

**BOROUGH OF BERNARDSVILLE**  
Mayor & Borough Council Meeting Agenda  
June 11, 2018 – 7:00 p.m.

1. **CALL MEETING TO ORDER**

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

2. **STATEMENT OF PRESIDING OFFICER**

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

3 **PLEDGE OF ALLEGIANCE**

4. **OPEN SESSION**

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

5. **PRESENTATIONS**

5A. Somerset County Business Partnership

6. **ITEMS OF BUSINESS**

6A. **ORDINANCES**

Mayor to open public hearing on Ordinance #18-1772, **AN ORDINANCE ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE BOROUGH'S MT. LAUREL SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER AND SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF THE BOROUGH LAND DEVELOPMENT CODE**

Mayor to close public hearing  
Motion to pass on final reading and adopt as published:  
Second:  
Roll call vote:

**6B. RESOLUTIONS**

- #18-147 AUTHORIZING RENEWAL OF A.B.C. LICENSES**
- #18-148 AUTHORIZING REFUND OF ESCROW FEES**
- #18-149 AUTHORIZING RELEASE OF BONDS FOR STREET OPENING PERMITS**
- #18-150 AUTHORIZING FORFEITURE OF BONDS FOR STREET OPENING PERMITS**
- #18-151 AWARDING A CONTRACT TO SUMMIT MEDICAL GROUP FOR THE LEASE OF SUITE 102 IN THE LOWER LEVEL OF THE BOROUGH LIBRARY**
- #18-152 AUTHORIZING AN AGREEMENT WITH THE SOMERSET HILLS REGIONAL SCHOOL DISTRICT TO PROVIDE SPECIAL POLICE OFFICERS IN DISTRICT SCHOOLS**
- #18-153 AUTHORIZING PAYMENT OF BILLS**

Moved  
Second:  
Roll call vote:

- 6C. Draft Ordinance - Adopting Borough Facility Naming Policies
- 6D. Ridewise
- 6E. Transit Hub Pilots Program
- 6F. Correspondence

7. **CLOSED SESSION**

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

**Personnel Matters and 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.*

Second:

Vote:

8. **REOPEN AND ADJOURNMENT**

061118ag

# INTRODUCED IN TITLE ONLY

5/14/2018

(5/17/2018 12:47 PM)

## BERNARDSVILLE BOROUGH ORDINANCE NO. 18-1772

### **AN ORDINANCE ADOPTING ZONING REGULATIONS NECESSARY TO IMPLEMENT THE BOROUGH'S MT. LAUREL SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER AND SUPPLEMENTING AND AMENDING VARIOUS SECTIONS OF THE BOROUGH LAND DEVELOPMENT CODE**

**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 N.J. 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 has prepared and submitted to the governing body for its consideration the ordinances contained herein;

**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 Code is supplemented and amended as follows:

**Section 1.** Article 13 of the Borough Land Use Code entitled “Affordable Housing” is repealed in its entirety and replaced by a new Article 13 entitled “Affordable Housing” which reads as follows:

**“13-1. GENERAL PROVISIONS.**

**“13-1.1. Definitions**

“The following terms when used in this Ordinance shall have the meanings given in this Section:

“ ‘Act’ means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“ ‘Adaptable’ means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“ ‘Administrative agent’ means the entity designated by the Borough to administer

affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“‘Affirmative marketing’ means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“ ‘Affordability average’ means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“ ‘Affordable’ means a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“ ‘Affordable housing development’ means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“ ‘Affordable housing program(s)’ means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“ ‘Affordable unit’ means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“ ‘Agency’ means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“ ‘Age-restricted unit’ means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“ ‘Alternative living arrangement’ means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to:

transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“‘Assisted living residence’ means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“ ‘Certified household’ means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“ ‘COAH’ means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“ ‘DCA’ means the State of New Jersey Department of Community Affairs.

“ ‘Deficient housing unit’ means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“ ‘Developer’ means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“ ‘Development’ means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“ ‘Inclusionary development’ means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“ ‘Low-income household’ means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“ ‘Low-income unit’ means a restricted unit that is affordable to a low-income household.

“ ‘Major system’ means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“ ‘Market-rate units’ means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“ ‘Median income’ means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“ ‘Moderate-income household’ means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“ ‘Moderate-income unit’ means a restricted unit that is affordable to a moderate-income household.

“ ‘Multifamily unit’ means a structure containing five or more dwelling units.

“ ‘Municipal Housing Liaison’ shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the Borough of Bernardsville.

“ ‘Non-exempt sale’ means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“ ‘Random selection process’ means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“ ‘Regional asset limit’ means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“ ‘Rehabilitation’ means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“ ‘Rent’ means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“ ‘Restricted unit’ means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under the Urban Home Ownership Recovery Program (UHORP) or Market Oriented Neighborhood Investment Program (MONI).

“ ‘UHAC’ means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“ ‘Very low-income household’ means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

“ ‘Very low-income unit’ means a restricted unit that is affordable to a very low-income household.

“ ‘Weatherization’ means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

### **“13-1.2. Applicability**

“1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Bernardsville pursuant to the Borough’s most recently adopted Housing Element and Fair Share Plan.

“2. In addition, any property in the Borough of Bernardsville that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential

development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in Section 6.5. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

“3. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

**“13-1.3. Alternative Living Arrangements**

“1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

“a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

“b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

“2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

“3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**“13-1.4. Phasing Schedule for Inclusionary Zoning**

“In inclusionary developments the following schedule shall be followed:

<b>Maximum Percentage of Market-Rate Units Completed</b>	<b>Minimum Percentage of Low- and Moderate-Income Units Completed</b>
25	0

25+1	10
50	50
75	75
90	100
100	-

### **“13-1.5. New Construction**

#### **“1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:**

“a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted. At least half of the units in total shall be available to families.

“b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

“c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

“1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

“2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

“3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

“4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

“d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

“2. Accessibility Requirements:

“a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

“b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

“1) An adaptable toilet and bathing facility on the first floor; and

“2) An adaptable kitchen on the first floor; and

“3) An interior accessible route of travel on the first floor; and

“4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

“5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

“6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Bernardsville has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

“a) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

“b) To this end, the builder of restricted units shall deposit funds within the Borough of Bernardsville’s Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

“c) The funds deposited under paragraph 6) b) above shall be used by the Borough of Bernardsville for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

“d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Bernardsville for the

conversion of adaptable to accessible entrances.

“e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough’s Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

“7) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site impracticable” to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

“3. Design:

“a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

“b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

“4. Maximum Rents and Sales Prices:

“a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.

“b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

“c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.

“d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units

must be available for at least two different sales prices for each bedroom type.

“e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

“1) A studio shall be affordable to a one-person household;

“2) A one-bedroom unit shall be affordable to a one and one-half person household;

“3) A two-bedroom unit shall be affordable to a three-person household;

“4) A three-bedroom unit shall be affordable to a four and one-half person household; and

“5) A four-bedroom unit shall be affordable to a six-person household.

“f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

“1) A studio shall be affordable to a one-person household;

“2) A one-bedroom unit shall be affordable to a one and one-half person household; and

“3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

“g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

“h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

“i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

“j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for New Jersey. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

“k. All deed restricted affordable rental units will be subject to an annual rental recertification process to ensure that income eligible households continue to reside in the Borough’s portfolio of rental units.

#### “5. Affordable Housing Set-Asides

Any residential or mixed-use development, within the public sewer service area of the municipality, that produces five (5) or more housing units, shall be required to provide for affordable housing set-asides of at least 20 percent of the total housing units in "for-sale" developments and 15 percent of the total housing units in "rental" development. When the application of the set-aside requirement results in a set-aside requirement that is not a whole number, the set-aside requirement shall be rounded up to the next whole number. (Ord. No. 2016-1731)

### **“13-2 R-10 MULTI-FAMILY HOUSING DISTRICTS.**

#### **“13-2.1 Permitted Principal Uses and Densities.**

“a. In the R-10A District, properties may be developed only for townhouses and/or apartments limited entirely to occupancy by low and moderate income households at a maximum density of ten (10) units per acre.

“b. In the R-10B District, property may be developed for seventy-six (76) townhouses, fifteen (15) of which shall be designated for moderate and low income households; of these fifteen (15) units, eight (8) units shall be designated for moderate income households and seven (7) units shall be designated for low income households. The units designated for low and moderate income households may be either townhouses or apartments.

“c. In the R-10B District, as an alternative, property may be developed for fifty (50) residential units, thirty-five (35) of which may be single family detached and fifteen (15) of which shall be designated for moderate and low income households. Of the lower income units, eight (8) shall be designated for moderate income households and seven (7) units shall be designated for low income

households. The units designated for low and moderate income households may be either townhouses or apartments.

(Ord. No. 581 § 12A-3.1; Ord. No. 801 § 6; Ord. No. 92-911 § 1)

**“13-2.2 Permitted Accessory Uses.**

“The following accessory uses are permitted in all R-10 Districts:

- “a. Private garages.
- “b. Buildings for storage of maintenance equipment.
- “c. Off-street parking as regulated in Section 9-10.
- “d. Signs in accordance with Section 12-23.15c.
- “e. Private recreation buildings and facilities.

“(Ord. No. 581 § 12A-3.2; Ord. No. 801 § 6)

**“13-2.3 Required Conditions.**

“a. *R-10A District.*

“1. Minimum setback from streets and tract boundary - thirty-five (35) feet.

“2. Maximum building coverage - thirty-five (35%) percent of site.

“3. Maximum height of building - No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is lesser

“4. Maximum number of dwelling units per building - eight (8).

“5. Parking: Adequate provision shall be made for off-street parking in accordance with all applicable provisions of Section 9-10 of this chapter.

“6. Minimum distances between buildings. There shall be a minimum distance between dwelling structures as may be provided in the Uniform Construction Code, but in no event less than provided in the following schedule:

**Minimum At Any Point**

Front Facing Front	30
Front Facing Rear	30
Front Facing Side	30*
Rear Facing Rear	30
Rear Facing Side	20*
Side Facing Side	20*

\*Not less than fifty (50) if driveway located between buildings is a two way road and not less than forty (40) if driveway located between buildings is a one way road.

“ 7. Accessory Buildings.

“(a) *Setbacks.* Accessory buildings shall meet the street and property line setbacks of the principal building.

“(b) *Height.* The maximum height of an accessory building shall be sixteen (16) feet. Clubhouses shall be governed by height limitations for principal buildings.

“(c) *Design.* Architectural design and materials used in the construction of accessory buildings shall conform to those used in the construction of principal buildings.

“8. Open space and recreation. Exclusive of internal roadways and parking areas, there shall be provided a minimum of thirty (30%) percent of the entire tract for common open space and facilities.

“b. *R-10B District.* Where property is being developed for seventy-six (76) townhouses, the following shall apply:

“1. Minimum setbacks: Thirty-five (35) feet from streets and residential zone boundary; fifteen (15) feet from property line abutting commercial zone, railroad right-of-way and stream.

“2. Maximum building coverage: Thirty-five (35%) percent of site.

“3. Maximum height of building: No building shall exceed a height of two and one-half (2 1/2) stories or thirty five (35) feet.

“4. Maximum number of dwelling units per building: eight (8).

“5. Parking: Adequate provision shall be made for off-street parking in accordance with all applicable provisions of Section 9-10 of this chapter.

“6. Minimum distances between buildings: The requirements of Section 13-3.3a,6. shall be complied with.

“7. Accessory buildings: The requirements of Section 13-3.3a,7. shall be complied with.

“c. *R-10B District.* Where property is being developed for fifty (50) residential units, thirty-five (35) of which are single family detached and fifteen (15) of which are lower income, the detached and fifteen (15) of which are lower income, the provisions of subsection 13-3.3b shall apply to the lower income units and the provisions of subsection 12-10.3, Required Conditions in the R-5 Residence District, shall apply to the single family detached units, except that the aggregate width of the two (2) side yards combined must equal at least twenty-two (22%) percent of the lot width at the building line rather than twenty-five (25%) percent.

(Ord. No. 581 § 12A-3.3; Ord. No. 801 § 6; Ord. No. 92-911 §§ 2, 3)

### **“13-3. MINIMUM FLOOR AREA REQUIREMENTS FOR LOW AND MODERATE INCOME HOUSING UNITS.**

“The minimum floor area requirements for low and moderate income housing units shall be as follows:

<b>Unit Type</b>	<b>Minimum Floor Area</b>
0 Bedroom (studio) Unit	500 sq. ft.

1 Bedroom Unit	675 sq. ft.
2 Bedroom Unit	900 sq. ft.
3 Bedroom Unit	1000 sq. ft.

Housing units with more than 3 bedrooms are not permitted in areas zoned for affordable housing.

#### **“13.4 UTILITIES.**

“1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

“2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

#### **“13.5 OCCUPANCY STANDARDS**

“In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- “1. Provide an occupant for each bedroom;
- “2. Provide children of different sexes with separate bedrooms;
- “3. Provide separate bedrooms for parents and children; and
- “4. Prevent more than two persons from occupying a single bedroom.

#### **“13-6 CONTROL PERIODS FOR RESTRICTED OWNERSHIP UNITS AND ENFORCEMENT MECHANISMS.**

“1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Bernardsville takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.

“2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

“3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit’s equalized assessed value without the restrictions in place.

“4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser’s heirs, successors and assigns) to repay the Borough, upon the first non-exempt sale after the unit’s release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit’s non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

“5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

“6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

### **“13-7 PRICE RESTRICTIONS FOR RESTRICTED OWNERSHIP UNITS, HOMEOWNER ASSOCIATION FEES AND RESALE PRICES**

“Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

“1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

“2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

“3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

“4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

### **“13-8 BUYER INCOME ELIGIBILITY**

“1. Buyer income eligibility for restricted ownership units shall be in accordance

with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

“2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

“3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

“4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

#### **“13-9 LIMITATIONS ON INDEBTEDNESS SECURED BY OWNERSHIP UNIT; SUBORDINATION.**

“1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

“2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

#### **“13-10 CAPITAL IMPROVEMENTS TO OWNERSHIP UNITS**

“1. The owners of restricted ownership units may apply to the Administrative

Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

“2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### **“13-11 CONTROL PERIOD FOR RESTRICTED RENTAL UNITS**

“1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Bernardsville takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, **except for those units that have not yet received approvals, such controls shall be for 50 years. For new projects receiving nine percent Low Income Housing Tax Credits, a control period of not less than a 30 year compliance period plus a 15 year extended use period shall be required.**

“2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Somerset. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

“3. A restricted rental unit shall remain subject to the affordability controls of this

Ordinance despite the occurrence of any of the following events:

- “a. Sublease or assignment of the lease of the unit;
- “b. Sale or other voluntary transfer of the ownership of the unit; or
- “4. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

#### **“13-12 RENT RESTRICTIONS FOR RENTAL UNITS; LEASES**

“1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

“2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

“3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

“4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

#### **“13-13 TENANT INCOME ELIGIBILITY**

“1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

“a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

“b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

“c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

“2. The Administrative Agent shall certify a household as eligible for a restricted

rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

“a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

“b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

“c. The household is currently in substandard or overcrowded living conditions;

“d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

“e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

“3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

#### **“13-14     MUNICIPAL HOUSING LIAISON**

“1. The Borough of Bernardsville shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative “Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Bernardsville shall adopt an Ordinance creating the position of Municipal Housing Liaison. Bernardsville shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

“2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Bernardsville, including the

following responsibilities which may not be contracted out to the Administrative Agent:

- “a. Serving as Bernardsville’s primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
- “b. Monitoring the status of all restricted units in Bernardsville’s Fair Share Plan;
- “c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
- “d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- “e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

“3. Subject to the approval of the Court, the Borough of Bernardsville shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

### **“13-15 ADMINISTRATIVE AGENT**

“The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

“1. Affirmative Marketing:

- “a. Conducting an outreach process to affirmatively market affordable housing

units in accordance with the Affirmative Marketing Plan of the Borough of Bernardsville and the provisions of N.J.A.C. 5:80-26.15; and “b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

“2. Household Certification:

“a. Soliciting, scheduling, conducting and following up on interviews with interested households;

“b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

“c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

“d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

“e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

“f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Bernardsville when referring households for certification to affordable units.

“3. Affordability Controls:

“a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

“b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

“c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Somerset County Register of Deeds or County Clerk’s office after the termination of the affordability controls for each restricted unit;

“d. Communicating with lenders regarding foreclosures; and

“e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

“4. Resales and Rerentals:

“a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

“b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

“5. Processing Requests from Unit Owners:

“a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

“b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

“c. Notifying the municipality of an owner’s intent to sell a restricted unit; and

“d. Making determinations on requests by owners of restricted units for hardship waivers.

“6. Enforcement:

“a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

“b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

“c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be

made;

“d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

“e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

“f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

“7. Additional Responsibilities:

“a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

“b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

“c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

#### **“13-16 AFFIRMATIVE MARKETING REQUIREMENTS**

“1. The Borough of Bernardsville shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

“2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 2 and is required to be followed throughout the period of restriction.

“3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Somerset, Hunterdon and Middlesex Counties.

“4. The Affirmative Marketing Plan shall provide a veterans preference for all households that live and/or work in Housing Region 3, comprised of Somerset, Hunterdon and Middlesex Counties. All rules will be in accordance with C. 52:27D-311(j).

“5. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The

Administrative Agent designated by the Borough of Bernardsville shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

“6. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

“7. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

“8. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

“9. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.

“10. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

### **“13-17 ENFORCEMENT OF AFFORDABLE HOUSING REGULATIONS**

“1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

“2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

“a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable

housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

“1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

“2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Bernardsville Affordable Housing Trust Fund of the gross amount of rent illegally collected;

“3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

“b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

“1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

“2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in

such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

“3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

“4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

“5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

“6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

## **“13-18 APPEALS**

“Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

## **“13-19 DEVELOPMENT FEES**

### **“1. Purpose.**

“a. In *Holmdel Builder's Association v. Holmdel Borough*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

“b. Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from nonresidential development.

“c. This section establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance PL.2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing very low, low- and moderate-income housing. This section shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8. (Ord. No. 2008-1503 § 1)

### **“2. Basic Requirements.**

“a. This section shall not be effective until approved by the Court, COAH or a successor agency.

“b. Bernardsville Borough shall not spend development fees until the Court, COAH or a successor agency has approved a plan for spending such fees (Spending Plan) (Ord. No. 2008-1503 § 1)

### **“3. Definitions.**

“a. The following terms, as used in this section shall have the following meanings:

“*Affordable housing development* shall mean a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable development.

“*COAH* or the *Council* shall mean the New Jersey Council on Affordable Housing established under the Fair Housing Act.

“*Development fee* shall mean money paid by a developer for the improvement of property as permitted by applicable COAH regulations.

“*Developer* means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“*Equalized assessed value* shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

“*Green building strategies* shall mean those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“(Ord. No. 2008-1503 § 1)

#### “4. Residential Development Fees.

##### “a. *Imposed Fees.*

“1) Within the Borough of Bernardsville, all residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half (1.5%) percent of the equalized assessed value for residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

“2) When an increase in residential density pursuant to a “d” variance is granted under N.J.S.A. 40:55D-70d(5) (known as a “d” variance), developers shall be required to pay a “bonus” development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding filing of the “d” variance application. Example: If an approval allows four (4) units to be constructed on a site that was zoned for two (2) units, the development fees will equal one and one-half (1 1/2%) percent of the equalized assessed value on the first two (2) units; and six (6%) percent of the equalized assessed value for the two (2) non-age-restricted additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

*“b. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Development.*

“1) Affordable housing developments and developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Borough of Bernardsville, shall be exempt from development fees.

“2) Developments that have received preliminary or final site plan approval prior to the adoption of Bernardsville’s first adopted development fee ordinance shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval is not applicable, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to exemption. In all cases, the applicable fee percentage shall be determined based upon on the Development Fee Ordinance in effect on the date that the building permit is issued.

“3) Development fees shall be imposed and collected when an existing structure is demolished and replaced, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the new structure.

“4) Fees shall be imposed and collected when an existing structure is demolished and replaced, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the new structure.

“5) Nonprofit organizations which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.

“6) Federal, state, county, and local governments shall be exempted from paying a development fee.

“7) Developers of residential structures demolished and replaced by the same owner as the result of a natural disaster such as fire and flooding shall be exempt from paying a development fee.

“5. Nonresidential Development Fees.

“a. *Imposition of Fees.*

“1) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

“2) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

“3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e. land and improvements, and such calculation shall be made at the time a final Certificate of Occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

“b. *Eligible Exactions, Ineligible Exactions and Exemptions for Nonresidential Development.*

“1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.

“2) The two and one-half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

“3) Nonresidential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption". Any exemption claimed by a developer shall be substantiated by that developer.

“4) A developer of a non-residential development exempted from the non-residential development fee shall be subject to the fee at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three (3) years after that event or after the issuance of the final Certificate of Occupancy for the non-residential development, whichever is later.

“5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within

forty-five (45) days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Bernardsville Borough as a lien against the real property of the owner.

(Ord. No. 2008-1503 § 1)

“6. Collection Procedures.

“a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Borough Construction Official responsible for the issuance of a building permit.

“b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

“c. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

“d. Within ninety (90) days of receipt of such notification, the Borough Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

“e. The Construction Official responsible for the issuance of a final Certificate of Occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.

“f. Within ten (10) business days of a request for the scheduling of a final inspection, the Borough Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

“g. Should Bernardsville Borough fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

“h. Fifty (50%) percent of the initially calculated development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the Certificate of Occupancy. The developer

shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of Certificate of Occupancy.

“i. Appeal of Development Fees.

“1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Such a challenge must be made with 45 days from the issuance of the Certificate of Occupancy. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Bernardsville Borough. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

“2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Bernardsville Borough. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within ninety (90) days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(Ord. No. 2008-1503 § 1)

“7. Affordable Housing Trust Fund.

“a. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Bernardsville for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

“b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

“1) Payments in lieu of on-site construction of affordable units or of a fraction of an affordable unit, where permitted by Ordinance or by Agreement with the Borough of Bernardsville;

“2) Funds contributed by developers to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;

“3) Rental income from municipally operated units;

“4) Repayments from affordable housing program loans;

“5) Recapture funds;

“6) Proceeds from the sale of affordable units; and

“7) Any other funds collected in connection with the Bernardsville Borough's affordable housing program.

“c. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.  
(Ord. No. 2008-1503 §1)

“8. Use of Funds.

“a. The expenditure of all funds shall conform to a spending plan approved by the Court, or COAH or its successor agency. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Bernardsville Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, housing rehabilitation, new construction of affordable housing units and related costs, accessory apartments, a market to affordable program, Regional Housing Partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or State standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted by the Court and specified in the approved Spending Plan.

“b. Funds shall not be expended to reimburse Bernardsville Borough for past housing activities.

“c. At least thirty percent (30%) of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third (1/3) of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income for Housing Region 3, in which Bernardsville is located.

“1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

“2) Affordability assistance to households earning thirty percent (30%) or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty percent (30%) or less of median income. The specific programs to be used for very low income affordability assistance shall be identified and described within the Spending Plan.

“3) Payments in lieu of constructing affordable housing units on site, if permitted by Ordinance or by Agreement with the Borough of Bernardsville, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

“d. Bernardsville Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.

“e. No more than twenty percent (20%) of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants’ fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or an affirmative marketing program or rehabilitation program.

“4) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the twenty percent (20%) of collected development fees that may be expended on administration.

“5) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. All other housing rehabilitation costs are considered programmatic and not administrative. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund. (Ord. No. 2008-1503 § 1)

“9. Monitoring.

Bernardsville Borough shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Borough), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Bernardsville’s affordable housing programs, as well as an

accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

**“10. Ongoing Collection of Fees.**

The ability for Bernardsville Borough to impose, collect and expend development fees shall expire with its substantive certification unless Bernardsville Borough has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If Bernardsville Borough fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Bernardsville Borough shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Bernardsville Borough retroactively impose a development fee on such a development. Bernardsville Borough shall not expend development fees after the expiration of its substantive certification or judgment of compliance. (Ord. No. 2008-1503 § 1)”

**Section 2.** There is hereby created a new Section 12-17 entitled “Overlay Zone Districts”

which reads as follows:

**“12-17 AFFORDABLE HOUSING OVERLAY ZONE DISTRICTS**

**“12-17.1 AHO-3 Affordable Housing District**

**“12-17.1.1 Primary Intended Use**

- “a. Affordable family rental multi-family dwellings;
- “b. Market rate multi-family dwellings;
- “c. A commercial use at ground level;
- “d. Parking and facilities in accordance with Section 9-10 of this chapter or Residential Site Improvement Standards as deemed appropriate by the local approving Board;
- “e. Lower level parking that is more than half its height above mean building elevation shall be a story, and
- “f. Other accessory uses customarily incident to the above uses provided they not include any activity commonly conducted for gain unless specifically permitted by this Article.

- “g. Commercial uses are not permitted unless the use is within a mixed-use inclusionary development.
- “h. Inclusionary developments must contain at least five hundred (500) square feet of commercial space at ground floor.
- “i. Buildings on a street corner must contain at least one thousand (1,000) square feet of commercial space at ground floor. If a building has two frontages on a street corner, it must provide at least one thousand (1,000) square feet at each corner.

#### **“12-17.1.2 Required Conditions**

“The following requirements must be complied within the AHO-3 Affordable Housing Districts:

- “a. *Height.* No building shall exceed a maximum of four (4) stories or forty (40 feet in height, whichever is the lesser,
- “b. *Open Space.* No more than ninety-five (95%) percent of a lot may be covered by an impervious surface. Any open space provided at ground level must have at least one (1) dimension measuring at least twenty (20) feet on the side and no dimension measuring smaller than three (3) feet,
- “c. *Driveway Position.* No portion of any driveway hereafter constructed shall be within ten (10) feet of a lot line of an adjacent property,
- “d. *Minimum Lot Area.* The minimum lot area is twenty-four thousand (24,000) sq. ft.
- “e. *Lot Shape.* It must be possible to fit a circle with a diameter of one hundred (100) feet completely within the lot,
- “f. *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,
- “g. *Minimum Floor Area.* Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<u><b>Unit Type</b></u>	<u><b>Minimum Floor Area Square Feet)</b></u>

0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

“Units with more than three (3) bedrooms are not permitted.

- “h. The maximum number of dwelling units shall be 32 units per acre, producing 80 rental units which shall include fifteen (15) percent or 12 units for affordable family rental households.
- “i. There shall be a minimum of three (3) affordable family rental units provided for every 24,000 square feet of lot area.
- “j. Minimum distance between apartment buildings is twenty (20) feet.
- “k. No building shall contain more than twenty (20) dwellings.

#### **“12-17-1.3 Design Standards**

- “a. 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, this section shall apply.
- “b. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
- “c. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- “d. 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.
- “e. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank, windowless or featureless walls. Also, large expanses of windows, including curtain-wall windows and other design elements not at a human scale, are strongly discouraged.
- “f.

- “g. The type, shape, pitch, feature and color of any roof shall be architecturally compatible with the building style, material, colors and details of other buildings in the area.
- “h. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
- “i. 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.”
- “j. Green building strategies are encouraged in the AHO-3 Overlay Zone

## **“12-17.2 AHO-4 Affordable Housing District**

### **“12-17.2.1 Primary Intended Use**

- “a. Affordable family multi-family dwellings:
  - “1. Townhouses
  - “2. Apartments
- “b. Parking and facilities in accordance with Section 9-10 of this chapter or Residential Site Improvement Standards as deemed appropriate by the local approving Board, and
- “c. Other accessory uses customarily incident to the above uses provided they not include any activity commonly conducted for gain unless specifically permitted by this Article.

### **“12-17.2.2 Required Conditions**

“The following requirements must be complied within the AHO-4 Affordable Housing Districts:

- “a. *Height.* No building shall exceed a maximum of three and a half (3.5) stories or forty (40) feet in height, whichever is the lesser,
- “b. *Front Yard.* There shall be a front yard of not less than fifty (50) feet,
- “c. *Side Yards.* There shall be two (2) side yards, and no side yard shall be less than twenty (20) feet,

- “d. *Rear Yards.* There shall be a rear yard of at least fifty (50) feet,
- “e. *Driveway Position.* No portion of any driveway hereafter constructed shall be within ten (10) feet of a lot line of an adjacent property,
- “f. *Minimum Lot Area.* The minimum lot area is twenty-five acres.
- “g. *Lot Shape.* It must be possible to fit a circle with a diameter of one hundred seventy (170) feet completely within the lot,
- “h. *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,
- “i. *Minimum Floor Area.* Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<u>Unit Type</u>	<u>Minimum Floor Area Square Feet)</u>
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

Units with more than 3 bedrooms are not permitted.

- “j. At least six (6) affordable family rental units shall be for very low-income households.
- “k. Minimum distance between buildings is twenty (20) feet.
- “l. Maximum density is 14 family rental dwelling units per non-critical area. Critical areas include: slopes of 15% or greater, wetlands, lakes, ponds and open waterways, and conservation easements. Fifteen (15%) percent of total dwelling units shall be for affordable family rental households; or twenty percent (20%) of total dwelling units shall be for affordable owner-occupied family households.

### “12-17.2.3 Design Standards

- “a. 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, this section shall apply.
- “b. Overall development shall have a compatible design, architectural and landscaping scheme for the site,
- “c. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
- “d. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- “e. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.
- “f. 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.
- “g. Buildings shall be designed so as to prevent exterior elevations from containing large expanses of blank, windowless or featureless walls. Also, large expanses of windows, including curtain-wall windows and other design elements not at a human scale, are strongly discouraged.
- “h. The type, shape, pitch, feature and color of any roof shall be architecturally compatible with the building style, material, colors and details of other buildings in the area.
- “i. Flat roofs shall be enclosed by parapets or other appropriate architectural details.”
- “j. Green building strategies are encouraged in the AHO-4 Overlay Zone

**Section 3.** Paragraph “a” entitled “Zoning Map Amendments” in subsection 12-2.2 entitled “Zoning Map” is hereby supplemented and amended by adding the following new paragraphs which read as follows:

- “2. The Zoning Map is amended to change the designation of Block 71, Lots 4, 5, 5.01 and 6-11 fronting on Quimby Lane (west side) to AHO-3 Affordable Housing Overlay in addition to its zoning designation of B-1 Business District.
- “3. The Zoning Map is amended to change the destination of Block 100, Lots 2 and 2.23-2.49 and Block 145, Lots 1 and 2, Quarry site to AHO-4 Affordable Housing Overlay 4 in addition to its zoning designation of I Industrial District.”
- “4. The Zoning Map of the Borough of Bernardsville is amended to change the designation of Block 62, Lot 2 fronting on Childs Road to AH-I Affordable Housing 1 from OB Office Zone District.
- “5. The Zoning Map of the Borough of Bernardsville is amended to change the zoning designation of Block 125, Lot 25 fronting on North Finley Avenue to AH-2 Affordable Housing District from R-3 Residence District.
- “6. The Zoning Map of the Borough of Bernardsville is amended to change the designation of Block 80, Lot 15.38 municipal property fronting on Mine Brook Road to AH-3 from R-10A Multi-Family Housing District.
- “7. The Zoning Map of the Borough of Bernardsville is amended to change the designation of Block 80, Lot 59 fronting on Mine Brook Rd. to AH-4 Affordable Housing from R-4 Residence District.
- “8. The Zoning Map of the Borough of Bernardsville is amended to change the designation of Block 115, Lots 1 & 2 fronting on Pine Street/Kiwanis Field to AH-5 from R-4 Single-Family Housing District.

**Section 4.** Paragraphs “m” and “n” in subsection 12-25.2 entitled “Conditional Uses

Permitted” are amended in their entirety to read as follows:

“12-25.2 Conditional Uses Permitted

\*\*\*\*\*

“m. *Accessory Dwelling Unit, Detached.* Accessory dwelling units created pursuant to this chapter shall comply with the provisions of the New Jersey Uniform Construction Code (N.J.A.C. 5:23). For purposes of this section, "living area" shall mean all rooms and enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, including bathrooms, laundries, pantries, foyers, communicating corridors, closets and storage space, excluding unfinished basements, garages, unfinished storage areas and other unfinished areas. The following conditions shall be met:

“1. A detached accessory dwelling unit shall only be permitted in the R-1 and R-1-10 Residence Districts on lots containing at least double the minimum area required by subsections 12-5.3g and 12-22.3g.

“2. There shall be no more than one (1) principal residence and one (1) detached accessory dwelling unit on any one (1) property.

“3. The detached accessory dwelling unit shall be for the sole use of the on-site domestic employees, members of the immediate family or nonpaying short-term guests of the resident of the principal residence, except when the Owner is approved to rent units under the Borough’s Accessory Apartment Program. In any event, the detached accessory dwelling unit shall not be occupied by more than four (4) persons.

“4. The living area of a newly constructed or converted detached accessory dwelling unit shall not exceed one thousand five hundred (1,500) square feet.

“5. A newly constructed accessory dwelling unit or proposed conversion of an existing building to an accessory dwelling unit must meet the setback requirements of a principal building.

“6. The dwelling structure shall comply with the Uniform Construction Code and Uniform Fire Code Requirements to the extent required by the Construction Official.

“7. No lot containing a principal residence and a detached accessory dwelling unit shall be subdivided unless each resulting lot with its improvements complies in all respects with the requirements of this section and the requirements of the R-1 Residence District or R-1-10 District.

“8. The applicant shall submit at the time of seeking conditional use approval, and annually thereafter, a certification on forms provided by the Borough, as follows:

“(a) That the detached accessory dwelling unit is occupied by on-site domestic employees of the residents of the principal residence or by members of the immediate family or short-term, nonpaying guest of the residents of the principal residence, except when the Owner is approved to rent units under the Borough’s Accessory Apartment Program. In any event, the detached accessory dwelling unit shall be occupied by no more than four (4) persons.

“(b) That the detached accessory dwelling unit is not a rental unit and no rent is paid on account of the occupancy of the accessory apartment, except when the Owner is approved to rent units under the Borough’s Accessory Apartment Program.

“(c) That the living area of the detached dwelling unit is not a rental unit and no rent is paid on account of the occupancy of

the accessory apartment, except when the Owner is approved to rent units under the Borough's Accessory Apartment Program.

“(d) That upon any violation of this section or the certification, determined by the appropriate Borough official, the violation shall be abated and the owner shall be subject to the penalties set forth in Article 16 of this Code.

“9. Prior to issuance of a building permit for the detached accessory dwelling unit, a new deed shall be recorded in the Somerset County Clerk's Office containing a restriction stating that the detached accessory dwelling unit must be used in strict compliance with this section.

“n. *Accessory Dwelling Unit, Internal.* Accessory dwelling units created pursuant to this chapter shall comply with the provisions of the New Jersey Uniform Construction Code (N.J.A.C. 5:23). For purposes of this section, "living area" shall mean all rooms and enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking or eating purposes, including bathrooms, laundries, pantries, foyers, communicating corridors, closets and storage space, excluding unfinished basements, garages, unfinished storage areas and other unfinished areas. The following conditions shall be met:

“1. An accessory dwelling unit that is within an existing dwelling structure (internal to the building) shall only be permitted in the R-1 and R-1-10 Residence Districts on lots containing at least double the minimum area required by subsections 12-5.3g and 12-22.3g.

“2. There shall be no more than one (1) principal residence and one (1) attached accessory dwelling unit on any one (1) property.

“3. The accessory dwelling unit shall be for the sole use of the on-site domestic employees, members of the immediate family or nonpaying short-term guests of the resident of the principal residence, except when the Owner is approved to rent units under the Borough's Accessory Apartment Program. In any event, the accessory dwelling unit shall not be occupied by more than four (4) persons.

“4. The living area of an internal accessory dwelling unit shall not exceed one thousand five hundred (1,500) square feet.

“5. The dwelling structure shall comply with the Uniform Construction Code and Uniform Fire Code Requirements to the extent required by the Construction Official.

“6. No lot containing a principal residence and a detached accessory dwelling unit shall be subdivided unless each resulting lot with its improvements complies in all respects with the requirements of this section and the requirements of the R-1 Residence District or R-1-10 District.

“7. The applicant shall submit at the time of seeking conditional use approval, and annually thereafter, a certification on forms provided by the Borough, as follows:

“(a) That the accessory dwelling unit is occupied by on-site domestic employees of the residents of the principal residence or by members of the immediate family or short-term, nonpaying guest of the residents of the principal residence, except when the Owner is approved to rent units under the Borough’s Accessory Apartment Program. In any event, the accessory dwelling unit shall be occupied by no more than four (4) persons.

“(b) That the accessory dwelling unit is not a rental unit and no rent is paid on account of the occupancy of the accessory apartment, except when the Owner is approved to rent units under the Borough’s Accessory Apartment Program.

“(c) That the living area of the accessory dwelling unit is not a rental unit and no rent is paid on account of the occupancy of the accessory apartment, except when the Owner is approved to rent units under the Borough’s Accessory Apartment Program.

“(d) That upon any violation of this section or the certification, determined by the appropriate Borough official, the violation shall be abated and the owner shall be subject to the penalties set forth in Article 16 of this Code.

“8. Prior to issuance of a building permit for the accessory dwelling unit, a new deed shall be recorded in the Somerset County Clerk's Office containing a restriction stating that the accessory dwelling unit must be used in strict compliance with this section.”

**Section 5.** There is hereby created a new Section 12-20 entitled “Affordable Housing Zone Districts” which reads as follows:

## **“12-20 AFFORDABLE HOUSING ZONE DISTRICTS**

### **A. AH-1 AFFORDABLE HOUSING DISTRICT**

#### **“12-20.1 Primary Intended Use**

“a. Affordable family rental multi-family dwellings:

“1. Townhouses

“2. Apartments

“b. Parking and facilities in accordance with Section 9-10 of this chapter or Residential Site Improvement Standards as deemed appropriate by the local approving Board,

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

“d. No more than one (1) principal building on a lot.

#### **“12-20.2 Required Conditions**

“The following requirements must be complied with in the AH-1 Affordable Housing Districts:

“a. *Height*. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is the lesser,

“b. *Front Yard*. There shall be a front yard of not less than fifteen (15) feet,

“c. *Side Yards*. There shall be two (2) side yards, and no side yard shall be less than ten (10) feet,

“d. *Rear Yards*. There shall be a rear yard of at least ten (10) feet,

“e. *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.

“f. *Minimum Floor Area*. Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<b><u>Unit Type</u></b>	<b><u>Minimum Floor Area Square Feet</u></b>
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

Units with more than 3 bedrooms are not permitted.

- “g. The maximum number of dwelling units shall not exceed 6 affordable family rental units.

### **“12-20.3 Design Standards**

- “a. 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.
- “b. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
- “c. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- “d. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.
- “e. 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.
- “f. 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.
- “g. 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.
- “h. Flat roofs shall be enclosed by parapets or other appropriate architectural details.

“i. 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.”

“j. Green building strategies are encouraged in the AH-1 Zone

## **“B. AH-2 AFFORDABLE HOUSING DISTRICT**

### **“12-20.4 Primary Intended Use**

“a. Affordable family rental multi-family dwellings:

“1. Townhouses

“2. Apartments

“b. Parking and facilities in accordance with Section 9-10 of this chapter or Residential

“c. Site Improvement Standards as deemed appropriate by the local approving Board

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

### **“12-20.5 Required Conditions**

“The following requirements must be complied with in the AH-2 Affordable Housing Districts:

“a. *Height*. No building shall exceed a maximum of three (3.0) stories or thirty-five (35) feet in height, whichever is the lesser.

“b. *Front Yard*. There shall be a front yard of not less than twenty-five (25) feet.

“c. *Side Yards*. There shall be two (2) side yards, and no side yard shall be less than twenty (20) feet.

“d. *Rear Yards*. There shall be a rear yard of at least twenty (20) feet.

“e. *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.

- “f. *Minimum Floor Area.* Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<u>Unit Type</u>	<u>Minimum Floor Area Square Feet</u>
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

Units with more than 3 bedrooms are not permitted.

- “g. The maximum number of dwellings shall not exceed 24, at least 20 shall be rental age-restricted affordable dwellings.
- “h. At least one-third of the affordable dwelling units shall be for very low-income households as defined in the definitions.
- “i. Minimum distance between buildings is twenty (20) feet.
- “j. No townhouse building shall contain more than eight (8) dwellings. No apartment building shall contain more than twelve (12) dwellings.

#### **“12-20.6 Design Standards**

- “a. 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.
- “b. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
- “c. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- “d. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.
- “e. 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.

- “f. 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.
- “g. The type, shape, pitch, feature and color of a roof shall be architecturally compatible with the building style, material, colors and details.
- “h. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
- “j. 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.”
- “k. Green building strategies are encouraged in the AH-2 Zone

## **“C. AH-3 AFFORDABLE HOUSING DISTRICT**

### **“12-20.7 Primary Intended Use**

- “a. Affordable family rental multi-family dwellings:
  - “1. Townhouses
  - “2. Apartments
- “b. Parking and facilities in accordance with Section 9-10 of this chapter or Residential Site Improvement Standards as deemed appropriate by the local approving Board,
- “c. Other accessory uses customarily incident to the above uses provide they not include any activity commonly conducted for gain unless specifically permitted by this Article, and

### **“12-20.8 Required Conditions**

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

- “a. *Height.* No building shall exceed a maximum of three (3.0) stories or thirty-five (35) feet in height, whichever is the lesser.

“b. *Front Yard*. There shall be a front yard of not less than thirty-five (35) feet.

“c. *Side Yards*. There shall be two (2) side yards, and no side yard shall be less than twenty (20) feet.

“d. *Rear Yards*. There shall be a rear yard of at least ten (10) feet.

“e. *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.

“f. *Minimum Floor Area*. Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<u>Unit Type</u>	<u>Minimum Floor Area Square Feet</u>
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

Units with more than 3 bedrooms are not permitted.

“g. The maximum number of family rental affordable dwellings shall not exceed sixteen (16), providing one (1) unit is very low income.

“h. Minimum distance between buildings is twenty (20) feet.

#### **“12-20.9 Design Standards**

“a. 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.

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

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

- “d. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.
- “e. 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.
- “f. 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.
- “g. 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.
- “h. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
- “i. 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.”
- “j. Green building strategies are encouraged in the AH-3 Zone

#### **“D. 13-10 AH-4 AFFORDABLE HOUSING DISTRICT**

##### **“12-20.10 Primary Intended Use**

- “a. Affordable family rental multi-family dwellings:
  - “1. Townhouses
  - “2. Apartments
- “b. Parking and facilities in accordance with Section 9-10 of this chapter or Residential Site Improvement Standards as deemed appropriate by the local approving Board,
- “c. Other accessory uses customarily incident to the above uses provide they not include any activity commonly conducted for gain unless specifically permitted by this Article.

##### **“12-20.11 Required Conditions**

“The following requirements must be complied with in the AH-1 Affordable Housing Districts:

- “a. *Height*. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is the lesser.
- “b. *Front Yard*. There shall be a front yard of not less than twenty-five (25) feet.
- “c. *Side Yards*. There shall be two (2) side yards, and no side yard shall be less than ten (10) feet.
- “d. *Rear Yards*. There shall be a rear yard of at least fifteen (15) feet.
- “e. *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.
- “f. *Minimum Floor Area*. Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<u>Unit Type</u>	<u>Minimum Floor Area Square Feet</u>
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

Units with more than 3 bedrooms are not permitted.

- “g. The maximum number of dwelling units shall not exceed 10 affordable family units.
- “h. Minimum distance between buildings is twenty (20) feet.

#### “12-20.12 Design Standards

- “a. 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 timeshall apply.

- “b. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
- “c. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- “d. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.
- “e. 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.
- “f. 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.
- “g. 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.
- “h. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
- “i. 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.”
- “j. Green building strategies are encouraged in the AH-4 Zone

**“E. 13-9 AH-5 AFFORDABLE HOUSING DISTRICT**

**“12-20.13 Primary Intended Use**

- “a. Affordable family rental multi-family dwellings:
  - “1. Townhouses
  - “2. Apartments

- “b. Parking and facilities in accordance with Section 9-10 of this chapter or Residential Site Improvement Standards as deemed appropriate by the local approving Board.
- “c. Other accessory uses customarily incident to the above uses provide they not include any activity commonly conducted for gain unless specifically permitted by this Article.

**“12-20.14 Required Conditions**

“The following requirements must be complied with in the AH-5 Affordable Housing Districts:

- “a. *Height*. No building shall exceed a maximum of two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is the lesser.
- “b. *Front Yard*. There shall be a front yard of not less than twenty-five (25) feet.
- “c. *Side Yards*. There shall be two (2) side yards, and no side yard shall be less than ten (10) feet.
- “d. *Rear Yards*. There shall be a rear yard of at least twenty-five (25) feet.
- “e. *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.
- “f. *Minimum Floor Area*. Every dwelling hereafter erected shall have a minimum floor area excluding garages of:

<u>Unit Type</u>	<u>Minimum Floor Area Square Feet</u>
0 Bedroom (Studio)	500
1 Bedroom	675
2 Bedrooms	900
3 Bedrooms	1000

Units with more than 3 bedrooms are not permitted.

- “g. The maximum number of family rental affordable dwellings shall not exceed eight (8) units.
- “h. Minimum distance between buildings is fifteen (15) feet.

#### **“12-2-.15 Design Standards**

- “a. 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.
- “b. New buildings shall relate to existing buildings and other structures in the vicinity that have a visual relationship to the site.
- “c. Multiple buildings on a single tract shall be designed so as to be architecturally compatible with one another, utilizing common color schemes and materials.
- “d. Building facades shall be consistent with the size, scale and setbacks of adjacent buildings and those where there is a visual relationship.
- “e. 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.
- “f. 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.
- “g. 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.
- “h. Flat roofs shall be enclosed by parapets or other appropriate architectural details.
- “i. 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.”
- “j. Green building strategies are encouraged in the AH-5 Zone

**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: \_\_\_\_\_  
Kevin Sooy, Mayor

---

*1<sup>st</sup> Reading and Introduction:* \_\_\_\_\_  
*1<sup>st</sup> 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):* \_\_\_\_\_  
*2<sup>nd</sup> Reading and Adoption:* \_\_\_\_\_  
*2<sup>nd</sup> Publication:* \_\_\_\_\_  
*Filing with County Planning Board:* \_\_\_\_\_

**BOROUGH OF BERNARDSVILLE  
RESOLUTION #18-147  
AUTHORIZING RENEWAL OF A.B.C. LICENSES**

**WHEREAS**, applications for July 1, 2018 to June 30, 2019 were filed with the A.B.C.:

<b>NAME</b>	<b>ADDRESS</b>	<b>TYPE</b>	<b>NUMBER</b>
Due Terre LLC T/A Osteria Morini	107 Morristown Rd.	C	1803-33-004-010
Mountainside Partnership Inc. T/A Monterey Gourmet Shop	167 Morristown Rd.	D	1803-44-005-005
Bernardsville Wine Co. LLC T/A Gary's Wine & Marketplace	100 Morristown Rd.	D	1803-44-007-007
Wine Holdings, Inc. T/A 56 Degree Wine	25 Claremont Rd.	D	1803-44-008-010
JDJ Bistro, LLC T/A Station Pub & Grub 41 Minebrook Rd.	Hampshire Co. 83 South St. Morristown, NJ 07960	C	1803-33-012-005
JDJ Bernards Inn T/A The Bernards Inn	27 Mine Brook Rd.	C	1803-33-013-012

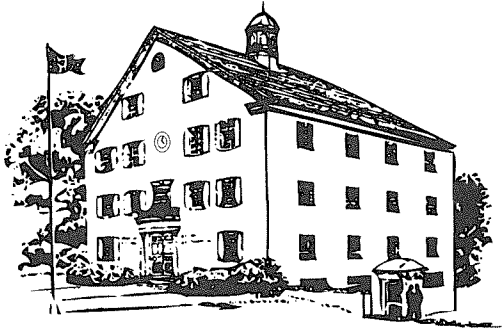
**WHEREAS**, inspection reports have been received from the Health Officer, Building, Zoning, Fire Officials and the Bernardsville Police Department, and no conditions were found which would preclude renewal; and

**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, 2018.

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 11, 2018



## ***Borough of Bernardsville***

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

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

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

### **RESOLUTION #18-148**

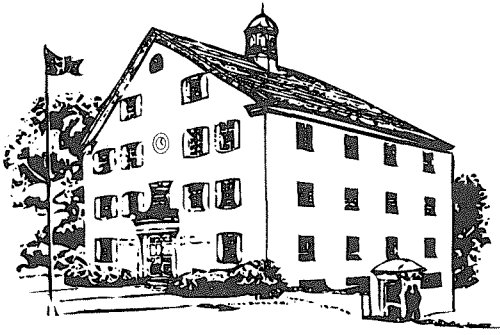
#### **AUTHORIZING REFUND OF ESCROW FEES**

**BE IT RESOLVED**, by the Borough Council to authorize a refund of escrow fees in the amount of \$425.00 to CRJ Contracting, 7 Commerce Street, Suite 2, Somerville, NJ 08876, as requested in an email dated May 30, 2018 from Toni DelNero of CRJ Contracting's Human Resources Department.

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 11, 2018.

\\resolutions\escrowfees

---



## *Borough of Bernardsville*

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

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

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

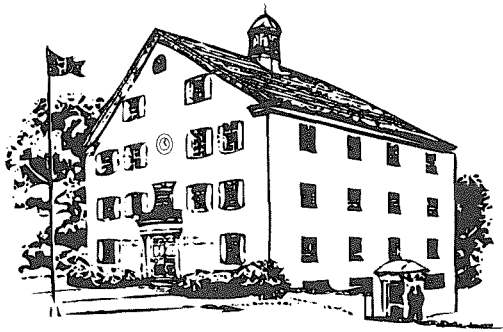
### **RESOLUTION #18 - 149**

#### **AUTHORIZING RELEASE OF BONDS FOR STREET OPENING PERMITS**

**BE IT RESOLVED** by the Borough Council, pursuant to a recommendation from the Public Works Manager in a letter dated May 31, 2018, to authorize the release of the \$350.00 Street Opening escrow bonds for the following permits:

#2314A	Our Lady of Perpetual Help, 111 Claremont Road, Bernardsville, NJ 07924
#2649A	Christine Cerza (nee Zukowsky), 10 Flintlock Court, Bernardsville, NJ 07924
#2749A	Luis Gualpa, 17 Dayton Crescent, Bernardsville, NJ 07924
#2750A	Clear Cut Excavating, 75 Bernards Avenue, Bernardsville, NJ 07924
#2767A	Boulder Construction, LLC, 2560 US Rte 22, #345, Scotch Plains, NJ 07076
#2907	Frazee's Cable Services, Inc., 7 Cherry Lane, Blairstown, NJ 07825
#2936	S.E. Rose Trucking and Excavating, Inc., 27 Passaic Avenue, Warren, NJ 07059

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 11, 2018.



## *Borough of Bernardsville*

166 Mine Brook Road  
Bernardsville, NJ 07924  
Somerset County

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

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

### **RESOLUTION #18 - 150**

#### **AUTHORIZING FORFEITURE OF BONDS FOR STREET OPENING PERMITS**

**BE IT RESOLVED** by the Borough Council, pursuant to a recommendation from the Public Works Manager in a letter dated May 31, 2018, to authorize the forfeiture of the \$350.00 Street Opening escrow bonds for the following permits:

#2508A	JBL Electric; Electrical Work on Boulderwood Drive - Bad repair
#2567A	John Salaki; Sewer Connection at 34 Dayton Crescent - Unable to locate

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 11, 2018.

**BERNARDSVILLE BOROUGH  
RESOLUTION #18-151**

**AWARDING A CONTRACT TO SUMMIT MEDICAL GROUP FOR THE LEASE OF  
SUITE 102 IN THE LOWER LEVEL OF THE BOROUGH LIBRARY**

**WHEREAS**, Summit Medical Group is the current tenant in Suite 102 in the lower level of the Borough Library pursuant to a Lease Agreement which ended March 5, 2018; and

**WHEREAS**, it is in the Borough's best interest not to have any vacancies in the lower level of the library; and

**WHEREAS**, bids were received on June 5, 2018 for the lease of Suite 102 of the lower level of the library, which measures 2,743 sq. ft.; and

**WHEREAS**, the Borough received one bid for the leasing of the space, which was submitted by the current tenant Summit Medical Group; and

**WHEREAS**, Summit Medical Group's bid was \$29.47 per sq. ft. for the base rent; and

**WHEREAS**, Borough Facilities manager Douglas Walker, in a June 6, 2018 memorandum, recommended awarding a lease to Summit Medical Group in accordance with its June 5, 2018 bid, for a three-year term, with a base rent of \$29.47 per sq. ft;

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

1. The contract for the lease of Suite 102 for the lower level of the library as described in the preamble is hereby awarded to Summit Medical Group in accordance with its June 5, 2018 bid.
2. The Mayor and Clerk are hereby authorized and directed to sign a Lease Agreement with Summit Medical Group in form satisfactory to Facilities manager Douglas Walker and the Borough Attorney.

---

**I, Anthony Suriano**, Clerk of the Borough of Bernardsville, hereby certifies 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 11, 2018.

---

Anthony Suriano, Clerk

**BOROUGH OF BERNARDSVILLE  
RESOLUTION #18-152**

**AUTHORIZING AN AGREEMENT WITH THE SOMERSET HILLS REGIONAL  
SCHOOL DISTRICT TO PROVIDE SPECIAL POLICE OFFICERS  
IN DISTRICT SCHOOLS**

**WHEREAS**, the Somerset Hills Regional School District (the “District”) has asked the Borough Police Department to place two special police officers in District schools to ensure the security and safety of the students, faculty and staff; and

**WHEREAS**, the Special Law Enforcement Officers’ Law at N.J.S.A. 40A:14-146.8, et seq. was amended in 2016 to establish a new category of Class III Special Law Enforcement Officers (SLEO III’s) comprised of retired law enforcement officers who are authorized to provide security in the State’s public and non-public schools; and

**WHEREAS**, the Chief of Police and Borough Administrator have negotiated an agreement with the District which would place two SLEO III officers in the District schools; and

**WHEREAS**, the agreement further provides that the District will reimburse the Borough \$115,000 for these SLEO IIIs; and

**WHEREAS**, the governing body has determined that it is in the best interest of the Borough and its residents, as well as the District to provide this service;

**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 Borough Clerk are hereby authorized and directed to execute a contract with the Somerset Hills Regional School District to place two SLEO IIIs in the District schools as outlined in the preamble.

2. The form of the agreement shall be subject to the approval of the Borough Attorney.
3. The term of the initial agreement shall be for the 2018-2019 school year.

**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 11, 2018.

---

Anthony Suriano, Clerk

## RESOLUTION 18-153

### AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	5,829.02
04 Escrow	\$	3,968.75
05 Construction Trust	\$	-
06 Outside Employment	\$	2,025.00
10 Current Fund	\$	316,031.41
12 Animal Control Trust	\$	-
20 Payroll	\$	227,172.07
33 Capital Fund	\$	84,568.96
40 Sewer Utility Fund	\$	23,446.54
55 Sewer Capital	\$	-
70 COAH Trust	\$	13,715.30
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	-
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	516.93
78 General Trust	\$	-
79 Bernardsville Community Garden Trust	\$	-
81 Snow Removal Trust Fund	\$	-
82 Accumulated Absences Trust Fund	\$	-
85 Recreation Trust	\$	-
<b>TOTAL</b>	<b>\$</b>	<b>677,273.98</b>

---

---

---

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 11, 2018

---

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/07/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
2049	5760 - ANTHONY'S RESTAURANT	PO 100087 PIZZA FOR SENIOR PARTY		170.00	
	01-G17-0110-0401	YOUTH SERVICES - 2017 MBSR - CHAPTER 159	170.00		170.00
2050	4304 - BEDMINSTER BOARD OF EDUCATION	PO 100664 BE WELL - BEDMINSTER SCHOOL		2,000.00	
	01-G17-0110-0364	Municipal Alliance 2017	1,380.20		
	01-G17-0110-0386	SO. CO. YOUTH SERV. BEDMINSTER. 159	619.80		2,000.00
2051	358 - LUDLOW HEATING & COOLING CO.	PO 100369 Reclaim and Recycle Refrigerant fro		1,520.00	
	01-G17-0110-0380	Recycling Tonnage2017	1,520.00		1,520.00
2052	5864 - REILLY SWEEPING	PO 100309 2018 Road Sweeping Services		1,024.00	
	01-G17-0110-0361	Clean Communities 2017 - Chap. 159	1,024.00		1,024.00
2053	4213 - SHERRIE CALISH	PO 100720 PROGRAM COORDINATOR SALARY - MAY		385.00	
	01-G17-0110-0389	Municipal Alliance Boro2017	385.00		385.00
TOTAL					5,099.00

Total to be paid from Fund 01 STATE & FEDERAL GRANTS

5,099.00

5,099.00

## **Checks Previously Disbursed**

1029	PAYROLL ACCOUNT	PO# 100717 6/1/18 PAYROLL - DEFENSIVE DRIVI	730.02 6/01/2018
			730.02

Total paid from Fund 01 STATE & FEDERAL GRANTS

730.02

730.02

Total for this Bills List: **5,829.02**

# List of Bills - (0410101001000) CASH - MILLINGTON - ESCROW ESCROW

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/08/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
2069	6386 - BURGIS ASSOCIATES, INC	PO 100754 PB Planner contract & application s		75.00	
	04-280-5000-1059	ESCROW-#SP-233 B'VILLE STORG B10 L2.24	75.00		75.00
2070	6386 - BURGIS ASSOCIATES, INC	PO 100758 BOA Planner contract & application		1,162.50	
	04-280-4000-0097	ESCROW - YORK 318-05 B35 L7	262.50		
	04-280-4000-0093	ESCROW - ROBERTS #18-01 B50 L1	525.00		
	04-280-4000-0096	ESCROW - THOMA #18-04 B112 L1.02	150.00		
	04-280-4000-0095	ESCROW - HORSFIELD #18-03 B112 L1.03	150.00		
	04-280-4000-0094	ESCROW - FITZPATRICK #18-02 B53 L13	75.00		1,162.50
2071	1307 - FERRIERO ENGINEERING, INC	PO 100751 PB Engineer contract & application		205.50	
	04-280-6000-0052	ESCROW - BERNARDSVILLE CENTRE E&I ACCT	68.50		
	04-280-5000-1059	ESCROW-#SP-233 B'VILLE STORG B10 L2.24	137.00		
		PO 100756 BOA Engineer contract & application		1,438.25	
	04-280-4000-0097	ESCROW - YORK 318-05 B35 L7	137.00		
	04-280-4000-0093	ESCROW - ROBERTS #18-01 B50 L1	205.50		
	04-280-4000-0094	ESCROW - FITZPATRICK #18-02 B53 L13	308.25		
	04-280-4000-0095	ESCROW - HORSFIELD #18-03 B112 L1.03	68.50		
	04-280-6000-0063	ESCROW-NGC DEVP ENG INSP SCH A,B,C	719.00		1,643.75
2072	5805 - LOUIS P. RAGO, ESQ	PO 100755 BOA Attorney contract & application		1,000.00	
	04-280-4000-0093	ESCROW - ROBERTS #18-01 B50 L1	500.00		
	04-280-4000-0094	ESCROW - FITZPATRICK #18-02 B53 L13	500.00		1,000.00
2073	5632 - VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C	PO 100750 PB Attorney contract & application		87.50	
	04-280-5000-1060	ESCROW-BVILLE CTR #SP-213-F3 B64 L1.01&2	87.50		87.50
TOTAL					3,968.75
Total to be paid from Fund 04 ESCROW			3,968.75		
			=====		
			3,968.75		

Report Printed 2018-06-07 15:47:39

Boro of Bernardsville Click here to save CSV (Excel) Version

# Disbursements Journal - (06) OUTSIDE EMPLOYMT OFF DUTY-MU

From 06/01/2018 to 06/11/2018

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
6/01/2018	1536	100713		06-285-0600-1008	JCP&L	300.00		
				06-285-0600-1038	VOLLERS	1,050.00		
				06-285-0600-1007	PSE&G	300.00		
				06-285-0600-1066	COMCAST/TELECABLE	375.00		
			6095		PAYROLL ACCOUNT		2,025.00	06-101-0100-2000

## SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
06-101-0100-2000	CASH - MILLINGTON BANK - POLICE O/S DUTY				2,025.00
06-285-0600-1007	RESERVE FOR MISC. REVENUE-PSE&G		300.00		
06-285-0600-1008	DON'T USE -JCP&L/FIRST ENERGY		300.00		
06-285-0600-1038	RESERVE FOR MISC.-VOLLERS		1,050.00		
06-285-0600-1066	RESERVE FOR MISC - COMCAST/TELECABLE		375.00		
TOTALS (FOR RANGE):			2,025.00		2,025.00

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/08/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
46149	6311 - ACTION DATA SERVICES	PO 100707 PAYROLL INVOICE PERIOD END DATE 5/1		408.43	
	10-C00-0110-0205	FINANCE DEPT. - GENERAL EXPENSE	408.43		408.43
46150	1806 - ALLIED OIL LLC (CORP)	PO 100512 GASOLINE - MAY 2018 (ESTIMATE)		1,976.71	
	10-C00-0315-0220	GASOLINE - PREMIUM GAS	1,976.71		1,976.71
46151	5263 - ALPHA DOG SOLUTIONS, INC	PO 100259 MONTHLY WEBSITE MAINTNEANCE & HOSTIN		1,420.00	
	10-C00-0112-0205	TECH.INF.SYSTEM - GENERAL EXP.	1,420.00		1,420.00
46152	4500 - AMERICAN BRICKWORK & CONCRETE, INC	PO 100732 Repair and pool walkways and dolphi		500.00	
	10-C00-0271-0213	SWIM POOL - REPAIRS	500.00		500.00
46153	6063 - AMERICAN WEAR, INC	PO 100557 UNIFORMS/MATS SERVICE - ACCOUNT 635		52.50	
	10-C00-0220-0206	STREETS & ROADS - UNIFORMS	52.50		52.50
46154	6063 - AMERICAN WEAR, INC	PO 100558 UNIFORMS SERVICE - ACCOUNT 635100 -		250.00	
	10-C00-0220-0206	STREETS & ROADS - UNIFORMS	250.00		250.00
46155	5595 - ANIMAL CONTROL SOLUTIONS, LLC	PO 100346 24 HOUR ANIMAL CONTROL COVERAGE - A		1,479.00	
	10-C00-0260-0204	ANIMAL CONTROL - MISCELLANEOUS	1,479.00		1,479.00
46156	4214 - ATLANTIC TACTICAL OF NJ, INC	PO 99154 Elbeco L/S UNDERVEST		1,185.00	
	10-A00-0195-0206	(2017) POLICE - UNIFORMS	1,185.00		1,185.00
46157	4943 - ATLANTIC TOMORROW'S OFFICE	PO 100696 Plotter supplies		367.00	
	10-C00-0156-0205	ZONING/HOUSE -GENERAL EXP.	367.00		367.00
46158	4333 - BERNARDSVILLE HARDWARE	PO 100769 VARIOUS SUPPLIES FOR BORO - MAY 201		355.19	
	10-C00-0220-0205	STREETS & ROADS - GEN. EXPENSE	179.69		
	10-C00-0271-0204	SWIM POOL - MISCELLANEOUS	175.50		355.19
46159	3581 - BRIAN KELLY	PO 100649 REIMBURSE FOR ATLANTIC CITY OEM CON		118.54	
	10-C00-0195-0208	POLICE-EDUCATION-CONFERENCE & TRAVEL EXP	118.54		118.54
46160	6386 - BURGIS ASSOCIATES, INC	PO 100754 PB Planner contract & application s		375.00	
	10-C00-0150-0225	PLANNING BOARD - CONSULTANT	375.00		375.00
46161	6409 - CHRIS LUCKENBACH	PO 100646 REIMBURSE HOTEL FEES, 4 NIGHTS, NJE		363.60	
	10-C00-0195-0208	POLICE-EDUCATION-CONFERENCE & TRAVEL EXP	363.60		363.60
46162	3409 - DEBLYN SCREEN PRINTERS	PO 100678 streamers for Memorial Day Parade		120.00	
	10-C00-0272-0203	RECREATION - GENERAL EXPENSES	120.00		120.00
46163	386 - DELTA DENTAL OF NEW JERSEY, INC	PO 100764 June 2018 DENTAL BENEFITS PAYMENT*		2,274.72	
	10-C00-0175-0225	GROUP INSURANCE - DENTAL BNFTS	2,274.72		2,274.72
46164	1934 - BUREAU OF STATE USE INDUSTRIES	PO 100547 2500 POLICE DEPARTMENT ENVELOPES		127.50	
	10-C00-0195-0201	POLICE - OFFICE SUPPLIES	127.50		127.50

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/08/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
46165	6207 - DWYER GEOSCIENCES, INC. 10-A00-0165-0204	PO 98962 REVISION TO WELL TEST ORDINANCE (2017) ENVIRON. COMM. - MISCELLANEOUS	1,000.00	1,000.00	1,000.00
46166	3521 - ENVIRONMENTAL TECHNOLOGY, INC. 10-A00-0140-0211	PO 99345 Wetlands Delineation and FW GP 17 C (2017) ENGINEERING - ENGINEERING EXP.	750.00	750.00	750.00
46167	6318 - FASTSIGNS 10-C00-0272-0203	PO 100464 Dates for Memorial Day sign RECREATION - GENERAL EXPENSES	62.22	62.22	62.22
46168	1307 - FERRIERO ENGINEERING, INC 10-C00-0155-0204	PO 100756 BOA Engineer contract & application BOARD OF ADJ. - MISCELLANEOUS	753.50	753.50	753.50
46169	2487 - FLAGSHIP HEALTH SYSTEMS INC 10-C00-0175-0225	PO 100765 JUNE 2018 DENTAL BENEFITS PAYMENT - GROUP INSURANCE - DENTAL BNFTS	308.91	308.91	308.91
46170	4769 - FORD MOTOR CREDIT CO LLC 10-C00-0200-0250	PO 100668 2017 CHEVY TAHOE - 1GNSKDEC0HR31808 PURCHASE OF POLICE CARS	18,480.18	18,480.18	18,480.18
46171	120 - FOSTER & COMPANY, INC. 10-C00-0220-0224	PO 100269 SUPPLIES STREETS & ROADS - SUPPLIES	41.18	41.18	41.18
46172	1619 - GARDEN STATE LABORATORIES INC 10-C00-0145-0241	PO 100019 Water Fountain Testing Polo Grounds BUILD. & GROUNDS - REC. FIELD MAINT.	75.00	75.00	75.00
46173	1619 - GARDEN STATE LABORATORIES INC 10-C00-0271-0209	PO 100611 Weekly Pool Testing SWIM POOL - WATER TESTING	75.00	75.00	75.00
46174	6415 - GFA LLC 10-C00-0110-0203	PO 100632 QPA STATE REVIEW CLASS TINA MARKEWI FINANCE DEPT - EDUCATION	300.00	300.00	300.00
46175	3864 - GTEM INC 10-C00-0195-0225	PO 100461 MDT DL SCANNER REPLACEMENT CABLES A POLICE-COMPUTER MAINT/SOFTWARE	389.50	389.50	389.50
46176	87 - JCP&L 10-C00-0310-0220 10-C00-0145-0231 10-C00-0225-0202	PO 100745 JCP&L MAY 2018 ELECTRICITY - BILLS BUILD. & GROUNDS - LIBRARY TENANTS EXP. STREET LIGHTING	2,905.89 63.04 809.25	3,778.18	3,778.18
46177	2581 - UCPO POLICE ACADEMY TRAINING ACCT 10-C00-0195-0203	PO 100691 INTERVIEW AND INTERROGATIONS CLASS- POLICE - EDUCATION & TRAINING EXPENSES	72.00	72.00	72.00
46178	6378 - JOHNNY ON THE SPOT 10-C00-0145-0240	PO 99994 ADA Portable Restroom Thomas Peter' BUILD. & GROUNDS - REC. BUILDING MAINT.	86.45	86.45	86.45
46179	6378 - JOHNNY ON THE SPOT 10-C00-0145-0240	PO 99995 ADA Portable Restroom Rose Bowl 166 BUILD. & GROUNDS - REC. BUILDING MAINT.	86.45	86.45	86.45
46180	6378 - JOHNNY ON THE SPOT 10-C00-0145-0240	PO 99996 ADA Restroom Claremont Park, 4 Park BUILD. & GROUNDS - REC. BUILDING MAINT.	86.45	86.45	86.45

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/08/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
46181	6378 - JOHNNY ON THE SPOT 10-C00-0145-0240	PO 100442 One Standard and One ADA Port o Pot BUILD. & GROUNDS - REC. BUILDING MAINT.	311.80	311.80	311.80
46182	6247 - JOY AUTO PARTS 10-C00-0246-0206	PO 99842 OPEN PURCHASE ORDER FOR POLICE VEHI VEHICLE MAINT. - POLICE	28.44	28.44	28.44
46183	6247 - JOY AUTO PARTS 10-C00-0246-0207	PO 100675 Parts and Tools VEHICLE MAINT.-STREETS & ROADS	135.19	135.19	135.19
46184	4188 - MATTHEW BENDER & CO. INC 10-C00-0195-0202	PO 100690 NJ CRIMINAL JUSTICE CODE 2018 LOOSE POLICE - DUES & SUBSC.	185.70	185.70	185.70
46185	4185 - LIFESAVER, INC. 10-C00-0195-0203	PO 100651 ADMIN FEE FOR 3 AHA, BLS AND CPR CA POLICE - EDUCATION & TRAINING EXPENSES	18.00	18.00	18.00
46186	5805 - LOUIS P. RAGO, ESQ 10-C00-0155-0215	PO 100755 BOA Attorney contract & application BOARD OF ADJ. - ATTORNEY	2,660.00	2,660.00	2,660.00
46187	322 - MGL FORMS PRINTING SOLUTIONS,LLC 10-C00-0120-0214 10-C00-0120-0205	PO 100597 TAX & SEWER DELINQUENT NOTICES/PTR TAX COLLECTOR - BILLING TAX COLLECTOR - GEN. EXPENSE	293.00 64.00	357.00	357.00
46188	98 - MJ NEILL, INC 10-C00-0315-0230	PO 100738 DIESEL USAGE - MAY 2018* GASOLINE - DIESEL	2,169.41	2,169.41	2,169.41
46189	4796 - MTS INTELIGENCE SURVELANCE SOLUTION 10-A00-0112-0205	PO 99503 UPGRADE PD CAMERAS FROM ANALOG TO I (2017) TECH.INF.SYSTEM - GENERAL EXP.	11,173.63	11,173.63	11,173.63
46190	6175 - NEOFUNDS BY NEOPOST 10-C00-0100-0209	PO 100740 POSTAGE FOR BOROUGH HALL - ACCOUNT ADMIN. & EXEC. - POSTAGE	1,000.00	1,000.00	1,000.00
46191	6270 - NEOPOST USA INC 10-C00-0100-0209	PO 100697 INK FOR SUITE 103/SEALER BRUSH FOR ADMIN. & EXEC. - POSTAGE	215.00	215.00	215.00
46192	78 - N.J.P.T.O.A. 10-C00-0195-0202	PO 100689 2018 DUES-SCOTT CHERTOFF POLICE - DUES & SUBSC.	50.00	50.00	50.00
46193	12 - NJ STATE LEAGUE OF MUNICIPALITIES 10-C00-0100-0205	PO 100555 Registration for Christine Zamarra ADMIN. & EXEC. - GEN. EXPENSES	25.00	25.00	25.00
46194	3535 - PERMAKILL EXTERMINATING CO LLC 10-C00-0271-0213	PO 100584 rodents at pool SWIM POOL - REPAIRS	350.00	350.00	350.00
46195	5999 - PRAXAIR DISTRIBUTION INC 10-C00-0271-0206	PO 100633 CO2 Tanks - BLANKET PO SWIM POOL - CHEMICALS/WATER	24.00	24.00	24.00
46196	4435 - PROFESSIONAL GOVERNMENT EDUCATORS 10-C00-0120-0203	PO 100012 SEMINARS - LESLIE ROBERSON/TAX COLL TAX COLLECTOR - EDUCATION	90.00	90.00	90.00
46197	6204 - R & H TRUCK PARTS & SERVICE, INC.	PO 98730 TRUCK PARTS		60.05	

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/08/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS PO 100429 TRUCK PARTS & SERVICE	60.05	115.69	
	10-C00-0246-0207	VEHICLE MAINT.-STREETS & ROADS	115.69		175.74
46198	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS, PO 100290 Remove and Replace Mulch at Pool Pa			3,850.00	
	10-C00-0145-0245	BUILD. & GROUNDS - SWIM POOL COMPLEX	3,850.00		3,850.00
46199	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS, PO 100305 Annual Borough Hall Ornamental Flow			929.00	
	10-C00-0145-0215	BUILD. & GROUNDS - GROUND MNT.	929.00		929.00
46200	5573 - RAVE WIRELESS, INC PO 100695 2ND YR OF 3 YR RENEWAL-4/1/18 - 3/3			5,641.00	
	10-C00-0190-0207	COMMUNICATIONS - EMERGENCY ALERT SYSTEM	5,641.00		5,641.00
46201	31 - RECORDER PUBLISHING CO PO 100749 5/31 PUBLICATIONS - ACCOUNT 000142			144.33	
	10-C00-0102-0207	MUNICIPAL CLERK-ADVERTISING	78.54		
	10-C00-0110-0205	FINANCE DEPT. - GENERAL EXPENSE	65.79		144.33
46202	6420 - RENEE APUZZO PO 100768 MILEAGE AND PARKING ZONING CLASSES			199.67	
	10-C00-0156-0203	ZONING/HOUSE -EDUCATION	199.67		199.67
46203	5910 - RIDGE PAINTING COMPANY, LLC PO 100504 Painting of pool facility			5,630.00	
	10-C00-0271-0216	SWIM POOL - POOL PAINTING	5,630.00		5,630.00
46204	4961 - SAKOUTIS BROTHERS DISPOSAL PO 99643 Garbage Container Removal and Dispo			1,384.30	
	10-C00-0235-0213	LANDFILL - DISPOSAL OF WASTE	1,384.30		1,384.30
46205	5108 - SERVICEMASTER ABSOLUTE CLEANING LLC PO 100108 Borough Hall Cleaning April through			1,367.87	
	10-C00-0145-0225	BUILD. & GROUNDS - CLEANING SERVICES	1,367.87		1,367.87
46206	3325 - SOUTH JERSEY ENERGY PO 100763 GAS & ELECTRIC COMMODITY 4/23/18-5/			37.61	
	10-C00-0225-0202	STREET LIGHTING	37.61		37.61
46207	6373 - SPORTSFIELD SPECIALTIES, INC PO 100053 TURF Field equipment			4,680.00	
	10-C00-0272-0208	RECREATION - SPORTS/BASKETBALL	4,680.00		4,680.00
46208	38 - STAPLES BUSINESS ADVANTAGE PO 99196 OFFICE SUPPLIES #7187388607			169.73	
	10-A00-0100-0201	(2017) ADMIN. & EXEC. - OFFICE SUPPLY	125.99		
	10-A00-0102-0205	(2017) MUNICIPAL CLERK-GEN. EXPENSE	13.79		
	10-A00-0120-0201	(2017) TAX COLLECTOR - OFFICE SUPPLY	29.95		
		PO 100647 2 BLACK TONERS FOR DISPATCH PRINTER		154.90	
	10-C00-0190-0201	COMMUNICATIONS - OFFICE SUPPLY	154.90		324.63
46209	330 - NJ DIVISION OF ALCOHOLIC BEVERAGE C PO 100742 ABC License Renewal Applications fo			36.00	
	10-C00-0102-0205	MUNICIPAL CLERK-GEN. EXPENSE	36.00		36.00
46210	3983 - TEAM LIFE INC PO 100652 2 LITHIUM BATTERIES FOR POWERHEART			558.00	
	10-C00-0195-0205	POLICE - GENERAL EQUIPMENT	558.00		558.00
46211	4080 - THE GUARD PIPES & DRUM PO 100370 MEMORIAL DAY PARADE - MAY 28, 2018			1,000.00	
	10-C00-0275-0250	CELEBRATION OF PUBLIC EVENTS	1,000.00		1,000.00

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/08/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
46212	6342 - THERMA STOR LLC	PO 100617 Replacement Air Filters for Claremo		121.00	
	10-C00-0145-0240	BUILD. & GROUNDS - REC. BUILDING MAINT.	121.00		121.00
46213	5802 - TRUGREEN	PO 99987 Rosebowl 2018 Fert Program		220.00	
	10-C00-0145-0241	BUILD. & GROUNDS - REC. FIELD MAINT.	220.00		220.00
46214	3488 - VERIZON	PO 100700 FIOS - ACCT# 554-658-975-0001-21 -		139.99	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	139.99		139.99
46215	61 - VERIZON	PO 100728 TELEPHONE BILLS MAY 20-JUNE 19*		40.32	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	40.32		40.32
46216	61 - VERIZON	PO 100729 TELEPHONE BILLS MAY 20-JUNE 19*		1,894.52	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	1,894.52		1,894.52
46217	1632 - VERIZON WIRELESS (NEWARK)	PO 100766 WIRELESS PHONES 4/26/18-5/25/18*		4,301.00	
	10-C00-0305-0225	TELEPHONE - MOBILE PHONES	4,034.93		
	10-C00-0100-0211	ADMIN. & EXEC. - CHRISTINE ZAMARRA	38.01		
	10-C00-0100-0212	ADMIN. & EXEC. - MICHAEL SULLIVAN	38.01		
	10-C00-0100-0213	ADMIN. & EXEC. - TOM O'DEA	38.01		
	10-C00-0100-0214	ADMIN. & EXEC. - CHRIS SCHMIDT	38.01		
	10-C00-0100-0215	ADMIN. & EXEC. - MAYOR'S EXP.	38.01		
	10-C00-0100-0216	ADMIN. & EXEC. - JEFFREY DELEO	38.01		
	10-C00-0100-0217	ADMIN. & EXEC. - MICHAEL DEPOORTERE	38.01		4,301.00
46218	6345 - VIGILANT SOLUTIONS LLC	PO 99515 MOBLIE LPRS		11,000.00	
	10-A00-0195-0205	(2017) POLICE - GENERAL EQUIPMENT	11,000.00		11,000.00
46219	868 - VIKING TERMITE & PEST CONTROL INC	PO 100703 Carpenter Ant Control Annual Contra		160.00	
	10-C00-0145-0244	BUILD. & GROUNDS - POLICE	160.00		160.00
46220	90 - VILLAGE SUPERMARKET	PO 100753 PARADE AND POOL		121.21	
	10-C00-0272-0203	RECREATION - GENERAL EXPENSES	26.26		
	10-C00-0271-0204	SWIM POOL - MISCELLANEOUS	94.95		121.21
46221	2599 - VITAL COMMUNICATIONS, INC.	PO 100631 INSTALLATION AND CONFIGURATION OF V		250.00	
	10-C00-0156-0206	ZONING/HOUSE - COMPUTER EXP.	250.00		250.00
46222	4682 - WINDSTREAM	PO 100741 MAY 2018 PHONE CHARGES*		826.10	
	10-C00-0305-0215	TELEPHONE - PHONE BILLS	826.10		826.10
TOTAL					101,543.67
Total to be paid from Fund 10 CURRENT FUND			101,543.67		
			-----		
			101,543.67		

Checks Previously Disbursed

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/08/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
10352	PAYROLL ACCOUNT	PO# 100718 6/1/18 PAYROLL	214,487.74	6/01/2018	
			-----		
			214,487.74		
Total paid from Fund 10 CURRENT FUND		214,487.74			
		-----			
		214,487.74			
Total for this Bills List: 316,031.41					

Report Printed 2018-06-07 15:52:58

Boro of Bernardsville Click here to save CSV (Excel) Version

# Disbursements Journal - (20) PAYROLL AGENCY

From 06/01/2018 to 06/11/2018

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
6/01/2018	1530	100715		20-280-5600-0855	PAYROLL TAXES PAYABLE NJ STATE TAX	7,399.66		
				20-280-5600-0858	PAYROLL TAXES PAYABLE PA STATE TAX	18.45		
				20-280-5600-0852	PAYROLL TAXES PAYABLE FEDERAL	20,177.55		
				20-280-5600-0853	PAYROLL TAXES PAYABLE FICA EE	8,578.11		
				20-280-5600-0854	PAYROLL TAXES PAYABLE MEDICARE EE	3,045.10		
				20-280-5600-0903	PAYROLL TAXES PAYABLE EMPLOYEE SUI	408.22		
				20-280-5600-0901	PAYROLL TAXES PAYABLE EMPLOYER S.S	8,578.11		
				20-280-5600-0902	PAYROLL TAXES PAYABLE EMPLOYER MED	3,045.10		
				20-280-5600-0903	PAYROLL TAXES PAYABLE EMPLOYER SUI	672.38		
				20-280-5600-0898	PAYABLE - GARNISHMENT C. D'AMATO ID # CS911	546.92		
				20-280-5600-0895	PAYABLE - PBA UNION DUES	342.00		
				20-280-5600-0893	PAYABLE - DPW UNION DUES	144.00		
				20-280-5600-0890	PAYABLE - DEFERRED COMPENSATION PLAN	2,743.02		
				20-280-5600-0899	PAYABLE - VISION	403.61		
				20-280-5600-0882	PAYABLE - DCRP EMPLOYEE	845.78		
				20-280-5600-0883	PAYABLE - DCRP EMPLOYER	461.33		
				20-280-5600-0870	PAYABLE - PERS	8,298.40		
				20-280-5600-0871	PAYABLE - PERS LOAN	1,991.11		
				20-280-5600-0874	PAYABLE - PERS CONT. INS.	534.16		
				20-280-5600-0877	PAYABLE - PFRS	8,119.26		
				20-280-5600-0878	PAYABLE - PFRS LOAN	1,635.90		
			20397		ACTION DATA SERVICES-PAYROLL		77,988.17	20-101-0100-2000
6/01/2018	1531	100710		20-280-5600-0850	NET PAYROLL PAYABLE	1,806.91		
			20398		ACTION DATA SERVICES-PAYROLL		1,806.91	20-101-0100-2000
6/01/2018	1537	100711		20-280-5600-0900	PAYROLL DIRECT DEPOSIT	147,376.99		
			20399		ACTION DATA SERVICES-PAYROLL		147,376.99	20-101-0100-2000

## SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
20-101-0100-2000	CASH - MILLINGTON - PAYROLL				227,172.07
20-280-5600-0850	NET PAYROLL PAYABLE		1,806.91		
20-280-5600-0852	PAYROLL TAXES PAYABLE - FEDERAL		20,177.55		
20-280-5600-0853	PAYROLL TAXES PAYABLE - FICA		8,578.11		
20-280-5600-0854	PAYROLL TAXES PAYABLE - MEDICARE		3,045.10		
20-280-5600-0855	PAYROLL TAXES PAYABLE - NJ STATE TAX		7,399.66		
20-280-5600-0858	PAYROLL TAXES PAYABLE - PA TAX		18.45		
20-280-5600-0870	PAYABLE - P.E.R.S.		8,298.40		
20-280-5600-0871	PAYABLE - P.E.R.S. LOAN		1,991.11		
20-280-5600-0874	PAYABLE - P.E.R.S. - CONTRIBUTORY INS.		534.16		
20-280-5600-0877	PAYABLE - P.F.R.S.		8,119.26		
20-280-5600-0878	PAYABLE - P.F.R.S. - LOAN		1,635.90		
20-280-5600-0882	DCRP-5.5% (EMPLOYEE CONTRIBUTION)		845.78		
20-280-5600-0883	DCRP-3% (EMPLOYER CONTRIBUTION)		461.33		
20-280-5600-0890	PAYABLE - DEFERRED COMPENSATION PLAN		2,743.02		
20-280-5600-0893	PAYABLE - DPW UNION DUES		144.00		
20-280-5600-0895	PAYABLE - PBA DUES		342.00		
20-280-5600-0898	PAYABLE-GARNISHMENT		546.92		
20-280-5600-0899	PAYABLE - VISION		403.61		
20-280-5600-0900	PAYABLE - DIRECT DEPOSIT		147,376.99		
20-280-5600-0901	PAYROLL TAXES PAYABLE - EMPLOYER S.S		8,578.11		
20-280-5600-0902	PAYROLL TAXES PAYABLE MED		3,045.10		
20-280-5600-0903	PAYROLL TAXES PAYABLE - EMPLOYER SUI		1,080.60		
TOTALS (FOR RANGE):			227,172.07		227,172.07

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/07/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
5310	4787 - ALL FENCE COMPANY LLC	PO 100462 FENCING AROUND BABY POOL		5,440.00	
	33-215-2700-1001	18-1761 - RECREATION - POOL EQUIPMENT	5,440.00		5,440.00
5311	5820 - JTG CONSTRUCTION INC	PO 98990 Liberty Road Improvements Project -		54,473.32	
	33-215-1400-1004	Ord. 15-1691DrainageVarious Roads	54,473.32		54,473.32
5312	4993 - R. MADDALUNA LANDSCAPE CONTRACTORS, PO 100302 PLANTING OF 5 CHERRY TREES AT NEW T			3,050.00	
	33-215-2600-1000	CAP ORD 18-1759 - TURF FIELD IMPROVEMENT	3,050.00		3,050.00
5313	6373 - SPORTSFIELD SPECIALTIES, INC	PO 100340 SAFETY NETTING SYSTEM AND INSTALLAT		21,605.64	
	33-215-2600-1000	CAP ORD 18-1759 - TURF FIELD IMPROVEMENT	21,605.64		21,605.64
TOTAL					84,568.96

Total to be paid from Fund 33 CAPITAL FUND

84,568.96

=====

84,568.96

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/07/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
8668	6063 - AMERICAN WEAR, INC 40-C00-0101-0206 SEWER - UNIFORMS	PO 100556 UNIFORMS/MATS SERVICE - ACCOUNT 635		279.75	
			279.75		279.75
8669	4352 - BERNARDS TOWNSHIP SEWERAGE AUTHORIT 40-C00-0101-0240 SEWER - BERNARDS/SEWER CHARGE	PO 100701 SEWER BILLS 12/1/17-5/31/18*		33.48	
			33.48		33.48
8670	4333 - BERNARDSVILLE HARDWARE 40-C00-0101-0205 SEWER - GENERAL EXPENSES	PO 100769 VARIOUS SUPPLIES FOR BORO - MAY 201		719.99	
			719.99		719.99
8671	386 - DELTA DENTAL OF NEW JERSEY, INC 40-C00-0101-0230 SEWER - GROUP INSURANCE	PO 100764 June 2018 DENTAL BENEFITS PAYMENT*		254.70	
			254.70		254.70
8672	2780 - KEN KELEHER 40-C00-0101-0205 SEWER - GENERAL EXPENSES	PO 100643 MEAL ALLOWANCE - APRIL 2018		15.00	
			15.00		15.00
8673	4349 - MAPLECREST FORD 40-C00-0101-0208 SEWER - VEHICLE REPAIRS	PO 100677 Hand Hold (Airbag Cover)		86.71	
			86.71		86.71
8674	322 - MGL FORMS PRINTING SOLUTIONS,LLC 40-C00-0101-0205 SEWER - GENERAL EXPENSES	PO 100597 TAX & SEWER DELINQUENT NOTICES/PTR		442.00	
			442.00		442.00
8675	4835 - ONE CALL CONCEPTS 40-C00-0101-0205 SEWER - GENERAL EXPENSES	PO 100569 ONE CALL SERVICES FOR APRIL-DECEMBE		357.50	
			357.50		357.50
8676	2322 - PAN METRO SERVICES 40-C00-0101-0213 SEWER - PLANT MAINTENANCE	PO 100666 2nd Quarter Inspections and Repairs		1,260.00	
			1,260.00		1,260.00
TOTAL					3,449.13
Total to be paid from Fund 40 SEWER UTILITY FUND			3,449.13		
			3,449.13		

## Checks Previously Disbursed

100716	PAYROLL ACCOUNT	PO# 100716 6/1/18 PAYROLL	19,997.41	6/01/2018
				19,997.41
Total paid from Fund 40 SEWER UTILITY FUND			19,997.41	
			19,997.41	

Total for this Bills List: **23,446.54**

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

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/07/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
2022	5366 - CGP&H, LLC 70-286-5685-4002 MISC. EXP COAH	PO 100770 ADMINISTRATIVE AGENT & PLANNING SER	10,485.30	10,485.30	10,485.30
2023	1307 - FERRIERO ENGINEERING, INC 70-286-5685-4002 MISC. EXP COAH	PO 100751 PB Engineer contract & application	342.50	342.50	342.50
2024	6046 - LANZA & LANZA LLP 70-286-5685-4002 MISC. EXP COAH	PO 100747 ATTORNEY FOR MT. LAUREL LITIGATION	525.00	525.00	525.00
2025	5632 - VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C 70-286-5685-4002 MISC. EXP COAH	PO 100750 PB Attorney contract & application	2,362.50	2,362.50	2,362.50
TOTAL					13,715.30

Total to be paid from Fund 70 COAH TRUST

13,715.30

=====

13,715.30

# **List of Bills - (7710101002000) CASH - MILLINGTON - RAILROAD RAILROAD STATION TRUST**

Meeting Date: 06/11/2018 For bills from 05/30/2018 to 06/07/2018

Check#	Vendor	Description	Account	PO Payment	Check Total
23	6043 - JCP&L	PO 100709 JCP&L 5/24/18-6/8/18		6.05	
	77-286-5685-3003	MISC.EXP-- RAILROAD STATION 100%	6.05		6.05
24	61 - VERIZON	PO 100743 908-204-3475 347 38Y - TRAIN STATI		68.13	
	77-286-5685-3003	MISC.EXP-- RAILROAD STATION 100%	68.13		68.13
TOTAL					----- 74.18

Total to be paid from Fund 77 RAILROAD STATION TRUST	74.18
	=====
	74.18

## **Checks Previously Disbursed**

77081	PAYROLL ACCOUNT	PO# 100712 6/1/18 PAYROLL RAILROAD	442.75	6/01/2018
			-----	
			442.75	

Total paid from Fund 77 RAILROAD STATION TRUST	442.75
	-----
	442.75

**Total for this Bills List: 516.93**