

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
June 27, 2022 – 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 27, 2021.

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

4A.

5. APPROVAL OF MINUTES

June 13, 2022

Motion:
Second:
Voice Vote:

6. OPEN SESSION (FOR ITEMS NOT ON THE AGENDA)

To make a comment or ask a question during the meeting, please raise your hand using one of the following alternatives:

1. *Windows or Mac platform: Click on "Participants" at the bottom of the screen, then click on "raise hand." (Windows shortcut: Alt+Y; Mac shortcut: Option+Y).*

2. *Android or iOS device: Click on "raise hand" in the bottom left corner of your screen.*

3. *Telephone: Press *9.*

The host will be notified that you have raised your hand. When it is your turn to speak, you may be prompted to unmute yourself. While unmuted, your profile picture and name will be displayed to the host and panelists (or a portion of your phone number if participating by telephone) but you will not be visible.

In lieu of speaking at the meeting, members of the public may email their questions or comments to the Borough Clerk at asuriano@bernardsvilleboro.org. Written questions or comments must be submitted by noon the Wednesday preceding the meeting.

Spoken comments will be limited to three minutes per speaker. Any written questions or comments received prior to noon on the Wednesday preceding the meeting will be read or summarized on the record after all spoken comments have been made.

Comments unrelated to a governmental issue, or comments containing offensive, profane or indecent language or language constituting hate speech, will not be accepted.

If providing a comment or asking a question in writing, include your name, address, and the subject of your comment or question.

Please note that the "chat" and "Q&A" functions will be disabled during the meeting.

7. **ORDINANCES (Public Hearing)**

Spoken comments will be limited to three minutes per speaker.

Mayor to open public hearing on Ordinance #2022-1918, SUPPLEMENTING AND AMENDING THE BOROUGH LAND USE ORDINANCE TO AMEND THE AH-3 ZONE REQUIREMENTS AND ADDING TWO ADDITIONAL AFFORDABLE HOUSING ZONES

Mayor to close hearing

I move to pass Ordinance #2022-1918 on final reading and adopt as published:

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #2022-1919, **CONCERNING THE PROCEDURES FOR SUBMISSION AND APPROVAL OF FINAL SITE PLAN AND SUBDIVISION PLATS AND SUPPLEMENTING AND AMENDING ARTICLE 9 ENTITLED “SITE PLAN REVIEW” AND ARTICLE 10 ENTITLED “SUBDIVISION” OF THE BOROUGH LAND DEVELOPMENT REGULATIONS**

Mayor to close public hearing

I move to pass Ordinance #2022-1919 on final reading and adopt as published:

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #2022-1920, **AN ORDINANCE SETTING 2022 SALARIES AND HOURLY RATES FOR NON-CONTRACTUAL EMPLOYEES**

Mayor to close public hearing

I move to pass Ordinance #2022-1920 on final reading and adopt as published:

Second:

Roll call vote:

I move to table Ordinance #2022-1921, **CONCERNING OUTDOOR DINING AND AMENDING ARTICLE 12 OF THE BOROUGH CODE ENTITLED “ZONING”** to the July 11, 2022 Council Meeting at 7:00 p.m. (awaiting Planning Board recommendation).

Second:

Roll call vote:

Mayor to open public hearing on Ordinance #2022-1922, **CREATING A DEPARTMENT OF FINANCE, AND CLARIFYING THE DUTIES OF THE POSITIONS WITHIN THE FINANCE DEPARTMENT; SUPPLEMENTING AND AMENDING SECTION 2-10 OF THE BOROUGH CODE ENTITLED “CHIEF FINANCIAL OFFICER” AND RENAMING THAT SECTION “DEPARTMENT OF FINANCE”**

Mayor to close public hearing

I move to pass Ordinance #2022-1922 on final reading and adopt as published:

Second:

Roll call vote:

I move to table Ordinance #2022-1923, **AN ORDINANCE REZONING PROPERTY LOCATED AT 5 SENEY DRIVE (BLOCK 41, LOT 2) FROM D-CL TO R-5 AND SUPPLEMENTING AND AMENDING SECTION LD 12-2.2 OF THE BOROUGH CODE ENTITLED "ZONING MAP"** to the July 11, 2022 Council Meeting at 7:00 p.m. (awaiting Planning Board recommendation).

Second:

Roll call vote:

ORDINANCES (Introduction)

I move that Ordinance #22-1924, **BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 65 MORRISTOWN ROAD IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,430,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION** 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, July 11, 2022.

Second:

Voice Vote:

I move that Ordinance #22-1925, **BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO OPEN SPACE PROPERTIES IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION** 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, July 11, 2022.

Second:
Voice Vote:

I move that Ordinance #22-1926, **CONCERNING FINES FOR ORDINANCE VIOLATIONS AND AMENDING ARTICLE 2 OF THE BOROUGH CODE ENTITLED “ADMINISTRATION” AND ARTICLE 16 OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED “VIOLATIONS AND PENALTIES”** 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, July 11, 2022

Second:
Voice Vote:

I MOVE THAT ORDINANCE #22-1927, AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY, LOCATED AT 65 MORRISTOWN ROAD AND IDENTIFIED AS BLOCK 124, LOT 13, FOR PUBLIC PURPOSES 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, July 11, 2022

Second:
Voice Vote:

8. RESOLUTIONS

#22-141 AUTHORIZING PAYMENT OF BILLS

#22-142 A RESOLUTION AUTHORIZING AND DIRECTING THE EXECUTION OF A CONTRACT BY AND BETWEEN THE BOROUGH OF BERNARDSVILLE AND GARDNER INVESTMENTS, LLC FOR THE PURCHASE OF REAL PROPERTY, LOCATED AT 65 MORRISTOWN ROAD AND IDENTIFIED AS BLOCK 124, LOT 13, FOR PUBLIC PURPOSES

#22-143 GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT (2021)

- #22-144 RESOLUTION AUTHORIZING THE PROVISION OF A LOAN PURSUANT TO THE BOROUGH OF BERNARDSVILLE AFFORDABILITY ASSISTANCE PROGRAM FOR THE PURCHASER OF AN AFFORDABLE HOUSING UNIT LOCATED AT 15-07 PINE STREET, BERNARDSVILLE, NJ 07924**
- #22-145 APPROVING MEMBERSHIP IN THE FIRE COMPANY**
- #22-146 AUTHORIZING RENEWAL OF A.B.C. LICENSES**
- #22-147 SHARED SERVICES AGREEMENT FOR MUNICIPAL FIRE PREVENTION BUREAU SERVICES BETWEEN THE TOWNSHIP OF BERNARDS AND THE BOROUGH OF BERNARDSVILLE N.J.S.A. 52:27D-192 ET. SEQ.**
- #22-148 AUTHORIZING A HARDSHIP EXEMPTION FROM ROAD MORATORIUM FOR STREET OPENING – 13 STEVENS STREET**
- #22-149 RESOLUTION OF NEED**
- #22-150 AUTHORIZING THE BOROUGH’S PROJECT MANAGER TO BID FOR THE INSTALLATION OF SUPPLEMENTAL STORMWATER DRAINAGE TO ENHANCE THE PERFORMANCE OF THE EXISTING STORMWATER DRAINAGE AT MOUNTAIN TOP ROAD AND OVERLEIGH ROAD**
- #22-151 AUTHORIZING AMENDMENT TO DEVELOPMENT AGREEMENT WITH RPM DEVELOPMENT, LLC**
- #22-152 RESOLUTION AUTHORIZING THE BOROUGH OF BERNARDSVILLE THROUGH THE BERNARDSVILLE POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE BERNARDSVILLE POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**
- #22-153 A RESOLUTION ACCEPTING A DONATION NOT TO EXCEED \$4,000 FROM THE BERNARDSVILLE LAW ENFORCEMENT FOUNDATION (A 501C3 NONPROFIT ORGANIZATION) TO REIMBURSE THE BOROUGH FOR FEES AND EXPENSES FOR POLICE OFFICERS TO ATTEND THE 2022 NATIONAL**

SCHOOL SAFETY CONFERENCE TO BE HELD ON JULY 25TH - 29TH 2022."

I move that resolutions #22-141 to #22-153 be adopted

Second:

Roll call vote:

8A. NONE CONCENT RESOLUTION:

#22-154 AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY IDENTIFIED AS BLOCK 71, LOT 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE WITHIN THE BOROUGH CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. AND AUTHORIZING THE PLANNING BOARD TO PREPARE AN AMENDMENT THE QUIMBY LANE REDEVELOPMENT PLAN (25 CLAREMONT RD.)

9. REPORTS

9A. Mayor's Update

9B. Administrator's Report

- **ACCEPTING DEPARTMENT MONTHLY REPORTS**

- Capital/Engineering Project Manager (June)

- Construction (May)

- Facilities/Public Works (May)

- Police (May)

- Property Maintenance/Landlord Registration (May)

- Tax & Sewer Collections (May)

- Finance Department – Tax (May)

- Zoning (May)

Motion:

**Second:
Voice Vote:**

- 9C. Municipal Attorney
- 9D. Council Public Safety Committee
- 9E. Council Finance Committee
- 9F. Council Organization Development and Personnel Committee
- 9G. Council Engineering, Technology & Public Works Committee
- 9H. Land Use Committee
- 9I. Other committee/commission reports
 - 9I1. Council Liaison Reports

10. ITEMS OF BUSINESS

- 10A. Correspondence
 - 10A(1).
- 10B. Unfinished Business
- 10C. New Business

10C(1) Parameter Fence and Wall Ordinance Term Sheet

11. OPEN SESSION (FOR ITEMS NOT ON THE AGENDA)

See instructions in #6 first open session

12. CLOSED SESSION

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

**Attorney/Client Privilege
Property Acquisition**

(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

062722cb

FOR INTRODUCTION 5/23/22

**BERNARDSVILLE BOROUGH
ORDINANCE # 2022-1918**

**SUPPLEMENTING AND AMENDING THE BOROUGH LAND USE ORDINANCE TO
AMEND THE AH-3 ZONE REQUIREMENTS AND ADDING TWO ADDITIONAL
AFFORDABLE HOUSING ZONES**

WHEREAS, the New Jersey Supreme Court in *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97* by the New Jersey Council on Affordable Housing, 221 NJ 1 (2015), found that the COAH administrative process had become non-functioning and as a result, returned primary jurisdiction over affordable housing matters to the trial courts; and

WHEREAS, in doing so, the Supreme Court established a transitional process for municipalities, like the Borough of Bernardsville (the "Borough"), that participated in the administrative process before COAH, to file a declaratory judgment action with the trial court seeking to declare their Housing Elements and Fair Share Plans as being constitutionally compliant and seeking similar protections to those that the participating municipalities would have received if they had continued to proceed before COAH; and

WHEREAS, the Borough filed its declaratory judgment action in the Superior Court of New Jersey, Somerset County, on July 6, 2015 at Docket No.SOM-925-15; and

WHEREAS, the Borough thereafter settled its declaratory judgment action with the Fair Share Housing Center ("FSHC") and the terms of that settlement were memorialized in an agreement dated November 22, 2017; and

WHEREAS, at the conclusion of the Fairness Hearing held on December 18, 2017, the Honorable Thomas Miller, P.J.Cv., found that the settlement agreement between the Borough and FSHC is fair and adequately protects the interests of low- and moderate-income persons within the Borough's housing region; under Mt. Laurel IV, subject to the Court's approval by way of a final compliance hearing which has been scheduled for July 2, 2018; and

WHEREAS, the settlement agreement with FSHC provides in paragraph 14 that:

"As an essential term of this settlement... , the Borough shall adopt a Housing Element and Fair Share Plan that conforms to the terms of this agreement and shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein."; and

WHEREAS, in accordance with the terms of the settlement agreement, the Borough Planning Board adopted a Housing Element and Fair Share Plan as amended by resolution memorialized on August 23, 2018; and

WHEREAS, due to amendments to the housing plan it is necessary to amend and rezone parcels in furtherance of the Borough's compliance with the settlement agreement and third round affordable housing obligation.

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 Use Ordinance Article 12 entitled "Zoning" is hereby supplemented and amended as follows:

(note: deletions are denoted as ~~strikeouts~~ while new provisions are denoted in ***bold italic***)

Section 1. §12-2.1 Table of Zone Districts is hereby amended to add the following districts:

AHO-3 Affordable Housing Overlay-3

AHO-4 Affordable Housing Overly-4

AH-1 Affordable Housing-1

AH-2 Affordable Housing-2

AH-3 Affordable Housing-3

AH-4 Affordable Housing-4

AH-5 Affordable Housing-5

AH-6 Affordable Housing-6

AH-7 Affordable Housing-7

Section 2. Paragraph “a” entitled Zoning Map in subsection §12-2.2 is hereby supplemented and amended to add new zones AH-6 and AH-7 as follows:

Block 124, Lot 1 is hereby rezoned from D-CO to AH-6

Block 102, Lot 12 is hereby rezoned from R-5 to AH-7

Section 3. §12-20 Affordable Housing Zone Districts is hereby amended to add the AH-6 District as follows:

§12-20.6 AH-6 Affordable Housing District

a. Primary Intended Use.

1. Affordable family rental multi-family dwellings:

(a) Townhouses.

(b) Apartments.

2. Parking and similar such facilities.

(a) Parking shall be required in accordance with N.J.A.C. §5:21-4.14, Residential Site Improvement Standards.

(b) Parking regulations may be relaxed by the approving Board without need for variance relief where an applicant can demonstrate to the Board’s satisfaction that parking standards can be reduced pursuant to N.J.A.C. §5:21-4.14(c) where an alternative standard better reflects local conditions. Factors affecting the minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

3. Other accessory uses customarily incident to the above uses provide they do not include any activity commonly conducted for gain unless specifically permitted by this Article.

b. Required Conditions.

The following requirements must be complied with in the AH-6 Affordable Housing Districts:

- 1. Height.** No building shall exceed a maximum of 2 stories or 35 feet in height, whichever is the lesser.
- 2. Front Yard.** There shall be a front yard of not less than 10 feet however, entryways and porches may encroach into the front yard setback but by no more than 5 feet.
- 3. Side Yards.** There shall be two side yards, and no side yard shall be less than 5 feet.
- 4. Rear Yards.** There shall be a rear yard of at least 8 feet.
- 5. Maximum Building Coverage.** Maximum building coverage shall not exceed 25 percent.
- 6. Maximum Impervious Coverage.** Maximum impervious coverage shall not exceed 65 percent.
- 7. Building Envelope.** The building envelope shall exclude areas located within flood plains, wetlands and wetland buffers, except as may be approved by the New Jersey Department of Environmental Protection (NJDEP) and no floodplain nor wetlands nor wetland buffers shall be disturbed without the appropriate permits having been issued by the NJDEP.
- 8. Minimum Floor Area.** Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

Unit Type	Minimum Floor Area (Square Feet)
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1,000

Units with more than three bedrooms are not permitted.

- 9. The maximum number of family rental affordable dwellings shall not exceed twelve (12) units.**

10. Residential development shall be restricted to only affordable housing units and shall be subject to all terms and conditions pursuant to Article 13 of this chapter entitled “Affordable Housing.”

11. As an affordable housing development, and in an effort to remove unnecessary cost generative fees, such development shall be exempt from any tree replacement fees, traffic impact fees, open space fees, or such other similar impact fees in the Land Use Ordinance.

c. Design Standards.

1. The design standards contained herein shall supplement the design and performance standards contained in Article 9-10 of Borough of Bernardsville Regulations. If there is a conflict, Article 9-10, as amended from time to time, shall apply.

2. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.

3. Multiple buildings on a single tract are permitted but shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.

4. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.

<https://ecode360.com/35371259 - 35371259>

5. The appearance of the side and rear elevations of buildings is important. Therefore, guidelines for the fronts of buildings shall also apply to the rear and sides where visible at street level from a public right-of-way.

6. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls. Also, large expanses of windows, including curtain-wall windows and other design elements not at a human scale, are strongly discouraged.

7. The type, shape, pitch, feature and color of a roof shall be architecturally compatible with the building style, material, colors and details of other buildings in the area.

8. Flat roofs shall be enclosed by parapets or other appropriate architectural details.

9. All open space shall be designed and landscaped in a way to allow for easy maintenance and limited encroachment onto any public right of way. Additionally, all private open space shall be designed in a way that allows for a reasonable level of enjoyment by residents.

10. Green building strategies are encouraged in the AH-6 Zone.

d. Superseding Other Zoning. The use, bulk, design and performance standards addressed in the AH-6 Zone shall supersede the zoning provisions and design standards of the balance of the Bernardsville Land Use Ordinance. To the extent regulations and standards of the AH-6 Zone are silent, the standards of the Land Use Ordinance shall apply.

Section 4. §12-20 Affordable Housing Zone Districts is hereby amended to add the AH-7 Zone as follows:

§12-20.7 AH-7 Affordable Housing District

a. Primary Intended Use.

1. Affordable family rental multi-family dwellings:

(a) Townhouses

(b) Apartments.

2. Parking and similar such facilities.

(a) Parking shall be required in accordance with N.J.A.C. §5:21-4.14, Residential Site Improvement Standards.

(b) Parking regulations may be relaxed by the approving Board without need for variance relief where an applicant can demonstrate to the Board's satisfaction that parking standards can be reduced pursuant to N.J.A.C. §5:21-4.14(c) where an alternative standard better reflects local conditions. Factors affecting the minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

3. Other accessory uses customarily incident to the above uses provide they do not

include any activity commonly conducted for gain unless specifically permitted by this Article.

b. Required Conditions.

The following requirements must be complied with in the AH-7 Affordable Housing Districts:

- 1. Height. No building shall exceed a maximum of 2 stories or 35 feet in height, whichever is the lesser.*
- 2. Front Yard. There shall be a front yard of not less than 10 feet from Bernards Avenue and not less than 5 feet from Grove Street, however, entryways and porches may encroach into the front yard setback but by no more than 5 feet from Bernards Avenue which shall serve as the main entrance to the building.*
- 3. Side Yards. There shall be two side yards, and no side yard shall be less than 5 feet*
- 4. Rear Yards. None.*
- 5. Maximum Building Coverage. Maximum building coverage shall not exceed 40 percent.*
- 6. Maximum Impervious Coverage. Maximum impervious coverage shall not exceed 85 percent.*
- 7. Building Envelope. The building envelope shall exclude areas located within flood plains, wetlands and wetland buffers, except as may be approved by the New Jersey Department of Environmental Protection (NJDEP) and no floodplain nor wetlands nor wetland buffers shall be disturbed without the appropriate permits having been issued by the NJDEP.*
- 8. Minimum Floor Area. Every dwelling hereafter erected shall have a minimum floor area excluding garages of:*

<i>Unit Type</i>	<i>Minimum Floor Area (Square Feet)</i>
<i>0 Bedroom (Studio)</i>	<i>500</i>
<i>1 Bedroom</i>	<i>675</i>
<i>2 Bedrooms</i>	<i>900</i>
<i>3 Bedrooms</i>	<i>1,000</i>

Units with more than three bedrooms are not permitted.

9. *The maximum number of family rental affordable dwellings shall not exceed twenty-two (22) units.*
10. *Residential development shall be restricted to only affordable housing units and shall be subject to all terms and conditions pursuant to Article 13 of this chapter entitled "Affordable Housing."*

c. Design Standards.

1. *The design standards contained herein shall supplement the design and performance standards contained in Article 9-10 of Borough of Bernardsville Regulations. If there is a conflict, Article 9-10, as amended from time to time, shall apply.*
2. *New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.*
3. *Multiple buildings on a single tract are permitted but shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.*
4. *Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.*
5. *The appearance of the side and rear elevations of buildings is important. Therefore, guidelines for the fronts of buildings shall also apply to the rear and sides where visible at street level from a public right-of-way.*
6. *Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls. Also, large expanses of windows, including curtain-wall windows and other design elements not at a human scale, are strongly discouraged.*
7. *The type, shape, pitch, feature and color of a roof shall be architecturally compatible with the building style, material, colors and details of other buildings in the area.*
8. *Flat roofs shall be enclosed by parapets or other appropriate architectural details.*
9. *All open space shall be designed and landscaped in a way to allow for easy maintenance and limited encroachment onto any public right of way. Additionally, all private open space shall be designed in a way that allows for a reasonable level of enjoyment by residents.*
10. *Green building strategies are encouraged in the AH-7 Zone.*

11. As an affordable housing development, and in an effort to remove unnecessary cost generative fees, such development shall be exempt from any tree replacement fees, traffic impact fees, open space fees, or such other similar impact fees in the Land Use Ordinance.

d. Superseding Other Zoning. The use, bulk, design and performance standards addressed in the AH-6 Zone shall supersede the zoning provisions and design standards of the balance of the Bernardsville Land Use Ordinance. To the extent regulations and standards of the AH-7 Zone are silent, the standards of the Land Use Ordinance shall apply.

Section 5. §12-20.2 Affordable Housing Zone District AH-3 is hereby amended as follows:

a. Primary Intended Use.

1. Affordable family rental multi-family dwellings:

(a) Townhouses.

(b) Apartments.

2. ~~Parking and facilities in accordance with § 9-10 of this chapter or Residential, Site Improvement Standards as deemed appropriate by the local approving Board.~~ **Parking and similar such facilities.**

(a) Parking shall be required in accordance with N.J.A.C. §5:21-4.14, Residential Site Improvement Standards.

(b) Parking regulations may be relaxed by the approving Board without need for variance relief where an applicant can demonstrate to the Board's satisfaction that parking standards can be reduced pursuant to N.J.A.C. §5:21-4.14(c) where an alternative standard better reflects local conditions. Factors affecting the minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

3. Other accessory uses customarily incident to the above uses provide they do not include any activity commonly conducted for gain unless specifically permitted by this Article.

b. Required Conditions.

The following requirements must be complied with in the AH-3 Affordable Housing Districts:

1. Height. No building shall exceed a maximum of 3.0 stories ~~or 35~~ **and 40** feet in height ~~whichever is the lesser~~.
2. Front Yard. There shall be a front yard of not less than 35 feet **however, entryways porches and terraces may encroach into the required front yard setback but shall not encroach greater than 15 feet.**
3. Side Yards. There shall be two side yards, and no side yard shall be less than ~~20~~ **15** feet.
4. Rear Yards. There shall be a rear yard of at least ~~40~~ **50** feet.
5. **Maximum Building Coverage. Maximum building coverage shall not exceed 30 percent.**
6. **Maximum Impervious Coverage. Maximum impervious coverage shall not exceed 50 percent.**
7. Building Envelope. The building envelope shall exclude areas located within flood plains, wetlands and wetland buffers, except as may be approved by the New Jersey Department of Environmental Protection (NJDEP) and no floodplain nor wetlands nor wetland buffers shall be disturbed without the appropriate permits having been issued by the NJDEP.

Unit Type	Minimum Floor Area (Square Feet)
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1,000

Units with more than three bedrooms are not permitted.

8. Minimum Floor Area. Every dwelling hereafter erected shall have a minimum floor area excluding garages of:
9. The maximum number of family rental affordable dwellings shall not exceed 46, *26 inclusive of one superintendent unit.* ~~providing one unit is very low income.~~
10. ~~Minimum distance between buildings is 20 feet.~~ *Residential development shall be restricted to only affordable housing units and shall be subject to all terms and conditions pursuant to Article 13 of this chapter entitled "Affordable Housing."*
11. *As an affordable housing development, and in an effort to remove unnecessary cost generative fees, such development shall be exempt from any tree replacement fees, traffic impact fees, open space fees, or such other similar impact fees in the Land Use Ordinance.*
12. *Steep slope disturbance regulations pursuant to §14-2.6 regarding maximum surface disturbance of steep slope areas is hereby modified specific to this zone as follows:*

Maximum Surface Disturbance Shall Not Exceed:

Slope Category	Percent of Category
15-24.99%	75 %
25-29.99%	55 %
30% or greater	50 %

c. Design Standards.

1. The design standards contained herein shall supplement the design and performance standards contained in Article 9-10 of Borough of Bernardsville Regulations. If there is a conflict, Article 9-10, as amended from time to time shall apply.
2. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
3. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
4. Building facades shall be consistent with the size, scale and setbacks of adjacent

buildings and those where there is a visual relationship.

5. The appearance of the side and rear elevations of buildings is important. Therefore, guidelines for the fronts of buildings shall also apply to the rear and sides where visible at street level from a public right-of-way.
6. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank or featureless walls. Also, large expanses of windows, including curtain-wall windows and other design elements not at a human scale, are strongly discouraged.
7. The type, shape, pitch, feature and color of a roof shall be architecturally compatible with the building style, material, colors and details of other buildings in the area.
8. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
9. All open space shall be designed and landscaped in a way to allow for easy maintenance and limited encroachment onto any public right of way. Additionally, all private open space shall be designed in a way that allows for a reasonable level of enjoyment by residents.
10. Green building strategies are encouraged in the AH-3 Zone.

d. Superseding Other Zoning. The use, bulk, design and performance standards addressed in the AH-3 Zone shall supersede the zoning provisions and design standards of the balance of the Bernardsville Land Use Ordinance. To the extent regulations and standards of the AH-6 Zone are silent, the standards of the Land Use Ordinance shall apply.

Section 6. 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 7. 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 8. 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:
Adoption of Ordinance:
2nd Publication:
Filing with County Planning Board:

**BERNARDSVILLE BOROUGH
ORDINANCE #2022-1919**

**CONCERNING THE PROCEDURES FOR SUBMISSION AND APPROVAL OF FINAL
SITE PLAN AND SUBDIVISION PLATS AND SUPPLEMENTING AND AMENDING
ARTICLE 9 ENTITLED "SITE PLAN REVIEW" AND ARTICLE 10 ENTITLED
"SUBDIVISION" OF THE BOROUGH LAND DEVELOPMENT REGULATIONS**

WHEREAS, section LD-10.6.2 which sets forth the procedure for submission and approval of final plats needs to be updated;

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 1. There is hereby created a new section LD-9-6.2 entitled "Procedure for the Submission and Approval of Preliminary and/or Final Major Site Plans" which reads as follows:

**"§ LD-9-6.2 Procedure for the Submission and Approval of Preliminary
and/or Final Major Site Plans**

If final approval of a major site plan is granted, copies of that plan containing all revisions and/or corrections required by the board, shall be forwarded to the Borough Engineer for signed approval and subsequently signed by the Chairman and Secretary of the board granting the approval and the Secretary shall file the approved plans with the following:

Applicant
Borough Engineer
Zoning Officer
Construction Official
Planning Board (2 copies)"

Section 2. Paragraph "d" of section LD-10-6.2 entitled "Procedure for the Submission and Approval of Final [Subdivision] Plats" is hereby amended to read as follows:

"d. If final major subdivision approval is granted, copies of the plat containing all revisions and/or corrections required by the board, shall be forwarded to the Borough Engineer for signed approval and subsequently signed by the Chairman and Secretary of the board granting the approval and the Secretary shall file the approved plans with the following:

Applicant
Borough Engineer
Clerk
Tax Assessor
Zoning Officer
Construction Official
Planning Board (2 copies)"

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: _____
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: _____

#2022-1920, AN ORDINANCE SETTING 2022 SALARIES AND HOURLY RATES FOR NON-CONTRACTUAL EMPLOYEES

BE IT ORDAINED by the Borough Council of the Borough of Bernardsville in the County of Somerset and State of New Jersey, to set certain base salary ranges and increase non-contractual hourly rates and base salaries by 3% for officers and employees of the Borough of Bernardsville, effective January 1, 2022 (unless otherwise noted), as follows:

	2022	Notes
GENERAL, EXECUTIVE, AND ADMINISTRATIVE		
Full Time, Plus Benefits		
T. Czerniecki, Administrator	\$177,675.00	
A. Suriano, Borough Clerk & Registrar	\$92,909.09	+\$350/yr Registrar
L. Roberson, CMFO/Tax Collector/Treasurer	\$116,390.00	
D. Walker, Capital Projects Manager	\$108,854.52	
T. Markewicz, QPA & Deputy Registrar	\$68,678.34	+\$350/yr Deputy Registrar
T. Vaughn, Technical Assistant to the Construction Official	\$46,999.93	effective 11/22/22
W. Brown, Clerical Assistant to the Tax Assessor	\$41,200.00	
F. Mottola, Admin. Officer BOA & Secretary to Planning Bd.	\$69,969.96	
C. D'Amato, IT Specialist	\$88,278.21	
C. Beringer, Deputy Clerk & Alternate Registrar	\$47,214.17	+\$300/yr Alternate Registrar
J. DeSanto, Clerical Assistant, Housing/Zoning/Construction	\$43,765.73	
R. Apuzzo, Zoning Enforcement Officer	\$47,941.35	
R. Apuzzo, Acting Zoning Officer/Department Head	+\$1,371/mo	effective 5/1/22 to 10/31/22 retired 4/29/22
G. Price, Zoning Officer	\$94,554.00	
C. Tseles, Cashier/Clerk's Office Assistant	\$42,907.74	+\$300/yr Alternate Registrar
C. Blanchard, PT Fire Prevention Admin. Assistant	\$20.60	effective 1/26/22
C. Blanchard, FT Admin Assistant/Inspector	\$37,801.00	effective 7/1/22
R. Franklin, Zoning Enforcement Officer/Admin. Assistant	\$53,000.00	starting 4/4/22

Part Time, No Benefits

E. Kerwin, Tax Assessor	\$61,546.62	
W. Frstrom, Field Inspector, up to 7hpw @ \$28.99/hr.	\$10,552.36	Anticipated Base (AB)
L. Perre, Construction Official	\$47,323.35	
D. Bettler, Fire Subcode Official	\$12,138.55	
B. Driscoll, Plumbing Inspector	\$25,353.45	
C. Diacik, Electrical Inspector & Building Inspector	\$42,300.04	
W. Knapik, Community Gardner Supervisor	\$100.00	
Part-time, Temporary Help	\$10/hr - \$23.40/hr	
POLICE DEPARTMENT		
Full Time, Plus Benefits		
K. Valentine, Chief of Police *	\$171,442.03	* SOA CBA Education Pay included
J. Remian, Police Captain *	\$166,292.03	* SOA CBA Education Pay included
J. Fowler, Admin Assit. to the Chief & Records Manager	\$52,197.31	
K. McNamara, Records Clerk	\$43,277.51	
Part Time, No Benefits		
OEM Coordinator	\$5,000.00	
Crossing Guards	\$22.47	
Substitute Dispatchers	\$14/hr - \$30/hr	
F. Andronikou, Matron/Interpreter	\$24.76	
D. Fuentes, Matron/Interpreter	\$19.09	
Special Police Officers, Class 1	\$15/hr - \$25.50/hr	
Special Police Officers, Class 2	\$30/hr	
Special Police Officers, Class 3	\$30/hr	
T. Richard, Deputy OEM Coordinator	\$2,500/yr	
PUBLIC WORKS DEPARTMENT		
Full Time, Plus Benefits		
J. Macdowall, Public Works Manager/Facilities	\$148,098.55	
L. Delia, Streets & Roads Manager	\$97,574.99	
R. Salko, Road Foreman	\$91,402.20	
G. Plesnarski, WWTP Operator	\$96,464.65	
K. Redding, Clerical Assistant to the Public Works Manager	\$39,922.80	

Part Time & Seasonal/Hourly, No Benefits

Laborer

\$10.30/hr - \$21.50/hr

RECREATION DEPARTMENT

Full Time, Plus Benefits

B. Markwick, Recreation Director

\$84,048.00

B. Markwick, Pool Executive Director

\$5,000.00

L. Horowitz, Program Coordinator/Asst. to the Rec. Director

effective 4/13/22

L. Horowitz, Assistant Recreation Director

\$45,320.00

effective 5/9/22

Part Time/Seasonal, Hourly, No Benefits

Custodian

\$11.90/hr - \$20.00/hr

Recreation Instructor

\$11.90/hr - \$15.00/hr

Specialized Instructor

\$11.90/hr - \$30.80/hr

Summer Camp Director

\$15.00/hr - \$25.00/hr

Summer Camp Assistant

\$15.00/hr - \$20.00/hr

Summer Camp Counselors

\$11.90/hr - \$15.00/hr

Sports Camp Supervisor

\$11.90/hr - \$25.00/hr

Softball Commissioner

none for 2022

Basketball Staff

\$11.90/hr - \$15.00/hr

Timekeeper/scorekeeper

\$11.90/hr - \$15.00/hr

Referees & Umpires per Game

\$40.00/hr - \$65.00/hr

Ceramics Instructor: None

none for 2022

Therapeutic Instructor (if needed)

\$15.00/hr - \$25.00/hr

Therapeutic Aide (if needed)

\$15.00/hr - \$20.00/hr

Part Time/Seasonal, Salary, No Benefits

Basketball Coach/Commissioner (per program)

\$750 - \$2,000

Wrestling Coach

\$600 - \$800

Enrichment Special Inst.

\$400 - \$700

Ski Coordinator

none for 2022

Enrichment Supervisor

none for 2022

Baseball Instructor

none for 2022

Administrative Assistant

\$15.00/hr - \$20.00/hr

Art Instructor	\$3,000 - \$5,200
Craft Camp Instructor	\$1,500 - \$2,500
Adult Enrichment:	\$100 - \$1,000
Summer Basketball Coach	\$250 - \$1,500
Summer Enrichment Instructor	\$15.00/hr - \$25.00/hr
Swimming Pool Employees:	
Manager	\$15/hr - \$27/hr
Manager, pre-season	none for 2022
Assistant Manager	\$11.90/hr - \$25.00/hr
Swim Team Coach	\$3,500
Swim Team Coach Assistant	\$1,500 - \$2,500
Lifeguards	\$11.90/hr - \$20.00/hr
Swim Instructor	\$11.90/hr - \$19.00/hr
Head Life Guards	\$15.00/hr - \$20.00/hr
Gate Attendant	\$11.90/hr - \$13.00/hr
Swim Lesson Coordinator	\$25/hr
Life Guard Instructor	\$300 - \$1,000
Private lessons	\$40/hr - \$50/hr
Swim Clinic Instruction	\$1,500 - \$2,000
	+\$2/hr for swim instructor
	+\$.50/hr for WSI Certification

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect after final passage and publication according to law.

Introduced: _____
 First Publication: Mary Jane Canose, Mayor

Adoption: _____
 Second Publication: Anthony Suriano, Clerk

Salary ord 2022

**BERNARDSVILLE BOROUGH
ORDINANCE 2022-1921**

**CONCERNING OUTDOOR DINING AND AMENDING ARTICLE 12 OF THE
BOROUGH CODE ENTITLED "ZONING"**

WHEREAS, the Mayor and Council have been working to encourage the revitalization and redevelopment of downtown Bernardsville; and

WHEREAS, as part of that effort the governing body has been to allow downtown restaurants to provide outdoor dining without having to appear before one of the Borough land use boards; and

WHEREAS, section LD-12-12.9 which regulates outdoor dining currently requires amended site plan approval when required parking spaces or loading docks are converted to a temporary outdoor dining area; and

WHEREAS, the governing body has determined that amended site plan approval should not be required for temporary outdoor dining that encroaches upon required parking spaces or loading docks unless such encroachment, in the opinion of the Borough Zoning Officer, adversely impacts pedestrian or vehicular traffic, results in insufficient parking for the restaurant and neighboring uses, or otherwise is a danger to public safety;

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 amended to read 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:

a. No outdoor table, shelf or other facility to hold food or drink while the same are being consumed shall be permitted in any nonresidential zone except in accordance with this subsection.

b. The dining area must be on private property. If any portion of the dining area is on a sidewalk over which the public has a right-of-way, an unobstructed passage not less than four feet wide must be left between the dining area and any street, structure, hydrant, lamppost, highway signpost or other obstruction. No portion of the dining area may be closer than four feet to any fire lane, parking lot or loading dock. No portion of any required parking space or loading dock shall be converted to dining area, except that temporary outdoor dining facilities may be permitted in required parking space or loading dock areas if the Borough Zoning Officer determines that such temporary outdoor dining would not adversely impact pedestrian or vehicular traffic, result in insufficient parking for the restaurant and neighboring uses, or otherwise be a danger to public safety;

****"

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:

Anthony Suriano, Borough Clerk

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

By: _____
Mary Jane Canose, Mayor

**BOROUGH OF BERNARDSVILLE
ORDINANCE #22-1922**

**CREATING A DEPARTMENT OF FINANCE, CLARIFYING THE DUTIES OF THE
POSITIONS WITHIN THE FINANCE DEPARTMENT; SUPPLEMENTING AND
AMENDING SECTION 2-10 OF THE BOROUGH CODE ENTITLED "CHIEF
FINANCIAL OFFICER" AND RENAMING THAT SECTION
"DEPARTMENT OF FINANCE"**

WHEREAS, the governing body wishes to include the various financial positions within a new Department of Finance and to designate the Chief Financial Officer as the head of that department;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey, that Chapter 2 of the Borough Code entitled "Administration" is hereby supplemented and amended as follows:

Section 1. Section 2-10 entitled "Chief Financial Officer" is hereby renamed "Department of Finance" and that section as renamed is adopted in the form attached hereto which is incorporated herein by reference.

Section 2. Any and 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 take effect immediately upon final passage and publication as required by law.

§ 2-10 DEPARTMENT OF FINANCE

There is hereby established a Department of Finance consisting of three divisions: Treasury and Collections, Purchasing and Benefits, and Tax Assessment, the head of which shall be the Chief Financial Officer. The head of each division shall report to the Chief Financial Officer. In the absence of a full-time division head, such support staff of that division shall be managed by the Chief Financial Officer and the division head, concurrently.

§ 2-10.1 Establishment of Position of Chief Financial Officer.

The position of Chief Financial Officer is hereby established and the Mayor shall appoint, with the advice and consent of the Council, a Chief Financial Officer who shall be a certified Municipal Finance Officer qualified pursuant to N.J.S.A. 40A:9-140.1, et seq., as supplemented and amended by P.L. 1988, Chapter 110.

§ 2-10.2 Duties of Chief Financial Officer.

The Chief Financial Officer shall be responsible for implementation of a system of financial administration in accordance with standards established by the Local Finance Board of the Division of Local Finance in the State Department of Community Affairs. Said duties shall include:

- a. Establishing procedures for the receipt, custody, control and disbursement of public funds.
- b. Creating forms for receipts, requisitions, disbursement, purchase orders and other necessary documents.
- c. Overseeing all accounting and financial records, systems and reporting.
- d. Defining the respective powers and duties of the several local officers engaged in financial administration.
- e. Implementing Instructions, rules and regulations for the proper procedures and practices of financial administration.
- f. Generally providing for sound practices of fiscal administration pursuant to N.J.S.A. 52:27BB-26, et seq., and rules and regulations promulgated pursuant thereto.
- g. Developing, organizing, implementing and directing the activities, policies and procedures of the Department of Finance and any other financial functions which the Borough Administrator may deem appropriate.
- h. Developing budget processes and flows; reviewing proposed departmental operating and capital budgets, assisting administration in preparing budget recommendations; and coordinating approval process with the State.
- i. Attending and participating in Borough Council meetings as necessary relative to financial and budgetary matters.
- j. Assessing investment options and policies and overseeing receipt and investment of all revenues.

- k. Coordinating efforts of administration, department heads, attorney and bond counsel in the development and management of a capital plan and financing alternatives; developing and implementing debt plans; and coordinating communications and reporting to rating agencies.
- l. Establishing goals and objectives for self and department; coordinating goal setting of finance divisions; communicate and implementing goals of administration pertaining to financial operations.
- m. Assessing workflows and coordinating staff efforts in identifying areas of improvements, efficiency measures and cost reductions.
- n. Evaluating employee performance; conducting regular appraisal and feedback sessions and recommending areas of improvement.
- o. Overseeing and controlling all expenditures to ensure that budget appropriations are not exceeded.
- p. Ensuring payment of all statutory liabilities (i.e., school, county taxes; debt service payments, etc.).

§ 2-10.3 Term of Office.

The Chief Financial Officer shall be appointed for a term of four years beginning January 1 of the year of appointment.

§ 2-10.4 Tenure.

The Chief Financial Officer shall attain tenure in office upon fulfilling the requirements of N.J.S.A. 4A:9-140.8, as supplemented and amended, and upon filing with the Clerk of the Borough and with the Division of Local Government Services in the Department of Community Affairs a notification evidencing his compliance with said statute.

§ 2-10.5 Removal from Office.

A Chief Financial Officer attaining tenure shall not be removed from said office except for just cause, and then only after a public hearing upon a written complaint in accordance with the provisions of N.J.S.A. 40A:9-140.8 and N.J.S.A. 40A:9-140.9, as supplemented and amended.

§ 2-10.6 Salary and Other Compensation.

The Chief Financial Officer shall receive such salary and other compensation as provided in the annual, duly adopted, Salary Ordinance of the Borough.

§ 2-11 TAX COLLECTOR.

§ 2-11.1 Office Created.

The Office of Borough of Bernardsville Tax Collector is hereby created.

§ 2-11.2 Appointment, Term, Vacancy.

The Borough Tax Collector shall hold office for a term of four years from the first day of January next following the appointment. Vacancies other than due to expiration of term shall be

filled by appointment of the governing body for the unexpired term.

§ 2-11.3 Tenure.

The Borough Tax Collector may obtain tenure as provided by law.

§ 2-11.4 Qualifications.

The Borough Tax Collector shall meet those qualifications required by State law.

§ 2-11.5 Duties.

The Borough Tax Collector shall perform all duties imposed by law, administrative code or regulation and directive of the Borough and shall file such reports as the governing body shall require, including but not limited to the following:

- a. Collect and deposit money assessed or raised by taxes.
- b. Collect all charges, payments and impose penalties for delinquent payment of taxes.
- c. Keep such records as are required by law.
- d. Enforce all municipal liens and other liens on real property as may be authorized by law and charge fees authorized by law.
- e. Conduct tax sales proceedings and _____ foreclosures.
- f. Certify searches for taxes and other liens on real property as may be authorized by law and charge fees authorized by law.
- g. Perform all other duties required by law.

§ 2-11.6 Compensation.

The Borough Tax Collector shall such salary or compensation as shall be fixed and determined by the governing body.

§ 2-11.7 Deputy Tax Collector.

- a. Office Established. The office of Deputy Tax Collector is hereby created and established.
- b. Appointment. The Deputy Tax Collector shall be appointed by the Mayor and Council for the term of one year expiring on December 31st of the year for which appointed and shall receive such compensation as the Mayor and Council fix by ordinance.
- c. Supervision and Duties. The Deputy Tax Collector shall assist and be under the direction of

the Borough Tax Collector and shall perform such other duties as may be assigned by the Mayor and Council, and, in the absence of the Borough Tax Collector, shall perform the duties of the Borough Tax Collector.

§ 2-12 PURCHASING AGENT.

§ 2-12.1 Position Created.

There is hereby created the position of Purchasing Agent for the Borough of Bernardsville.

§ 2-12.2 Appointment.

The Purchasing Agent shall be appointed by the Borough Council.

§ 2-12.3 Qualifications.

The Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.

§ 2-12.4 Responsibilities.

The Purchasing Agent shall have, on behalf of the Mayor and Council, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to recommend to the governing body the awarding of contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by State regulatory agencies and to award specific contracts when that authority is delegated to the Purchasing Agent by the governing body.

§ 2-13 TAX ASSESSOR.

§ 2-13.1 – Office Established

There shall be a Municipal Tax Assessor, appointed by the Borough Council with consideration to the recommendation by the Chief Financial Officer, in accordance with the provisions of N.J.S.A. 40A:9-146 et seq. and 54:1-35.31. The Assessor will be responsible for managing the Assessment Division of the Finance Department.

§ 2-13.2 - Duties

The Tax Assessor shall report to the Chief Financial Officer and shall:

1. Plan, organize, direct and participate in the work of all staff in the annual assessment of real property in the Borough.
2. Plan and develop procedures for commercial and industrial appraisals.
3. Make final reviews and approve major technical decisions of subordinates.
4. Review complaints concerning assessments and plan and organize hearings on reassessments; and meet with taxpayers.
5. Supervise the preparation, installation and maintenance of property tax records and maps.
6. Prepare professional appraisals and testimony relative to value on tax appeals filed at the County Tax Board and New Jersey Tax Court unless retention of a real estate appraisal expert is authorized for any particular tax appeal by the Borough Council.
7. Prepare division budget and monitor expenditures.
8. Evaluate employee performance; and establish goals and objectives for self and supporting staff.
9. Conduct residential studies and analysis for annual reassessment of all properties.
10. Maintain data base from C91s annually submitted with rental histories for use in annual reassessment commercial and industrial properties.
11. Develop annually CAP rates for different commercial property types as well as appropriate rents for calculation of new values.
12. Prepare reports and documentation regarding program, statistical studies, forecasting, etc.
13. Review residential values established by Field Inspector/Technical Support/finalization of values on residential properties jointly.
14. Review of Field Inspector/Technical support persons' appraisal.
15. Provide assessment and property related information to other borough departments that may be required for the effective exercise of their respective responsibilities.

**BERNARDSVILLE BOROUGH
ORDINANCE #2022-1923**

AN ORDINANCE REZONING PROPERTY LOCATED AT 5 SENEY DRIVE (BLOCK 41, LOT 2) FROM D-CL TO R-5 AND SUPPLEMENTING AND AMENDING SECTION LD 12-2.2 OF THE BOROUGH CODE ENTITLED "ZONING MAP"

WHEREAS, the owner of property located at 5 Seney Drive (Block 41, LOT 2) has asked that his property be rezoned from D-Cl Downtown Claremont Road to R-5 Residential; and

WHEREAS, the subject property abuts the R-5 zone district and

WHEREAS, the property was constructed as a residence and was used for residential purposes before it was converted to a commercial use; and

WHEREAS, the structure itself is residential in character;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that Chapter 12 of the Borough Land Use Code Entitled "Zoning" is hereby amended as follows:

Section 1. Section LD 12-2.2 entitled "Zoning Map" is supplemented and amended by adding a new subparagraph "13" to paragraph "a" which reads as follows:

"§ LD-12-2.2. Zoning Map.

The boundaries of the designated zones and districts are shown upon the map designated "Zoning Map of the Borough of Bernardsville, Version 1.1" prepared by P. David Zimmerman and dated February 14, 2002, which is incorporated herein by reference. The zoning map which is part of this Article shall be filed in the office of the Borough Clerk, and all notations, references and other information shown thereon are a part of this Article and shall have the same force and effect as if the said zoning map and all such notations, references and other information shown thereon were fully set forth or described herein.

a. Zoning Map Amendments.

13. The Zoning Map is amended to change the designation of Block 41, Lot 2, from D-CI Downtown Claremont Road to R-5 Residential.

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:

Anthony Suriano, Borough Clerk

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

By: _____
Mary Jane Canoe, 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 Assessor: _____
Filing with County Planning Board: _____

ORDINANCE #2022-1924

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 65 MORRISTOWN ROAD IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$1,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,430,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Bernardsville, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$70,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$1,500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,430,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes

of the Borough in a principal amount not exceeding \$1,430,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of property in and by the Borough located at 65 Morristown Road, for public purposes, said property consisting of approximately 0.43 acres and identified as Lot 13 in Block 125 on the Official Tax Map of the Borough, all in accordance with the proposed contract therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,430,000.

(c) The estimated cost of said purpose is \$1,500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$70,000 down payment for said purpose.

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

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

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,430,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report

in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**(TO BE PUBLISHED AFTER INTRODUCTION AND POSTED AT LEAST
SEVEN DAYS PRIOR TO THE PUBLIC HEARING)**

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Bernardsville, in the County of Somerset, New Jersey, on June 27, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Borough on July 11, 2022 at 7:00 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	Bond ordinance providing for the acquisition of property located at 65 Morristown Road in and by the Borough of Bernardsville, in the County of Somerset, New Jersey, appropriating \$1,500,000 therefor and authorizing the issuance of \$1,430,000 bonds or notes of the Borough for financing such appropriation.
Purpose(s):	The acquisition, by purchase, of property located at 65 Morristown Road in and by the Borough, for public purposes, said property consisting of approximately 0.43 acres and identified as Lot 13 in Block 125 on the Official Tax Map of the Borough.
Appropriation:	\$1,500,000
Bonds/Notes Authorized:	\$1,430,000
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$100,000
Useful Life:	40 years

/s/ Anthony Suriano
Borough Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

(TO BE PUBLISHED AFTER FINAL PASSAGE)

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of Bernardsville, in the County of Somerset, New Jersey, on July 11, 2022 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours at the Clerk's office in the Municipal Building in said Borough for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:	Bond ordinance providing for the acquisition of property located at 65 Morristown Road in and by the Borough of Bernardsville, in the County of Somerset, New Jersey, appropriating \$1,500,000 therefor and authorizing the issuance of \$1,430,000 bonds or notes of the Borough for financing such appropriation.
Purpose(s):	The acquisition, by purchase, of property located at 65 Morristown Road in and by the Borough, for public purposes, said property consisting of approximately 0.43 acres and identified as Lot 13 in Block 125 on the Official Tax Map of the Borough.
Appropriation:	\$1,500,000
Bonds/Notes Authorized:	\$1,430,000
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$100,000
Useful Life:	40 years

/s/ Anthony Suriano
Borough Clerk

ORDINANCE #2022-1925

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO OPEN SPACE PROPERTIES IN AND BY THE BOROUGH OF BERNARDSVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,800,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Bernardsville, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$4,000,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$200,000 as the down payment for said improvement or purpose required by law and now available therefor in the Open Space Trust Fund of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the part of said \$4,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$3,800,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$3,800,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement to municipally-owned open space properties in and by the Borough in accordance with the open space and recreation master plan, including, but not limited to, the Polo Grounds by the construction of a new pavilion, the installation of new lighting, and the construction of an ADA/Audubon connector, the construction of a new municipal pickle ball court, 271 Mine Brook Road by the construction of a trail system and the installation of lighting, and other improvements in accordance with the open space and recreation plan, together with for all of the foregoing, all landscaping, equipment, structures, site work, work and materials necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$3,800,000.

(c) The estimated cost of said purpose is \$4,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$200,000 down payment for said purpose.

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

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

(b) The period of usefulness of said purpose within the limitations of said

Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,800,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them

to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**(TO BE PUBLISHED AFTER INTRODUCTION AND POSTED AT LEAST
SEVEN DAYS PRIOR TO THE PUBLIC HEARING)**

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Bernardsville, in the County of Somerset, New Jersey, on June 27, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Borough on July 11, 2022 at 7:00 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	Bond ordinance providing for improvements to open space properties in and by the Borough of Bernardsville, in the County of Somerset, New Jersey, appropriating \$4,000,000 therefor and authorizing the issuance of \$3,800,000 bonds or notes of the Borough for financing such appropriation.
Purpose(s):	The improvement to municipally-owned open space properties in and by the Borough in accordance with the open space and recreation master plan, including, but not limited to, the Polo Grounds by the construction of a new pavilion, the installation of new lighting, and the construction of an ADA/Audubon connector, the construction of a new municipal pickle ball court, 271 Mine Brook Road by the construction of a trail system and the installation of lighting, and other improvements in accordance with the open space and recreation plan.
Appropriation:	\$4,000,000
Bonds/Notes Authorized:	\$3,800,000
Grants (if any) Appropriated:	\$0
Section 20 Costs:	\$400,000
Useful Life:	15 years

/s/ Anthony Suriano
Borough Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

**BERNARDSVILLE BOROUGH
ORDINANCE #2022-1926**

**CONCERNING FINES FOR ORDINANCE VIOLATIONS AND AMENDING ARTICLE
2 OF THE BOROUGH CODE ENTITLED “ADMINISTRATION” AND ARTICLE 16
OF THE BOROUGH LAND DEVELOPMENT REGULATIONS ENTITLED
“VIOLATIONS AND PENALTIES”**

WHEREAS, *N.J.S.A.* 40:49-5 provides that:

“The governing body may prescribe penalties for the violation of ordinances it may have authority to pass, by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days.

Any municipality that chooses to impose a fine in an amount greater than \$1,250 upon an owner for violations of housing or zoning codes shall provide a 30-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.; and

WHEREAS, the penalty provisions of the Borough Code need to be amended to make it clear that a 30-day notice is required for violations of housing or zoning codes only when the Borough chooses to impose a fine in an amount greater than \$1,250.;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville, in the County of Somerset, New Jersey that Chapter II of the Borough Code entitled “Administration” and Article 16 of the Borough Land Development Regulations entitled “Violations and Penalties” are hereby amended as follows:

Section 1. Section 1-5 of the Borough Code entitled “General Penalty” is hereby amended to read as follows:

“1-5.1 Maximum Penalty.

For violation of any provision of this Code or other ordinance of the Borough of Bernardsville, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be by one (1) or more of the following: imprisonment in the County jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding two thousand (\$2,000) dollars; or by a period of community service not exceeding ninety (90) days.

~~For a violation of any housing or zoning code, the enforcement officer shall provide a 30-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.~~

For penalties and fines imposed in excess of \$1,250 upon an owner for violations of housing or zoning codes, there shall be provided a thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise, or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Section 2. Article 16 of the Borough Land Development Regulations entitled

“Violations and Penalties” is amended to read as follows:

“16-3. General Penalty.

16-3.1 ~~A fine not exceeding two thousand (\$2,000.00) dollars. The zoning officer or other enforcement official shall provide a 30-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent the expiration of the 30-day period, a fine greater than one thousand two hundred fifty (\$1,250.00) dollars may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed. If, during that 30-day period, the abatement has been substantially complete, the municipal court may impose a fine not greater than one thousand two hundred fifty (\$1,250.00) dollars.~~

For violation of any provision of this Code, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon

conviction of the violation shall be by one (1) or more of the following: imprisonment in the County jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not exceeding two thousand (\$2,000) dollars; or by a period of community service not exceeding ninety (90) days.

For penalties and fines imposed in excess of \$1,250 upon an owner for violations of housing or zoning codes, there shall be provided a thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise, or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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:

Anthony Suriano, Borough Clerk

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

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:

**BOROUGH OF BERNARDSVILLE
COUNTY OF SOMERSET**

ORDINANCE NO. 2022-1927_

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL
PROPERTY, LOCATED AT 65 MORRISTOWN ROAD AND
IDENTIFIED AS BLOCK 124, LOT 13, FOR PUBLIC PURPOSES**

WHEREAS, the Borough of Bernardsville (the “Borough”) wishes to obtain title to the real property known and designated as 65 Morristown Road and more particularly described as 0.42 acres in Block 124, Lot 13 on the Tax Map of the Borough of Bernardsville (the “Property”); and

WHEREAS, the Property is presently owned by Gardner Investments, LLC (the “Seller”); and

WHEREAS, the Borough desires to rehabilitate and utilize the Property to promote and assist with the redevelopment of the area; and

WHEREAS, the Seller desires to convey the Property to the Borough at a cost of \$1,400,000 (the “Purchase Price”); and

WHEREAS, the Borough agrees to the Purchase Price; and

WHEREAS, the acceptance of title to the Property for redevelopment is in the best interests of the citizens of the Borough of Bernardsville; and

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

Section 1. The Borough of Bernardsville, pursuant to the Local Lands and Buildings Law, specifically N.J.S.A. 40A:12-5(a)(1), shall acquire title to the property designated as 0.42 acres in Block 124, Lot 13 (65 Morristown Road) on the Tax Map of the Borough of Bernardsville for the purpose of rehabilitating and utilizing the Property for the continued redevelopment of the area in accordance with the Borough’s Master Plan and adopted Redevelopment Plan.

Section 2. The Borough Administrator and the Borough Attorney and/or the Borough’s Redevelopment Counsel be and they are authorized and directed to execute all documents necessary to effectuate this transfer.

Section 3. If any section, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, portion or other part of this Ordinance directly involved in the controversy in which such judgment shall be rendered.

Section 4. All ordinances, or parts thereof, which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 5. This ordinance shall take effect immediately upon final passage and publication according to law.

Introduced: _____

Published: _____

Adopted: _____

RESOLUTION 22-141

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	432.25
04 Escrow	\$	1,275.60
06 Outside Employment	\$	1,482.85
10 Current Fund	\$	2,412,721.34
19 Other Trusts	\$	9,576.10
20 Payroll	\$	295,390.55
33 Capital Fund	\$	9,205.25
40 Sewer Utility Fund	\$	63,954.12
55 Sewer Capital	\$	1,683.19
70 COAH Trust	\$	2,224.68
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	-
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
85 Recreation Trust	\$	10,272.07
TOTAL	\$	2,808,218.00

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 June 27, 2022.

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
2330	7148 - TRASHCANS UNLIMITED, LLC	PO 111036 Lids for Recycling Containers		432.25	
	01-G21-0110-0380	RECYCLING TONNAGE GRANT (2018) - CHAPTER 159	374.04		
	01-G22-0110-0380	RECYCLING TONNAGE GRANT (2019)	58.21		432.25
	TOTAL				----- 432.25
Total to be paid from Fund 01 STATE & FEDERAL GRANTS			432.25		----- 432.25

**List of Bills - (0410101001000) CASH - ESCROW
ESCROW**

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
2646	1307 - FERRIERO ENGINEERING, INC	PO 111328 4/5/22 Inspect drywells/leader drains.		279.60	
	04-280-7000-0103	ESCROW DISBURSEMENT- CARUSO (STORMWATER)	279.60		
		PO 111338 5/27/2022 Final Inspection. Constructio		156.00	
	04-280-7001-0103	DISBURSEMENTS - SOMERSET HILLS COUNTRY C	156.00		
		PO 111339 5/13/2022 Review Plans and SWM O&M manua		70.00	
	04-280-7045-0103	DISBURSEMENTS - ELBERG (STORMWATER)	70.00		
		PO 111340 5/31/2022 Review Lot development Plan.		770.00	
	04-280-7046-0103	DISBURSEMENTS - MARIA JANOTA ZONING	770.00		1,275.60
TOTAL					1,275.60
Total to be paid from Fund 04 ESCROW			1,275.60		
			<u>1,275.60</u>		
			1,275.60		

Disbursements Journal - (06) OUTSIDE EMPLOYMT OFF DUTY-MI

From 06/10/2022 to 06/10/2022

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
6/10/2022	1644		6254		PAYROLL ACCOUNT		1,482.85	06-101-0100-2000
				06-285-0600-1004	VERIZON	1,226.85		
				06-285-0600-1009	SOMERSET HILLS BOE	256.00		

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
06-101-0100-2000	CASH - POLICE O/S DUTY				1,482.85
06-285-0600-1004	VERIZON			1,226.85	
06-285-0600-1009	SOMERSET HILLS BOE			256.00	
TOTALS (FOR RANGE):					

					1,482.85 1,482.85

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
63548	6311 - ACTION DATA SERVICES	PO 111379 PAYROLL INVOICE PERIOD END DATE 6/13/22*		290.34	
	10-C00-0110-0205	FINANCE DEPT. - GENERAL EXPENSE	290.34		290.34
63549	5317 - ADVANCED GRAPHIX, INC	PO 111015 Reflective Chevrons		1,030.00	
	10-C00-0246-0206	VEHICLE MAINT. - POLICE	1,030.00		1,030.00
63550	1806 - ALLIED OIL LLC	PO 111302 GASOLINE - JUNE 2022 (ESTIMATE)		3,548.64	
	10-C00-0315-0220	GASOLINE - PREMIUM GAS	3,548.64		3,548.64
63551	3477 - AMERIGAS PROPANE LP	PO 111236 Propane For Snack Shack 2022		255.45	
	10-C00-0272-0203	RECREATION - GENERAL EXPENSES	255.45		255.45
63552	6682 - BCI TRUCK INC	PO 111312 #117 filters + pump		70.17	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	70.17		
		PO 111313 Blanket for parts		143.61	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	143.61		213.78
63553	5219 - CITY DIRECTORIES	PO 111308 CITY DIRECTORIES GENIE-US BUSINESS YEARL		550.00	
	10-C00-0190-0205	COMMUNICATIONS - GENERAL EXP.	550.00		550.00
63554	4239 - COMCAST	PO 111383 HIGH SPEED INTERNET - ACCT 8499052890037		111.85	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	111.85		111.85
63555	2610 - CYDRAKE	PO 111331 Troubleshoot Keypad Doorlock at Police A		303.00	
	10-C00-0145-0244	BUILD. & GROUNDS - POLICE	303.00		303.00
63556	1307 - FERRIERO ENGINEERING, INC	PO 111007 ENGINEERING OF CONCEPT PLANS FOR SIDEWAL		570.00	
	10-C00-0100-0205	ADMIN. & EXEC. - GEN. EXPENSES	570.00		
		PO 111008 ENGINEERING OF CONCEPT PLANS FOR SIDEWAL		805.00	
	10-C00-0100-0205	ADMIN. & EXEC. - GEN. EXPENSES	805.00		
		PO 111395 General Engineering May 2022		1,706.18	
	10-C00-0140-0211	ENGINEERING - ENGINEERING EXP.	1,286.18		
	10-C00-0140-0206	ENGINEERING - STORMWATER	420.00		3,081.18
63557	2933 - GLENN MILLER ELECTRICAL CONTRACTING	PO 111378 Troubleshoot Post Office Parking Lot Lig		2,120.00	
	10-C00-0145-0254	BUILD. & GROUNDS - PARKING LOTS	1,370.00		
	10-C00-0145-0251	BUILD. & GROUNDS - STREET LIGHTS	750.00		2,120.00
63558	1636 - HIGHVIEW GARAGE	PO 111334 Air cond. repair		255.69	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	255.69		255.69
63559	6140 - INTERNATIONAL PUBLIC SAFETY ASSOCIA	PO 111309 2022 - 2023 DUES		50.00	
	10-C00-0195-0202	POLICE - DUES & SUBSC.	50.00		50.00
63560	87 - JCP&L	PO 111370 JCP&L 4/22-5/19/22 MASTER ACCOUNT 200000		379.07	
	10-C00-0225-0202	STREET LIGHTING	379.07		379.07
63561	87 - JCP&L	PO 111389 JCP&L 5/15-6/13/22*		106.15	
	10-C00-0310-0220	ELECTRICITY - BILLS	106.15		106.15
63562	87 - JCP&L	PO 111407 JCP&L 319-4/17/22*		2,984.38	
	10-C00-0225-0202	STREET LIGHTING	2,984.38		2,984.38

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
63563	6378 - JOHNY ON THE SPOT	PO 110198 Portable Restroom Rental - Train Station		222.64	
	10-C00-0145-0250	BUILD. & GROUNDS - TRAIN STATION	222.64		
	10-C00-0145-0249	PO 110199 Portable Restroom Rental - Polo, Rosa Bo		768.53	
		BUILD. & GROUNDS - PORTABLE TOILETS	768.53		
	10-C00-0145-0263	PO 110858 Portable Restroom Rental - 271 Mine Broo		111.32	
		BUILD. & GROUNDS - O/S - 271 MINE BROOK	111.32		1,102.49
63564	6247 - JOY AUTO PARTS	PO 111300 Parts Blanket ST AND ROADS		505.33	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	505.33		505.33
63565	4349 - MAPLECREST FORD	PO 111321 Window washer kit #114		16.40	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	16.40		16.40
63566	6799 - MARCO TECHNOLOGIES	PO 111408 2022 SERVICE CONTRACT #006433-07 - BLANK		168.07	
	10-C00-0112-0206	TECH. INF. SYSTEM - MAINTENANCE CONTRACTS	134.73		
	10-C00-0100-0201	ADMIN. & EXEC. - OFFICE SUPPLY	33.34		168.07
63567	5653 - MIRACLE CHEMICAL CO	PO 110882 Liquid Chlorine		640.05	
	10-C00-0271-0206	SWIM POOL - CHEMICALS/WATER	640.05		640.05
63568	6398 - NATURAL GREEN LAWN CARE	PO 110201 Decompact, Brush and Groom Turf Field -		2,150.00	
	10-C00-0145-0241	BUILD. & GROUNDS - REC. FIELD MAINT.	2,150.00		2,150.00
63569	31 - NEW JERSEY HILLS MEDIA GROUP	PO 111215 Bernardsville News Legal Notices 2022 BL		99.96	
	10-C00-0150-0216	PLANNING BOARD - ADVERTISING	41.82		
	10-C00-0102-0207	MUNICIPAL CLERK-ADVERTISING	58.14		99.96
63570	57 - NJ AMERICAN WATER CO.	PO 111363 NJ American Water MAY-DEC 2022* BLANKET		79.73	
	10-C00-0145-0219	BUILD. & GROUNDS - WATER BILLS	79.73		79.73
63571	57 - NJ AMERICAN WATER CO.	PO 111372 NJ American Water 4/29-5/31/22*		8,436.88	
	10-C00-0180-0220	FIRE HYDRANT SERVICE	8,436.88		8,436.88
63572	57 - NJ AMERICAN WATER CO.	PO 111374 NJ American Water 5/7-6/9/22*		749.00	
	10-C00-0145-0219	BUILD. & GROUNDS - WATER BILLS	749.00		749.00
63573	6042 - PSE&G	PO 111373 BILL DATE 6/3/21*		181.56	
	10-C00-0320-0225	GAS - NATURAL	181.56		181.56
63574	7000 - QUADIENT LEASING USA, INC	PO 111332 LEASE PAYMENT - BOROUGH HALL METER - LEA		653.31	
	10-C00-0100-0209	ADMIN. & EXEC. - POSTAGE	653.31		653.31
63575	6108 - R. MOORE & ASSOC. TREE EXPERTS, LLC	PO 111257 Weed Treatment at Police Gun Range and L		585.00	
	10-C00-0145-0244	BUILD. & GROUNDS - POLICE	585.00		585.00
63576	1042 - READY REFRESH	PO 110202 2022 Bottled Water Borough Hall, DFW, Se		1,089.81	
	10-C00-0145-0218	BUILD. & GROUNDS - BOTTLED H2O	1,089.81		1,089.81
63577	4955 - REEGS, INC	PO 111390 Sewer plant compressor		257.90	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	257.90		257.90
63578	5906 - REPUBLIC SERVICES OF NJ	PO 111330 Garbage Container Removal and Disposal -		3,044.00	

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
	10-C00-0235-0213	LANDFILL - DISPOSAL OF WASTE	3,044.00		3,044.00
63579	6190 - SEALMASTER	PO 110753 Crack Sealing Equipment Rental - 2 Weeks		7,502.00	
	10-C00-0220-0218	STREETS & ROADS - ROAD REPAIR	7,502.00		7,502.00
63580	5108 - SERVICEMASTER ABSOLUTE CLEANING LLC	PO 110185 2022 Janitorial Services Borough Hall +		1,645.02	
	10-C00-0145-0225	BUILD. & GROUNDS - CLEANING SERVICES	1,645.02		
		PO 110196 2022 Janitorial Services Suite 103, Suit		999.64	
	10-C00-0145-0234	BUILD. & GROUNDS - CONSTRUCTION OFFICE	433.33		
	10-C00-0145-0240	BUILD. & GROUNDS - REC. BUILDING MAINT.	283.16		
	10-C00-0145-0231	BUILD. & GROUNDS - LIBRARY TENANTS EXP.	283.15		
		PO 110197 2022 Cleaning of Commuter Area/Restrooms		377.55	
	10-C00-0145-0250	BUILD. & GROUNDS - TRAIN STATION	377.55		3,022.21
63581	6383 - SUPLEE, CLOONEY & COMPANY	PO 111022 2020 AUDIT & ANNUAL FINANCIALS/ 2020 BUD		26,525.00	
	10-C00-0111-0215	FIN. ADM. - ANNUAL AUDIT	26,525.00		26,525.00
63582	6303 - SYNCE/AMAZON	PO 111318 Treegator Original Slow Release Watering		524.60	
	10-C00-0160-0203	SHADE TREE COMM. - GENERAL EXP.	524.60		
		PO 111343 30% Vinegar for Weed/Vine Killing - Misc		279.96	
	10-C00-0145-0215	BUILD. & GROUNDS - GROUND MNT.	279.96		804.56
63583	6845 - TCTANJ	PO 111385 WEBINAR - SEWER INSTALLMENT PLANS - JUNE		50.00	
	10-C00-0120-0203	TAX COLLECTOR - EDUCATION	50.00		50.00
63584	7069 - THOMAS CZERNIECKI	PO 111336 REIMBURSEMENT FOR SKETCH-UP PLANNING SOP		299.00	
	10-C00-0100-0205	ADMIN. & EXEC. - GEN. EXPENSES	299.00		299.00
63585	5223 - TINA MARKEWICZ	PO 111410 MILEAGE 2nd QTR 2022		29.83	
	10-C00-0110-0205	FINANCE DEPT. - GENERAL EXPENSE	29.83		29.83
63586	6525 - TOPOLOGY NJ LLC	PO 111391 PROFESSIONAL SERVICES - TRANSIT VILLAGE/		306.25	
	10-C00-0100-0221	ADMIN. & EXEC. - DOWNTOWN REVITALIZATION	306.25		306.25
63587	7095 - TSS FACILITY SERVICES, INC	PO 110567 Downtown + Borough Wide Street Sweeping		2,240.00	
	10-C00-0220-0228	STREETS & ROADS - SWEEPER	2,240.00		2,240.00
63588	61 - VERIZON	PO 111344 TELEPHONE BILL 908-221-9611 - 6/7-7/6/22		704.79	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	704.79		704.79
63589	3488 - VERIZON	PO 111380 INTERNET SERVICE AT TRAIN STATION ACC 75		151.99	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	151.99		
		PO 111381 FIOS - ACCT# 354-642-517-0001-63 - 6/10-		129.99	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	129.99		281.98
63590	61 - VERIZON	PO 111382 TELEPHONE BILL 908-766-3842 - 6/13-7/12/		37.10	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	37.10		37.10
63591	5173 - VERIZON BUSINESS SERVICES	PO 111345 TELEPHONE BILL 908-221-9611 - invoice 6/		46.77	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	46.77		46.77
63592	1632 - VERIZON WIRELESS (NEWARK)	PO 111369 ACC #442265347 - 00004 WIRELESS PHONES		201.86	
	10-C00-0305-0225	TELEPHONE - MOBILE PHONES	201.86		

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
		PO 111386 ACC #442265347 - 00002 WIRELESS PHONES		1,195.14	
10-C00-0305-0225	TELEPHONE - MOBILE PHONES				
		PO 111387 ACC#442265347-00001* WIRELESS PHONES 5/		2,382.39	
10-C00-0305-0225	TELEPHONE - MOBILE PHONES				3,779.39
63593	868 - VIKING PEST CONTROL	PO 111327 Commercial Pest Service		85.31	
	10-C00-0271-0204 SWIM POOL - MISCELLANEOUS		85.31		85.31
63594	5318 - W.B.MASON CO,INC	PO 111349 Office Supplies \$125381032		95.65	
	10-C00-0100-0201 ADMIN. & EXEC. - OFFICE SUPPLY		36.47		
	10-C00-0115-0201 TAX ASSESSOR - OFFICE SUPPLIES		59.18		95.65
63595	1264 - WELDON ASPHALT CO.	PO 111347 BITUMINOUS CONCRETE & STONE - MAY 2022		383.63	
	10-C00-0220-0218 STREETS & ROADS - ROAD REPAIR		383.63		383.63
63596	7215 - WEST HUDSON INDUSTRIES	PO 111293 Plaques for Outstanding Volunteers (4)		339.80	
	10-C00-0100-0215 ADMIN. & EXEC. - MAYOR'S EXP.		339.80		339.80
63597	4945 - WURTH USA INC	PO 111287 Shop supplies-[Mike]		104.95	
	10-C00-0220-0224 STREETS & ROADS - SUPPLIES		104.95		
		PO 111333 Absorb. for trucks		330.48	
	10-C00-0220-0224 STREETS & ROADS - SUPPLIES		330.48		435.43
TOTAL					82,007.72
Total to be paid from Fund 10 CURRENT FUND		82,007.72			
		82,007.72			

Checks Previously Disbursed

10863	SOMERSET HILLS BOARD OF ED.	PO# 111314 SCHOOL TAX - JUNE 2022	2,321,798.40	6/10/2022
63546	RUTGERS CENTER FOR GOVERNMENT SERVICES	Multiple:	3,323.00	6/13/2022
63547	CORELOGIC	PO# 111346 REFUND - 2022 TAXES - BLOCK 46, L	5,592.22	6/13/2022
			2,330,713.62	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 10 CURRENT FUND	2,330,713.62	82,007.72	2,412,721.34
BILLS LIST TOTALS	2,330,713.62	82,007.72	2,412,721.34

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
417	6280 - TRYSTONE CAPITAL ASSETS LLC	PO 111354 REDEMPTION - TSC 20-00008 - BLOCK 100, L		5,433.74	
	19-285-0500-6002	RESERVE FOR TAX SALE REDEMPTION	2,833.74		
	19-285-0500-6001	RESERVE FOR TAX SALE PREMIUM	2,600.00		5,433.74
TOTAL					5,433.74
Total to be paid from Fund 19 OTHER TRUSTS		5,433.74			
		<u>5,433.74</u>			

Checks Previously Disbursed

19214	PAYROLL ACCOUNT	PAYROLL - ACCUMULATED ABSENCES - L	4,142.36	6/10/2022
			<u>4,142.36</u>	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 19 OTHER TRUSTS	4,142.36	5,433.74	9,576.10
BILLS LIST TOTALS	4,142.36	5,433.74	<u>9,576.10</u>

Disbursements Journal - (20) PAYROLL AGENCY

From 06/10/2022 to 06/10/2022

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
6/10/2022	1648		20821		ACTION DATA SERVICES-PAYROLL		187,432.91	20-101-0100-2000
				20-280-5600-0900	PAYROLL DIRECT DEPOSIT	187,432.91		
6/10/2022	1649		20822		ACTION DATA SERVICES-PAYROLL		107,957.64	20-101-0100-2000
				20-280-5600-0852	FEDERAL	33,714.16		
				20-280-5600-0853	FICA SS EE	12,230.49		
				20-280-5600-0854	MEDICARE EE	3,951.05		
				20-280-5600-0855	NJ STATE TAX	11,493.67		
				20-280-5600-0856	EMPLOYEE SUI/SDI	617.98		
				20-280-5600-0858	PA STATE TAX	19.59		
				20-280-5600-0870	PERS	12,946.83		
				20-280-5600-0874	PERS CONTRIBUTORY INSURANCE	821.18		
				20-280-5600-0901	ER SS	12,230.49		
				20-280-5600-0902	MED EMPLOYER	3,951.05		
				20-280-5600-0903	EMPLOYER SUI	872.61		
				20-280-5600-0882	DCRP EE CONTRIBUTION - 5%	348.12		
				20-280-5600-0883	DCRP EMPLOYER CONTRIBUTION - 3%	256.37		
				20-280-5600-0878	PFRS LOAN	924.56		
				20-280-5600-0877	PFRS	8,255.47		
				20-280-5600-0895	PBA DUES	330.00		
				20-280-5600-0893	DPW DUES	188.00		
				20-280-5600-0905	AFLAC POST TAX	27.89		
				20-280-5600-0906	AFLAC PRE TAX	94.79		
				20-280-5600-0871	PERS LOAN	432.53		
				20-280-5600-0898	GARNISHMENTS	50.61		
				20-280-5600-0890	DEFERRED COMP	3,203.86		
				20-280-5600-0899	VISION	557.49		
				20-280-5600-0879	PFR BACK DED	438.85		

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
20-101-0100-2000	CASH - PAYROLL				295,390.55
20-280-5600-0852	PAYROLL TAXES PAYABLE - FEDERAL		33,714.16		
20-280-5600-0853	PAYROLL TAXES PAYABLE - FICA		12,230.49		
20-280-5600-0854	PAYROLL TAXES PAYABLE - MEDICARE		3,951.05		
20-280-5600-0855	PAYROLL TAXES PAYABLE - NJ STATE TAX		11,493.67		
20-280-5600-0856	PAYROLL TAXES PAYABLE - EMPLOYEE SUI /SD		617.98		
20-280-5600-0858	PAYROLL TAXES PAYABLE - PA TAX		19.59		
20-280-5600-0870	PAYABLE - P.E.R.S.		12,946.83		
20-280-5600-0871	PAYABLE - P.E.R.S. LOAN		432.53		
20-280-5600-0874	PAYABLE - P.E.R.S. - CONTRIBUTORY INS.		821.18		
20-280-5600-0877	PAYABLE - P.F.R.S.		8,255.47		
20-280-5600-0878	PAYABLE - P.F.R.S. - LOAN		924.56		
20-280-5600-0879	PAYABLE - P.F.R.S. - BACK DEDUCTIONS		438.85		
20-280-5600-0882	DCRP-5.5% (EMPLOYEE CONTRIBUTION)		348.12		
20-280-5600-0883	DCRP-3%(EMPLOYER CONTRIBUTION)		256.37		
20-280-5600-0890	PAYABLE - DEFERRED COMPENSATION PLAN		3,203.86		
20-280-5600-0893	PAYABLE - DPW UNION DUES		188.00		
20-280-5600-0895	PAYABLE - PBA DUES		330.00		
20-280-5600-0898	PAYABLE-GARNISHMENT		50.61		
20-280-5600-0899	PAYABLE - VISION		557.49		
20-280-5600-0900	PAYABLE - DIRECT DEPOSIT		187,432.91		

Disbursements Journal - (20) PAYROLL AGENCY

From 06/10/2022 to 06/10/2022

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
20-280-5600-0901	PAYROLL TAXES PAYABLE - EMPLOYER S.S		12,230.49		
20-280-5600-0902	PAYROLL TAXES PAYABL MED		3,951.05		
20-280-5600-0903	PAYROLL TAXES PAYABLE - EMPLOYER SUI		872.61		
20-280-5600-0905	AFLAC POST TAX		27.89		
20-280-5600-0906	AFLAC PRE TAX		94.79		
TOTALS (FOR RANGE):			295,390.55		295,390.55

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
6213	1307 - FERRIERO ENGINEERING, INC	PO 108020 Walking Path NUDEP Plan, Permits, and En		350.00	
	33-215-2915-1000	O/S ORD 19-1812 - VARIOUS IMPROVEMENT	350.00		
		PO 109230 Bernards Ave & Bernards Ave Neighborhood		1,400.00	
	33-215-2912-1002	2020-1837 - PRELIM. ENGINEERING - ROADS	1,400.00		
		PO 111227 Pickle Ball Court Engineering/Inspection		2,213.00	
	33-215-2923-1000	OS ORD 2021-1906 - PICKELBALL COURT	2,213.00		3,963.00
6214	7250 - SUBURBAN CONSULTING ENGINEERS	PO 110595 ENGINEERING FOR BERNARDSVILLE PARKS - PR		5,242.25	
	33-215-2922-1000	O/S ORD 2021-1898 - O/S MASTER PLAN IMP.	5,242.25		5,242.25
TOTAL					9,205.25
Total to be paid from Fund 33 CAPITAL FUND		9,205.25			
		<u>9,205.25</u>			

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
10563	6063 - AMERICAN WEAR, INC 40-C00-0101-0206 SEWER - UNIFORMS	PO 111324 2022	289.00	289.00	289.00
10564	4352 - BERNARDS TOWNSHIP SEWERAGE AUTHORIT 40-C00-0101-0240 SEWER - BERNARDS/SEWER CHARGE	PO 111403 SEWER BILLS 6/1/22-11/30/22	1,500.00	1,500.00	1,500.00
10565	5776 - COPPOLA SERVICES INC 40-C00-0101-0205 SEWER - GENERAL EXPENSES	PO 111202 Hauling of Seed Sludge	877.50	877.50	877.50
10566	7006 - INTERSTATE WASTE SERVICES OF NJ 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 110203 2022 Rag Disposal	494.20	494.20	494.20
10567	87 - JCP&L 40-C00-0101-0227 SEWER - ELECTRICITY	PO 111371 JCP& L 3/21-4/21/22*	11,096.13	11,096.13	11,096.13
10568	2780 - KEN KELEHER 40-C00-0101-0207 SEWER - EQUIP. PARTS & SUPPLY	PO 111274 Purchased at Turtle & Hughes	12.63	12.63	12.63
10569	57 - NJ AMERICAN WATER CO. 40-C00-0101-0229 SEWER - WATER BILLS	PO 111364 NJ AMERICAN WATER - MAY-DEC 2022* BLANKE	52.37	52.37	52.37
10570	57 - NJ AMERICAN WATER CO. 40-C00-0101-0229 SEWER - WATER BILLS	PO 111375 NJ AMERICAN WATER - 5/7-6/9/22*	41.88	41.88	41.88
10571	4835 - ONE CALL CONCEPTS 40-C00-0101-0205 SEWER - GENERAL EXPENSES	PO 111322 2022	384.67	384.67	384.67
10572	4335 - PASSAIC VALLEY SEWERAGE COMISSION 40-C00-0101-0226 SEWER - SLUDGE REMOVAL	PO 110476 2022 Sludge Disposal	1,152.00	1,152.00	1,152.00
10573	6042 - PSE&G 40-C00-0101-0224 SEWER - NATURAL GAS/DIESEL	PO 111373 BILL DATE 6/3/21*	78.59	78.59	78.59
10574	872 - PUMPING SERVICE CO. 40-C00-0101-0214 SEWER - PUMP STATION MAINT. 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 111228 Control Technician to Diagnose Control P PO 111260 Electronic Control Emergency Maintenance	1,050.00 483.00	1,050.00 483.00	1,533.00
10575	6383 - SUPLEE, CLOONEY & COMPANY 40-C00-0101-0210 SEWER - AUDIT EXPENSES	PO 111022 2020 AUDIT & ANNUAL FINANCIALS/ 2020 BUD	3,525.00	3,525.00	3,525.00
10576	1518 - USA BLUE BOOK 40-C00-0101-0207 SEWER - EQUIP. PARTS & SUPPLY	PO 111199 Plant and lab supplies	573.34	573.34	573.34
10577	61 - VERIZON 40-C00-0101-0301 SEWER -TELEPHONE	PO 111337 TELEPHONE BILLS - MAY 2022 - 201 X52-128	420.43	420.43	420.43
TOTAL					22,030.74
Total to be paid from Fund 40 SEWER UTILITY FUND			22,030.74		
			<u>22,030.74</u>		
			22,030.74		

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
--------	--------	-------------	---------	------------	-------------

Checks Previously Disbursed

40401	PAYROLL ACCOUNT	PAYROLL - SEWER 6/10/22	41,923.38	6/10/2022	

			41,923.38		

Totals by fund	Previous Checks/Voids	Current Payments	Total
-----	-----	-----	-----
Fund 40 SEWER UTILITY FUND	41,923.38	22,030.74	63,954.12
-----	-----	-----	-----
BILLS LIST TOTALS	41,923.38	22,030.74	<u>63,954.12</u>

List of Bills - (5510101002000) CASH - SEWER CAPITAL SEWER CAPITAL

Check#	Vendor	Description	Account	PO Payment	Check Total
43	6180 - PAULUS, SOKOLOWSKI & SARTOR, LLC 55-215-0255-1000	PO 109749 Consultant Engineering for UV Disinfecti ORD 2021-1903 - UV DISINFECTION SYSTEM	1,683.19	1,683.19	1,683.19
TOTAL					----- 1,683.19
Total to be paid from Fund 55 SEWER CAPITAL			1,683.19		
			<u>1,683.19</u>		
			1,683.19		

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
2190	5366 - CGP&H, LLC 70-286-5685-4013	COAH - ADMINISTRATIVE COSTS	PO 110323 ADMINISTRATIVE AGENT & PLANNING SERVICES 702.00	702.00	702.00
2191	6830 - MARAZITI FALCON, LLP 70-286-5685-4013	COAH - ADMINISTRATIVE COSTS	PO 110320 PROFESSIONAL SERVICES CONTRACT - 210 NO 1,522.68	1,522.68	1,522.68
TOTAL					----- 2,224.68
Total to be paid from Fund 70 COAH TRUST			2,224.68		
			<u>2,224.68</u>		
			2,224.68		

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

Meeting Date: 06/27/2022 For bills from 06/14/2022 to 06/22/2022

Check#	Vendor	Description	Account	PO Payment	Check Total
381	6552 - AMY PATERNO 85-286-5685-4037 MR. PALMIERI & MRS PATERNO	PO 111405 Fun N Games Campers	2,550.00	2,550.00	2,550.00
382	6797 - KELLY HUNT 85-286-5685-4009 FUNDAMENTALS CAMP 85-286-5685-4014 EXPLORATION SPORT	PO 111316 REFUND - SUMMER CAMP PROGRAMS	127.50 127.50	255.00	255.00
383	7037 - US SPORTS INSTITUTE 85-286-5685-3008 RECREATION TRUST - USA SPORTS 85-286-5685-3013 RECREATION TRUST - YOGA WINTER TWO 85-286-5685-4036 SOCCER	PO 111406 Squirts Soccer Participants	1,068.00 879.10 3,888.90	5,836.00	5,836.00
TOTAL					8,641.00
Total to be paid from Fund 85 RECREATION TRUST		8,641.00	<u>8,641.00</u>		

Checks Previously Disbursed

85234	GATEWAY	CREDIT CARD FEES	20.00	6/02/2022
85235	CAPTUREPOINT	CREDIT CARD FEES	1,611.07	6/06/2022
			<u>1,631.07</u>	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 85 RECREATION TRUST	1,631.07	8,641.00	10,272.07
BILLS LIST TOTALS	1,631.07	8,641.00	<u>10,272.07</u>

**BOROUGH OF BERNARDSVILLE
COUNTY OF SOMERSET**

RESOLUTION #22-142

**A RESOLUTION AUTHORIZING AND DIRECTING THE EXECUTION OF A CONTRACT
BY AND BETWEEN THE BOROUGH OF BERNARDSVILLE AND GARDNER
INVESTMENTS, LLC FOR THE PURCHASE OF REAL PROPERTY, LOCATED AT 65
MORRISTOWN ROAD AND IDENTIFIED AS BLOCK 124, LOT 13, FOR PUBLIC PURPOSES**

WHEREAS, the Borough of Bernardsville (the "Borough") desires to obtain the title to certain real property known and designated as Block 124, Lot 13 located in the Borough of Bernardsville and more commonly known as 65 Morristown Road, which consists of approximately 0.42 acres owned by Gardner Investments, LLC; and

WHEREAS, the Borough Council intends to adopt an Ordinance to authorize the acquisition of the subject property; and

WHEREAS, the cost to acquire said real property shall not exceed the sum of One Million Four Hundred Thousand Dollars (\$1,400,000.00); and

WHEREAS, the Borough of Bernardsville will obtain the funds for such acquisition by appropriate ordinance and/or resolution; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bernardsville, in the County of Somerset, State of New Jersey, that the Mayor be and is hereby authorized and directed to execute the Purchase and Sale Agreement by and between by Gardner Investments, LLC and the Borough of Bernardsville with respect to Block 124, Lot 13, which is located in the Borough of Bernardsville and more commonly known as 65 Morristown Road, consisting of approximately 0.42 acres.

BE IT FURTHER RESOLVED that the Borough Attorney/Borough's Redevelopment Counsel or their designee be and is hereby authorized and directed to prepare and/or review any such agreement of sale for the said real property; and

BE IT FURTHER RESOLVED that the execution of any agreement by the Borough be specifically contingent upon the certification from the Chief Financial Officer of the Borough of Bernardsville that sufficient funds are available for the acquisition of this property; and

BE IT FURTHER RESOLVED that such agreement of sale shall provide for the acquisition of the property in an amount not to exceed \$1,400,000.00.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Gardner Investments, LLC; the Chief Financial Officer of the Borough of Bernardsville and Joseph DeMarco, Esq., Redevelopment Counsel.

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 June 13, 2022.

RESOLUTION #22-143
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT (2021)

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by the Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "**Comments and Recommendations**"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "**Comments and Recommendations**", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Bernardsville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 June 27, 2022.

**BOROUGH OF BERNARDSVILLE
RESOLUTION #22-144**

**RESOLUTION AUTHORIZING THE PROVISION OF A LOAN
PURSUANT TO THE BOROUGH OF BERNARDSVILLE
AFFORDABILITY ASSISTANCE PROGRAM FOR THE PURCHASER OF AN
AFFORDABLE HOUSING UNIT LOCATED AT
15-07 PINE STREET, BERNARDSVILLE, NJ 07924.**

WHEREAS, Jillian Cullen (“Owner”) whose address is **15-07 Pine Street, Bernardsville, NJ 07924**, a property governed by the statuses, ordinances, rules and regulations restricting occupancy and use of the property as an affordable housing unit; and

WHEREAS, the Owner has requested a down payment/closing cost assistance loan through Borough of Bernardsville Affordability Assistance Program toward the purchase of **15-07 Pine Street, Bernardsville, NJ 07924**; and

WHEREAS, the Borough’s Affordable Housing Administrative Agent, CGP&H, LLC, has reviewed the Owner’s application and qualified the Owner for the requested assistance; and

WHEREAS, the Borough is willing, pursuant to the Affordable Assistance Program, to extend a Grant to the Owner in the amount of **\$15,000.00**; and

WHEREAS, the funding for the Loan will be from the Bernardsville Borough Affordable Housing Trust Fund.

NOW THEREFORE BE IT RESOLVED on this **27th day of June 2022**, by the Borough Council of Bernardsville, County of Somerset, State of New Jersey, that:

1. The Mayor and Clerk are hereby authorized, pursuant to the Borough’s Affordability Assistance Program, to enter into an Affordability Assistance Program Repayment Agreement with Owner and provide Owner with a Forgivable Loan, payable directly to the Title Company.
2. The Mayor, Administrator, Clerk, Borough Attorney, CFO, and such other staff and officials as may be appropriate are authorized to take such steps as may be reasonably required to implement this resolution, including issuance of the Grant amount.
3. The Treasurer is hereby authorized to process a payment in the amount of **\$15,000.00** to the title company on record.

CERTIFICATIONS

I, Leslie Roberson, CMFO, hereby certify that funds for these services are available in Acct#70-286-5685-4011, COAH – Affordability Assistance Programs.

I, Anthony Suriano, Clerk of the Borough of Bernardsville, certify that the foregoing resolution was adopted by the Borough Council of the Borough of Bernardsville at its meeting held on the 27th day of June, 2022.

RESOLUTION #22-145

APPROVING MEMBERSHIP IN THE FIRE COMPANY

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

*Andrew Flood
7 Lakeview Drive
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 June 27, 2022.

\resolution\fireco-member

**BOROUGH OF BERNARDSVILLE
RESOLUTION #22-146
AUTHORIZING RENEWAL OF A.B.C. LICENSES**

WHEREAS, applications for July 1, 2022 to June 30, 2023 were filed with the A.B.C.:

NAME	ADDRESS	TYPE	NUMBER
Claremont Restaurant Group LLC T/A Claremont Tavern	121 Claremont Rd.	C	1803-33-002-006

WHEREAS, inspection reports have been received from the Health Officer, Building, Zoning, Fire Officials and the Bernardsville Police Department, and no conditions were found which would preclude renewal; and

WHEREAS, each licensee has paid the appropriate fee to the Borough of \$2500; and

WHEREAS, Clearance Certificates for renewal have been received from the State of New Jersey Division of Taxation for each licensee.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, that the aforementioned licenses be renewed for the current licensing year, and that the Borough Clerk is hereby directed to issue and deliver said licenses, which shall be effective July 1, 2022.

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 June 27, 2022.

**BOROUGH OF BERNARDSVILLE
COUNTY OF SOMERSET**

RESOLUTION #22-147

**SHARED SERVICES AGREEMENT FOR
MUNICIPAL FIRE PREVENTION BUREAU SERVICES
BETWEEN THE TOWNSHIP OF BERNARDS AND THE BOROUGH OF BERNARDSVILLE
N.J.S.A. 52:27D-192 ET. SEQ.**

THIS AGREEMENT IS BETWEEN:

THE TOWNSHIP OF BERNARDS, a municipal corporation of the State of New Jersey, whose address is One Collyer Lane, Basking Ridge, New Jersey 07920, hereinafter referred to as "Bernards".

AND

THE BOROUGH OF BERNARDSVILLE, a municipal corporation of the State of New Jersey, whose address is 166 Mine Brook Road, Bernardsville, New Jersey 07924, hereinafter referred to as "Bernardsville",

AND

WITNESSETH:

WHEREAS, Bernards employs a licensed Fire Prevention Official, pursuant to the Uniform Fire Safety Act, P.L. 1983, C. 383 to enforce the provisions of the Uniform Fire Safety code within its jurisdiction; and

WHEREAS, Bernardsville is in need of a licensed Fire Prevention Official to enforce the provisions of the Uniform Fire Safety Code within its jurisdiction; and

WHEREAS, pursuant to **N.J.S.A. 40A:65-1**, any municipality of the State of New Jersey may contract with any other municipality or municipalities for the shared provision within their several jurisdictions of any service that any party to the agreement is empowered to provide within its own jurisdiction; and

WHEREAS, pursuant to **N.J.S.A. 40A:65-4(a)(3)(b)**, any agreement entered into pursuant to this section shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs, pursuant to rules and regulations promulgated by the director; and

WHEREAS, pursuant to **N.J.S.A. 40A:65-5**, local units entering into shared services agreements must adopt a resolution authorizing and clearly identifying the agreement and ensure that a copy of the agreement shall be open to public inspection at the office of the local unit immediately after passage of a resolution to become a party to the agreement; and

WHEREAS, pursuant to **N.J.S.A. 40A:65-5(c)**, the agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and execution of agreements authorized thereunder as set forth in the agreement; and

WHEREAS, Bernards and Bernardsville desire to enter into a Shared Services Agreement to establish all obligations in connection with the use

of shared fire prevention staff and provide for the performance of all Bernardsville and Bernards fire prevention functions.

NOW THEREFORE, in consideration of the mutual covenants, agreements and considerations contained herein, Bernards and Bernardsville do hereby mutually agree as follows:

ARTICLE I-SCOPE OF SERVICES :

- A. Bernards agrees to provide those services necessary for the operation of a municipal fire prevention bureau and serve as Bernardsville's Local Enforcing Agency (LEA), including but not limited to a fire prevention staff, inspections, origin and cause fire investigations, public education, sharing of equipment, to serve as Bernardsville's and Bernards' Municipal Fire Prevention Bureau. Bernardsville shall provide Bernards with compensation for this shared service as provided in Article III below.
- B. Fire Official. Bernardsville and Bernards agree the current Bernards Township Fire Official shall act as Fire Official for Bernardsville. The Fire Official shall perform all duties of the office in strict accordance with the Fire Prevention Code and all applicable regulations including Fire Investigations prescribed by N.J.A.C. 5:71-3.3. Bernards Fire Inspector(s) shall assist Bernards Fire official with fire investigations as needed and compensated by Bernardsville as provided in Article III below.
- C. Bernardsville's records, revenues, fees, and fines collected pursuant to N.J.S.A. 52:27D-192 ET. SEQ., shall be administered, reported, deposited and audited by Bernards.

ARTICLE II - EXCLUDED SERVICES

- A. Bernards will not be responsible to provide services related to smoke detector inspections. Bernardsville will supply, at its own cost, appropriate staffing and/or professionals, and supplies and equipment, to accommodate all services and functions related to smoke detector inspections.

ARTICLE III - TERM OF CONTRACT

- A. This Agreement shall commence on or about July 1, 2022 and remain in effect until December 31, 2023. This Agreement may be terminated at the end of a calendar year by any party by providing written notice of termination no later than September 1 of the calendar year in which the Shared Services Agreement will terminate. Billing retroactive to the date of any such termination shall be permissible.

ARTICLE IV - RENEWAL

- A. Upon expiration of its term, the parties may extend the term of this Agreement upon such terms and conditions, including compensation, as they agree and incorporate into a written agreement.

ARTICLE V - PAYMENT BY BERNARDSVILLE TO BERNARDS

- A. Bernardsville agrees to pay for the shared fire prevention services by turning over to Bernards all fees related to the inspections of and permits issued for Bernardsville's property locations. At minimum, the dollar amount of such fees turned over to Bernards shall be no less than \$47,500 for the six (6) month period of 7/1/2022 through 12/31/2022. For the following twelve (12) month period of 1/1/2023 through 12/31/2023 the dollar amount of such fees turned over to Bernards shall be no less than \$97,850. The total amount of fees due to Bernards for the eighteen (18) month period shall be \$145,350. Should a minimum of \$145,350 in fees not be turned over to Bernards during the contract term, Bernardsville agrees to compensate Bernards for the deficit balance within 30 days of written notification of the balance due. Additionally, should fees turned over to Bernards exceed \$145,350 during the eighteen (18) month contract term, Bernards agrees to return to Bernardsville the amount exceeding \$145,350 within 30 days following the close of the eighteen (18) month contract term.
- B. Bernards shall provide monthly revenue statements to Bernardsville to include any and all fees turned over to Bernards for the inspection and/or permitting of Bernardsville property locations.
- C. Bernardsville additionally agrees to pay for the cost of fire inspector(s) as needed after normal business hours to assist the Fire Official during emergency callouts and/or fire investigations. Bernards will bill Bernardsville quarterly for such services at a rate of \$40.00 per hour.

ARTICLE VI - RECORDS

- A. Bernards Fire Official shall maintain records of all current activity and collection as required by State statutes. The records for services provided to Bernardsville shall be made available to Bernardsville's Manager and governing Body as requested.
- B. Storage of inactive files shall be the responsibility of Bernardsville and shall be kept at Bernardsville's offices.

ARTICLE VII - Equipment & Technology

- A. Responsibility to provide the Fire Prevention Official with traditional office equipment, i.e., office/office space, computer, copying facilities, telephone, etc., while at Bernardsville's offices will be the sole responsibility of Bernardsville, as may be needed.
- B. Any and all costs associated with technological hardware or software required to service new Spatial Data Logic (SDL) system license(s) to be utilized by Bernards for its reporting on behalf of Bernardsville shall be the responsibility of Bernardsville. These costs will include purchase of the additional new license(s), annual renewal cost of the license(s), costs related to the conversion of data from Bernardsville's current system and set up of same by Bernards, and any IT maintenance costs related to Bernardsville's portion of the system. The SDL system itself will be housed and hosted by Bernards; however, all licenses and data on Bernardsville permits/inspections shall be the property of Bernardsville.
- C. Bernardsville shall provide their Fire prevention vehicle for use by

the Bernards Fire Prevention Official for normal use and to take home to respond to after hour callouts for both Municipalities.

ARTICLE VIII - INSURANCE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

- A. Bernardsville Borough shall maintain its own insurance protection as respects its operations, including Workers Compensation coverage as respects any of its employees, including those activities being performed on behalf of the Municipal Fire Prevention Shared Service.
- B. Bernards Township shall maintain its own insurance protection as respects its operations, including Workers Compensation coverage as respects any of its employees, including those activities being performed on behalf of the Municipal Fire Prevention Shared Service. Bernards Township, as the provider of the service outlined in this agreement, agrees to include Bernardsville as an Additional Insured on its General Liability coverage as respects the municipal Fire Prevention Shared Services being performed.
- C. As both Bernards Township and Bernardsville Borough are members of the Suburban Municipal Joint Insurance Fund, it is hereby agreed that each party shall indemnify, defend, protect, hold harmless, and release the other, its officers, agents, and employees, from and against any and all claims, loss, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees and witness costs) arising from or in connection with, or caused by any act, omission, or negligence of such indemnifying party or its agents, employees, contractors, subcontractors, or invitees. This indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under workers' compensation acts, disability benefit acts, or other employee benefit acts. This indemnity provision survives the agreement.

ARTICLE IX - UNIFORM SHARED SERVICES AND CONSOLIDATION ACT

The governing bodies of Bernardsville and Bernards are authorized to enter into this Agreement with each other pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. in accordance with the terms of that Act.

ARTICLE X - MISCELLANEOUS

- A. Whenever, pursuant to the terms of this Agreement, written notice is required or permitted to be given by one party to the other party, such notice shall be deemed to have been sufficiently given if personally delivered to the appropriate Municipal Clerk or if mailed by way of certified or registered mail, return receipt requested, and addressed to the party to whom notice is to be given, as set forth below:

Bernards:

Bernardsville:

Attention: Ms. Rhonda Pisano
Township of Bernards
Lane
Basking Ridge, NJ 07920

Attention: Mr. Anthony Suriano Clerk,
Clerk, Brough of Bernardsville One Collyer
166 Mine Hill Road
Bernardsville, NJ 07924

- B. In the event that any fire prevention official of competent jurisdiction shall declare any section of this Agreement invalid for any reason, or if the laws of the State of New Jersey relied upon to enter this Agreement or amend it to forbid such Agreements, all other sections of the Agreement shall remain in full force and effect.
- C. This Agreement may be modified from time-to-time by mutual agreement and authorizing resolutions of the respective municipalities.

ARTICLE XI - GRANTS

- A. Should Bernards or Bernardsville be the direct beneficiary of any fire prevention related grants, the proceeds of said grants shall be applied to the municipality that applied for the grant and not shared.

ARTICLE XII - COMPLETE AGREEMENT

- A. This Agreement contains the complete understanding as to the operation of the Shared Municipal Fire prevention between Bernardsville and Bernards and no other promises or agreements shall be binding unless signed by the parties. In signing this Agreement, the parties are not relying on any fact, statement or assumption not set forth in this Agreement. By signing below, Bernardsville and Bernards each indicate that they have carefully read and understand the terms of this Agreement, enter into this Agreement knowingly, voluntarily and of their own free will, understand its terms and significance and intend to abide by its provisions without exception.

IN WITNESS WHEREOF, the Borough of Bernardsville, and the Township of Bernards have caused this Shared Services Agreement to be executed by their duly authorized representatives as of the day and year first written above.

Attest:

BOROUGH OF BERNARDSVILLE

Anthony Suriano, Clerk

Mary Jane Canose, Mayor

Dated: _____, 2022

Dated: _____, 2022

Attest:

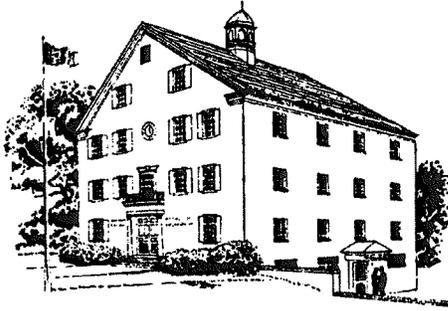
TOWNSHIP OF BERNARDS

Rhonda Pisano, Clerk

James Baldassare, Mayor

Dated: _____, 2022

Dated: _____, 2022



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

Administration (908) 766-3000 Fax (908) 766-2401

RESOLUTION #22-148

**AUTHORIZING A HARDSHIP EXEMPTION FROM ROAD MORATORIUM FOR
STREET OPENING – 13 STEVENS STREET**

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, to authorize a hardship exemption from road moratorium for street opening for new gas service at 13 Stevens Street as noted in a memo from the Public Works Manager dated June 22, 2022.

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 June 27, 2022.

**Borough of Bernardsville
County of Somerset**

**RESOLUTION #22-149
Resolution of Need**

WHEREAS, Mine Brook Road Urban Renewal Associates, L.P. (hereinafter referred to as the "Sponsor") proposes to develop a 60-unit scattered-site family affordable housing development (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Borough of Bernardsville (hereinafter referred to as the "Municipality") on sites described as Lot 1, Block 24, Lot 15.38, Block 80, and Lot 12, Block 102 as shown on the Official Tax Map of the Borough of Bernardsville, more commonly known as 18 Mt. Airy, Mine Brook Road, and 63 Bernards respectively; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Bernardsville (the "Council") that:

- (1) The Council finds and determines that the 60-unit affordable Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

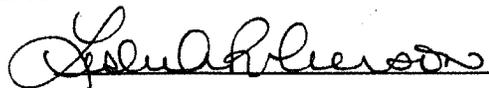
RESOLUTION #22-150

**AUTHORIZING THE BOROUGH'S PROJECT MANAGER TO BID FOR THE
INSTALLATION OF SUPPLEMENTAL STORMWATER DRAINAGE TO ENHANCE
THE PERFORMANCE OF THE EXISTING STORMWATER DRAINAGE AT
MOUNTAIN TOP ROAD AND OVERLEIGH ROAD**

WHEREAS, the Borough of Bernardsville has the need to install supplemental stormwater drainage to enhance the performance of the existing stormwater drainage in the area of Mountain Top Road and Overleigh Road,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Borough's Project Manager is hereby directed to develop bid specifications to facilitate a bid and installation supplemental stormwater drainage in the area of Mountain Top Road and Overleigh Road. Certification of funds is Capital Ordinance 2022-1914.

I, Leslie Roberson, C.M.F.O., hereby certify, in accordance with requirements of N.J.A.C. 5:30-14.5, that funds for the project discussed herein are available in Account #33-215-2925-1000



I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held June 27, 2022.

**BOROUGH OF BERNARDSVILLE
RESOLUTION #22-151**

**AUTHORIZING AMENDMENT TO DEVELOPMENT AGREEMENT WITH RPM
DEVELOPMENT, LLC**

WHEREAS, the Borough entered into a Development Agreement with RPM Development, LLC on September 30, 2020 to develop affordable housing on scattered sites throughout the Borough; and

WHEREAS, that Agreement needs to be updated to reflect changed circumstances;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the First Amendment to Development Agreement, the terms of which are incorporated herein by reference.
2. A copy of the First Amendment to Development Agreement shall be kept on file in the office of the Borough Clerk and shall be available for public inspection.

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 Monday, June 27, 2022.

Anthony Suriano, Clerk

**BOROUGH OF BERNARDSVILLE
RESOLUTION #22-152**

**RESOLUTION AUTHORIZING THE BOROUGH OF BERNARDSVILLE THROUGH
THE BERNARDSVILLE POLICE DEPARTMENT TO PARTICIPATE IN THE
DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033
PROGRAM TO ENABLE THE BERNARDSVILLE POLICE DEPARTMENT TO
REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bernardsville that the Bernardsville Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2022 to December 31, 2022; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the Bernardsville Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Bernardsville Police Department, without restriction; and

BE IT FURTHER RESOLVED that the Bernardsville Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Bernardsville Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 1, 2022 to December 31, 2022.

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 June 27, 2022.

**BOROUGH OF BERNARDSVILLE
RESOLUTION 22-154**

AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY IDENTIFIED AS BLOCK 71, LOT 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE WITHIN THE BOROUGH CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* AND AUTHORIZING THE PLANNING BOARD TO PREPARE AN AMENDMENT THE QUIMBY LANE REDEVELOPMENT PLAN (25 Claremont Rd.)

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act; and

WHEREAS, *N.J.S.A. 40A:12A-6* authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Mayor and Borough Council consider it to be in the best interest of the Borough to have the Planning Board of the Borough (the "**Planning Board**") conduct such an investigation to determine if certain property identified as Block 71 Lot 3 as shown on the official Tax Map of the Borough (the "**Study Area**"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Study Area as a non-condemnation "area in need of redevelopment" is appropriate and in conformance with the statutory criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Study Area is adjacent to the Quimby Lane Redevelopment area; and

WHEREAS, the Borough Council is desirous of continuing revitalization and redevelopment efforts in the Borough and believe that the addition of Block 71, Lot 3 in the redevelopment area is beneficial to the goals of the Borough; and

WHEREAS, the Planning Board is authorized to reopen the Quimby Lane Redevelopment Plan to make recommendations on the inclusion of Block 71 Lot 3 in the Redevelopment Plan; and

WHEREAS, the Planning Board is further authorized to make recommendations on any amendments to the "Quimby Lane Redevelopment Plan" dated September 14, 2020 related to the Block 71 designated as Sub Area 6 in the Plan.

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

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. **INVESTIGATION OF STUDY AREA AUTHORIZED**

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A.40A:12A-6* to determine whether all or a portion of Block 71 Lot 3 satisfies the criteria set forth in the Act, including *N.J.S.A.40A:12A-5*, to be designated as a **non-condemnation** area in need of redevelopment.

III. **MAP TO BE PREPARED**

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

IV. **PUBLIC HEARING REQUIRED**

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a non-condemnation redevelopment area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a non-condemnation redevelopment area. All objections to a determination that all or a portion of the Study Area is a non-condemnation area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

V. **PLANNING BOARD TO MAKE RECOMMENDATIONS**

After conducting its investigation, preparing a map of the proposed non-condemnation redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Borough as

to whether the Borough should designate all or part of the Study Area as a non-condemnation area in need of redevelopment.

The Planning Board shall also be authorized to make a recommendation to include Block 71, Lot in the Quimby Lane Redevelopment Plan and to propose any amendments to the Redevelopment for the development of Block 71, designated as Sub Area 6 within the Plan

VI. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VII. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

VIII. EFFECTIVE DATE

This Resolution shall take effect immediately.