

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
October 10, 2023 - 7:00 p.m.

1. CALL MEETING TO ORDER

Mayor Mary Jane Canose
Council Member Jay Ambelang
Council Member Diane Greenfield
Council Member Jena McCredie
Council Member Chad McQueen
Council Member Al Ribeiro
Council Member Christine Zamarra

2. STATEMENT OF PRESIDING OFFICER

Notice of this meeting was provided to the Bernardsville News and Courier News, filed with the Municipal Clerk and posted on the Municipal Bulletin Board on December 15, 2022.

3A. PLEDGE OF ALLEGIANCE

3B. MAYOR'S WELCOME

Welcome to the October 10, 2023 meeting of the Bernardsville Borough Council. This meeting is being conducted in person in the council chambers in Borough Hall and it is being broadcast live on YouTube and on Zoom to make it as convenient as possible for residents to attend the meeting. Members of the public who are here in person and those attending remotely on Zoom will be given the opportunity to comment at appropriate times during the meeting in accordance with the following guidelines:

- Members of the public will be allowed to speak during the “Open Session(s)” and during formal “public hearings” on the agenda including public hearings on ordinances
- Comments will be limited to three minutes per speaker, which will be monitored and enforced by the Borough Clerk
- Comments containing offensive, profane or indecent language or language constituting hate speech, will not be permitted.
- Remote participants will be muted unless they are unmuted by the Clerk, and remote participants will not be able to unmute themselves. The Clerk will mute remote speakers at the expiration of their three minutes of allotted time, or if they make any inappropriate or offensive comments.

- All speakers, whether in person or on Zoom, shall state their names and addresses before making their comments. Speakers on Zoom shall activate their cameras so that they can be seen by members of the governing body and audience.
- Failure of the governing body to provide a live broadcast of this meeting, or technological problems encountered during the course of the meeting that affect remote viewing and/or participation, will not invalidate this meeting or any action taken including, but not limited to, the adoption of any ordinance, resolution or motion.

4. **PRESENTATIONS**

4A. Palmer Property PILOT Ordinance #2023-1983 – Matthew Jessup and NW Financial Group LLC

5. **OPEN SESSION (FOR ITEMS NOT LISTED FOR A PUBLIC HEARING)**

Spoken comments will be limited to three minutes per speaker.

6. **ORDINANCES (Public Hearing)**

Spoken comments will be limited to three minutes per speaker.

Mayor to continue public hearing from September 25th on Ordinance #2023-1979,
**PROHIBITING SMOKING IN OUTDOOR DINING AREAS IN THE
DOWNTOWN DISTRICT AND AMENDING ARTICLE 12 OF THE BOROUGH
CODE ENTITLED “ZONING”**

Mayor to close public hearing

I move to continue the public hearing on Ordinance #2023-1979 to October 23, 2023 at 7:00pm (awaiting Planning Board recommendation)

Second:

Roll Call Vote:

Mayor to continue public hearing from September 25th on Ordinance #2023-1981,
**MAKING DETACHED ACCESSORY DWELLING UNITS A PERMITTED
ACCESSORY USE IN THE R-1 AND R-1-10 ZONES AND SUPPLEMENTING
AND AMENDING ARTICLE 12 OF THE BOROUGH LAND DEVELOPMENT
REGULATIONS ENTITLED “ZONING”**

Mayor to close public hearing

I move to continue the public hearing on Ordinance #2023-1981 to October 23, 2023 at 7:00pm (awaiting Planning Board recommendation)

Second:
Roll Call Vote:

ORDINANCES (Introduction)

I move that Ordinance #2023-1984, **AN ORDINANCE ADOPTING REGULATIONS FOR PRIVATELY-OWNED SALT STORAGE AND SUPPLEMENTING AND AMENDING CHAPTER 22 OF THE BOROUGH CODE ENTITLED “STORMWATER REGULATIONS”** be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, October 23, 2023.

Second:
Voice Vote:

7. RESOLUTIONS

#23-191 AUTHORIZING PAYMENT OF BILLS

#23-192 AWARDING CONTRACT FOR GARBAGE CONTAINER REMOVAL AND DISPOSAL

#23-193 AUTHORIZATION OF LEAD INSPECTION FEE REFUND

#23-194 A RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO FILE AN ANSWER TO AN OPRA COMPLAINT FILED BY AARON DUFF IN THE SUPERIOR COURT OF NEW JERSEY

#23-195 AUTHORIZING RELEASE OF A STREET OPENING ESCROW BOND FOR 86 MINE MOUNT ROAD

I move that resolutions #23-191 to #23-195 be adopted:

Second:
Roll call vote:

8. ITEMS OF BUSINESS

- 8A. Mayor's Update
- 8B. Administrator's Update
- 8C. 2024 Winter & Summer Farmers' Market Request
- 8D. 2024 Parking Decal Resolution
- 8E. Zoom Meetings - Participation Protocols
- 8F. Correspondence
- 8G. Unfinished Business
- 8H. New Business

9. **CLOSED SESSION**

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

Contract Negotiations, Personnel Matters, and Pending Litigation

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

Seconded:

Vote:

10. **REOPEN AND ADJOURNMENT**

**BERNARDSVILLE BOROUGH
ORDINANCE 2023-1979**

**PROHIBITING SMOKING IN OUTDOOR DINING AREAS IN THE
DOWNTOWN DISTRICT AND AMENDING ARTICLE 12 OF THE
BOROUGH CODE ENTITLED “ZONING”**

WHEREAS, section LD-12-12.9 of the Borough Land Development Regulations which regulates outdoor dining does not currently prohibit smoking; and

WHEREAS, the governing body believes that smoking in outdoor dining areas affects the health, comfort and convenience of staff members and other patrons of the restaurant and should be prohibited;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that the Borough Land Development Regulations are hereby supplemented and amended as follows:

Section 2. Paragraph “b” of section LD-12-12.9 entitled “Outdoor Dining” is hereby supplemented and amended by adding a new paragraph “g”, which reads as follows:

“§ LD-12-12.9 Outdoor Dining.

Outdoor Dining shall be permitted within the Downtown District as accessory to an existing indoor restaurant only subject to the following regulations:

g. Smoking and the use of smokeless tobacco products is prohibited in all outdoor dining areas. For purposes of this section, “smoking” shall mean the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form.

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

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

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

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Mary Jane Canose, Mayor

1st Reading and Introduction: _____

1st Publication: _____

Referral to Planning Board: _____

Notice to County Planning Board Prior to Adoption: _____

Notice to Clerks of Adjoining Municipalities (if required): _____

Notice to Affected Property Owners (if required): _____

2nd Reading and Adoption: _____

2nd Publication: _____

Filing with County Planning Board: _____

**BERNARDSVILLE BOROUGH
ORDINANCE #2023-1981**

**MAKING DETACHED ACCESSORY DWELLING UNITS A PERMITTED
ACCESSORY USE IN THE R-1 AND R-1-10 ZONES AND SUPPLEMENTING AND
AMENDING ARTICLE 12 OF THE BOROUGH LAND DEVELOPMENT
REGULATIONS ENTITLED “ZONING”**

WHEREAS, the Borough Planning Board in its Resolution #2023-14 finding that Ordinance No. 2023-1974 is not inconsistent with the master plan went on to recommend that “the Borough Council consider, from a policy perspective, whether it desires to continue treating detached accessory dwelling units as conditional uses, which requires Planning Board application even for fully conforming conditional uses, or alternatively to designate same as permitted accessory uses, which would only require a land use board application in the event of some other relief being necessitated by the development project”; and

WHEREAS, the governing body has determined that detached accessory dwelling units should be a permitted accessory use in the R-1 and R-1-10 zones;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that sections 12-5.1, 12-6.1 and 12-22.1 are amended as follows:

§ LD-12-5 R-1 RESIDENCE DISTRICT.

§ LD-12-5.1 Primary Intended Use.

This zone district is designed for single family residential use but permits:

f. Accessory Dwelling Units, Detached.

f.g. Other accessory uses customarily incident to the above uses provided they do not include any activity commonly conducted for gain unless specifically permitted in this Article.

~~g~~h. Conditional Uses pursuant to § 12-25, limited to the following:

6. ~~Accessory Dwelling Unit, Detached.~~

§ LD-12-6 **R-1A RESIDENCE DISTRICT.**

§ LD-12-6.1 **Primary Intended Use.**

This zone district is designed for single family residential use but permits any use as permitted and regulated in R-1 Residence District, except for detached accessory dwelling units, including conditional uses pursuant to § 12-25 limited to the following:

§ LD-12-6.2 **Prohibited Uses.**

Any use other than those permitted in Subsection ~~12-5.1~~ 12-6.1 is prohibited.

§ LD-12-22 **R-1-10 RESIDENCE DISTRICT.**

§ LD-12-22.1 **Primary Intended Uses.**

This zone district is designed for single family residential use but permits:

f. Accessory Dwelling Units, Detached.

f.g. *Other accessory uses customarily incident to the above uses provided they do not include any activity commonly conducted for gain unless specifically permitted in this Article.*

g.h. *Conditional Uses pursuant to § 12-25, limited to the following:*

6. ~~Accessory Dwelling Unit, Detached.~~

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

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

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

ATTEST: COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Borough Clerk

By: _____
Mary Jane Canose, Mayor

1st Reading and Introduction:
1st Publication:
Referral to Planning Board: _____
Notice to County Planning Board Prior to Adoption:
Notice to Clerks of Adjoining Municipalities (if
required): _____
Notice to Affected Property Owners (if required):
2nd Reading and Adoption:
2nd Publication:
Filing with County Planning Board:

**BERNARDSVILLE BOROUGH
ORDINANCE #2023-1984**

**AN ORDINANCE ADOPTING REGULATIONS FOR PRIVATELY-OWNED SALT
STORAGE AND SUPPLEMENTING AND AMENDING CHAPTER 22 OF THE
BOROUGH CODE ENTITLED “STORMWATER REGULATIONS”**

WHEREAS, the Borough is required to adopt a privately-owned salt storage ordinance in response to NJDEP’s recent action to designate all municipalities as TIER A as part of the updated MS4 Tier A Stormwater Permit;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter 22 of the Borough Coed, entitled, “Stormwater Regulations” is hereby supplemented and amended as follows:

Section 1. There is hereby added a new section 22-9 entitled “Privately-Owned Salt Storage” which read as follows:

§22-9 PRIVATELY-OWNED SALT STORAGE

§22-9.1 Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Bernardsville to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§22-9.2 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Section clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. Storm drain inlet” means the point of entry into the storm sewer system.
- D. Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. “Resident” means a person who resides on a residential property where de-icing material is stored.

§22-9.3 Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.
- C. Any such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§22-9.4 Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing

material storage activities are regulated under another NJPDES permit.

§22-9.5 Enforcement:

This ordinance shall be enforced by the Code Enforcement Officer and the Zoning Enforcement Officer and their deputies.

§22-9.6 Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Any person who fails to take corrective action within that time shall be liable, upon conviction, to the penalties stated in Chapter 1, 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.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano, Borough Clerk

By: _____
Mary Jane Canose, Mayor

Introduction: _____
1st Publication: _____
Public Hearing and Adoption: _____
2nd Publication: _____

RESOLUTION 23-191

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	1,255.38
04 Escrow	\$	500.00
06 Outside Employment	\$	-
10 Current Fund	\$	342,092.50
19 Other Trusts	\$	2.40
20 Payroll	\$	-
33 Capital Fund	\$	4,674.82
40 Sewer Utility Fund	\$	47,330.75
55 Sewer Capital	\$	-
70 COAH Trust	\$	762.30
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	39.00
73 Police Law Enforcement	\$	-
85 Recreation Trust	\$	275.00
TOTAL	\$	396,932.15

Council Approval at regular meeting:

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 October 10, 2023.

Anthony Suriano
Borough Clerk

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
2425	4214 - ATLANTIC TACTICAL OF NJ	PO 112800 2023 Body Armor Replacements		1,160.38	
	01-G20-0110-0370	2020 BODY ARMOR REPLACEMENT FUND (2019)	0.29		
	01-G21-0110-0369	STATE BODY ARMOR REPLACEMENT FUND	5.94		
	01-G22-0110-0369	STATE BODY ARMOR REPLACEMENT FUND	1,154.15		1,160.38
2426	6111 - RUTGERS, ST UNIV. OF NJ OFFICE OF C	PO 114300 NJ Clean Communities Coordinator Recerti		95.00	
	01-G22-0110-0361	CLEAN COMMUNITIES (2022) CHAPTER 159	57.13		
	01-G23-0110-0361	CLEAN COMMUNITIES (2023) - CHAPTER 159	37.87		95.00
TOTAL					1,255.38
Total to be paid from Fund 01 STATE & FEDERAL GRANTS		1,255.38	=====		
		1,255.38			

List of Bills - (0410101001000) CASH - ESCROW ESCROW

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
2778	5805 - LOUIS P. RAGO, ESQ	PO 114450 BOA Attorney contract & application serv		500.00	
	04-280-4046-0103 DISBURSEMENTS - WEBBER		500.00		500.00
TOTAL					500.00
Total to be paid from Fund 04 ESCROW		500.00	=====		
		500.00			

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
65767	6311 - ACTION DATA SERVICES	PO 113798 PAYROLL BLANKET		351.90	
	10-C00-0110-0205 FINANCE - GENERAL EXPENSE		351.90		351.90
65768	1806 - ALLIED OIL LLC	PO 114320 GASOLINE - SEPTEMBER 2023(ACCOUNT #10-7		6,423.28	
	10-C00-0315-0220 GASOLINE - PREMIUM GAS		6,423.28		6,423.28
65769	7390 - AMAZON CAPITAL SERVICES	PO 114358 Desk Whiteboard Dry Erase Glass Whiteboa		46.54	
	10-C00-0100-0201 ADMIN. & EXEC. - OFFICE SUPPLIES		30.83		
	10-C00-0110-0201 FINANCE - OFFICE SUPPLIES		15.71		46.54
65770	5595 - ANIMAL CONTROL SOLUTIONS, LLC	PO 113993 24 HOUR ANIMAL CONTROL COVERAGE - BLANKE		3,000.00	
	10-C00-0260-0204 ANIMAL CONTROL - MISCELLANEOUS		3,000.00		3,000.00
65771	4351 - APRUZZESE, McDERMOTT, MASTRO&MURPHY	PO 113484 2023 GENERAL LABOR SERVICES - ACCT#1948-		2,515.50	
	10-C00-0101-0205 HUMAN RESOURCES - LABOR ATTORNEY		2,515.50		2,515.50
65772	4214 - ATLANTIC TACTICAL OF NJ	PO 112493 Promotional Badges for Chief, Capt, Lt,		1,225.68	
	10-A00-0195-0204 (2022) POLICE - MISCELLANEOUS		1,225.68		
		PO 114143 D/Sgt Badge		116.79	
	10-C00-0195-0206 POLICE - UNIFORMS		116.79		1,342.47
65773	4915 - B&R UNIFORMS	PO 113182 Crossing Guard Supplies		494.30	
	10-C00-0195-0217 POLICE - CROSSING GUARDS EXP.		494.30		494.30
65774	761 - BERNARDSVILLE AUTO REPAIR, INC	PO 114287 Durango Insp.		155.00	
	10-C00-0246-0207 VEHICLE MAINT.-STREETS & ROADS		155.00		155.00**
65775	4239 - COMCAST	PO 114439 XFINITY TV & INTERNET - ACCT# 849905289		209.90	
	10-C00-0305-0215 TELEPHONE - PHONE BILLS		209.90		209.90**
65776	4239 - COMCAST	PO 114444 XFINITY ACCOUNT 8499052890036488 - 8/18/		39.08	
	10-C00-0305-0215 TELEPHONE - PHONE BILLS		39.08		39.08**
65777	4239 - COMCAST	PO 114445 XFINITY TV & INTERNET - ACCT#84990528900		10.36	
	10-C00-0305-0215 TELEPHONE - PHONE BILLS		10.36		10.36**
65778	4827 - D'ONOFRIO & SONS INC	PO 113237 2023 Recreation Grass Cutting and Lawn M		3,440.00	
	10-C00-0145-0241 BUILD. & GROUNDS - REC. FIELD MAINT.		3,440.00		
		PO 113238 2023 Borough Grass Cutting and Lawn Main		5,000.00	
	10-C00-0145-0215 BUILD. & GROUNDS - GROUND MNT.		4,860.00		
	10-C00-0145-0233 BUILD. & GROUNDS - LIBRARY PROPERTY MNT.		140.00		8,440.00**
65779	386 - DELTA DENTAL OF NEW JERSEY, INC	PO 114460 10/1-10/31/23 DENTAL BENEFITS PAYMENT I		2,711.60	
	10-C00-0175-0225 GROUP INSURANCE - DENTAL BNFTS		2,711.60		2,711.60**
65780	6997 - DIRECT ENERGY	PO 114431 166 MINE BROOK		1.27	
	10-C00-0320-0225 GAS - NATURAL		1.27		1.27**
65781	6167 - DIRECT ENERGY BUSINESS	PO 114449 1 ANDERSON HILL RD SERVICE LOC ID 766866		109.45	
	10-C00-0310-0220 ELECTRICITY - BILLS		109.45		109.45**
65782	1307 - FERRIERO ENGINEERING, INC	PO 112546 Engineering, Design, and Inspections Var		1,301.00	
	10-A00-0140-0211 (2022) ENGINEERING - ENGINEERING EXPENSES		1,301.00		
		PO 114432 Traffic Report and Deed Descriptions Dow		592.00	
	10-C00-0140-0211 ENGINEERING - ENGINEERING EXPENSES		592.00		1,893.00**
65783	2487 - FLAGSHIP HEALTH SYSTEMS INC	PO 113807 JULY-DEC 2023 DENTAL BENEFITS PAYMENT -		102.11	
	10-C00-0175-0225 GROUP INSURANCE - DENTAL BNFTS		102.11		102.11**

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
65784	652 - GENERAL CODE	PO 114382 Codification of General and Land Use Cod		6,598.52	
	10-C00-0102-0205	MUNICIPAL CLERK - GENERAL EXPENSE	3,927.52		
	10-C00-0155-0204	BOARD OF ADJ. - MISCELLANEOUS	2,671.00		6,598.52**
65785	1914 - GM FENCE	PO 114158 Turf Field Baseball Backstop Repair		950.00	
	10-C00-0145-0241	BUILD. & GROUNDS - REC. FIELD MAINT.	950.00		950.00**
65786	185 - GRAINGER	PO 114426 [2] Come-along binders		124.34	
	10-C00-0220-0205	STREETS & ROADS - GEN. EXPENSE	124.34		124.34**
65787	4759 - INSTITUTE FOR FORSENIC PSYCHOLOGY	PO 114281 P.O. Candidate Psychological Screening -		525.00	
	10-C00-0195-0213	POLICE - MEDICAL EXPENSES	525.00		525.00**
65788	7006 - INTERSTATE WASTE SERVICES OF NJ	PO 114153 Garbage Disposal - Street Cans, Library		1,377.40	
	10-C00-0145-0248	BUILD. & GROUNDS - SOLID WASTE REMOVAL	1,146.92		
	10-C00-0145-0233	BUILD. & GROUNDS - LIBRARY PROPERTY MNT.	40.09		
	10-C00-0145-0231	BUILD. & GROUNDS - LIBRARY TENANTS EXP.	132.81		
	10-C00-0145-0250	BUILD. & GROUNDS - TRAIN STATION	57.58		1,377.40**
65789	124 - JAEGER LUMBER	PO 112676 Blanket PO for B&G Supplies		18.88	
	10-C00-0145-0201	BUILD. & GROUNDS - BLD SUPPLY	18.88		18.88**
65790	87 - JCP&L	PO 114422 JCP&L 7/20-8/20/23*		516.87	
	10-C00-0310-0220	ELECTRICITY - BILLS	378.28		
	10-C00-0145-0231	BUILD. & GROUNDS - LIBRARY TENANTS EXP.	138.59		516.87**
65791	87 - JCP&L	PO 114423 JCP&L 7/21-8/22/23*		121.73	
	10-C00-0310-0220	ELECTRICITY - BILLS	121.73		121.73**
65792	87 - JCP&L	PO 114446 JCP&L 8/19-9/20/23*		230.06	
	10-C00-0310-0220	ELECTRICITY - BILLS	230.06		230.06**
65793	87 - JCP&L	PO 114447 JCP&L		144.86	
	10-C00-0225-0202	STREET LIGHTING	131.59		
	10-C00-0310-0220	ELECTRICITY - BILLS	13.27		144.86**
65794	6378 - JOHNY ON THE SPOT	PO 112657 Portable Restroom Rental - 271 Mine Broo		111.32	
	10-C00-0145-0263	BUILD. & GROUNDS - O/S - 271 MINE BROOK	111.32		
		PO 112658 Portable Restroom Rental - Train Station		222.64	
	10-C00-0145-0250	BUILD. & GROUNDS - TRAIN STATION	222.64		
		PO 112659 Portable Restroom Rental - Polo, Rose Bo		998.74	
	10-C00-0145-0249	BUILD. & GROUNDS - PORTABLE TOILETS	998.74		
		PO 114418 Charge to Replace Stolen ADA Porta Potty		1,330.00	
	10-C00-0145-0249	BUILD. & GROUNDS - PORTABLE TOILETS	1,330.00		2,662.70**
65795	6247 - JOY AUTO PARTS	PO 114191 Parts Blanket		170.90	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	170.90		170.90**
65796	5805 - LOUIS P. RAGO, ESQ	PO 113278 BOA Attorney 2023 Blanket PO for anticip		800.00	
	10-C00-0155-0215	BOARD OF ADJ. - ATTORNEY	800.00		800.00**
65797	7329 - MONMOUTH TELECOM	PO 113859 PHONE CHARGES ACCT #36890 BLANKET**		1,159.07	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	1,159.07		1,159.07**
65798	6728 - NAPA OF CHESTER, INC	PO 111857 OPEN P.O. FOR POLICE VEHICLE PARTS		175.51	
	10-A00-0246-0206	(2022) VEHICLE MAINT. - POLICE	175.51		
		PO 112685 Parts blanket		458.56	

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS		458.56		634.07**
65799	31 - NEW JERSEY HILLS MEDIA GROUP	PO 112878 2023 BLANKET PO FOR BERNARDSVILLE NEWS L		210.63	
10-C00-0102-0207	MUNICIPAL CLERK - ADVERTISING		188.70		
10-C00-0150-0216	PLANNING BOARD - ADVERTISING		21.93		
10-C00-0220-0205	STREETS & ROADS - GEN. EXPENSE	PO 112932 Bid Advertisements + Cleanup/Leaf/Compos		41.31	
10-C00-0235-0204	LANDFILL - MISC.	PO 113725 Fall Household Cleanup, Leaf Collection,		231.60	
			231.60		483.54**
65800	57 - NJ AMERICAN WATER CO.	PO 114437 NJ American Water 8/11-9/12/23*		529.33	
10-C00-0145-0219	BUILD. & GROUNDS - WATER BILLS		529.33		529.33**
65801	57 - NJ AMERICAN WATER CO.	PO 114452 NJ American Water 7/12-8/9/23*		242.39	
10-C00-0145-0219	BUILD. & GROUNDS - WATER BILLS		242.39		242.39**
65802	12 - NJ STATE LEAGUE OF MUNICIPALITIES	PO 114345 Employment Ad - Zoning/Housing Assistant		115.00	
10-C00-0156-0205	ZONING/HOUSE -GENERAL EXP.		115.00		
10-C00-0285-0205	CONSTRUCTION - GENERAL EXPENSE	PO 114419 EMPLOYMENT AD - TECHNICAL ASSISTANT TO C		115.00	
			115.00		230.00**
65803	7271 - NORTH JERSEY TREE EXPERTS	PO 113045 Honey Locust Fertilization and Pest Trea		272.00	
10-C00-0145-0233	BUILD. & GROUNDS - LIBRARY PROPERTY MNT.		272.00		272.00**
65804	590 - NORTHEAST COMMUNICATIONS	PO 112625 Open PO for Maintenance		225.00	
10-A00-0195-0205	(2022) POLICE - GENERAL EQUIPMENT		225.00		225.00**
65805	895 - PIDGEON AND PIDGEON,P.C.	PO 114332 SEPT 2023 LEGAL SERVICES		9,120.00	
10-C00-0135-0215	LEGAL SERVICES - BORO ATTORNEY		9,120.00		9,120.00**
65806	6042 - PSE&G	PO 114463 PSE&G 8/25-9/26/23*		89.54	
10-C00-0320-0225	GAS - NATURAL		89.54		89.54**
65807	6981 - ROBERT PICKELL	PO 114414 BOOTS, NEXT ELIGIBLE 4/9/23		150.00	
10-C00-0220-0206	STREETS & ROADS - UNIFORMS		150.00		150.00**
65808	7312 - SAMUELS, INC	PO 112686 Parts blanket		231.57	
10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS		231.57		231.57**
65809	7312 - SAMUELS, INC	PO 114386 Repair parts for SLEO Vehicle -2014 Ford		1,661.87	
10-C00-0246-0206	VEHICLE MAINT. - POLICE		1,661.87		1,661.87**
65810	397 - SELECTIVE FLOOD	PO 114427 FLOOD INSURANCE - BORO 11/18/23-11/17/24		9,849.00	
10-C00-0170-0220	LIABILITY INSURANCE		9,849.00		9,849.00**
65811	5108 - SERVICEMASTER ABSOLUTE CLEANING LLC	PO 113702 Pool Complex Bathroom Cleaning		2,106.00	
10-C00-0271-0204	SWIM POOL - MISCELLANEOUS		2,106.00		2,106.00**
65812	7207 - SOUTH BRANCH EMERGENCY SERVICES	PO 114333 Richard EMT Refresher / Certification Re		375.00	
10-C00-0195-0203	POLICE - EDUCATION & TRAINING EXPENSES		375.00		375.00**
65813	3672 - ST. NICK POOL MANAGEMENT, INC.	PO 113319 POOL OPENING & CLOSING		5,450.00	
10-C00-0271-0208	SWIM POOL - OPENING/CLOSING		5,450.00		5,450.00**
65814	38 - STAPLES BUSINESS ADVANTAGE	PO 112740 OPEN P.O. FOR OFFICE SUPPLIES		134.04	
10-C00-0195-0201	POLICE - OFFICE SUPPLIES		134.04		134.04**

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
65815	5304 - SUBURBAN PROPANE 10-C00-0145-0261	PO 113115 Propane for 251 Claremont Road BUILD. & GROUNDS - O/S - 251 CLAREMONT	200.00	200.00	200.00**
65816	7400 - UNITED TRI-STATE UMPIRES 10-C00-0272-0203	PO 114402 Umpires For Men's Softball League RECREATION - GENERAL EXPENSES	300.00	300.00	300.00**
65817	2865 - V. E. RALPH & SON, INC 10-C00-0195-0205	PO 114381 First Aid Supplies POLICE - GENERAL EQUIPMENT	215.00	215.00	215.00**
65818	7197 - VAN CLEEF ENGINEERING ASSOCIATES 10-A00-0100-0205	PO 113529 PROFESSIONAL SERVICES - 2022 - HIGHLANDS (2022) ADMIN. & EXEC. - GENERAL EXPENSES	13,703.00	13,703.00	13,703.00**
65819	61 - VERIZON 10-C00-0305-0215	PO 114435 TELEPHONE BILLS 9/20- 10/19/23* TELEPHONE - PHONE BILLS	3,295.36	3,295.36	3,295.36**
65820	3488 - VERIZON 10-C00-0305-0215	PO 114436 FIOS - ACCT# 554-658-975-0001-21 -9/21-1 TELEPHONE - PHONE BILLS	179.00	179.00	179.00**
65821	61 - VERIZON 10-C00-0305-0215	PO 114459 908-204-3475 347 38Y -TRAIN STATION FIRE TELEPHONE - PHONE BILLS	77.75	77.75	77.75**
65822	1632 - VERIZON WIRELESS (NEWARK) 10-C00-0305-0225	PO 114429 ACC #442265347 - 00002 WIRELESS PHONES TELEPHONE - MOBILE PHONES	553.65	553.65	
	10-C00-0305-0225	PO 114430 ACC#442265347-00001* WIRELESS PHONES 8/ TELEPHONE - MOBILE PHONES	2,146.73	2,146.73	2,700.38**
65823	868 - VIKING PEST CONTROL 10-C00-0145-0216	PO 112674 Monthly Pest Control and Carpenter Ant T BUILD. & GROUNDS - BUILD. MNT.	172.78	172.78	
	10-C00-0145-0244	PO 112677 Monitoring for Mice Control at Police Ra BUILD. & GROUNDS - POLICE	89.64	89.64	262.42**
65824	5318 - W.B.MASON CO,INC 10-C00-0285-0201	PO 114417 OFFICE SUPPLIES - SUITE 103 CONSTRUCTION - OFFICE SUPPLIES	189.48	223.44	
	10-C00-0156-0201	ZONING/HOUSE - OFFICE SUPPLY	33.96		223.44**
65825	1264 - WELDON ASPHALT CO. 10-C00-0220-0218	PO 114199 BITUMINOUS CONCRETE & STONE - JULY-DEC 2 STREETS & ROADS - ROAD REPAIR	1,183.74	1,183.74	1,183.74**
TOTAL					97,369.53

** = Payment(s) need to be approved before check can be printed.

Total to be paid from Fund 10 CURRENT FUND 97,369.53

97,369.53

Checks Previously Disbursed

65766	CORELOGIC	PO# 114433 REFUND OF TAX PAYMENT ERROR - BLO	6,193.31	9/26/2023
231066	PAYROLL ACCOUNT	PO# 114448 9/29/23 PAYROLL - CURRENT FUND	238,412.90	9/28/2023
231067	SPHERE COMMERCE	PARKING METER FEES	116.76	10/02/2023

			244,722.97	

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
Totals by fund		Previous Checks/Voids	Current Payments	Total	
Fund 10 CURRENT FUND		244,722.97	97,369.53	342,092.50	
BILLS LIST TOTALS		244,722.97	97,369.53	342,092.50	

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
471	650 - NJ DEPT OF HEALTH & SENIOR SRVS. 19-285-0500-3002	PO 114442 August 2023 Monthly Dog Report DUE TO STATE - ANIMAL CONTROL	2.40	2.40	2.40

TOTAL

2.40

Total to be paid from Fund 19 OTHER TRUSTS

2.40

=====

2.40

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
6357	4214 - ATLANTIC TACTICAL OF NJ	PO 112800 2023 Body Armor Replacements		4,674.82	
	33-215-2926-1011	CAP ORD 2022-1917 - BODY ARMOR	4,674.82		4,674.82
TOTAL					----- 4,674.82
Total to be paid from Fund 33 CAPITAL FUND			4,674.82		
			=====		
			4,674.82		

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
10968	5305 - CUSTOM ENVIRONMENTAL TECH. INC 40-C00-0101-0228 SEWER - POLYMER	PO 114367 Polymer order/shipping		1,547.00	1,547.00
10969	386 - DELTA DENTAL OF NEW JERSEY, INC 40-C00-0101-0230 SEWER - GROUP INSURANCE	PO 114460 10/1-10/31/23 DENTAL BENEFITS PAYMENT I		381.71	381.71
10970	5570 - EMR POWER SYSTEMS,LLC 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 114276 Generator service		365.79	365.79
10971	1619 - GARDEN STATE LABORATORIES INC 40-C00-0101-0215 SEWER - TESTING	PO 113436 2023 Blanket, 2nd and 3rd quarter		2,495.00	2,495.00
10972	7006 - INTERSTATE WASTE SERVICES OF NJ 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 114054 2023 Blanket - Rag Container Disposal		2,050.00	2,050.00
10973	2780 - KEN KELEHER 40-C00-0101-0206 SEWER - UNIFORMS	PO 114455 BOOTS NEXT ELIGIBLE 3/29/24		105.00	105.00
10974	3238 - MAIN LINE COMMERCIAL POOLS, INC 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 114159 Sodium Hypochloride		686.88	686.88
10975	57 - NJ AMERICAN WATER CO. 40-C00-0101-0229 SEWER - WATER BILLS	PO 114438 NJ AMERICAN WATER -8/11-9/12/23		21.27	21.27
10976	872 - PUMPING SERVICE CO. 40-A00-0101-0214 (2022) SEWER - PUMP STATION MAINT. 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 112597 Repair and Installation PO 114241 Replace and install tank 7 press wash wa		2,240.41 4,000.00	6,240.41
10977	3499 - RICHIE'S TIRE SERVICE INC 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 114409 New tires, mounted and balanced - Crane		2,691.96	2,691.96
10978	397 - SELECTIVE FLOOD 40-C00-0101-0239 SEWER - GENERAL INSURANCE	PO 114428 FLOOD INSURANCE SEWER PLANT 11/18/23-11/		9,849.00	9,849.00
10979	1518 - USA BLUE BOOK 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 113403 2023 Blanket		187.19	187.19

TOTAL -----
26,621.21

Total to be paid from Fund 40 SEWER UTILITY FUND 26,621.21
=====
26,621.21

Checks Previously Disbursed

234032	PAYROLL ACCOUNT	PAYROLL - SEWER 9/29/23	20,709.54	9/28/2023
			----- 20,709.54	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 40 SEWER UTILITY FUND	20,709.54	26,621.21	47,330.75

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total

	BILLS LIST TOTALS	20,709.54	26,621.21	47,330.75	=====

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
2265	7006 - INTERSTATE WASTE SERVICES OF NJ 70-286-5685-4013 COAH - ADMINISTRATIVE COSTS	PO 113740 Waste Removal Services - 63-73 Bernards	196.80	196.80	196.80
2266	895 - PIDGEON AND PIDGEON,P.C. 70-286-5685-4013 COAH - ADMINISTRATIVE COSTS	PO 114332 SEPT 2023 LEGAL SERVICES	565.50	565.50	565.50
TOTAL					762.30
Total to be paid from Fund 70 COAH TRUST		762.30	=====		762.30

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

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
2148	895 - PIDGEON AND PIDGEON,P.C.	PO 114332 SEPT 2023 LEGAL SERVICES		39.00	
	72-286-5685-3001	RESERVE FOR OPEN SPACE - AQUISITION	39.00		39.00
	TOTAL				----- 39.00
Total to be paid from Fund 72 OPEN SPACE TRUST			39.00		
		=====			
		39.00			

List of Bills - (8510101002000) CASH - RECREATION TRUST RECREATION TRUST

Meeting Date: 10/10/2023 For bills from 09/26/2023 to 10/05/2023

Check#	Vendor	Description	Account	PO Payment	Check Total
597	6376 - JENNIFER ADAMS	PO 114292 Jaren Sina Session 1 refund		275.00	
	85-286-5685-4000	RESERVE FOR RECREATION TRUST - GENERAL	235.00		
	85-286-0200-0002	DUE TO CURRENT - ADMIN FEES	40.00		275.00
TOTAL					275.00
Total to be paid from Fund 85 RECREATION TRUST		275.00	=====		
		275.00			

RESOLUTION #23-192

**AWARDING CONTRACT FOR GARBAGE
CONTAINER REMOVAL AND DISPOSAL**

WHEREAS, bids were received, supported by the required documentation, for the 2023 to 2025 Garbage Container Removal and Disposal Contract; and

WHEREAS, the Public Works Manager, in a report dated September 18, 2023, recommends awarding a contract to Republic Service of NJ, LLC, and that recommendation is supported by the Borough Administrator; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body as follows:

(1) A contract for 2023- 2025 Garbage Container Removal, Transportation, and Replacement is hereby awarded to Republic Service of NJ, LLC, at the price of \$205.00 per container for transportation and \$105.00 per ton tipping fee for Year 1 and at the price of \$215.25 per container for transportation and \$110.25 per ton tipping fee for Year 2.

(2) The Mayor and Clerk are hereby authorized to sign a contract for these services which has been approved in form by the Borough Attorney.

I, Leslie Roberson, CMFO, hereby certify that funds for these services are available in the 2023 Budget, Landfill-Disposal of Waste line item.

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 October 10, 2023.

BOROUGH OF BERNARDSVILLE, NJ

**RESOLUTION #23-193
AUTHORIZATION OF LEAD INSPECTION FEE REFUND**

WHEREAS, the following payment of lead inspection fees was made on September 20, 2023 and;

WHEREAS, a lead inspection is not required as the homeowner has registered with the NJ DCA (Registration# 1803005149);

WHEREAS, the housing inspection office has recommended a refund be issued;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, NJ that the Chief Financial Officer is hereby authorized to refund the aforementioned fees as listed below:

Block & Lot	Fee Type	Amount	Reason for Refund	Issue Refund To
99/4 4 Mine Brook Road	Lead Inspection	\$490.00	Paid in Error – no fees required	4 MB1 LLC & 4 MB2 LLC PO Box 166 New Vernon, NJ 07976
	Total:	\$490.00		

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 October 10, 2023.

**BOROUGH OF BERNARDSVILLE
RESOLUTION #23-194**

**A RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO FILE AN
ANSWER TO AN OPRA COMPLAINT FILED BY AARON DUFF IN THE SUPERIOR
COURT OF NEW JERSEY**

WHEREAS, Aaron t. Duff, a resident of Bernardsville and an attorney-at-law of the State of New Jersey, filed a request pursuant to the Open Public Records Act (“OPRA”) and the common law for copies of records including emails and minutes of executive session meetings at which the Palmer redevelopment was discussed; and

WHEREAS, the Borough Clerk’s initial search for the requested records resulted in more than 10,000 pages of emails that had to be reviewed and redacted where appropriate; and

WHEREAS, copies of the requested records were provided to Aaron Duff with redactions in accordance with the provisions of OPRA; and

WHEREAS, Aaron Duff has retained an attorney who filed a complaint on his behalf in the Superior Court of New Jersey, Law Division, Somerset County at Docket No SOM-L-001022-23 seeking unredacted copies of the records, as well as reimbursement of his attorney’s fees; and

WHEREAS, the governing body wishes to defend this lawsuit;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Bernardsville, in the County of Somerset, State of New Jersey, that Borough Attorney John R. Pidgeon is hereby authorized to file an answer to the complaint described in the preamble and to take all other steps necessary to defend the Borough’s interest in this litigation.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Governing Body at a duly convened meeting held Tuesday, October 10, 2023.

Anthony Suriano, Clerk

RESOLUTION #23-195

**AUTHORIZING RELEASE OF A
STREET OPENING ESCROW BOND FOR 86 MINE MOUNT ROAD**

BE IT RESOLVED by the Borough Council, pursuant to a recommendation from the Public Works Manager in an email dated October 3, 2023, to authorize the release of a \$1,500.00 bond to Christopher Lacko, 86 Mine Mount 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 October 11, 2023.
