

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
March 12, 2018 – 7:00 p.m.

1. **CALL MEETING TO ORDER**

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

2. **STATEMENT OF PRESIDING OFFICER**

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

3. **PLEDGE OF ALLEGIANCE**

4. **OPEN SESSION**

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

5. **PRESENTATIONS**

5A. Swearing in of new council member John Donahue

5B. National Nutrition Month

6. **ITEMS OF BUSINESS**

6A. **ORDINANCES**

Mayor to open public hearing on 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**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #18-1761, **APPROPRIATING \$269,250 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS EQUIPMENT AS LISTED IN THE 2018 MUNICIPAL BUDGET**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #18-1762, **AN ORDINANCE ADOPTING RULES AND REGULATIONS AND FEES FOR THE 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:

Mayor to open public hearing on Ordinance #18-1763, **AN ORDINANCE CONCERNING PARKING RESTRICTIONS ON CLAREMONT ROAD AND AMENDING CHAPTER VII OF THE BOROUGH CODE ENTITLED "TRAFFIC"**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

Moved by _____ that Ordinance #18-1764, **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**, 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 26, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1765, **AN ORDINANCE CONCERNING PERFORMANCE AND MAINTENANCE GUARANTEES AMENDING SECTION 11-1 IN. VOLUME II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BERNARDSVILLE (1997) ENTITLED "IMPROVEMENT GUARANTEES "**, 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 26, 2018.

Second:

Vote:

6B. RESOLUTIONS

- | | |
|---------------|--|
| #18-66 | AUTHORIZING PAYMENT OF BILLS |
| #18-67 | AUTHORIZING A TAX REFUND |
| #18-68 | AUTHORIZING REDEMPTION OF TAX LIEN
CERTIFICATION #16-00022, 207 FINLEY AVENUE |
| #18-69 | APPOINTING ROBERT ROSENDALE AS
PART TIME BUILDING SUBCODE OFFICIAL |
| #18-70 | AUTHORIZING CHANGE ORDER #1 TO THE
CONTRACT FOR LIBERTY ROAD IMPROVEMENTS |

- #18-71 AWARDING A CONTRACT FOR RENTAL OF
SNACK BAR AND RIGHT TO SELL FOOD
AND SOFT DRINKS AT THE BERNARDSVILLE
MUNICIPAL POOL**
- #18-72 RESCINDING RESOLUTION #18-64 DUE TO A
DUPLICATE LISTING**
- #18-73 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)**
- #18-74 APPROVING EMERGENCY TEMPORARY
APPROPRIATIONS**
- #18-75 AWARDING A CONTRACT FOR MINE MOUNT ROAD
SECTION 2 AND 3 IMPROVEMENTS PROJECT**

Moved:
Second:
Roll call vote:

- #18-76 INTRODUCTION OF 2018 MUNICIPAL BUDGET**

Moved:
Second:
Roll call vote:

- 6C. Naming of Fields
- 6D. Links on borough website
- 6E. Somerset Hills Little League Parade
- 6F. Moraine Crest Trail Proposal
- 6G. Sample Vacant Property Registration Ordinances

6H. Public Hearing on Contract Award

6I. Correspondence

7. **CLOSED SESSION**

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

Attorney/Client Privilege, Property Acquisition, and Personnel Matters

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

Seconded:

Vote:

8. **REOPEN AND ADJOURNMENT**

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 Pill Hill 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, Pill 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 Pill 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\asuriano\Downloads\2018-02-23 Claremont parking ORD.wpd

#18- 1764
CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Bernardsville in the County of Somerset finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council of the Borough of Bernardsville hereby determines at that 3.5% increase in the budget for said year, amounting to \$354,280.68 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council of the Borough of Bernardsville hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Bernardsville, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Bernardsville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased to 3.5%, amounting to \$354,280.68, and that the CY 2018 municipal budget for the Borough of Bernardsville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest: _____ Mayor

Introduced:

**BERNARDSVILLE BOROUGH
ORDINANCE #2018-1765**

**AN ORDINANCE CONCERNING PERFORMANCE AND MAINTENANCE
GUARANTEES AMENDING SECTION 11-1 IN. VOLUME II OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF BERNARDSVILLE (1997)
ENTITLED “IMPROVEMENT GUARANTEES ”**

WHEREAS, Chapter 312 of the Laws of 2016, which became effective January 16, 2018, and which is codified as N.J.S.A. 40:55D-53, made significant changes to the performance and maintenance provisions of the Municipal Land Use Law (“MLUL”); and

WHEREAS, the Borough Land Use Ordinance must be amended to reflect those changes;

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

Section 1. Section 11-1 of the Borough Land Use Ordinance Entitled “Improvement Guarantees” is hereby amended in its entirety to read as follows:

[See Appendix A, which 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: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

APPENDIX A

11-1 IMPROVEMENT GUARANTEES.

11-1.1 Guarantees required; surety; release. Before filing a final subdivision plat or recording a minor subdivision deed or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of *N.J.S.A. 40:55D-65*, a developer shall furnish a performance guarantee, and provide for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection.

(1)

(a) The developer shall furnish a performance guarantee in favor of the Borough in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Borough Engineer, according to the method of calculation set forth in section 15 of *P.L.1991, c. 256 (C.40:55D-53.4)*, for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," *P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217)* or *N.J.S.46:26B-1* through *N.J.S.46:26B-8*, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

A successor developer must furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit,

The Borough Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A performance guarantee shall include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by Borough ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall furnish a separate guarantee, referred to herein as a “temporary certificate of occupancy guarantee,” in favor of the Borough in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a “temporary certificate of occupancy guarantee,” all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the “temporary certificate of occupancy guarantee” shall be determined by the zoning officer, Borough Engineer, or other municipal official designated by ordinance. At no time may the Borough hold more than one guarantee or bond of any type with respect to the same line item. The “temporary certificate of occupancy guarantee” shall be released by the zoning officer, Borough Engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall furnish to the Borough a “safety and stabilization guarantee,” in favor of the Borough. At the developer’s option, a “safety and stabilization guarantee” may be furnished either as a separate guarantee or as a line item of the performance guarantee. A “safety and stabilization guarantee” shall be available to the Borough solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the Borough to the developer of the Borough’s intent to claim payment under the guarantee. The Borough shall not provide notice of its intent to claim payment under a “safety and stabilization guarantee” until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Borough shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a “safety and stabilization guarantee” for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

\$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

The Borough shall release a separate “safety and stabilization guarantee” to a developer upon the developer’s furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

The Borough shall release a “safety and stabilization guarantee” upon the Borough Engineer’s determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2)

(a) The developer shall post with the Borough, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the Borough, upon the inspection and issuance of final approval of the following private site improvements by the Borough Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Borough for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Borough Engineer according to the method of calculation set forth in section 15 of *P.L.1991, c.256 (C.40:55D-53.4)* as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Borough for the reasonable cost of the improvements not completed or corrected and the Borough may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (*C.40A:11-1* et seq.).

d.

(1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the Borough Engineer prepare, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Borough Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Borough Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the Borough Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Borough Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e.

(1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Borough may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance

guarantee even if such release would reduce the amount held by the Borough below 30 percent.

(2) If the Borough Engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Borough Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the Borough Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Borough Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Borough Engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the Borough or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Borough may retain cash equal to the amount of the remaining "safety and stabilization guarantee".

f. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Borough Engineer.

h.

(1) The obligor shall reimburse the Borough for reasonable inspection fees paid to the Borough Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The Borough may require the developer to post the inspection fees in

escrow in an amount:

(a) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Borough Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

(4) If the Borough determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the Borough may require the developer to deposit additional funds in escrow provided that the Borough delivers to the developer a written inspection escrow deposit request, signed by the Borough Engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

I. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the Borough on the

subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Borough Engineer.

RESOLUTION 18-66

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	4,421.21
04 Escrow	\$	-
05 Construction Trust	\$	29,508.32
06 Outside Employment	\$	1,762.50
10 Current Fund	\$	2,200,813.99
12 Animal Control Trust	\$	-
20 Payroll	\$	218,627.91
33 Capital Fund	\$	66,888.21
40 Sewer Utility Fund	\$	33,713.39
55 Sewer Capital	\$	-
70 COAH Trust	\$	-
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	-
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	908.14
78 General Trust	\$	82,276.16
79 Bernardsville Community Garden Trust	\$	-
81 Snow Removal Trust Fund	\$	27,843.73
82 Accumulated Absences Trust Fund	\$	-
85 Recreation Trust	\$	480.00
 TOTAL	 \$	 2,667,243.56

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 March 12, 2018

BOROUGH OF BERNARDSVILLE, NJ

RESOLUTION #18-67
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
62/4.01	2018/1	\$3,571.22	Duplicate Payment	Jane Cebula 39 Childs Road Bernardsville, NJ 07924
105/11	2018/1	\$2,517.15	Duplicate Payment	Katherine Rupert 45 Bernards Ave Bernardsville, NJ 07924
10/1	2018/3&4	\$28,644.15	Refund of Prepayment due to pending sale of property as allowed by LFN 2018-04	Joseph Leone 71 Minnisink Road Short Hills, NJ 07078
14.01/10	2018/1	\$5,580.11	Duplicate Payment	Angeline Newman 73 Roebling 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 March 12, 2018.

BOROUGH OF BERNARDSVILLE, NJ

RESOLUTION #18-68
AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE #16-00022,
207 FINLEY AVE

WHEREAS, at the Borough of Bernardsville Tax Sale held on September 14, 2016, a lien was sold on Block 140, Lot 9, also known as 207Finley Ave, assessed to Thomas J. Smith for delinquent taxes & sewer and,

WHEREAS, this lien, known as Tax Sale Certificate #16-00022, was sold to Tower Cust for EBURY Fund INJ LLC for a premium of \$40,000.00 and,

WHEREAS, Tax Sale Certificate #16-00022 was redeemed by Wells Fargo Bank on February 26, 2018 in the amount of \$38,503.56;

NOW, THEREFORE, BE IT RESOLVED, that authorization is hereby given to issue a check in the amount of \$78,503.56, payable to Tower Cust for EBURY Fund INJ LLC, PO Box 37695, Baltimore MD 21297 for the redemption of Tax Sale Certificate #16-00022 and;

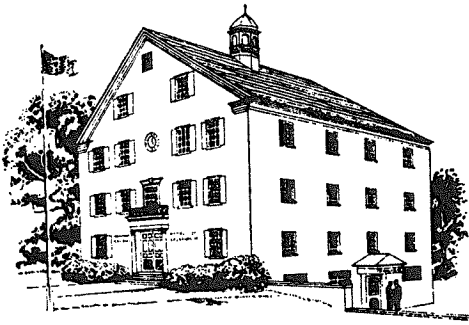
BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Bernardsville, NJ that authorization is hereby given to release for cancellation of record, the tax sale certificate set forth below: said certificate having been duly paid for to satisfy the amount of the lien.

Certificate #16-00022

Certificate Amount	\$ 6,301.81
Certificate Interest	\$ -
Subsequents Paid	\$ 27,330.39
Subsequent Interest	\$ 4,564.29
Fees	\$ 55.00
Redemption Penalty (4%)	\$ 252.07
Legal Fees	\$ -
Total Redemption:	\$ 38,503.56
PREMIUM	\$ 40,000.00
Total to Lien Holder	\$ 78,503.56

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 March 12, 2018.

redemption.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

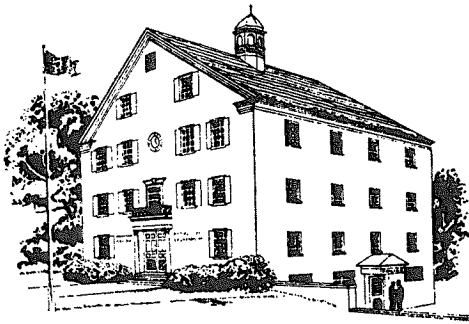
RESOLUTION #18-69
APPOINTING ROBERT ROSENDALE AS
PART TIME BUILDING SUBCODE OFFICIAL

WHEREAS, Resolution #18-25, appointed Robert Rosendale as Temporary Building Subcode Official; and

NOW, THEREFOR, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to change the status from temporary to part-time and appoint Robert Rosendale as Part Time Building Subcode Official at a salary of \$35.00/hr., up to 12 hours per week, effective March 13, 2018.

FURTHER RESOLVED the appointment is subject to provisions of the Personnel Policies of the Borough of Bernardsville.

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 March 12, 2018.



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RESOLUTION #18 - 70

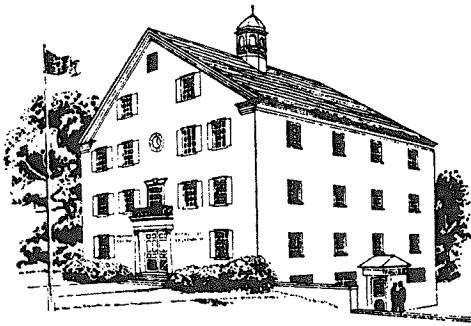
**AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT
FOR LIBERTY ROAD IMPROVEMENTS**

WHEREAS, the Public Works Manager recommends Change Order #1 to the contract for Liberty Road Improvements, as discussed in a memo dated March 1, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council to approve Change Order #1 to the contract for Liberty Road Improvements in the amount of \$1,476.91.

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

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on March 12, 2018.



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RESOLUTION #18 - 71

**AWARDING A CONTRACT FOR RENTAL OF
SNACK BAR AND RIGHT TO SELL FOOD AND
SOFT DRINKS AT THE BERNARDSVILLE MUNICIPAL POOL**

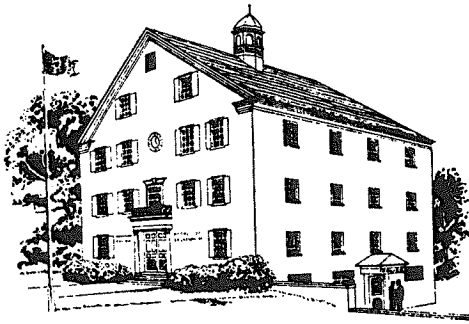
WHEREAS, a lone bid was received on March 1, 2018, supported by the required documentation, for the 2018 contract for Rental of the Snack Bar and right to sell food and soft drinks at the Bernardsville Municipal Pool; and

WHEREAS, the Assistant to the Public Works Manager recommends awarding a contract to An Exquisite Taste Catering of Lebanon, NJ and that recommendation is supported by the Borough Administrator and Recreation Director.

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

- (1) A contract is hereby awarded to An Exquisite Taste Catering of Lebanon, NJ at the rental fee of \$500.00 for the season to be paid to the Borough by May 15, 2018.
- (2) The Mayor and Clerk are hereby authorized to sign a contract for these services which has been approved in form by the Borough Attorney.

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 March 12, 2018.



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RESOLUTION #18 - 72

RESCINDING RESOLUTION #18-64 DUE TO A DUPLICATE LISTING

WHEREAS, duplicate listings were included in Resolution #18-64, Approving Emergency Temporary Appropriations, that were also listed in Resolution #18-44 and #18-52, and

BE IT RESOLVED by the Borough Council to rescind Resolution #18-64.

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 March 12, 2018.

duplicate listing

**BOROUGH OF BERNARDSVILLE
RESOLUTION #18-73**

**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, as permitted by the Resolution, in the amount of \$145,903 for each unit (calculated pursuant to the Borough ordinance; 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, Acting 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, March 12, 2018.

Anthony Suriano, Acting Clerk

RESOLUTION #18-74
APPROVING EMERGENCY TEMPORARY APPROPRIATIONS

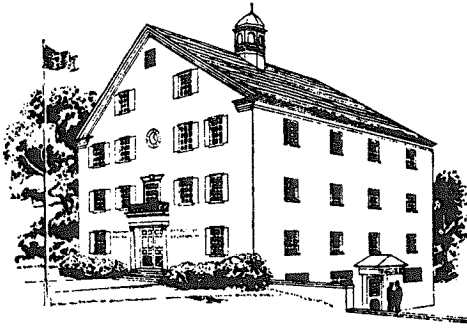
WHEREAS, it has been determined that certain appropriations excluded from the temporary budget calculation will be needed prior to the adoption of the final budget,

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	\$722,399.65.00	
ADMIN & EXEC. - OE	10-C00-0100-0200		\$ 10,000.00
GROUP INSURANCE	10-C00-0175-0200		\$ 50,000.00
UNEMPLOYMENT	10-C00-0350-0202		\$ 2,000.00
PERS	10-C00-0335-0200		\$278,987.65
PFRS	10-C00-0345-0200		\$381,412.00
<u>SEWER UTILITY</u>			
CURRENT YEAR USER REVENUE	40-192-0700-2013	\$53,000.00	
SEWER - BOND PRINCIPAL	40-C00-0108-0251		\$53,000.00

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 March 12, 2018.

Anthony Suriano
Borough Clerk



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

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RESOLUTION #18-75

**AWARDING A CONTRACT FOR MINE MOUNT ROAD
SECTION 2 AND 3 IMPROVEMENTS PROJECT**

WHEREAS, bids were received for the Mine Mount Road Section 2 and 3 Improvements Project, supported by the required documentation, as discussed in a memo from the Public Works Manager dated March 9, 2018.

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

(1) A contract is hereby awarded to the low bidder, JTG Construction, Inc., for the Base Bid Items 1 - 41 and for the Alternate Bid No. 1 (Items 42-60) for the Mine Mount Road Section 2 and 3 Improvements Project at the unit prices indicated in their bid for the total price of \$506,740.00 based on the estimated quantities in the bid proposal.

(2) The Mayor and Clerk are hereby authorized to sign a contract with JTG 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 Capital Ordinance No. 15-1691 (Acct Nos. 33-215-1400-1002 and 33-215-1400-1004) and in Capital Ordinance No. 18-1758 (Acct No. 33-215-2500-1000).

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 March 12, 2018.

Resolution #18-76

2018 Municipal Budget

**BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET
FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2018**

Revenue and Appropriation Summaries

Summary of Revenues - Current Fund	Anticipated	
	2018	2017
1. Surplus	1,892,301.66	1,577,750.98
2. Total Miscellaneous Revenues	2,465,501.86	2,417,158.92
3. Receipts from Delinquent Taxes	295,000.00	538,000.00
4. Minimum Library Tax	742,700.29	770,863.34
5. Local Tax for Municipal Purposes	9,775,808.71	9,461,790.27
Total General Revenues	15,171,312.52	14,765,563.51

Summary of Appropriations - Current Fund	2018 Budget	Final 2017 Budget
1. Operating Expenses: Salaries & Wages	5,236,850.00	5,107,698.00
Other Expenses	5,054,486.00	4,914,419.36
2. Deferred Charges & Other Appropriations	1,162,346.65	1,136,957.00
3. Capital Improvements	700,000.00	670,600.00
4. Debt Service	1,221,000.00	1,222,000.00
6. Reserve for Uncollected Taxes	1,796,629.87	1,713,889.15
Total General Appropriations	15,171,312.52	14,765,563.51
Total Number of Employees - Full & Part Time	90	90

2018 Dedicated Sewer Utility Budget		
Summary of Revenues	Anticipated	
	2018	2017
1. Surplus	357,750.00	80,000.00
2. Miscellaneous Revenues	1,271,000.00	1,294,000.00
Total Revenues	1,628,750.00	1,374,000.00
Summary of Appropriations	2018 Budget	Final 2017 Budget
1. Operating Expenses: Salaries & Wages	515,200.00	510,000.00
Other Expenses	530,000.00	492,000.00
2. Capital Improvements	359,000.00	170,000.00
3. Debt Service	142,550.00	135,000.00
4. Deferred Charges & Other Appropriations	82,000.00	67,000.00
Total Appropriations	1,628,750.00	1,374,000.00
Total Number of Employees - Full & Part Time	5	5

Balance of Outstanding Debt - 12/31/2017		
	General	Sewer Utility
Interest	2,830,657.50	303,841.09
Principal	13,705,000.00	1,465,000.00
Outstanding Balance	16,535,657.50	1,768,841.09

Notice is hereby given that the budget and tax resolution was approved by the Borough Council of the Borough of Bernardsville, County of Somerset on March 12, 2018.

A hearing on the budget and tax resolution will be held at the Municipal Building on April 9, 2018 at 7:00 (PM) at which time and place objections to the Budget and Tax Resolution for the year 2018 may be presented by taxpayers or other interested persons.

Copies of the detailed budget are available in the office of Anthony Suriano, Township Clerk, at the Municipal Building, 166 Mine Brook Road, Bernardsville, New Jersey 07924,(908) 766-3000, during the hours of 8:30 (A.M.) to 4:30(P.M.).