

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

**1. CALL MEETING TO ORDER**

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

**2. STATEMENT OF PRESIDING OFFICER**

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

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATION**

4A. Mayor’s Proclamation - Distracted Driving Crackdown

**5. APPROVAL OF MINUTES**

February 26, 2018 (Mr. Sullivan was absent)  
March 12, 2018 (Mr. DeLeo was absent)

Motion:

**6. OPEN SESSION**

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

7. **ORDINANCES**

Mayor to open public hearing on Ordinance #18-1762, **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 #18-1764, **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

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 #18-1765, **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 "**

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 #18-1766, **AN ORDINANCE APPROPRIATING \$1,200,000 FROM THE BOROUGH OPEN SPACE TRUST FUND (OF WHICH \$500,000 IS TO BE REIMBURSED FROM A GREEN ACRES GRANT) FOR THE PURCHASE OF 20 DRYDEN ROAD**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

8. **RESOLUTIONS**

- #18-80        ACCEPTING MONTHLY REPORTS**
- #18-81        AUTHORIZING PAYMENT OF BILLS**
- #18-82        AUTHORIZING REFUND OF OVERPAYMENT OF 2017 TAXES  
FOR TAX COURT OF NJ APPEAL, 7 BRUSHWOOD DRIVE**
- #18-83        AUTHORIZING REFUND OF OVERPAYMENT OF 2017 TAXES  
FOR TAX COURT OF NJ APPEAL, 271 MINE BROOK ROAD**
- #18-84        AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE  
#17-00001, 68 CHARLES ROAD**
- #18-85        AUTHORIZATION OF TAX REFUND**
- #18-86        AUTHORIZING REFUND OF ESCROW FEES**
- #18-87        AUTHORIZING THE CHIEF FINANCIAL OFFICER TO  
EXECUTE A GRANT AGREEMENT AND SIGN AN  
APPLICATION FOR AN NJFS URBAN AND COMMUNITY  
FORESTRY PROGRAM GREEN COMMUNITIES GRANT**
- #18-88        AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
SOMERSET COUNTY FOR A CERTIFIED RECYCLING  
PROFESSIONAL (CRP) TO SIGN THE ANNUAL RECYCLING  
TONNAGE REPORT**
- #18-89        AUTHORIZING A CONTRACT VIA NATIONAL CO-OP  
CONTRACT TO SPORTSFIELD SPECIALISTS**

**#18-90        AUTHORIZING THE RECREATION DIRECTOR TO SUBMIT AN APPLICATION TO NJDOT FOR A ROAD CLOSURE PERMIT FOR THE ANNUAL MEMORIAL DAY PARADE**

**#18-91        AUTHORIZING TRANSFER OF APPROPRIATION RESERVES**

**#18-92        APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**

**#18-93        AMENDING FEES FOR RECREATION/POOL PROGRAMS**

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.   Signage

10B.   Roots for Rivers Restoration Grant

10C.   Food Truck Inquiry

10D.   Renaming Fields/Sponsorships

10E.   Community Newsletter

10F.   Clarification of Departments Listed in Ordinance #18-1761

10G.   Policy for Outside Groups Using Borough Facilities

- 10H. Council Committee Appointment
- 10I. Expansion of Sewer Service Area into Quarry
- 10J. Draft Abandon Property Ordinance
- 10K. Sample Website Linking Policies
- 10L. Correspondence

11. **OPEN SESSION**

12. **CLOSED SESSION**

Council Member \_\_\_\_\_ moves, to adjourn to an executive session to consider:

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

Seconded:  
Vote:

13. **REOPEN AND ADJOURNMENT**

# ***PROCLAMATION***

## ***of the Mayor***

### ***Borough of Bernardsville***

#### **Supporting the Distracted Driving 2018 Crackdown of April 1 - 21, 2018**

**Whereas**, distracted driving is a serious, life-threatening practice that is preventable; and

**Whereas**, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**Whereas**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**Whereas**, in 2015 alone, distracted driving-related crashes resulted in 3,477 deaths and 391,000 injuries on our nation's roads; and

**Whereas**, in New Jersey, distracted driving was listed as a contributing circumstance in nearly 750,000 crashes between 2011-2015; and

**Whereas**, the State of New Jersey will participate in the nationwide Distracted Driving 2018 Crackdown from April 1 - 21, 2018 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

**Whereas**, the national slogan for the campaign is UDrive. UText. UPay; and

**Whereas**, a reduction in distracted driving in New Jersey will save lives on our roadways;

**Now, Therefore**, I, Kevin Sooy, Mayor of the Borough of Bernardsville, declare support for the Distracted Driving 2018 Crackdown both locally and nationally from April 1 - 21, 2018 and pledge to increase awareness of the dangers of distracted driving.

DATED this 26<sup>th</sup> day of March 2018

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MAYOR

**BERNARDSVILLE BOROUGH  
ORDINANCE #18-1762**

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

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

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**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**



*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 16<sup>th</sup> – Feb 29<sup>th</sup> (by request only)

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

Summer – Open June 16<sup>th</sup> to July 31 (by request only)

Fall – Soccer, Football, Field Hockey – Aug 1<sup>st</sup> - Nov 15<sup>th</sup> (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 15<sup>th</sup>

Summer sport deadlines for space reservation

Primary youth sport organizations: May 1st

All other organizations (other youth sports, adult leagues, etc): May 15<sup>th</sup>

Fall sport deadlines for space reservation

Primary youth sport organizations: July 1st

All other organizations (other youth sports, adult leagues, etc): July 15<sup>th</sup>

Winter sport deadlines for space reservation

Primary youth sport organizations: Oct. 1st

All other organizations (other youth sports, adult leagues, etc): October 15<sup>th</sup>

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.

#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 2018 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:  
Published:  
Adopted:  
Published:

**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.

**BERNARDSVILLE BOROUGH  
ORDINANCE #18-1766**

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

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**STATEMENT OF PURPOSE:** To appropriate \$1,200,000 from the Borough open space trust fund to purchase 20 Dryden Road for open space and recreation

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

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

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

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

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

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

**Section 1.** \$1,200,000 is hereby appropriated from the Borough Open Space Trust Fund to purchase the property described in the preamble.

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

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

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

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

ATTEST:

COUNCIL OF THE BOROUGH OF  
BERNARDSVILLE IN THE COUNTY  
OF SOMERSET

\_\_\_\_\_  
Anthony Suriano, Borough Clerk

By: \_\_\_\_\_  
Kevin Sooy, Mayor

---

*Introduction:* \_\_\_\_\_  
*1st Publication:* \_\_\_\_\_  
*Public Hearing and Adoption:* \_\_\_\_\_  
*2nd Publication:* \_\_\_\_\_

RESOLUTION #18-80  
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	February
Bureau of Fire Prevention	Annual 2017
Construction	*
Court	February
Investment	*
Library	*
Police	February
Property Maintenance/Landlord Registration	February
Public Works	February
Recreation	Feb
Revenue Report	*
Sewer Operators Report	*
Tax Collector	February
Zoning	February

\*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 March 26, 2018.

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## RESOLUTION 18-81

### AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	1,814.48
04 Escrow	\$	-
05 Construction Trust	\$	13,429.61
06 Outside Employment	\$	3,517.00
10 Current Fund	\$	1,081,431.37
12 Animal Control Trust	\$	376.20
20 Payroll	\$	424,555.34
33 Capital Fund	\$	16,716.25
40 Sewer Utility Fund	\$	101,481.67
55 Sewer Capital	\$	-
70 COAH Trust	\$	1,090.20
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	5,699.50
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	9,554.41
78 General Trust	\$	-
79 Bernardsville Community Garden Trust	\$	-
81 Snow Removal Trust Fund	\$	5,980.36
82 Accumulated Absences Trust Fund	\$	-
85 Recreation Trust	\$	2,179.34
 TOTAL	 \$	 1,667,825.73

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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 March 26, 2018

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**BOROUGH OF BERNARDSVILLE, NJ**

**RESOLUTION #17- 82  
AUTHORIZING REFUND OF OVERPAYMENT OF 2017 TAXES FOR  
TAX COURT OF NJ APPEAL  
7 BRUSHWOOD DRIVE**

WHEREAS, the Tax Court of New Jersey has issued an appeal judgment on Block 17, Lot 8.15, also known as 7 Brushwood Drive which has reduced the 2017 Assessed Value from 1,060,400 to 1,034,000 and;

WHEREAS, the Tax Collector has calculated the new tax figure for 2017 based on the adjusted assessed value and the 2017 Tax Rate of 1.927 and;

WHEREAS, all taxes for the 2017 tax year, as originally billed prior to the appeal judgment, have been paid in full, causing an overpayment for 2017 in the amount of \$508.73 and;

WHEREAS, the Stipulations of Settlement indicate that no interest shall be paid to the taxpayer provided the refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment,

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

BLOCK, LOT & QUALIFIER	RECIPIENT	REFUND AMOUNT
Block 17, Lot 8.15	J. Neil & Jane Kazan 7 Brushwood Drive Bernardsville, NJ 07924	\$508.73

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 26, 2018

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redemption.res

**BOROUGH OF BERNARDSVILLE, NJ**

**RESOLUTION #17- 83  
AUTHORIZING REFUND OF OVERPAYMENT OF 2017 TAXES FOR  
TAX COURT OF NJ APPEAL  
271 MINE BROOK ROAD**

WHEREAS, the Tax Court of New Jersey has issued an appeal judgment on Block 81, Lot 6, also known as 271 Mine Brook Road which has reduced the 2017 Assessed Value from 2,414,400 to 2,322,300 and;

WHEREAS, the Tax Collector has calculated the new tax figure for 2017 based on the adjusted assessed value and the 2017 Tax Rate of 1.927 and;

WHEREAS, all taxes for the 2017 tax year, as originally billed prior to the appeal judgment, have been paid in full, causing an overpayment for 2017 in the amount of \$1,744.77 and;

WHEREAS, the Stipulations of Settlement indicate that no interest shall be paid to the taxpayer provided the refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment,

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

BLOCK, LOT & QUALIFIER	RECIPIENT	REFUND AMOUNT
Block 81, Lot 6	Ellen Dembrowski c/o Valerie Hofer, Esq 120 Lebbie Lane Fairless Hills, PA 19030	\$1,744.77

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 26, 2018.

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redemption.res

**BOROUGH OF BERNARDSVILLE, NJ**

**RESOLUTION #18-84  
AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE #17-00001  
68 CHARLES ROAD**

WHEREAS, at the Borough of Bernardsville Tax Sale held on September 13, 2017, a lien was sold on Block 28, Lot 60.01, also known as 68 Charles Road for delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #17-00001, was sold to M&P Retirement Plan at a premium of \$150,000.00 and;

WHEREAS, Tax Sale Certificate 17-00001 was redeemed on March 20, 2018, by Ostrowitz & Ostrowitz, on behalf of the current owner, BGP RRE Holdings LLC, in the amount of \$141,182.14;

NOW, THEREFORE, BE IT RESOLVED, that authorization is hereby given to issue a check in the amount of \$291,182.14, payable to M&P Retirement Plan, PO Box 2051, Morristown, NJ 07962-2051, for the redemption of Tax Sale Certificate #17-00001,

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 #17-00001

Certificate Amount	\$ 64,763.48
Certificate Interest	\$ -
Subsequents Paid	\$ 67,516.31
Subsequent Interest	\$ 4,951.54
Fees	\$ 65.00
Redemption Penalty (4%)	\$ 3,885.81
Legal Fees	\$ -
Total Redemption:	\$ 141,182.14
PREMIUM	<u>\$ 150,000.00</u>
Total to Lien Holder	\$ 291,182.14

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 26, 2018.

redemption.res

**BOROUGH OF BERNARDSVILLE, NJ**

**RESOLUTION #18-85  
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

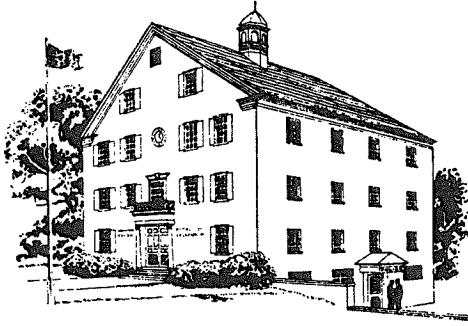
Block & Lot	Quarter & Year	Amount	Reason for Refund	Issue Refund To
49/2	2018/1	\$2,975.29	Duplicate Payment	Barbara Leonaggeo 9 Oak Ridge Road Bernardsville, NJ 07924
6/3.02	2018/1	10,976.68	Duplicate Payment	Dovenmuehle Mortgage 1206 St. Charles St Elgin, IL 60120
68/5	2018/1	\$1,824.39	Duplicate Payment	PHH Returns Corelogic 3001 Hackberry Road Irving, TX 75063

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 26, 2018.

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***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 #18-86**

**AUTHORIZING REFUND OF ESCROW FEES**

**BE IT RESOLVED**, by the Borough Council to authorize a refund of escrow fees in the amount of \$7,156.22 in account #04-280-4000-0080 to Anthony Dello Russo, 141 Mine Mount Road, Bernardsville, NJ 07924, as requested in a letter dated March 19, 2018 from Mr. Dello Russo.

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 26, 2018.

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**GRANT AGREEMENT  
BETWEEN  
BERNARDSVILLE BOROUGH  
(Name of Grantee)  
AND  
THE STATE OF NEW JERSEY  
BY AND FOR  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**GRANT IDENTIFIER: FS18-079**

**GOVERNING BODY RESOLUTION #18-87**

The governing body of BERNARDSVILLE BOROUGH  
(print Grantee's name)

desires to further the public interest by obtaining a grant from the State of New Jersey in the amount, for up to \$ 3,000.00  
to fund the following project:

NJFS Urban and Community Forestry Program Green Communities Grant

Therefore, the governing body resolves that Ralph Maresca or the successor to the office of  
(print name)

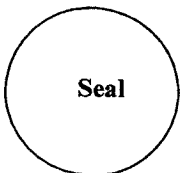
Chief Financial Officer is authorized (a) to make application for such a grant, (b) if awarded, to execute  
(print title of authorized official)  
a grant agreement with the State for a grant in an amount not less than \$ 0.00 and not more than \$ 3,000.00,  
and (c) to execute ☐ any amendments thereto ☒ any amendments thereto which do not increase the Grantee's obligations.

\*The Mayor and Council authorizes and hereby agrees to  
(print name of Grantee's governing body, e.g., board of chosen freeholders)  
match 50 % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the  
match for such purposes, whether cash, services, or property, is hereby certified. 100 % of the match will be made up of in-kind  
services (if allowed by grant program requirements and the agreement).\*

The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed \_\_\_\_\_, \_\_\_\_\_.

Ayes: \_\_\_\_\_  
Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_



\* The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services.

**CERTIFICATION\***

I, Anthony Suriano, ☐ municipal clerk ☐ county clerk ☐ utilities Authority Clerk  
(print name)  
☒ other, specify Borough Clerk of BERNARDSVILLE BOROUGH  
(print Grantee's name)  
certify that this resolution was duly adopted by Mayor and Council at a  
(print name of Grantee's governing body)  
meeting duly held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_; that this resolution has not been amended or repealed; and that it  
remains in full force and effect on the date I have subscribed my signature. \*\*

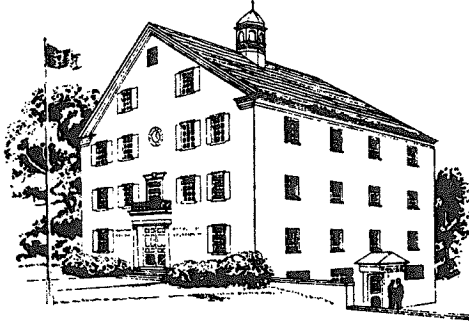
\_\_\_\_\_  
(signature) \*

Anthony Suriano  
(print name)  
Borough Clerk  
(print title)

Date: \_\_\_\_\_ \*\*

\* Certification must be signed by an official other than the individual authorized to execute the agreement.

\*\* This date must be no more than sixty (60) days prior to the Grantee's execution of the agreement. If the original certification expires prior to the Grantee's execution, the Grantee must submit a currently certified copy of this Attachment C when it returns the executed agreement to the Department.



## ***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***

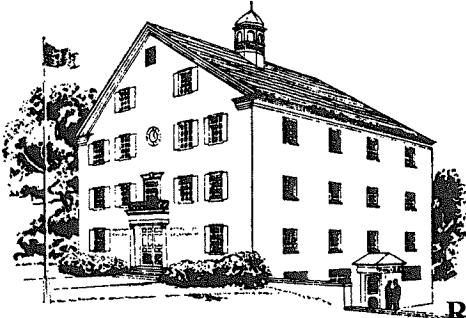
### **RESOLUTION #18-88**

#### **AUTHORIZING EXECUTION OF AN AGREEMENT WITH SOMERSET COUNTY FOR A CERTIFIED RECYCLING PROFESSIONAL (CRP) TO SIGN THE ANNUAL RECYCLING TONNAGE REPORT**

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville to authorize the Mayor to sign an agreement for the period January 1, 2018 through December 31, 2018 between the Borough of Bernardsville and Somerset County to provide for a Certified Recycling Professional to sign the Annual Recycling Tonnage Report, at a rate of \$40.20 per hour.

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 March 26, 2018.





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**RESOLUTION #18-89**  
**AUTHORIZING A CONTRACT**  
**VIA NATIONAL CO-OP CONTRACT TO SPORTSFIELD SPECIALISTS**

**WHEREAS**, the borough may award contracts through the use of a nationally recognized and accepted cooperative purchasing agreement in accordance with requirements of N.J.S.A. 52:34-6.2; and

**WHEREAS**, the Keystone Purchasing Network (KPN) is a nationally recognized and accepted purchasing cooperative which meets the standard of New Jersey Public Contracts Law N.J.S.A 40A:11-1; and

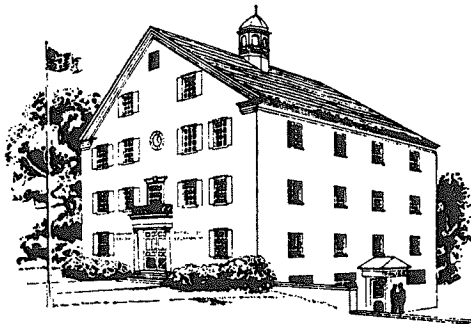
**WHEREAS**, the Chief Financial Officer in accordance with the requirements of N.J.A.C. 5:34-5 has certified in writing to the Mayor and Borough Council the availability of adequate funds to pay the maximum amount of the contract; and

**WHEREAS**, the resolution and contract shall be kept on file and available for public inspection in the office of the Borough Clerk.

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

- 1) The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Sportsfield Specialties for a backline netting system at the Turf Field.
- 2) This contract is awarded via the national cooperative, KPN, in accordance with the requirements of N.J.S.A. 52:34-6.2

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 March 26, 2018.



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**RESOLUTION #18-90**

**AUTHORIZING THE RECREATION DIRECTOR  
TO SUBMIT AN APPLICATION TO NJDOT  
FOR A ROAD CLOSURE PERMIT FOR  
THE ANNUAL MEMORIAL DAY PARADE**

**BE IT RESOLVED**, to authorize the Recreation Director to submit an application to NJDOT for a road closure permit for the annual municipal Memorial Day Parade to be held on Route 202 in the Borough of Bernardsville on May 28, 2018 from approximately 10:00 a.m. to 12:00 noon.

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 March 26, 2018.

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**RESOLUTION #18-91**  
**RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION RESERVES**

WHEREAS, it has been determined that the following appropriation reserves will be in need of additional funding 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 12, 2018:

CURRENT FUND:	ACCT #	FROM	TO
ENGINEERING - OE	10-A00-0140-0200	\$ 9,000.00	XXXXXX
FIRE HYDRANT - OE	10-A00-0180-0200	\$ 6,000.00	XXXXXX
RECYCLING - OE	10-A00-0240-0200	\$10,000.00	XXXXXX
CAPITAL IMP. FUND	10-A00-0108-0200	XXXXXX	\$ 19,000.00
STREETS & ROADS - OE	10-A00-0220-0200	XXXXXX	\$ 6,000.00
		\$ 25,000.00	\$ 25,000.00

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

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Anthony Suriano  
Borough Clerk

**RESOLUTION #18-92**  
**APPROVING EMERGENCY TEMPORARY APPROPRIATIONS**

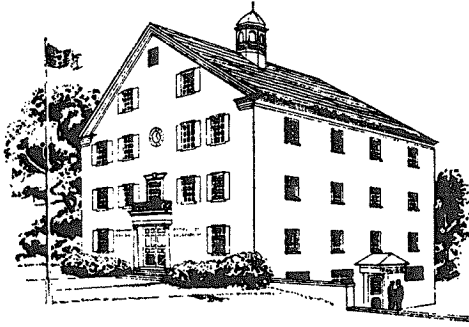
WHEREAS, it has been determined that certain appropriations excluded from the temporary budget calculation will be needed prior to the adoption of the final budget,

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
<b><u>CURRENT FUND:</u></b>			
AMOUNT TO BE RAISED BY TAXATION	10-190-0700-0000	\$218,900.00	
ADMIN & EXEC. - OE	10-C00-0100-0200		\$ 10,000.00
UNEMPLOYMENT	10-C00-0350-0202		\$ 3,000.00
DCRP	10-C00-0334-0200		\$ 10,000.00
TAX COLLECTOR - S&W	10-C00-0120-0100		\$ 2,000.00
FINANCE - OE	10-C00-0110-0200		\$ 5,000.00
FIRE HYDRANT - OE	10-C00-0180-0200		\$ 6,900.00
OEM - S&W	10-C00-0210-0100		\$ 2,000.00
TELEPHONE	10-C00-0305-0200		\$ 10,000.00
CAPITAL IMP. FUND	10-C00-0108-0200		\$150,000.00
GASOLINE - OE	10-C00-0315-0200		\$ 20,000.00
<b><u>SEWER UTILITY:</u></b>			
CURRENT YEAR USER REVENUE	40-192-0700-2013	\$ 20,000.00	
SEWER UTILITY - S&W	40-C00-0101-0100		\$ 20,000.00

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 26, 2018.

\_\_\_\_\_  
Anthony Suriano  
Borough Clerk



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### **RESOLUTION #18 - 93**

#### **AMENDING FEES FOR RECREATION/POOL PROGRAMS**

**WHEREAS**, the Recreation Director and/or Recreation Committee recommends changes, deletions or additions to the existing schedule of fees, as discussed in a memo dated March 23, 2018, copy attached hereto.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council to authorize an amendment of the Recreation/Pool Schedule of Fees, as noted in said memo.

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 26, 2018.

To: Anthony Suriano  
 From: Neil Mastrobuono  
 Date: March 23<sup>rd</sup>, 2018  
 Re: Recreation Fees

The following program and fees need to be revised to the Recreation Setting of Fees:

<b>Enrichment Programs:</b>	<b>Resident Fee</b>	<b>Non Resident Fee</b>
6 Week Recreation Day Camp		
9:00am- 12:00pm	\$375.00	\$435.00
9:00am- 3:00pm	\$740.00	\$860.00
Camp Repeat & Encore Camp		
8:00am- 12:00pm	\$85.00	\$105.00
8:00am- 4:00pm	\$160.00	\$180.00
Kinder Antics 3 Day	\$120.00	\$140.00
Kinder Antics 2 Day	\$70.00	\$90.00
Turtle Back Zoo & Alstede Farms	\$40.00	\$40.00
Art with Jim McCarron	\$525.00	\$545.00
Camp Creativity	\$180.00	\$200.00
Mining and Crafting w/ Bricks 4 Kidz	\$145.00	\$165.00
Video Game Design w/ Bricks 4 Kidz	\$170.00	\$190.00
Advanced Robotics w/ Bricks 4 Kidz	\$170.00	\$190.00
Recycled Creations w/ Fairy Tale	\$150.00	\$170.00
Fashion Design w/ Fairy Tale	\$395.00	\$415.00
Material Fee	\$25.00	\$25.00
Learn to Quilt w/ Fairy Tale	\$150.00	\$170.00
Material Fee	\$20.00	\$20.00
Baseball Camp w/ Jeff Falzarano	\$190.00	\$210.00

<b>Enrichment Programs:</b>	<b>Resident Fee</b>	<b>Non Resident Fee</b>
Session I & II	\$350.00	\$370.00
Pitching & Catching w/ Jeff Falzarano	\$95.00	\$115.00
Bernards Girls Basketball w/ Sandy Whelan	\$210.00	\$230.00
Mountaineer Track Camp w/ Coach Szostak	\$155.00	\$175.00
Creative Flow w/ Holly Vera	\$150.00	\$170.00
Session I & II	\$270.00	\$290.00
<b>New Programs</b>		
Beginner Field Hockey	\$145.00	\$165.00
Swim Lessons Non- Pool Members	\$125.00	\$125.00