

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
February 26, 2018 – 7:00 p.m.

1. **CALL MEETING TO ORDER**

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

2. **STATEMENT OF PRESIDING OFFICER**

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

3. **PLEDGE OF ALLEGIANCE**

4. **PRESENTATION**

4A. Mayor's Proclamation Honoring Kristi MacDonald

4B. Moraine Crest

5. **APPROVAL OF MINUTES**

January 22, 2018
February 12, 2018 (Mr. Sullivan was absent)

Motion:

6. **OPEN SESSION**

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

7. **ORDINANCES**

Mayor to open public hearing on Ordinance #18-1759, **AN ORDINANCE APPROPRIATING \$100,000 FROM THE BOROUGH OPEN SPACE TRUST FUND FOR VARIOUS IMPROVEMENTS TO THE BOROUGH TURF FIELD LOCATED AT THE POLO GROUNDS**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

Moved by _____ that Ordinance #18-1760, **BOND ORDINANCE APPROPRIATING \$1,743,115.50, AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY**, 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, March 12, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1761, **APPROPRIATING \$269,250 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT AS LISTED IN THE 2018 MUNICIPAL BUDGET**, 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, March 12, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1762, **AN ORDINANCE ADOPTING RULES AND REGULATIONS AND FEES FOR THE TURF FIELD LOCATED AT THE POLO GROUNDS**, 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, March 12, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1763, **AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON CLAREMONT ROAD AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**, 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, March 12, 2018.

Second:

Vote:

8. RESOLUTIONS

- #18-49 ACCEPTING MONTHLY REPORTS**
- #18-50 AUTHORIZING PAYMENT OF BILLS**
- #18-51 AUTHORIZATION OF TAX REFUND**
- #18-52 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #18-53 APPOINTING A PUBLIC DEFENDER FOR THE SHARED MUNICIPAL COURT**
- #18-54 AUTHORIZING THE MAYOR AND CLERK TO SIGN A TRANSPORTATION SERVICE CONTRACT WITH SOMERSET COUNTY**
- #18-55 APPROVING PERSON-TO-PERSON TRANSFER OF A.B.C. LICENSE #1803-33-001-007**
- #18-56 AUTHORIZING THE MAYOR OR ADMINISTRATOR TO SIGN APPROVAL OF THE SOMERSET COUNTY CODE BLUE ACTIVATION PLAN**
- #18-57 AUTHORIZING THE ADMINISTRATOR AND CHIEF OF POLICE TO SIGN THE SHARED COURT AMENDED SECURITY PLAN**
- #18-58 AUTHORIZING EXECUTION OF A TREATMENT WORKS APPROVAL (TWA-1) AND STATEMENT OF CONSENT (WQM-003) FOR THE WASTEWATER TREATMENT PLANT FILTER REPLACEMENT PROJECT**

- #18-59 AUTHORIZING SUBMISSION OF 2017 RECYCLING
 TONNAGE GRANT APPLICATION**
- #18-60 AUTHORIZING FILING OF A SUSTAINABLE JERSEY GRANT
 APPLICATION**
- #18-61 AWARDING A CONTRACT TO SPORTSFIELD SPECIALTIES
 FOR A BACKLINE NETTING SYSTEM AT THE TURF FIELD**
- #18-62 AUTHORIZING THE MAYOR TO SIGN A HOLD HARMLESS
 AGREEMENT WITH SOMERSET COUNTY FOR USE OF
 CONTAINERS/SIGNS FOR E-WASTE CLEANUP**
- #18-63 AUTHORIZING TRANSFER OF FUNDS**
- #18-64 APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**
- #18-65 RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S
 AGREEMENT WITH NGC DEVELOPMENT, LLC IN
 CONNECTION WITH PROPERTY LOCATED AT 88 AND 108
 CLAREMONT ROAD, (BLOCK 37, LOT 18.01 AND BLOCK 68,
 LOT 9)**

Moved:
Second:
Roll call vote:

9. REPORTS

- 9A. Municipal Attorney
- 9B. Council Public Safety Committee
- 9C. Council Finance & Personnel Committee
- 9D. Council Engineering, Technology & Public Works Committee
- 9E. Other committee/commission reports

10. ITEMS OF BUSINESS

- 10A. Chamber of Commerce Event
- 10B. Proposal For Borough Email
- 10C. Radio Towers
- 10D. Turf Field
- 10E. Sample Ordinance for Registration of Abandoned/Vacant Properties
- 10F. Correspondence
- 10G. Council Vacancy for Michael dePoortere

11. OPEN SESSION

12. CLOSED SESSION

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

Land Acquisition and Anticipated Litigation

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

Seconded:

Vote:

13. REOPEN AND ADJOURNMENT

**BERNARDSVILLE BOROUGH
ORDINANCE #2018-1759**

**AN ORDINANCE APPROPRIATING \$100,000 FROM THE BOROUGH OPEN SPACE
TRUST FUND FOR VARIOUS IMPROVEMENTS TO THE BOROUGH TURF FIELD
LOCATED AT THE POLO GROUNDS**

STATEMENT OF PURPOSE: *To appropriate \$100,000 from the Borough Open Space Trust Fund for various improvements to the Borough turf field at the Polo Grounds.*

WHEREAS, the Borough has constructed a synthetic turf field at the Polo Grounds, which was financed with a \$700,000 grant from Somerset County and the balance coming from the Borough Open Space Trust Fund; and

WHEREAS, the original project included various on-site improvements including goal posts, fences, walkways, driveways and improved site drainage; and

WHEREAS, additional improvements, including but not limited to grandstands and electrical facilities, are needed to complete the project; and

WHEREAS, up to 20% of the Borough's Open Space Trust Fund monies may be used for the development of lands acquired for recreation and conservation purposes; and

WHEREAS, "development" was defined in the 2008 public question to mean:

"[A]ny improvement to a land . . . area of eligible Borough property that is designed to expand or enhance its utilization for outdoor recreation . . . purposes and shall include the construction, renovation, or repair of any such improvement. This term may include any of the following types of ancillary improvements to eligible Borough properties: roadways, parking, landscaping, fencing, lighting, utilities, structures, and any other improvement that expands or enhances the use of property for outdoor recreation . . . purposes.";

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

Section 1. One hundred thousand (\$100,000) dollars is hereby appropriated from the Borough Open Space Trust Fund to develop the synthetic turf field at the polo grounds by installing grandstands, electrical facilities and other improvements.

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, Acting Borough Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

ORDINANCE #18-1760

**BOND ORDINANCE APPROPRIATING \$1,743,115.50, AND
AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR
NOTES OF THE BOROUGH, FOR VARIOUS
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF
BERNARDSVILLE, IN THE COUNTY OF SOMERSET,
NEW JERSEY.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY** (not less than
two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Bernardsville, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,743,115.50 including the aggregate sum of \$97,115.50 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also (i) in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$245,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement to Pine Hill and Ann Street and (ii) in the case of the

improvement or purpose described in paragraph (c) of said Section 3, the sum of \$201,000 from the Open Space Trust Fund of the Borough for said improvement to Peters Park.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,743,115.50 appropriations not provided for by application hereunder of said down payments, grant and Open Space Trust Fund amount, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,200,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,200,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of various streets and locations in and by the Borough by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, Pine Hill Road and Ann Street, including also the construction, reconstruction or renovation of the warning track, the pathways at Borough Hall and the parking lot, walkways and curbs at the Free Public Library of the Borough, together with all the aforesaid all structures, appurtenances, milling, curb and sidewalk reconstruction, retaining walls, engineering, surveys, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved the \$691,800 appropriation hereby made therefor being inclusive of the amount of \$245,000 received or expected to be received by the Borough from the New Jersey		

Department of Transportation as a grant-in-aid of financing said improvement to Pine Hill Road and Ann Street

\$691,800

\$412,250

(b) Acquisition by purchase of new and additional vehicular equipment, including without limitation one (1) dump truck for use by the Department of Public Works of the Borough and one (1) utility vehicle for use by the Police Department of the Borough, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

214,250

193,537.50

(c) Improvement of municipally-owned buildings, properties and facilities in and by the Borough, including without limitation, the Free Public Library of the Borough by the renovation of the roof, Peters Park and Borough Hall by the renovation thereof including Americans with Disabilities Act improvements and administrative office improvements, together with for all the aforesaid all water line rehabilitation, structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$628,865.50 appropriation hereby made therefor being inclusive of the amount of \$201,000 from the Open Space Trust Fund of the Borough for said improvement to Peters Park

628,865.50

396,412.50

(d) Acquisition by purchase and installation, as necessary, of new and additional equipment, including without limitation, equipment for the Office of Emergency Management of the Borough, a generator, signage and trash enclosure for the Free Public Library of the Borough, a boiler for Borough Hall, radios for the Police Department of the Borough and a mower, equipment and furnishings for various Borough Departments, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

208,200

197,800

Totals

\$1,743,115.50

\$1,200,000

Except as otherwise stated in paragraphs (a) and (c) above with respect to the said grant or Open Space Trust Fund amount, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.66 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,200,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$200,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3(a) of this bond ordinance by application thereof

either to direct payment of the costs of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at not less than par at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough

shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

BERNARDSVILLE BOROUGH
ORDINANCE 18-1761

APPROPRIATING \$269,250 FROM THE CAPITAL IMPROVEMENT FUND FOR
VARIOUS EQUIPMENT AS LISTED IN THE 2018 MUNICIPAL BUDGET

BE IT ORDAINED by the Council of the Borough of Bernardsville, in the County of Somerset, New Jersey, as follows:

Section 1. The total sum of \$269,250.00 is hereby appropriated from the Capital Improvement Fund for various equipment, as follows:

RECREATION	VARIOUS POOL EQUIPMENT	\$	38,750.00
RECREATION	VARIOUS RECREATION EQUIPMENT	\$	22,000.00
DPW	INSULATE DPW GARAGE	\$	26,000.00
RECREATION	WARNING TRACKS	\$	13,000.00
RECREATION	CLAREMONT PARK PARKING AREA	\$	65,000.00
LIBRARY	GENERATOR - LOWER LEVEL	\$	60,000.00
BOROUGH HALL	COMPUTERS	\$	6,500.00
CONSTRUCTION	PLOTTER	\$	7,000.00
CONSTRUCTION	DEDICATED SERVER	\$	6,000.00
DPW	SPEED RADAR SIGNS	\$	25,000.00

Section 2. This ordinance shall take effect immediately upon final passage and publication as required by law.

Attest:

BOROUGH OF BERNARDSVILLE
IN THE COUNTY OF SOMERSET

Borough Clerk

Mayor

Introduced:
Published:
Adopted:
Published:

**BERNARDSVILLE BOROUGH
ORDINANCE #18-1762**

**AN ORDINANCE ADOPTING RULES AND REGULATION AND FEES FOR THE
TURF FIELD LOCATED AT THE POLO GROUNDS**

STATEMENT OF PURPOSE: *To adopt rules and regulations and fees for the turf field at the Polo Grounds*

WHEREAS, the turf field at the Polo Grounds was constructed using approximately \$700,000 in Somerset County Open Space Trust Funds and approximately \$300,000 in Borough Open Space Trust Funds; and

WHEREAS, the Borough and the County entered into a Grant and Restrictive Covenant Agreement dated May 31, 2017 which provides in paragraph 6 that:

“[Borough] acknowledges that, upon acquisition of the recreational easement, the recreational facility situated on the Property shall be open to and available for use by all County residents, in accordance with rules and regulations adopted by [Borough] and approved by [Somerset County’s] Director of Parks and Recreation, subject to the right of the governing body of the Borough of Bernardsville to have full control of the lands and adopt an ordinance providing for (1) suitable rules, regulations, and bylaws for use of the lands, (2) the enforcement of those rules and regulations and bylaws, and (3) when appropriate, the charging and collection of reasonable fees for use of the lands or for activities conducted thereon, in accordance with the provisions of N.J.S.A. 40:12-15.6c”; and

WHEREAS, the Borough Recreation Advisory Committee adopted proposed turf field rules and regulations dated November 22, 2017; and

WHEREAS, at its January 16, 2018, the Recreation Advisory Committee recommended that the fee schedule for use of the turf field be \$55 per hour for organizations of at least 80% Bernardsville residents; \$80 per hour for all other groups; and \$200 per hour for all for profit/commercial organizations; and

WHEREAS, the proposed rules and regulations and the proposed fees were submitted to Somerset County Director of Parks and Recreation for his approval pursuant to paragraph 6 of the May 31, 2017 Grant and Restrictive Covenant;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter X of the Borough Code Entitled “Parks and Recreation” be supplemented and amended as follows:

Section 1. There is hereby created a new section 10-3 in the Borough Code entitled “Polo Grounds Turf Field Rules and Regulations and Fees” which reads as follows:

“10-3 POLO GROUNDS TURF FIELD RULES AND REGULATIONS AND FEES.

“10-3.1 Polo Grounds Turf Fields Rules and Regulations.

“The ‘Turf Field Rules and Regulations’ adopted by the Borough Recreation Advisory Committee on November 22, 2017, which are attached hereto in Appendix ‘A’, are hereby adopted.

“10-3.2 Enforcement.

“The Borough Police Department and the Borough Code Enforcement Officer are empowered to enforce these rules and regulations.

“10-3.3 Fees.

“The following fees shall be charged for the use of the turf field:

“a. \$55 per hour for organizations consisting of at least 80% Bernardsville residents.

“b. \$80 per hour for all other nonprofit organizations and teams.

“c. \$200 per hour for all for profit and commercial organizations.

“10-3.4 Penalties.

“Any person, firm or corporation who shall violate a provision of this section or fail to comply therewith shall for each and every such violation and noncompliance, be liable, upon conviction, for the penalties stated in Chapter I, section 1-5.”

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

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

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

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

APPENDIX

(Turf Field Rules and Regulations)

Bernardsville Borough Polo Grounds - Turf Field Rules and Regulations



Draft 6.1 11/22/17

The objective of this document is to provide the Bernardsville Town Council a proposed outline of detail to craft a Turf Field ordinance of usage.

Field Scheduling Rules

The Polo Grounds turf field is available for approved uses only (soccer, lacrosse, football, field hockey, baseball, softball) All Practices and games require a field reservation managed by the Bernardsville Borough Recreation Department pursuant to the Recreational Policy and Procedures.

Users must obtain a field use permit from the Bernardsville Recreation Department prior to using the turf field.

Field request considerations are based on in-season, in-area organizations first.

In-season priority sports are defined as:

Winter - Open Nov 16th – Feb 29th (by request only)

Spring – Baseball, Softball, Lacrosse – March 1st to June 15th (early usage by request only)

Summer – Open June 16th to July 31 (by request only)

Fall – Soccer, Football, Field Hockey – Aug 1st - Nov 15th (late usage by request only)

Scheduling Request Deadlines:

- 1) One organization per youth sport will be recognized as the primary organization for that sport and season. That organization is the one with the largest number of Bernardsville youths participating. One primary contact per organization will be designated to represent each organization.
- 2) That organization has right to reserve space first. The organization cannot reserve the field for the entire season if there are other requests pending. Facility must be available for other uses and other organizations as needed and the Recreation Director, with support from the Recreation Advisory Committee as needed, will determine the amount of time that the organization can reserve the facility, taking into account the size of the organization and the needs of other groups and events. Priority attention is given to "in-season primary" sports.
- 3) The primary recognized youth organization must contact the Recreation Department in writing before their deadline (below) with their space reservation request. At the discretion of the Recreation Director, additional information may be required including proof of organization non-profit status, insurance certificate, etc.

Rosters: All team organizations, excluding the schools, must submit team rosters that include names and addresses of all participants along with the field usage request.

Along with rosters, all teams must submit the dates, days, times and field/fields requested. Every organization's authorized representative must sign and return the form provided that they have read and understand all rules and regulations.

Spring sport deadline for space reservation

Primary youth sport organizations: February 1st

All other organizations (other youth sports, adult leagues, etc): February 15th

Summer sport deadlines for space reservation

Primary youth sport organizations: May 1st

All other organizations (other youth sports, adult leagues, etc): May 15th

Fall sport deadlines for space reservation

Primary youth sport organizations: July 1st

All other organizations (other youth sports, adult leagues, etc): July 15th

Winter sport deadlines for space reservation

Primary youth sport organizations: Oct. 1st

All other organizations (other youth sports, adult leagues, etc): October 15th

The group will be notified of their space allocation no later than 14 days after the deadline. The organization has 4 days thereafter to petition the recreation department if they are not satisfied. The Recreation Director will bring the petition to the Recreation Advisory Committee's next meeting for review and recommendation if needed.

Application schedule for field usage

Season	Primary in season sports*	Season dates		In Season Field request Due Date	In Season Notification Date	Field Request Due for Other Programs**	Other Programs Notification Date
		Start	End				
Spring	Baseball, Softball, Lacrosse	March 1	June 14	February 1	February 15	February 16	February 23
Summer	Open	June 15	July 31			May 1	May 15
Fall	Soccer, Football, Field Hockey	August 1	November 14	July 1	July 15	July 16	July 23
Winter	Open	November 15	February 28/29			October 1	October 15
* In season Primary follow the Somerset Hills Board of Education schedule							
** Other Programs include but are not limited to Youth Sports-(in/out season), Travel Teams AAU, Adult Leagues							

All groups must notify the Rec. Dept. if scheduled dates are not going to be used immediately. Failure to do so will jeopardize their standing as a primary usage organization.

- All reservations must be made in person at the Parks & Recreation Department during office hours: Monday-Friday, 8:30 AM—4:30 PM according to the reservation application schedule.
- Proof of insurance and Hold Harmless agreement is required at the time of booking.
- Payment is required within 48 hours after notification of approved usage and can be made by check, cash or credit card (credit card has 3% processing fee). Checks are payable to “Bernardsville Recreation”. All payments must be either the renter’s personal check or from the organization they are representing.

Cancellations & Facility Closings

- Fields can be closed at the recreation director’s discretion at any time. The point of contact for all groups will be notified accordingly.
- Field rentals are non-refundable once paid.
- Transfers will be issued only if the fields are deemed unplayable and closed by the Borough. The rescheduled date is based on availability and must occur within the same calendar year.

Equal Opportunity: No applicant shall, be discriminated against and no applicant shall be denied use of the fields on the basis of race, color, national origin, sexual orientation, gender, religion or disability.

Code of Conduct: The Recreation Committee supports sportsmanship on behalf of all involved in events conducted on Borough of Bernardsville property. In accordance with NJ Statutes Chapter 74 of Title 5 (August 25, 2002), applicants are required to submit their Code of Conduct for athletes, parents, coaches, and officials addressing their guidelines for verbal threats, physical threats, profanity and initiation of fighting or contact. This should include policies for banning and reinstitution of persons who violate the code of conduct.

All Fields Usage Rates – Under separate cover

Veterans Field Snow Removal. Snow will be removed by authorized Bernardsville Public Works staff only to prepare the field for March usage but not before.

It is the goal of the Bernardsville Recreation Committee to encourage the usage of its recreational fields for worthwhile, non-profit purposes when such uses do not interfere with the Borough sponsored recreational programs.

The Department of Recreation reserves the exclusive right to determine the eligibility of an organization and to assign a classification and prioritization to any application for the use of fields.

These organizations whose aim and intended use are consistent with the general policy- entitled Terms for Use of Fields – shall be considered eligible and classified as follows:

- A. Recreation shall be construed as any program sponsored by the Recreation Department.
- B. School shall be construed to mean any program sponsored by the Somerset Hills School District.

- C. Community shall be construed to mean an organization whose membership, the majority (80%) of whose membership is domiciled in Bernardsville.
- D. Area shall be construed to mean an organization whose members reside in neighboring towns and at least 25% are Bernardsville residents.
- E. Out of Area shall be construed to mean an organization that has less than 25% of its members residing in Bernardsville.
- F. Any Area or Out of Area group will be required to submit its game/practice schedule to determine its field allocation, which will be based upon its resident ratio.
- G. Profit Organizations shall be assessed a use fee in accordance with the fee schedule.
- H. Non-Profit Organizations must submit proof of their 501-(c) status.

Terms for Use of Fields

Hours – Non-lighted fields: Playing time is Monday through Saturday 8am to dusk and on Sundays 9am to dusk. Lighted Fields: Playing time is 8am to 10pm.

Continuous Use: In Order to ensure that each field gets the proper rest, the Recreation Department may close any field for such length of time as it deems necessary.

Weather Conditions: Use of fields may be prohibited by the Recreation Department when there are weather conditions that may potentially harm the field. Recreational play in lightning and thunder is prohibited. Play can not resume until 30 minutes after the last sign of lightning and when the referee and coach deem conditions are safe to resume activity.

Frequency: Requests for use of the fields for more than four months in any one season will require special approval by the Recreation Committee.

Special Equipment: A permit to use recreation fields does not authorize the use of any special equipment such as lighting, sound systems, portable generators, and tents. The use of such special equipment must be approved in writing by the Recreation Department prior to its use.

If any equipment, such as nets or platforms are used they must be removed from the field after the organization has completed their designated time. Failure to comply, may result in penalty of future usage of the fields

Insurance: Any athletic organization using Borough fields must provide the Borough with a certificate of insurance with a minimum coverage of \$1,000,000 and naming the "Borough of Bernardsville" as an additional insured. All such policies of insurance are subject to approval by the Borough Attorney and the Borough's Risk Manager.

Damage: The applicant is responsible for any damage to Borough of Bernardsville property.

Hold Harmless: The organization is to use the facilities at its own risk and must supply the Borough with a hold harmless agreement in form acceptable to the Borough Attorney and the Borough's Risk Manager.

Police Coverage: The Department of Recreation may require the applicant to provide police coverage for safety reasons, which shall be paid for by the applicant.

General Rules:

Alcohol: No possession and or consumption of alcoholic beverages on the field(s) or recreational grounds unless special permission is obtained from Mayor & Council.

Parking: Cars must be parked as so not to interfere with entrance, exit, and/or travel along the parks' service roads and must comply with all borough regulations and ordinances. During the pool season the pool parking lot is prohibited to field users. All participants driving motor vehicles shall be subject to the provisions of Title 39 of the New Jersey Statutes and all other applicable statutes, ordinances, and regulations.

No open fires: Barbecuing and cooking are prohibited on any fields at any time without special permission from the Mayor, Council, Recreation Committee and Fire Official.

Glass: Glass containers or glass objects are not permitted at the fields.

Garbage: Litter must be placed in the proper public litter receptacles; and the field must be free of litter before leaving. Any large items such as pizza boxes or equipment boxes must be removed by the organization. Fields will be checked periodically. If they are found with litter, that field may need to be closed for cleanup and privilege may be revoked.

Benches/Bleachers: Benches and or bleachers are not to be moved from any field.

Restrooms: An application for restroom keys must be filled out at the Recreation Office prior to the start of the program. The key can be picked up and returned to the police dispatch department by a designated key applicants the same day. Restrooms must be checked periodically and before leaving to ensure no persons or articles are left inside and for cleanliness or running water. Any graffiti or damages to the restrooms must be reported immediately to the Police and Bernardsville Recreation Department.

Animals: Animals must follow town ordinance for pet control.

Excessive Sound: Loud and Unnecessary noise is prohibited: i.e. loud music, air horns, or noisemakers. All noise volumes must be in compliance with Noise Ordinance #209-19 and Ordinance #209-20.

Borough Ordinances: Any organization using Borough fields will be subject to all Borough ordinances and other applicable statutes, law, and regulations.

Violations: Violations by a permit holder of any of the regulations governing the use of facilities may result in cancellation of all existing permits and the denial of any permits in the future. This includes

failure to enforce a code of conduct. Anyone who violates these rules and regulations also may be subject to the penalties set forth in section 1-5 of the Borough Code.

Veterans Turf Field Rules

- Users are responsible to leave the field clean and ready for the next user as they found it and are to inspect the field and remove anything left by their players or spectators, such as trash, mouth guards, athletic tape, or equipment. In the event that a user has left the field without cleaning up, a cleaning fee will be charged to that organization.
- Any Physical Damage caused by negligence of the user will be charged to the user and sent an invoice for damages. No further usage of the field will be permitted until that charge is paid in full.
- Users are responsible for the conduct and behavior of players and their spectators on the field.
- If a user finds a problem, defect or unclean conditions on the turf, they must notify the Bernardsville Recreation Department at 908 766-2546.
- Access to the turf is limited to players, coaches, and assigned volunteers. For safety reasons, spectators should sit in the bleachers or outside the playing area.
- The Turf Rules & Regulations are in effect at all times and apply to everyone using the field. Permit holders will be liable, and field privileges will be suspended and/or revoked if the rules are not followed.
- The field is open rain or shine. The field will only close in an instance of thunder/lightning or snow.
- The presence of even distant thunder warrants leaving the field, the field should be clear for 30 minutes after last bolt of lightning or clap of thunder. 30/30 lightening rule - at a count of 30 sec between seeing a strike and hearing thunder or signs of an approaching storm, users are to leave the field. Normal activity should not be resumed until 30 min after the last thunder clap is heard.
- Only Authorized Personnel can clear the turf of snow/ice.
- Any training equipment such as portable lights, blocking sleds, lacrosse nets, soccer free kick mannequin walls, etc. must be pre-approved by the Bernardsville Recreation and Bernardsville Maintenance Dept.
- Always Lift and Carry (DO NOT DRAG) Goals and Equipment. Sideline benches and bleachers are only to be moved by the Bernardsville employees.
- No metal spiked shoes or high heels of any kind are permitted. Allowable footwear includes molded rubber cleats, turf shoes or running shoes. All footwear shall be clean and free of mud.
- Only freestanding field markers and sports equipment are permitted to be used. No stakes, posts, poles and/or markers of any kind are permitted to be driven into the turf field.
- Marking, painting or taping the field is strictly prohibited.
- No motorized vehicles, bicycles, skateboards, strollers, tents, tables, canopies or folding chairs. Wheelchairs and electric scooters may be used in accordance with accommodations required pursuant to the Americans with Disabilities Act, provided that such motorized vehicles do not cause damage to the turf field surface.
- No food or chewing gum of any kind is allowed on the turf field.
- No sunflower seeds.
- No Rockets or Fireworks are allowed on the field.
- No glass containers for water.
- No colored Sports drinks.

- The use of alcohol and any tobacco products is prohibited throughout the complex.
- No animals (dogs or pets of any kind) are allowed on the turf field.
- Golfing and/or other non-authorized uses (i.e. model airplanes, drones, rockets, shot-put, javelin, disk throwing) is prohibited.
- Grills or other open cooking structures are prohibited. No portable heaters or any open flame.
- Authorized users are responsible for notifying their guests of these policies. Failure to do so may forfeit their permission to use the field.
- Food trucks need to be inspected and approved by the Bernardsville fire official.

It is strictly understood that the Borough of Bernardsville, and its agents, owners, members, employees, volunteers etc. are not liable, and may not be held responsible for, any loss before, during or after applicant's use of the facility. In addition, these groups are not responsible for any theft or loss at any time.

The Borough of Bernardsville, the Department of Recreation and their agents, employees and officers

a) shall not be held liable for failure to perform or fulfill its contractual obligation for any reason within or beyond their control and

b) shall not be held liable for damages, loss or injury for any reason within or beyond their control. Insurance for such loss, damages or injury shall be the sole responsibility for each exhibitor at their own cost.

**BERNARDSVILLE BOROUGH
ORDINANCE 18-1763**

**AN ORDINANCE CONCERNING PARKING RESTRICTIONS
ON CLAREMONT ROAD AND AMENDING CHAPTER VII
OF THE BOROUGH CODE ENTITLED "TRAFFIC"**

Statement of Purpose: To impose additional parking restrictions on Claremont Road.

WHEREAS, Somerset County Engineer Matthew D. Loper, P.E., in a January 26, 2018 email to Police Chief Kevin Valentine and Public Works Manager John Macdowall recommended that parking be prohibited on the east side of Claremont Road from its intersection from Orchard Hill Road/Thompson Street in a southerly direction to the north side of the north driveway of 127 Claremont Road;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, New Jersey, that Chapter VII of the Borough Code entitled "Traffic" is hereby supplemented and amended as follows:

Section 1. §7-7.6 entitled "Parking Prohibited at All Times on Certain Streets" is hereby supplemented and amended by adding the following new parking restrictions on Claremont Road:

7-7.6 Parking Prohibited at All Times on Certain Streets. No person shall park a vehicle at any time upon any streets or parts of streets described.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
<u>Claremont Road</u>	<u>East</u>	<u>From its intersection with Orchard Hill Road/Thompson Street in a southerly direction to the north side of the north driveway of 127 Claremont Road.</u>

Section 2. The effectiveness of this ordinance is contingent upon signs being erected as required by law.

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

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

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

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

Publication after Adoption: _____

C:\Users\lasuriano\Downloads\2018-02-23 Claremont parking ORD.wpd

**RESOLUTION #18-49
ACCEPTING MONTHLY REPORTS**

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

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

*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 February 26, 2018.

RESOLUTION 18-50

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	2,557.00
04 Escrow	\$	5,843.25
05 Construction Trust	\$	-
06 Outside Employment	\$	1,875.00
10 Current Fund	\$	2,662,603.74
12 Animal Control Trust	\$	344.40
20 Payroll	\$	243,326.95
33 Capital Fund	\$	199,247.04
40 Sewer Utility Fund	\$	64,207.03
55 Sewer Capital	\$	11,372.71
70 COAH Trust	\$	4,780.60
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	2,798.76
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	1,236.84
78 General Trust	\$	-
79 Bernardsville Community Garden Trust	\$	25.00
81 Snow Removal Trust Fund	\$	-
82 Accumulated Absences Trust Fund	\$	3,567.20
85 Recreation Trust	\$	810.00
 TOTAL	 \$	 3,204,595.52

I, Anthony J. Suriano, Borough Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on February 26, 2018

BOROUGH OF BERNARDSVILLE, NJ

**RESOLUTION #18-51
AUTHORIZATION OF TAX REFUND**

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

Block & Lot	Quarter & Year	Amount	Reason for Refund	Issue Refund To
107/5	2018/1	\$1,933.24	Duplicate Payment	Valeria Shalit 7 Center Street Bernardsville, NJ 07924
131/6	2018/1	\$1,684.33	Duplicate Payment	Bellmont Title 886 Belmont Ave Suite D North Haledon, NJ 07508 Attn: Lexie
71/6	2018/1	\$500	Duplicate Payment	Bessie Pershouse 55 Claremont Road Bernardsville, NJ 07924

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

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

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on February 26, 2018.

RESOLUTION #18-52
APPROVING EMERGENCY TEMPORARY APPROPRIATIONS

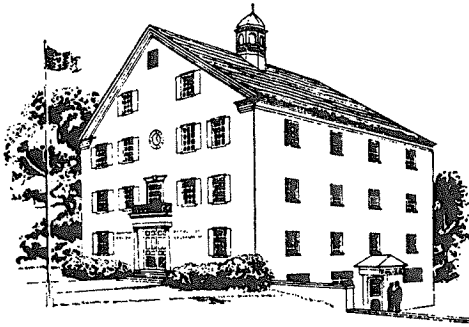
WHEREAS, it has been determined that certain appropriations excluded from the temporary budget calculation will be needed prior to the adoption of the final budget,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, County of Somerset, that the following emergency temporary appropriations be approved:

	ACCT #	DEBIT	CREDIT
<u>CURRENT FUND:</u>			
AMOUNT TO BE RAISED BY TAXATION	10-190-0700-0000	\$401,000.00	
DEBT - BOND PRINCIPAL	10-C00-0410-0250		\$401,000.00

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville in the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough Council of the Borough of Bernardsville in the County of Somerset in the State of New Jersey on February 26, 2018.

Anthony Suriano
Borough Clerk



Borough of Bernardsville
166 Mine Brook Road
Bernardsville, NJ 07924
Somerset County

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

RESOLUTION #18-53
APPOINTING A PUBLIC DEFENDER FOR THE SHARED MUNICIPAL COURT

WHEREAS, Francesco Taddeo has resigned from his position as Public Defender in the Shared Court of Bedminster Township, Peapack-Gladstone Borough and Bernardsville Borough due to his appointment as Municipal Judge for the Shared Court of Hillsborough Township, Montgomery Township and Manville Borough; and

WHEREAS, there is a need for the appointment of a Public Defender for the Bedminster Township, Borough of Peapack and Gladstone and the Borough of Bernardsville Shared Municipal Court in 2018; and

WHEREAS, in an effort to manage the Shared Municipal Court calendar efficiently, the host town of Bedminster Township recommends moving forward with an emergency non-fair and open contract proposal for the position of Public Defender to the Shared Court to complete Francesco Taddeo's contract term.

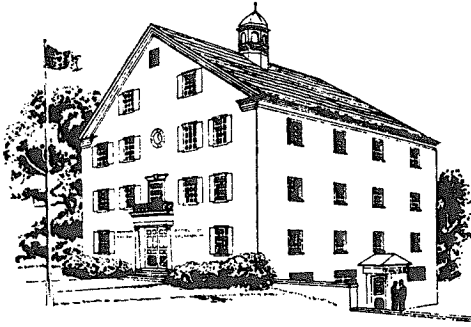
NOW THEREFORE, BE IT RESOLVED, that the Borough Council hereby approves the appointment of the following to perform professional services for the Bedminster Township, Borough of Peapack and Gladstone and Borough of Bernardsville Shared Municipal Court in 2018:

<u>NAME</u>	<u>POSITION</u>
Scott C. Mitzner, Esq. Mitzner & Mitzner, P.A. 786 Mountain Blvd., #101a Watchung, NJ 07069	Public Defender Annual Compensation: \$16,000.00 Special Session: \$ 250.00

NOW THEREFORE, BE IT FURTHER RESOLVED that the appointment of Mr. Mitzner is expressly contingent upon the continuation of a shared court agreement between Bedminster Township, Peapack-Gladstone Borough and Bernardsville Borough and the appointment of Mr. Mitzner as Public Defender by the Borough of Peapack-Gladstone and the Township of Bedminster.

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 February 26, 2018.

Anthony Suriano, Borough Clerk



Borough of Bernardsville

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Bernardsville, NJ 07924
Somerset County***

***Administration (908) 766-3000 Fax (908) 766-2401
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RESOLUTION #18-54

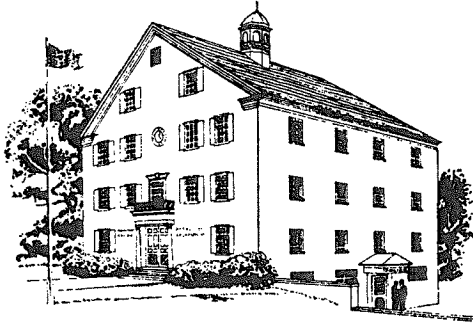
AUTHORIZING THE MAYOR AND CLERK TO SIGN A TRANSPORTATION SERVICE CONTRACT WITH SOMERSET COUNTY

BE IT RESOLVED, to authorize the Mayor and Clerk to sign a Transportation Service Contract with Somerset County Division of Transportation for 2018, pursuant to a contract on file in the Office of the Borough Clerk, for additional services, as follows:

- Shopping on Fridays in Bernardsville, with stops including, but not limited to ShopRite or Kings, Ace Hardware, banks, from 11:00 a.m. to 2:00 p.m. Shopping bags shall be limited to two bags per person, and
- Service for health related (medical) visits on Tuesday, twice monthly, to Morristown, NJ from 10:45 a.m. to 2:00 p.m.

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 February 26, 2018.

transportation.res



Borough of Bernardsville
166 Mine Brook Road
Bernardsville, NJ 07924
Somerset County

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

RESOLUTION #18-55
APPROVING PERSON-TO-PERSON TRANSFER
OF A.B.C. LICENSE #1803-33-001-007

WHEREAS, an application has been filed for Person-to-Person Transfer of Plenary Retail Consumption License #1803-33-001-007,

FROM: Harlin, Inc., t/a The Thirsty Turtle

TO: Arta LLC

WHEREAS, the license was properly renewed for the 2017-18 term, the application for transfer was supported by written consent to transfer, a Bulk Sale Permit Application, transfer application fees, and the application form has been found to be complete; and

WHEREAS, the applicants have been investigated by the Police Department and have been found to be qualified according to standards and conditions established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as local ordinances; and

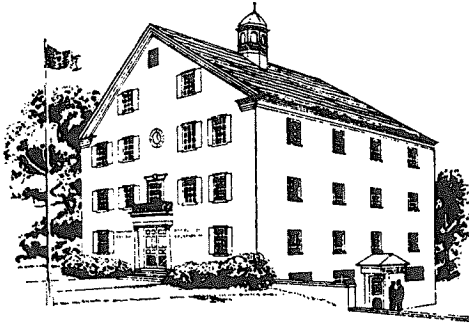
WHEREAS, public notice was given in the Bernardsville News on February 8 and 15, 2018, and no written objections were filed with the Borough Clerk; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Bernardsville does hereby approve the Person-to-Person Transfer of the aforesaid License, effective immediately, and hereby directs the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Arta LLC".

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 February 26, 2018.

abc transfer Arta



Borough of Bernardsville

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

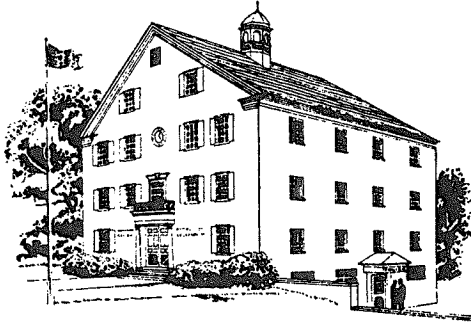
***Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788***

RESOLUTION #18 - 56

AUTHORIZING THE MAYOR OR ADMINISTRATOR TO SIGN APPROVAL OF THE SOMERSET COUNTY CODE BLUE ACTIVATION PLAN

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville to authorize the Mayor or Administrator to sign approval of the Somerset County Code Blue Activation Plan.

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 February 26, 2018.



Borough of Bernardsville

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Somerset County***

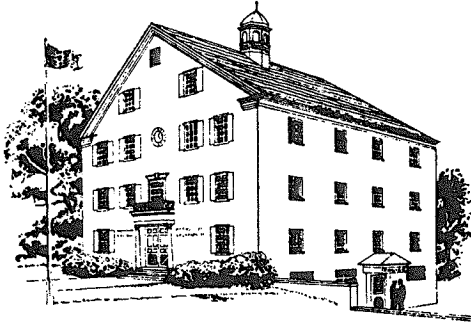
***Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788***

RESOLUTION #18 - 57

AUTHORIZING THE ADMINISTRATOR AND CHIEF OF POLICE TO SIGN THE SHARED COURT AMENDED SECURITY PLAN

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville to authorize the Administrator to sign the Shared Court Amended Security Plan.

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 February 26, 2018.



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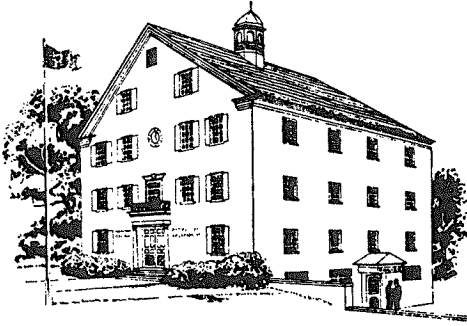
RESOLUTION #18- 58

**AUTHORIZING EXECUTION OF A TREATMENT WORKS APPROVAL (TWA-1)
AND STATEMENT OF CONSENT (WQM-003) FOR THE WASTEWATER
TREATMENT PLANT FILTER REPLACEMENT PROJECT**

WHEREAS, the Wastewater Treatment Plant Filter Replacement Project will require a Treatment Works Approval (TWA) and a Statement of Consent Form; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, to authorize the Mayor to sign a TWA-1 and WQM-003 for the Wastewater Treatment Plant Filter Replacement Project to be submitted to the NJDEP.

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 February 26, 2018.



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RESOLUTION #18-59
AUTHORIZING SUBMISSION OF 2017 RECYCLING
TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

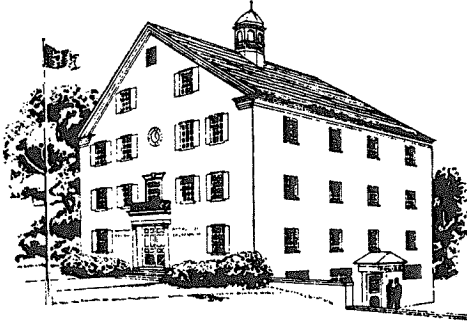
WHEREAS, a resolution authorizing this municipality to apply for the 2017 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville, that Bernardsville hereby endorses the submission of the 2017 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates John Macdowall to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 February 26, 2018.



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RESOLUTION #18 - 60

AUTHORIZING FILING OF A SUSTAINABLE JERSEY GRANT APPLICATION

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville to authorize the filing of a **Sustainable Jersey Grant application**, copy attached hereto.

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 February 26, 2018.

Application 2018 EDIT

DRAFT

No funds are being requested from the Borough.

Grant Application – large – draft

Deadline Feb 28.

I. Eligibility – a. SJ Registration, b. Green Team, c. Previous Grant Recipient

II. Application Information, Grant Proposal

III. Grant Proposal

a. Project Title and Description

Project title – 10 words

Encouraging Community Commitment for Sustainability

Brief Project Description (for reports and press release)

For the past eight years, the Green Team has played a leading role in fostering community outreach for sustainability. Our projects have focused on protecting the environment in many ways especially through our key partnerships and even helping the local economy. We believe the synergies from all our projects will encourage even greater commitment by the community to sustainable, long-term actions and an updated audio-visual set-up at our library will further our goals.

b. Project Team – key people, list and resumes in one resume, PDF

Key Members of Green Team (All Bernardsville residents.)

Our team has been certified for 8 years. We are a combination of members who have been on the team since day one and newcomers, who represent different segments of the community. In our own lives, we embody green lifestyles. We are dedicated to partnering with other volunteer groups and the municipality to bring sustainable actions to the borough thereby enhancing the quality of life for our residents over the long-term.

Bob Baker heads up our team and his strength is bringing his engineering background to all our projects. He is also a past-president of the District School Board and is active with our environmental teams. In 2012, the Middle School was a Green Ribbon School.

Johanna Wissenger is a member of the Environmental Commission and liaison to the Shade Tree Committee. She taught science and environmental education. She believes strongly in providing opportunities for children to learn to appreciate nature and supports the importance of public education.

Wanda Knapik is the director of the community garden. She is a permaculture designer, educator, and owner of her own business, My Local Garden LLC. She is an active member of the Green Team and a professor at Seton Hall University who brings her students to our garden to assist.

Christine Zamarra is a 13-year resident of Bernardsville, Christine is a graduate of Drew University, majored in French. Currently works as a Senior Registered Client Service Associate at Morgan Stanley Wealth Management. She grew up in Weehawken NJ and has been a member of the Mayor's Wellness Campaign Committee as well as the Green Team, and is the Adopt-A-Park chairperson since its inception in 2014. She has led Borough wide clean up days in 2010 and 2012 and is also a member of the Home School Associations for BMS and School of St. Elizabeth. She also serves on the Bernardsville Police Department New Committee to promote and improve safety in town the Bernardsville Safe Driving Campaign. She is a mother of 3, and enjoys cooking, reading, crafting, and walking her dog Flip. Most important, she was elected to the Borough Council for three years.

Ed English has grown into his third career in offering communication programs and strategies to non-profits and artists, after careers in marketing at Merck and documentary and creative filmmaking in NYC. He has been on the Board of Adjustment for 6 years, and is now the co-chair. He serves on the Shade Tree Committee, Open Space, CERT, and the Library Foundation.

Rosalie Baker is a librarian with over 25 years of service and is indispensable in ensuring that we understand the ramifications of our diverse opinions. Last year, she successfully led the e-waste effort after the County withdrew financial support. Rosalie is also active on the Community Animal Rescue Team, who performed exceptionally during the major fire to a 100+ year old large, landmark building downtown.

Mike Anderson is the Sanctuary Director for NJ Audubon and shares his deep knowledge of the natural world thereby enriching all our efforts. His presentations before the Borough Council and many objectors, were pivotal in our earning the proper Resolution and Ordinance to move ahead with deer management.

Eric Stiles, the CEO and President of NJ Audubon is a true friend. He readily shares his broad environmental and strategic experience to guide us with a soft touch that shows results. He always encourages us to make our own decisions. The Green Team is indebted to Eric and NJ Audubon for hosting our meetings.

c. Action Plan & Timeline: specific steps to complete, including project planning, implementation, evaluation. Identify target dates for each step, to be accomplished by 18 months, Oct. 31, 2019.

Action Plan & Timeline

This is a complete narrative description of all the projects we will focus on in the next 18 months. A detailed budget is attached separately.

On February 21, 2018, we will be showing “Before the Flood” with Leonardo DiCaprio, as part of our environmental film series. To ensure the important message on climate change comes across, since there are short-comings with our audio-visual set-up, we have developed a hand-out on key point to be discussed afterwards. We began this practice, last November, when we showed “Chasing Coral” and one of our residents, unwittingly, voiced a ‘climate denier’ opinion, which prompted us to dig further and with the help of NJ Audubon, we provided materials that changed a misguided opinion.

Already planned for 2018 are: March 9 – “Native Plants: What to Plant, What Not to Plant” with Michael Van Clef, leader of the NJ Invasive Strike Force, and March 24 – “Protect Your Trees from Insects and Disease” with Neil Hendrickson, Ph. D, Bartlett Scientific Advisor. We would like to develop more programs and invite guest speakers and educators who can expand the depth and quality of our outreach. We have ideas for a bigger environmental film series, not as involved as what Princeton does, but we feel our audio-visual set-up limits us. Other programs are done at a neighboring library because, as one person told us, they have “no problem with connections, I can simply use my iPad.”

Recent challenges we have had because of the limited audio-visual set-up, include February 11, when a number of people could not adequately hear the slide presentation on Historic Downtown Bernardsville. Fortunately, the sponsor, the Historic Preservation Advisory Committee, had provided small snacks & soft drinks, so after the presentation, there was time to discuss the meaningful exploration of the origins of our town and how trends in architecture, transportation, commerce and innovation had shaped the Bernardsville we know today. On February 13, 2018, the program “Contested Monuments” funded by the NJ Council for the Humanities, was delayed because of difficulties with the audio-visual set-up.

On April 28, the Green Team will hold an outdoor event with three of our partners: the Environmental Commission, the Shade Tree Committee, and Raritan Headwaters. Having the library community room available would be a safe back-up if it rained. Last October, we held a tree pruning workshop for residents, in the library parking lot, which was very successful because we had good weather that day. Many of our outdoor sustainable events, have rain dates as it is too cumbersome or impossible to move the program inside the library at the last minute because of the weather. The director of the Community Garden has held classes in the Community Room as she understands the need to plan ahead for changing weather.

A few of the new opportunities we are getting involved in for 2018. Community involvement is a strong feature of the Green Team. Recently we were glad to begin a new relationship with the Borough and business leaders for a town-wide Festival they are planning for this September. I have been asked to participate in the planning as the administrator for the Farmers' Market and as a Green Team member. We earned certification for Creative Assets Inventory and Creative Team Building a while ago, so now it is appropriate to expand this capability to apply concepts from Sustainable Jersey's on Creative Placement and Municipal Commitments to Support Arts and Culture.

The Festival planners are also considering a 5 K foot race and as a member of the Open Space Committee, I walked the Laurelwood Trail, which we helped develop, with a Festival Planner and the planners are considering incorporating the trail and the library as interesting features of the race course and the town.

This Festival opportunity also ties into the town Survey that the Borough is undertaking, at present, to add a "Visioning Statement" to the Master Plan. The Green Team is eager to contribute.

We believe, the efforts of the Green Team, our partners and these new relationships, could receive a welcome boost if the library had a new audio-visual set-up.

An upgraded audio-visual set-up would also be conducive to producing short videos. We worked around this limitation three years ago, when we did a video at the library exhibition "Sandy's Wake Up Call". An exhibitor kindly wrote at the time, "You did a wonderful and fantastic video. I feel very honored and humbled to be a part of this video."

One of the main points for requesting funds for an updated audio-visual set-up for our library is that when participants and residents appreciate the presentation, the messages on sustainability resonate with them. Even with the minimal equipment we have, the enthusiasm of our team has enabled us to produce superior programs and attract quality speakers. I know that by having Emile De Vito, Thomas Almendinger, Michael Anderson, Eric Stiles, Kelly Mooij, Pola Gaile and others, speak at our library program for deer management, they helped enable us to make that a reality for the Borough.

One final note about asking for funds, is that this year the funding for the library has been reduced for the first time in eight years. Never-the-less, the treasurer of the Friends of the Library has committed to augment the funds we are asking of Sustainable Jersey for a new audio-video set-up. See attached budget.

Administration

All the components of the proposal will be administered by the Borough with the Green Team managing the overall process for the Mayor, Council, and Planning Board.

Budget estimate

Our research indicates that an updated audio-visual set-up fully installed in our community room to work trouble-free for different presenters, will cost more than \$10,000. The Friends of the Library are committed to match those funds.

Communication

This has been one of the strengths of the Green Team with outreach meetings, multiple articles and photos in local NJ newspapers, posters around town, flyers for events, photos and even videos on the web site. We look forward to the continuing cooperation of the Public Library for hosting our programs. The prestigious reputation of our four-star library makes it easy for us to attract expert speakers. Local businesses, churches, the schools and NJ Audubon have also been receptive to partnering on our projects.

d. Impact of Project on the Community

The impact this application for an audio-visual set-up, if awarded, and once installed, will have on the community will be felt first with the programs already planned. The equipment will facilitate learning, enable most employees to access and set-up the equipment, even on short notice, simplify use for outside presenters, service more requests for audio video programs, allow for more predictive scheduling, and encourage new approaches for environmental programs. It's also hopeful the new audio-video set-up will encourage technology development, software, and even audio- video engineering for new media in the future.

Once we get a sense of how well we are doing with the new equipment, we can permit ourselves to think more creatively. New people will become interested in working with us and join us for ongoing partnerships.

Long-range, as we learned from the SJ Grants we received in the past, our success was based on building capacity, leveraging relationships, partnerships, and being open to changing conditions and new solutions. This caught people's attention, and other volunteer groups, some businesses, and certainly the mayor and council, so that we gained their cooperation. The bonus for all this support, is that we are considered for additional projects. An updated audio-visual set-up will enable us to find more ways to dove-tail projects, relationships, and partnerships, and successfully complete them.

One final point – winning this award from Sustainable Jersey, has real value. I can say that it makes it easier for our opinions to be heard which leads to people to trust us. The support of Sustainable Jersey will help enrich all our programs, which will be to the benefit of the entire community.

e. Budget Narrative.

Expenses Include: staff salaries, consultant or contractor fees, equipment, project supplies, training and educational materials, promotional items

(giveaways, incentives & awards, but less than 10%). If more funds are needed, describe any in-kind or cash matches that have been approved.)

In our budget, we present the parameters for the upgrading the library audio-video set-up with two reputable, local vendors and the real possibility of the costs exceeding \$10,000. Bob Baker, chair of our Green Team is also the Treasurer of the Friends of the Public Library, and if the grant is awarded, he has secured additional funds to match that amount. We are uploading a Detail Budget under section V.C. Also, we will have the audio-visual expert from our local High School review the proposal before the work is committed to a vendor.

f. Evaluation.

Describe how impact will be measured. (Not necessarily rigorous or formal, but a report on specific results, measurable outcomes and other non-quantifiable impacts on the community.)

The back-to-back grants we were awarded in 2015 and 2016, have taught us the necessity of relationships and partnerships that facilitate measuring programs dynamically in real time. We will also compile a Report on each project. Our aim is that the Reports will have future benefits beyond measuring ourselves this year.

IV. Application Contacts

a. Primary Application Contact

b. Mayor

c. Fiscal Contact

d. Media contact

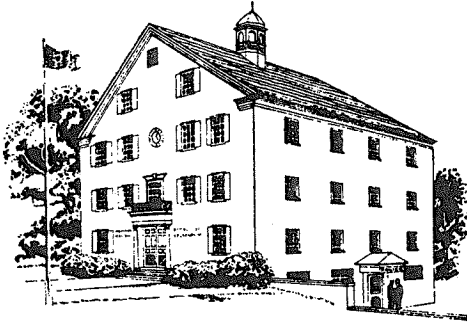
V. Required Attachments

a. Green Team Info. – Certified municipalities do not have to complete section V.a. of the application.

b. Authorization to submit grant application, different from certification, see sample resolution

c. Detailed Project Budget – see template

d. Optional Information – letters of commitment or support from project partners ...



Borough of Bernardsville

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

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

RESOLUTION #18 - 61

AWARDING A CONTRACT TO SPORTSFIELD SPECIALTIES FOR A BACKLINE NETTING SYSTEM AT THE TURF FIELD

WHEREAS, pursuant to Resolution #18-47, the Borough of Bernardsville joined Keystone Purchasing Network, a National Cooperative Purchasing Agency; and

WHEREAS, the Recreation Director has recommended a contract for a backline netting system at the turf field.

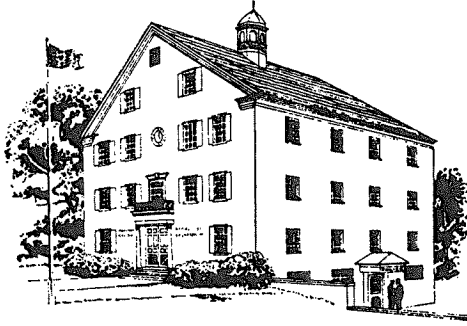
WHEREAS, a certification of availability of adequate funds has been filed by the Chief Financial Officer, in accordance with the requirements of N.J.A.C. 5:30-14.5.

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

- (1) A contract is hereby awarded through Keystone Purchasing Network to Sportsfield Specialties in the amount of \$27,152.10.
- (2) The Mayor and Clerk are hereby authorized to sign a contract with Sportsfield Specialties for a backline netting system at the turf field, 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 Ordinance #18-1759 (Open Space Recreation portion).

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 February 26, 2018.



Borough of Bernardsville

***166 Mine Brook Road
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RESOLUTION #18 - 62

AUTHORIZING THE MAYOR TO SIGN A HOLD HARMLESS AGREEMENT WITH SOMERSET COUNTY FOR USE OF CONTAINERS/SIGNS FOR E-WASTE CLEANUP

WHEREAS, on April 28, 2018, the Bernardsville Borough Green Team is hosting the E-Waste event at Bernards High School; and

WHEREAS, Somerset County will be providing roll-off containers and signs, and as a condition of providing the containers and signs, the county requires a hold harmless agreement and certificate of insurance from the borough naming the county as an additional insured.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council to authorize the Mayor to sign a hold harmless agreement for use of Somerset County equipment.

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 February 26, 2018.

RESOLUTION #18-63
RESOLUTION AUTHORIZING TRANSFER OF FUNDS

WHEREAS, it has been determined that the following budgetary accounts will be in need of additional funding prior to March 27, 2017 and NJS 40A:4-58 and 59 permits the transfer of funds from those line items where an excess exists to those appropriations that are expected to be insufficient,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, County of Somerset, that the following budget transfers be made effective February 26, 2018:

<u>ACCOUNT</u>	<u>ACCOUNT No.</u>	<u>FROM</u>	<u>TO</u>
CURRENT FUND:			
Zoning/Housing	10-A00-0156-0200	\$ 200.00	
Liabilty Insurance	10-A00-0170-0200	\$ 10,000.00	
Streets and Roads - OE	10-A00-0220-0200	\$ 10,000.00	
Vehicle Maintenance - SW	10-A00-0246-0100	\$ 300.00	
Right to Know Act - OE	10-A00-0245-0200	\$ 500.00	
Electricity	10-A00-0310-0200		
Capital Improvement Fund	10-A00-0108-0200		\$ 21,000.00
TOTAL CURRENT FUND		<u>\$ 21,000.00</u>	<u>\$ 21,000.00</u>

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville in the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough Council of the Borough of Bernardsville in the County of Somerset in the State of New Jersey on February 26, 2018.

Anthony Suriano
Borough Clerk

RESOLUTION #18-64
APPROVING EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, it has been determined that certain appropriations excluded from the temporary budget calculation will be needed prior to the adoption of the final budget,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, County of Somerset, that the following emergency temporary appropriations be approved:

<u>ACCOUNT</u>	<u>ACCOUNT No.</u>	<u>REVENUE</u>	<u>APPROPRIATION</u>
CURRENT FUND:			
Amount to be Raised by Taxes	10-190-0700-0000	\$ 1,718,566.50	
Bond Principal	10-C00-0410-0250		\$ 896,000.00
Bond Interest	10-C00-0335-0200		\$ 160,924.50
P.E.R.S.	10-C00-0335-0200		\$ 280,230.00
P.F.R.S.	10-C00-0345-0200		\$ 381,412.00
TOTAL CURRENT FUND		<u>\$ 1,718,566.50</u>	<u>\$ 1,718,566.50</u>

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville in the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough Council of the Borough of Bernardsville in the County of Somerset in the State of New Jersey on February 26, 2018.

Anthony Suriano
Borough Clerk

**BOROUGH OF BERNARDSVILLE
RESOLUTION #18-65**

**RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT
WITH NGC DEVELOPMENT, LLC IN CONNECTION WITH PROPERTY LOCATED
AT 88 AND 108 CLAREMONT ROAD, (BLOCK 37, LOT 18.01 AND BLOCK 68, LOT 9)**

WHEREAS, NGC Development, LLC (the "Developer") received use variance approval, dimensional variance approval, design standard waiver approval, minor subdivision approval, and preliminary and final major site plan approval for property located at 88 and 108 Claremont Road and known as Block 69, Lot 9 and Block 37, Lot 18.01 on the Borough Tax Maps, from the Borough Zoning Board of Adjustment at Application no. 17-02, as memorialized in a resolution adopted by the Board on December 20, 2017 (the "Resolution"); and

WHEREAS, the Resolution provides in paragraph 5, at page 18, that "The [Developer] shall be required to enter into a Developer's Agreement with the Borough . . . "; and

WHEREAS, the Resolution goes on to provide in paragraph 6, at pages 18-19, that:

"As agreed to by the [Developer], in order to comply with the affordable housing requirements of the Borough, the [Developer] intends to address the affordable housing obligation associated with the proposed development by acquiring a lot or existing dwelling elsewhere in Bernardsville and conveying it, together with sufficient funding, to a special needs housing provider to enable it to be utilized as a special needs group home for developmentally disabled adults. To the extent that the number of bedrooms that are able to be created in the group home do not equal the number of affordable units required pursuant to Borough calculations (total of 5, assuming 20 condominium units are constructed), the Applicant shall make a payment in lieu of the construction of the additional unit or portion thereof to the Borough's Affordable Housing Trust Fund. The details of this, including the timing of the fulfillment of this commitment, will be negotiated and agreed upon with the Borough Council and made a part of the Developer's Agreement. Specific plans for this affordable housing obligation shall be approved prior to the issuance of any building permit." ; and

WHEREAS, as set forth in paragraph 14 of the proposed Developer's Agreement, a copy of which is attached hereto and incorporated herein by reference, the Developer has agreed to make

a contribution in lieu of the construction of an affordable housing unit, if permitted by the Resolution, in the amount of \$145,903 for each unit; and

WHEREAS, it is further provided in paragraph 14 of the Developer's Agreement that "In the event the [Developer] is required to make a contribution in lieu of providing an affordable housing unit or portion thereof in addition to conveying the group home, such payment shall be made prior to the issuance of ninety (90) percent of the certificates of occupancy of units in the residential project or the certificate of occupancy for the 18th unit in the residential project, whichever occurs first."; and

WHEREAS, Randall Gottesman, P.P., president of CGP&H, has reviewed these proposed terms and found them to be appropriate;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Bernardsville, in the County of Somerset, State of New Jersey, that the Mayor and Acting Borough Clerk are hereby authorized to execute the Developer's Agreement with NGC Development, LLC, a copy of which is attached hereto and which is incorporated herein by reference.

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 Governing Body at a duly convened meeting held Monday, February 26, 2018.

Anthony Suriano, Acting Clerk