

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
May 14, 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**

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.

5. **PRESENTATIONS**

None

6. **ITEMS OF BUSINESS**

6A. **ORDINANCES**

Mayor to open public hearing on Ordinance #18-1769, **AN ORDINANCE VACATING A PAPER STREET KNOWN AS MOORE AVENUE AND A PORTION OF A PAPER STREET KNOWN AS MAPLE AVENUE**

Mayor to close public hearing

Motion to pass on final reading and adopt as published:

Second:

Roll call vote:

Moved by _____ that Ordinance #18-1770 **AUTHORIZING THE PURCHASE OF FILTERS FOR THE WASTEWATER TREATMENT PLANT AND APPROPRIATING \$710,000.00 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND** 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., Tuesday, May 29, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1771, **AN ORDINANCE DESIGNATING THE BOROUGH ENGINEER AS THE FLOODPLAIN ADMINISTRATOR AND AMENDING ARTICLE 14 OF THE BOROUGH LAND USE ORDINANCE ENTITLED "ENVIRONMENTAL REQUIREMENTS"** 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., Tuesday, May 29, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1772, **AN ORDINANCE ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE BOROUGH'S MT. LAUREL SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER AND SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF THE BOROUGH LAND DEVELOPMENT CODE**, 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., Tuesday, May 29, 2018.

Second:

Vote:

6B. **RESOLUTIONS**

- #18-122 AUTHORIZING PAYMENT OF BILLS**
- #18-123 REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATIONS PER NJSA 40A:4-87 NJ DIVISION OF
CRIMINAL JUSTICE 2018 SUSTAINABLE JERSEY
ROOTS FOR RIVERS GRANT**
- #18-124 AUTHORIZING CANCELLATION AND REFUND OF
PROPERTY TAXES FOR SURVIVING SPOUSE OF A 100%
DISABLED VETERAN, 50 PICKLE BROOK ROAD**
- #18-125 AUTHORIZATION OF TAX REFUND**
- #18-126 APPROVING A FIREWORKS PERMIT FOR
SOMERSET HILLS COUNTRY CLUB**
- #18-127 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #18-128 AUTHORIZING REDEMPTION OF TAX LIEN
CERTIFICATE #17-00019, 17 BURROWS AVENUE**
- #18-129 AMENDING RECREATION FIELD POLICY AND
PROCEDURES TO INCLUDE BASKETBALL COURTS**

Moved
Second:
Roll call vote:

- 6C. Use of Lindabury Park
- 6D. NJ Land Conservancy Green Acres Project Agreement
- 6E. Memorializing Mayor's Appointment of Ben Foster to the Environmental
Commission
- 6F. Mayor's Appointment of Tom Wood to HPAC, Alternate #2
- 6G. Posting of Meeting Items/Agenda

- 6H. Moraine Crest Park cleanup water testing use
- 6I. Draft Resolution Naming Baseball Field at the Polo Grounds
- 6J. Draft Resolution Establishing Policy for Naming Borough Facilities
- 6K. Draft Ordinance Adopting Borough Park Naming Policies
- 6L. Draft Amenities Naming Ordinance
- 6M. Guide for Opening a Business in Bernardsville
- 6N. Correspondence
 - (1) Link on borough website to communityincrisis.com
 - (2) Link on borough website to allconnect.com
 - (3) Request from Fire Co. to use Lower Polo Grounds for Medevac Landing Zone Training Drill

7. **CLOSED SESSION**

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

Property Acquisition, Pending Litigation, 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.

Second:

Vote:

8. **REOPEN AND ADJOURNMENT**

**BERNARDSVILLE BOROUGH
ORDINANCE #2018-1769**

**AN ORDINANCE VACATING A PAPER STREET KNOWN AS MOORE AVENUE
AND A PORTION OF A PAPER STREET KNOWN AS MAPLE AVENUE**

WHEREAS, *N.J.S.A.* 40:67-1 authorizes the governing body to make ordinances to vacate any public street, highway, lane or alley, or any part thereof; and

WHEREAS, the Mayor and Council find that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in Moore Avenue and in that portion of Maple Avenue described below in Section 1.

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. The public right is hereby released and extinguished in the entire length of the paper street known as Moore Avenue and in that portion of Maple Avenue running in a northerly direction from the northerly sideline of the paper street known as Alexander Avenue and extending to the westerly sideline of Washington Avenue.

Section 2. In accordance with the requirements of *N.J.S.A.* 40:67-1, this ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in *N.J.S.A.* 48:2-13, and by any cable television company, as defined in the Cable Television Act (*N.J.S.A.* 48:5A-1 *et seq.*) to maintain, repair and replace their existing facilities in, adjacent to, over or under the paper streets being vacated.

Section 3. In accordance with the requirements of *N.J.S.A.* 40:49-6 this ordinance after being introduced and having passed on first reading shall be published at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for

final passage. At least one week prior to such time fixed for further consideration for final passage, a copy of this ordinance, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by the ordinance so far as the same may be ascertained directed to his or her last known post office address. Failure to mail the notice herein provided for shall not invalidate this ordinance.

Section 5. Within sixty (60) days after this Ordinance becomes effective, the Borough Clerk shall file a copy of this Ordinance, certified by her under the seal of the Borough to be a true copy of this Ordinance, together with a copy of the proof of publication thereof in the Somerset County Clerk's office, to be recorded in a book entitled "Vacations."

Section 6. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____ *(at least 10 days prior to 2d reading)*

Notices Sent: _____ *(at least 1 week prior to 2d reading)*

Public Hearing and Adoption: _____

2nd Publication: _____

Filing with County Clerk: _____

**BERNARDSVILLE BOROUGH
ORDINANCE #18-1770**

**AUTHORIZING THE PURCHASE
OF FILTERS FOR THE WASTEWATER TREATMENT PLANT AND
APPROPRIATING
\$710,000.00 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND**

WHEREAS, Borough Public Works Manager John Macdowall in a May 11, 2018 memorandum advised the Mayor and Council that the existing tri-media (gravel, sand and anthracite) filters at the Wastewater Treatment Plant are 28 years old and need to be replaced with a disc filter system as recommended by the wastewater treatment plant consulting engineer Arcadis; and

WHEREAS, Arcadis has estimated the cost of this improvement to be \$1,084,706.50 and

WHEREAS, Mr. Macdowall in his memorandum said that this is a low-range estimate and recommended adding an additional contingency of 8-9% to bring the total to \$1,880,000.00; and

WHEREAS, an additional \$100,000.00 will be needed for construction administrative services by Arcadis during the project construction phase, which means the total budget will be approximately \$1,280,000.00; and

WHEREAS, \$571,500.74 remains in capital ordinance #13-1620; and

WHEREAS, Mr. Macdowall has recommended that a new ordinance be adopted appropriating \$710,000.00 from the Sewer Utility Capital Improvement Fund to fund the balance;

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. The replacement of the existing tri-media filters at the wastewater treatment plant with a new disc filter system at a total cost of \$1,280,000.00 is hereby authorized.

Section 2. The sum of \$710,000.00 to meet the cost thereof, including advertising and legal expenses, is hereby appropriated from the Sewer Utility Capital Improvement Fund.

Section 3. This ordinance shall take effect 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: _____

**BERNARDSVILLE BOROUGH
ORDINANCE 2018- 1771**

**AN ORDINANCE DESIGNATING THE BOROUGH ENGINEER AS THE
FLOODPLAIN ADMINISTRATOR AND AMENDING ARTICLE 14 OF THE
BOROUGH LAND USE ORDINANCE ENTITLED "ENVIRONMENTAL
REQUIREMENTS"**

STATEMENT OF PURPOSE: *To designate the Borough Engineer as the Borough Floodplain Administrator.*

BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Article 14 of the Revised General Ordinances of the Borough of Bernardsville, 1997, Volume II adopted May 18, 1998 as previously supplemented and amended is further amended as follows:

Section 1. The title of Subsection 14-5.4.2 in Section 14-5 entitled "The Flood Damage Prevention Ordinance" is changed to "Designation of the Local Floodplain Administrator" and that subsection as re-titled is amended to read as follows:

"14-5.4.2 Designation of the Local Floodplain Administrator.

"~~The Planning Board or Board of Adjustment consistent with the provisions of the New Jersey Municipal Land Use Law~~ Borough Engineer is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions."

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

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

invalid shall be inseparable from the remainder or any portion thereof.

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

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Acting Borough Clerk

By: _____
Kevin Soon, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

Ordinance #18-1772
was not available on
Friday afternoon, but
is listed by title on the
agenda

RESOLUTION 18-122

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	8,876.87
04 Escrow	\$	22,001.00
05 Construction Trust	\$	-
06 Outside Employment	\$	9,080.00
10 Current Fund	\$	972,305.19
12 Animal Control Trust	\$	-
20 Payroll	\$	250,211.13
33 Capital Fund	\$	66,078.67
40 Sewer Utility Fund	\$	63,084.78
55 Sewer Capital	\$	-
70 COAH Trust	\$	3,458.00
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	1,980.49
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	-
78 General Trust	\$	3,785.79
79 Bernardsville Community Garden Trust	\$	25.00
81 Snow Removal Trust Fund	\$	-
82 Accumulated Absences Trust Fund	\$	-
85 Recreation Trust	\$	136,381.82
 TOTAL	 \$	 1,537,268.74

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 May 14, 2018

RESOLUTION #18-123
BOROUGH OF BERNARDSVILLE
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATIONS PER NJSA 40A:4-87
NJ DIVISION OF CRIMINAL JUSTICE
2018 SUSTAINABLE JERSEY
ROOTS FOR RIVERS GRANT

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

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

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Bernardsville in the County of Somerset, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$3,500.00, which is now available from a Sustainable Jersey Roots for Rivers Grant and;

BE IT FURTHER RESOLVED, that the like sum of \$3,500.00 is hereby appropriated under the caption 2018 Sustainable Jersey – Roots for Rivers Grant; and

BE IT FURTHER RESOLVED that the above amount is the result of funds granted by the State of NJ Forest Fire Service in the amount of \$3,500.00.

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 May 14, 2018.

Anthony Suriano
Borough Clerk

BOROUGH OF BERNARDSVILLE, NJ

RESOLUTION #18-124
AUTHORIZING CANCELTION AND REFUND OF PROPERTY TAXES
FOR SURVIVING SPOUSE OF A 100% DISABLED VETERAN
50 PICKLE BROOK ROAD

WHEREAS, on April 17, 2018 the tax assessor's office approved an application filed by the homeowner for property tax exemption for the surviving spouse of a 100% disabled veteran for Block 89, Lot 3, also known as 50 Pickle Brook Road and;

WHEREAS, 1st & 2nd quarter 2018 taxes in the amount of \$9,378.00 were paid by the owner(s) on or before the installment due dates and;

WHEREAS, the claimant has submitted documentation from the Department of Veteran Affairs certifying 100% wartime service-connected disability as of March 6, 2018, and;

WHEREAS, according to NJSA 54:4-3.32: The governing body of each municipality, by appropriate resolution, may return all taxes collected on property which would have been exempt had proper claim in writing been made therefor in the manner provided by P.L.1948, c.259 (C.54:4-3.30 et seq.). The governing body of each municipality, by appropriate resolution, may also return to the veteran or the veteran's surviving spouse all property tax payments made since the time of the veteran's actual disability or since the time of the veteran's death;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, NJ that the Tax Collector is hereby authorized to cancel 1st half 2018 Taxes, prorated to the effective date of March 6, 2018 (114 days) in the amount of \$5,939.40.

BE IT FURTHER RESOLVED, that upon approval of this resolution, the tax collector is authorized to issue a refund in the amount of \$5,939.40 to Maria Flynn, 50 Pickle Brook Road, Bernardsville NJ 07924

BE IT FURTHER RESOLVED, that any and all 2nd half 2018 and preliminary taxes billed for 2019 that may be generated due to the closing of the tax assessor's 2018 books in January 2018 shall also be cancelled.

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 May 14, 2018.

BOROUGH OF BERNARDSVILLE, NJ

**RESOLUTION #18-125
AUTHORIZATION OF TAX REFUND**

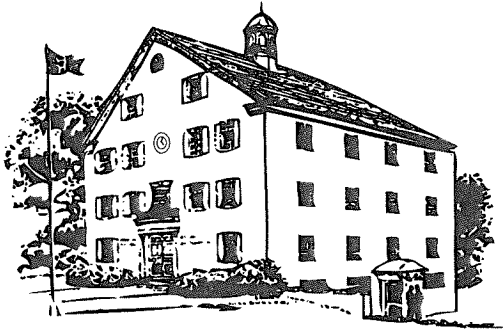
WHEREAS, the following tax overpayment exists due to a duplicate payment and/or an incorrect figure paid for the following parcel(s); and

Block & Lot	Quarter & Year	Amount	Reason for Refund	Issue Refund To
106/3.01	2018/1	\$2,156.80	Duplicate Payment	Ocwen Loan Servicing, LLC Tax/Escrow Department PO Box 24665 West Palm Beach, FL 33416-4665
8/8.01	2018/1	\$4,858.45	Duplicate Payment	Ocwen Loan Servicing, LLC Tax/Escrow Department PO Box 24665 West Palm Beach, FL 33416-4665

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 May 14, 2018.



Borough of Bernardsville

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

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

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

RESOLUTION #18-126

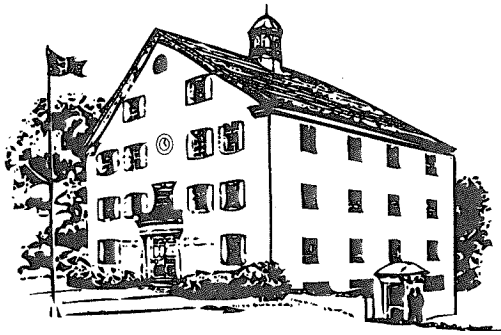
APPROVING A FIREWORKS PERMIT FOR SOMERSET HILLS COUNTRY CLUB

WHEREAS, Somerset Hills Country Club has applied to the Fire Prevention Official for a fireworks permit for a display by International Fireworks Mfg, Co. Inc., on June 30, 2018 (rain date July 1, 2018), at approximately 9:15 p.m. on the grounds of the Country Club.

NOW, THEREFORE, BE IT RESOLVED to approve a fireworks display at Somerset Hills Country Club, subject to the following:

- (1) A permit to be issued by the Fire Prevention Official.
- (2) Somerset Hills Country Club and International Fireworks Mfg, Co., Inc. shall provide Certificates of Insurance naming the Borough of Bernardsville as additional insured and shall sign a Hold Harmless Agreement to release, indemnify, and hold harmless the Borough of Bernardsville from and against any loss, damage, or liability arising out of this fireworks display.

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 May 14, 2018.



Borough of Bernardsville

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

Administration (908) 766-3000

Fax (908) 766-2401

Engineering (908) 766-3850

Fax (908) 766-2788

RESOLUTION #18-127

APPROVING MEMBERSHIP IN THE FIRE COMPANY

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to approve membership applications to the Bernardsville Fire Company for the following:

Sean P. Sullivan
22 West Street
Bernardsville, NJ 07924

Alan Luo
268 Long Meadow Road
Bedminster, NJ 07921

Victor Jose Silva
18 Anderson Hill Road
Bernardsville, NJ 07924

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 May 14, 2018.

BOROUGH OF BERNARDSVILLE, NJ

RESOLUTION #18-128
AUTHORIZING REDEMPTION OF TAX LIEN CERTIFICATE #17-00019
17 BURROWS AVE

WHEREAS, at the Borough of Bernardsville Tax Sale held on September 13, 2017, a lien was sold on Block 130, Lot 7.01, also known as 17 Burrows Ave for delinquent sewer; and,

WHEREAS, this lien, known as Tax Sale Certificate #17-00019, was sold to Stuart Lasher at a premium of \$1,400.00 and;

WHEREAS, Tax Sale Certificate 17-00019 was redeemed on May 3, 2018, by Lereta, in the amount of \$2,385.79;

NOW, THEREFORE, BE IT RESOLVED, that authorization is hereby given to issue a check in the amount of \$3,785.79, payable to Stuart Lasher, PO Box 83, Milltown, NJ 08850, for the redemption of Tax Sale Certificate #17-00019,

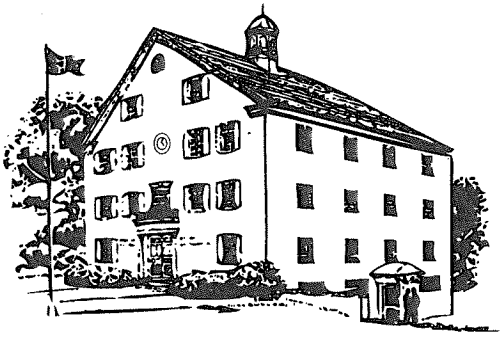
BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Bernardsville, NJ that authorization is hereby given to release for cancellation of record, the tax sale certificate set forth below: said certificate having been duly paid for to satisfy the amount of the lien.

Certificate #17-00019

Certificate Amount	\$	692.25
Certificate Interest	\$	-
Subsequents Paid	\$	1,512.75
Subsequent Interest	\$	101.94
Fees	\$	65.00
Redemption Penalty (2%)	\$	13.85
Legal Fees	\$	-
Total Redemption:	\$	2,385.79
PREMIUM	\$	1,400.00
Total to Lien Holder	\$	3,785.79

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 May 14, 2018.

redemption.res



Borough of Bernardsville

166 Mine Brook Road
Bernardsville, NJ 07924
Somerset County

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

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

RESOLUTION #18-129

AUTHORIZING RECREATIONAL FIELDS POLICY AND PROCEDURES TO INCLUDE BASKETBALL COURTS

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to amend the attached Policy and Procedures for Recreational Fields of the Borough of Bernardsville by adding the following:

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

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 May 14, 2018.

RECREATIONAL FIELDS: POLICY AND PROCEDURES

Recreation Department, Borough of Bernardsville
Route US 202, PO Box 158, Bernardsville, NJ 07924

POLICY

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 or school-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 (50% + 1) 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 fee under the following schedule as per Resolution #2000-31:
 - Profit organizations: \$200 for every 1 to 2 hrs block.
- H. Non-Profit Organizations** must submit proof of their 501-(c) status.

Field Allocations: Fields will be allocated to the above Community, Area, and Out of Area groups according to percentage of Bernardsville residents.

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.

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.

TERMS FOR USE OF FIELDS:

1. **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.
2. **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.
3. **Weather Conditions:** Use of fields may be prohibited by the Recreation Department when there are weather conditions that may potentially harm that field. Recreational play in lightening and thunder is prohibited. Play can not resume until 20 minutes after the last sign of lightening and when referee and coach deem conditions are safe.
4. **Seasons:** Use of the fields shall be permitted from a date determined by the Recreational Committee which shall be on or about April 15th through December 1st, weather permitting. There shall be 2 seasons: 4/15 – 6/30 and 7/1 – 12/1.
5. **Frequency:** Requests for use of the fields for more than four months in any one season will require special approval by the Recreation Committee.
- 6.. **Field Restrictions:** Lower Evankow field is limited to 3 games per week unless authorized by the Recreation Director. No practices to be scheduled.
7. Hitting of golf balls is prohibited.

OBTAINING PERMIT

8. **Application:** Applications for permits must be submitted to the Recreation Department by February 1st for the April through June season and by June 1st for the July through December season. Should any two large organizations with over 100 participants each request use of the fields on the same dates, those applications will be reviewed by the Recreation Committee and preference will be given to the organization which has a larger percentage of Bernardsville residents.
9. **Permit Issuance and Revocation:** When the request is granted, and the applicant agrees to the charges associated with the use of facilities, it shall constitute a permit, which may be revoked by the Department of Recreation upon reasonable grounds and notice. The granting of a permit for the use of one specified field that confers no privileges for the use of any facilities other than that stated in the permit.
10. **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. Ordinary athletic equipment that is not part of the facility must be supplied by the using organization. If any equipment such as nets or platforms are used they must be removed after the organization has completed their designated time. If not it may result in penalty of future usage of fields.
11. **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.
12. **Damage:** The applicant is responsible for any damage to Borough of Bernardsville property.
13. **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.

- 14. 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:

- 15. Alcohol:** There is to be no possession and or consumption of alcoholic beverages on the field(s) or recreational grounds unless special permission is obtained from Mayor & Council.
- 16. 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.
- 17. 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.
- 18. Glass:** Glass containers or glass objects are not permitted at the fields.
- 19. 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.
- 20. Benches/Bleachers:** Benches and or bleachers are not to be moved from any field.
- 21. 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 designated key applicants the same day. Restrooms must be checked periodically and definitely 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 Bernardsville Recreation Department which will be reported to the police.
- 22. Animals:** Animals must follow town ordinance for pet control.
- 23. *** 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.
- 24. Borough Ordinances:** Any organization using Borough fields will be subject to all Borough ordinances and other applicable statutes, law, and regulations.
- 25. 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.