:

1. When, in the opinion of the construction official and appropriate sub-code officials, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the construction official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The construction official shall cause to be posted at each entrance to such building a notice reading as follows: This structure is unsafe and its use or occupancy has been prohibited by the construction official, and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same. The order of the construction official shall be effective immediately.

2. Temporary safeguards: When, in the opinion of the construction official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the construction official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein has been instituted. Such work may include such demolition as may be necessary in order to eliminate any actual and immediate danger to human life; provided, however, that any demolition work shall not commence until at least 24 hours following service of notice of the pending demolition upon the owner, unless such service is not possible because the identity or the address of the owner cannot be determined from public records. Upon expiration of the 24-hour period, demolition may proceed unless stayed by order of the Superior Court.

3. Closing streets: When necessary for the public safety, the construction official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structure, and prohibit the same from being used.

4. Emergency repairs or demolition: For the purpose of this section, the construction official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

5. Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the construction official; and the legal authority of the jurisdiction shall institute appropriate action against the owner of the premises for the recovery of such costs.

6. Appeals: An emergency order issued by a municipal construction official pursuant to this subsection shall be appealable only to a court of competent jurisdiction.

VII. DEFINITIONS

As used herein the following words have the following definitions, unless the context otherwise indicates:

- (1) "Governing Body" means the governing body of the municipality, when the purchase is to be made or the contract or agreement is to be entered into by, or on behalf of, a municipality; or
- (2) "Contracting agent" means the governing body of a contracting unit, or its authorized designee, which has the power to prepare the advertisements, to advertise for and receive bids, and, as permitted by this act, to make awards for the contracting unit in connection with purchases, contracts or agreements.
- (3) "Purchase" means a transaction, for a valuable consideration, creating or acquiring an interest in goods, services and property, except real property or any interest therein.
- (4) "Professional services" is defined in N.J.S.A. 40A:11-2(6) as services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services, requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.
- (5) "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.
- (6) "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a contracting unit.

- (7) "Cooperative Pricing Agreements" means the joint marketing by two or more contracting units of the source separated recyclable materials designated in a district recycling plan required pursuant to section 3 of P.L.1987, c.102 (C.13:1E-99.13) pursuant to a written cooperative agreement entered into by the participating contracting units thereof.
- (8) "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a contracting agent.
- (9) "Bid threshold" means the dollar amount set in section 3 of P.L.1971, c.198 (C.40A:11-3), above which a contracting unit shall advertise for and receive sealed bids in accordance with procedures set forth in P.L.1999, c.440 (C.40A:11-4.1 et al.).
- (10) "Billing" means, in accordance with the terms and definitions of the applicable contract, any periodic payment, final payment, written approved change order or request for release of retainage.
- (11) "Contract" means any agreement, including but not limited to a purchase order or a formal agreement, which is a legally binding relationship enforceable by law, between a vendor who agrees to provide or perform goods or services and a contracting unit which agrees to compensate a vendor, as defined by and subject to the terms and conditions of the agreement. A contract also may include an arrangement whereby a vendor compensates a contracting unit for the vendor's right to perform a service, such as, but not limited to, operating a concession.
- (12) "Contract year" means the period of 12 consecutive months following the award of a contract.
- (13) "Competitive contracting" means the method described in sections 1 through 5 of P.L.1999, c.440 (C.40A:11-4.1 thru 40A:11-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or administrator; and the governing body awards a contract to a vendor or vendors from among the formal proposals received.
- (14) "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a contracting agent, including goods and property subject to N.J.S.12A:2-101 et seq.
- (15) "Improve" means: to build, alter, repair or demolish any structure upon, connected with, on or beneath the surface of any real property; to excavate, clear, grade, fill or landscape any real property; to construct driveways and private roadways on real property; to furnish construction related materials, including trees and shrubbery, for any of the above purposes; or to perform any labor upon a structure, including any design, professional or skilled services furnished by an architect, engineer, land surveyor or landscape architect licensed or registered pursuant to the laws of this State.
- (16) "Lowest price" means the least possible amount that meets all requirements of the request of a contracting agent.
- (17) "Lowest responsible bidder or vendor" means the bidder or vendor: (a) whose response to a request for bids offers the lowest price and is responsive; and (b) who is responsible.
- (18) "Official newspaper" means any newspaper designated by the contracting unit pursuant to R.S.35:1-1 et seq.

- (19) "Owner" means any person, including any public or governmental entity, who has an interest in the real property to be improved and who has contracted with a prime contractor for such improvement to be made. "Owner" shall be deemed to include any successor in interest or agent acting on behalf of an owner.
- (20) "Prime contractor" means a person who contracts with an owner to improve real property.
- (21) "Prime rate" means the base rate on corporate loans at large United States money center commercial banks.
- (22) "Purchase order" means a document issued by the contracting agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the contracting unit; which, when fulfilled in accordance with the terms and conditions of a request of a contracting agent, and other provisions and procedures that may be established by the contracting unit, will result in payment by the contracting unit.
- (23) "Purchasing agent" means the individual duly assigned the authority, responsibility, and accountability for the purchasing activity of the contracting unit, and who has such duties as are defined by an authority appropriate to the form and structure of the contracting unit, and P.L.1971, c.198 (C.40A:11-1 et seq.).
- (24) "Quotation" means the response to a formal or informal request, made by a contracting agent by a vendor, for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the contracting agent.
- (25) "Real property" means the real estate that is improved upon or to be improved upon.
- (26) "Responsible" means able to complete the contract in accordance with its requirements, including, but not limited to, requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.
- (27) "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.
- (28) "Structure" means all or any part of a building and other improvements to real property.
- (29) "Subcontractor" means any person who has contracted to furnish labor, materials or other services to a prime contractor in connection with a contract to improve real property.
- (30) "Sub-subcontractor" means any person who has contracted to furnish labor, materials or other services to a subcontractor in connection with a contract to improve real property.
- (31) "Public works" means building, altering, repairing, improving or demolishing any public structure or facility constructed or acquired by a contracting unit to house local government functions or provide water, waste disposal, power, transportation, and other public infrastructures.
- (32) "Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.
- (33) "Administrator" means a municipal administrator appointed pursuant to N.J.S.40A:9-136 and N.J.S.40A:9-137; a business administrator, a municipal manager or a municipal administrator appointed pursuant to the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.); a municipal manager appointed pursuant to "the municipal manager form of government

law," R.S.40:79-1 et seq.; or the person holding responsibility for the overall operations of an authority that falls under the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.).

- (34) "Concession" means the granting of a license or right to act for or on behalf of the contracting unit, or to provide a service requiring the approval or endorsement of the contracting unit, and which may or may not involve a payment or exchange, or provision of services by or to the contracting unit.
- (35) "Index rate" means the rate of annual percentage increase, rounded to the nearest half-percent, in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, computed and published quarterly by the United States Department of Commerce, Bureau of Economic Analysis.
- (36) "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the governing body of the contracting unit to be necessary for the conduct of its affairs.
- (37) "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the contracting unit for the vendor's right to operate a concession.

L.1991, c.133, s.1; amended 2006, c.96, s.1.



RESOLUTION #20-190

**AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH
CLEARY, GIACOBBE, ALFIERI, & JACOBS**

WHEREAS, the Borough of Bernardsville adopted Resolution #20-5 on January 2, 2020 and entered into a Professional Services Contract with Cleary, Giacobbe, Alfieri, & Jacobs for legal services in connection with the Downtown Revitalization Project; and

WHEREAS, the contract stated that compensation was not to exceed \$5,000 unless authorized by the governing body.

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, to amend said contract to increase the amount not to exceed by an additional \$5,000 for a total of \$10,000 for 2020.

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 July 13, 2020.

SECTION 2 - UPON ADOPTION FOR YEAR 2020

RESOLUTION #20-191

Be it Resolved by the COUNCIL MEMBERS 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) \$ 10,305,094.19 (Item 2 below) for municipal purposes, and
(b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
(c) \$ - (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.A. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
(d) \$ 438,380.30 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
(e) \$ 754,094.62 (Item 5 Below) Minimum Library Tax

RECORDED VOTE

(Insert last name)

Ayes

Nays

Abstained

Absent

1. General Revenues

SUMMARY OF REVENUES

Surplus Anticipated	08-100	\$	1,725,000.00
Miscellaneous Revenues Anticipated	13-099	\$	2,223,387.25
Receipts from Delinquent Taxes	15-499	\$	347,500.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	10,305,094.19
3. AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY</u> :			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY</u>		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY</u> :			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$	754,094.62
Total Revenues	13-299	\$	14,600,981.44

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 9,616,774.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 1,331,243.00
(g) Cash Deficit	46-885	\$ -
Excluded from "CAPS"	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 1,017,821.25
(c) Capital Improvements	44-999	\$ 155,300.00
(d) Municipal Debt Service	45-999	\$ 1,415,748.00
(e) Deferred Charges - Municipal	46-999	\$ -
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 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	50-899	\$ 1,818,189.81
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	
Total Appropriations	34-499	\$ 15,355,076.06

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 _____ day of _____, 2020. 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 2020 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, 2020, _____, Clerk

Signature