

BOROUGH OF BERNARDSVILLE
Mayor & Borough Council Meeting Agenda
January 22, 2018 – 7:00 p.m.

1. **CALL MEETING TO ORDER**

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

2. **STATEMENT OF PRESIDING OFFICER**

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

3. **PLEDGE OF ALLEGIANCE**

4. **PRESENTATION**

- 4A. Joint Session with Planning Board and Board of Adjustment
- 4B. Board of Adjustment Annual Report
- 4C. Ridewise - Street Smart

5. **APPROVAL OF MINUTES**

December 28, 2017 (Mr. Youngblood and Mr. Schmidt were absent)
January 3, 2018 (Mr. Schmidt was absent)
January 8, 2018 (Mr. DeLeo was absent)

Motion:

6. **OPEN SESSION**

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

7. **ORDINANCES**

Moved by _____ that Ordinance #18-1757, **AN ORDINANCE ESTABLISHING A CONSTRUCTION RECORDS CLEARANCE CERTIFICATE AND SUPPLEMENTING AND AMENDING CHAPTER XIII OF THE BOROUGH CODE ENTITLED "BUILDING AND HOUSING"**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, February 12, 2018.

Second:

Vote:

Moved by _____ that Ordinance #18-1758, **AN ORDINANCE PROVIDING FOR IMPROVEMENT OF MINE MOUNT ROAD BY THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY, AND MAKING AN APPROPRIATION OF \$223,500 THEREFOR CONSTITUTING PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**, be introduced by title, passed on first reading, published according to law, and that a public hearing be scheduled for a meeting beginning at 7:00 p.m., Monday, February 12, 2018.

Second:

Vote:

8. **RESOLUTIONS**

#18-24 ACCEPTING MONTHLY REPORTS

**#18-25 APPOINTING ROBERT ROSENDALE AS TEMPORARY
BUILDING SUBCODE OFFICIAL**

**#18-26 AUTHORIZING CHANGE ORDER #1 (FINAL) TO THE
CONTRACT FOR HIGHVIEW AVENUE IMPROVEMENTS**

- #18-27 SUPPLEMENTING RESOLUTION #18-17 BY ADDING AN
 ADDITIONAL WRECKER SERVICE**
- #18-28 AUTHORIZING MEMORANDUM OF AGREEMENT (MOA)
 WITH COACH U.S.A. - SUBURBAN TRANSPORT, INC. TO
 PROVIDE EMERGENCY EVACUATION SERVICES
 FOR THE OFFICE OF EMERGENCY MANAGEMENT**
- #18-29 AUTHORIZING AUDITORS TO COMPLETE FINANCIAL
 DOCUMENTS**
- #18-30 AUTHORIZING PAYMENT OF BILLS**
- #18-31 AUTHORIZING TRANSFER OF APPROPRIATION RESERVES**
- #18-32 APPOINTING JOHN SKINNER PART-TIME SUBSTITUTE
 DISPATCHER**
- #18-33 AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT
 WITH NGC DEVELOPMENT, LLC IN CONNECTION WITH
 PROPERTY LOCATED AT 88 AND 108 CLAREMONT ROAD,
 (BLOCK 37, LOT 18.01 AND BLOCK 68, LOT 9)**

Moved:
Second:
Roll call vote:

9. REPORTS

- 9A. Municipal Attorney
- 9B. Council Public Safety Committee
- 9C. Council Finance & Personnel Committee
- 9D. Council Engineering, Technology & Public Works Committee
- 9E. Other committee/commission reports

10. **ITEMS OF BUSINESS**

10A. Feral Cats at Borough Compost Site

10B. Code Blue Activation Plan

10C. Reimbursement to Bonnie Sellers for SurveyMonkey

10D. Request from Community In Crisis for Temporary Sign Permit

10E. Correspondence

11. **OPEN SESSION**

12. **CLOSED SESSION**

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

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

Seconded:

Vote:

13. **REOPEN AND ADJOURNMENT**

**BERNARDSVILLE BOROUGH
ORDINANCE 2018- 1757**

**AN ORDINANCE ESTABLISHING A CONSTRUCTION RECORDS CLEARANCE
CERTIFICATE AND SUPPLEMENTING AND AMENDING CHAPTER XII OF THE
BOROUGH CODE ENTITLED "BUILDING AND HOUSING"**

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

Section 1. There is hereby created a new section 12-4 entitled "Construction Records Clearance Certificate" which reads as follows:

12-4 CONSTRUCTION RECORDS CLEARANCE CERTIFICATE

12-4.1 When Required.

a. No building or structure shall be occupied in whole or in part prior to the issuance of a certificate of construction records clearance (CRC). A CRC shall be required prior to the sale of any residential or commercial structure and prior to the rental of any tenant space in a commercial structure within the Borough.

b. Exceptions. The following transactions are exempt from obtaining a CRC as long as no change in physical occupancy occurs:

- 1 Transfer of title to correct a previously recorded deed.
- 2 Title eligible to be recorded as an ancient deed pursuant to N.J.S.A. 46:16-7.
- 3 Transfer of title between husband and wife, whether or not relating to divorce, or between former spouses if the transfer is incident to an order or judgment from any court of competent jurisdiction.
- 4 Transfer of title relating to new construction for which a certificate of occupancy is required.
- 5 Transfer of title by or to an executor, administrator or court order which affects a distribution of a descendant's estate in accordance with the provisions of the descendant's will or the intestate laws of the state.

- 6 Transfer of title due to refinancing, home equity loans, second mortgages.
7. Transfer of title by or to a receiver, trustee in bankruptcy or liquidation, or assignee for the benefit of creditors.

12-4.2 Responsibility.

No owner shall permit the sale of a residential or commercial premises or rental of a residential or commercial premises covered under this section unless the requisite CRC has been issued. No purchaser or tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners, tenants and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least 10 business days prior to the change of ownership and/or occupancy on the form provided by the Borough.

12-4.3 Preoccupancy Records Inspection.

Prior to the issuance of any such certificate for any transaction, the enforcing agency shall conduct a records inspection to ensure that there are no open construction permits on subject premises. Should there be open permits on subject premises, all final inspections and prior approvals shall be obtained and appropriate Uniform Construction Code certificates shall be issued prior to issuance of the CRC.

12-4.4 Fees.

The applicant shall submit with the application a \$35.00 fee to cover the administrative cost:

12-4.5 Violations and Penalties.

- a. Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by a fine not exceeding \$1,000, imprisonment for a period not exceeding 90 days and/or a period of community service no exceeding 90 days.
- b. The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

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

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

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

ATTEST:

**COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET**

Anthony Suriano, Acting Clerk

By: _____
Kevin Sooy, Mayor

Introduction: _____

1st Publication: _____

Public Hearing and Adoption: _____

2nd Publication: _____

**BERNARDSVILLE BOROUGH
ORDINANCE #2018-1758**

**AN ORDINANCE PROVIDING FOR IMPROVEMENT OF MINE MOUNT ROAD BY
THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY,
AND MAKING AN APPROPRIATION OF \$223,500 THEREFOR CONSTITUTING
PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION**

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

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Bernardsville, New Jersey, and there is hereby appropriated therefor the sum of \$223,500 constituting moneys received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement.

Section 2. The improvement heretofore and hereby authorized and purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of Mine Mount Road in and by the Borough, including the construction or reconstruction thereof, together with all inlets, drainage improvements, milling, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and heretofore and hereby approved.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. 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.

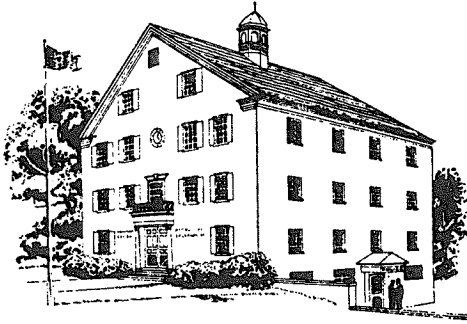
Section 5. This ordinance shall become effective immediately upon final passage and publication as required by law.

ATTEST:

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

Anthony Suriano, Acting Clerk

By: _____
Kevin Sooy, Mayor



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

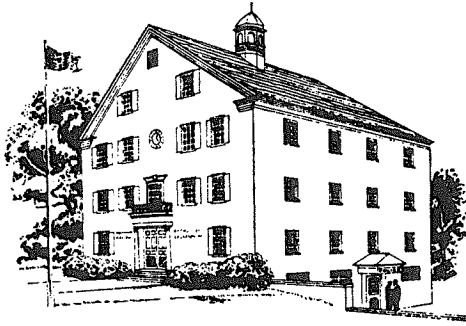
Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788

RESOLUTION #18-25
APPOINTING ROBERT ROSENDALE AS
TEMPORARY BUILDING SUBCODE OFFICIAL

BE IT RESOLVED by the Borough Council of the Borough of Bernardsville to appoint Robert Rosendale as Temporary Building Subcode Official at a salary of \$22.50/hr. retroactive to January 15, 2018.

FURTHER RESOLVED the appointment is subject to provisions of the Personnel Policies of the Borough of Bernardsville.

I, Anthony Suriano, Acting 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 January 22, 2018.



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

Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788

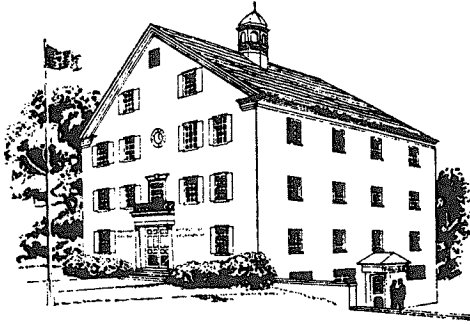
RESOLUTION #18 - 26

**AUTHORIZING CHANGE ORDER #1 (FINAL) TO THE CONTRACT FOR
HIGHVIEW AVENUE IMPROVEMENTS**

WHEREAS, the Public Works Manager recommends Change Order #1 to the contract for the Highview Avenue Improvements project, as discussed in a memo dated January 16, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council to approve Change Order #1 to the contract for the Highview Avenue Improvements project in the amount of (-) \$14,550.38.

I, Anthony Suriano, Acting 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 January 22, 2018.



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

Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788

RESOLUTION #18-27

**SUPPLEMENTING RESOLUTION #18-17 BY ADDING
AN ADDITIONAL WRECKER SERVICE**

WHEREAS, Resolution #18-17 approved Mike's Towing and Recovery, Inc., Morristown Auto Body, Somerset Hills Towing, C & L Towing, Delucas Towing, and Dave's Towing; and

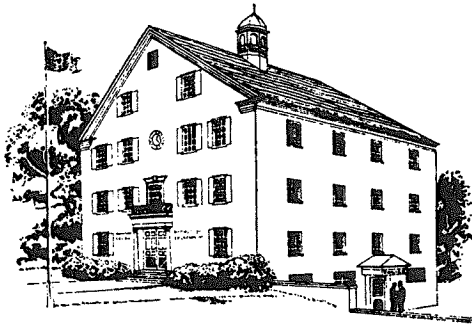
WHEREAS, an additional service has been investigated pursuant to Ordinance 3-5 and the Police Department has advised that Mesler's Towing can be added to the department's list.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council to designate the following wrecker services for use by the Bernardsville Police Department during 2018:

Mike's Towing and Recovery, Inc.
Morristown Auto Body
Somerset Hills Towing
C & L Towing
Delucas Towing
Dave's Towing
Mesler's Towing

I, Anthony Suriano, Acting 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 January 22, 2018.

wreckers add



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

Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788

RESOLUTION #18- 28

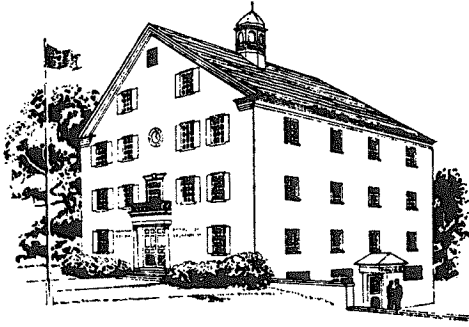
**AUTHORIZING MEMORANDUM OF AGREEMENT (MOA)
WITH COACH U.S.A. - SUBURBAN TRANSPORT, INC. TO
PROVIDE EMERGENCY EVACUATION SERVICES
FOR THE OFFICE OF EMERGENCY MANAGEMENT**

WHEREAS, Chief of Police Kevin Valentine has negotiated an agreement with Coach U.S.A. - Suburban Transport, Inc. in which Coach U.S.A. - Suburban Transport, Inc. agrees to provide emergency evacuation services; and

WHEREAS, the total cost of this agreement will be less than the bid threshold.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bernardsville in the County of Somerset, New Jersey, that the Mayor and Clerk are hereby authorized to execute the memorandum of Agreement (MOA) with Coach U.S.A. - Suburban Transport, Inc. to provide emergency evacuation services for the Borough of Bernardsville Office of Emergency Management.

I, Anthony Suriano, Acting 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 January 22, 2018.



Borough of Bernardsville

166 Mine Brook Road

Bernardsville, NJ 07924

Somerset County

Administration (908) 766-3000

Fax (908) 766-2401

Engineering (908) 766-3850

Fax (908) 766-2788

RESOLUTION #18-29

AUTHORIZING AUDITORS TO COMPLETE FINANCIAL DOCUMENTS

BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville to authorize the firm of Suplee, Clooney & Co. to complete financial documents including the Annual Financial Statement, Annual Debt Statement, and to closeout all financial matters for 2017, for an amount not to exceed \$10,000.

I, Anthony Suriano, Acting 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 January 22, 2018.

auditors

RESOLUTION 18-30

AUTHORIZING PAYMENT OF BILLS

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

01 State & Federal Grants	\$	2,700.32
04 Escrow	\$	1,915.50
05 Construction Trust	\$	11,816.00
06 Outside Employment	\$	13,000.00
10 Current Fund	\$	2,496,408.72
12 Animal Control Trust	\$	112.80
20 Payroll	\$	288,457.18
33 Capital Fund	\$	40,384.71
40 Sewer Utility Fund	\$	34,050.66
55 Sewer Capital	\$	-
70 COAH Trust	\$	3,000.00
71 Fire Prevention Trust	\$	-
72 Open Space Trust	\$	19,235.00
73 Police Law Enforcement	\$	-
74 Public Defender Trust	\$	-
76 Shade Tree Trust	\$	-
77 Railroad Trust	\$	3,173.77
78 General Trust	\$	7,204.04
79 Bernardsville Community Garden Trust	\$	-
81 Snow Removal Trust Fund	\$	-
82 Accumulated Absences Trust Fund	\$	4,459.00
85 Recreation Trust	\$	2,600.00
 TOTAL	 \$	 2,928,517.70

I, Anthony J. Suriano, Acting 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 January 22, 2018

RESOLUTION #18-31
RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATION RESERVES

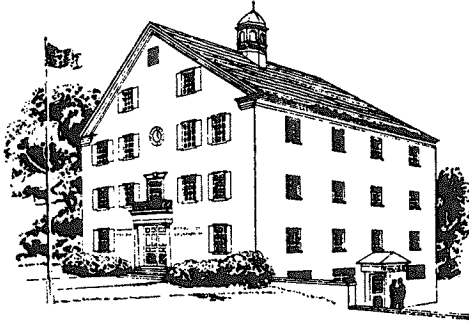
WHEREAS, it has been determined that the following appropriation reserves will be in need of additional funding and NJS 40A:4-58 and 59 permits the transfer of funds from those line items where an excess exists to those appropriations that are expected to be insufficient,

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bernardsville, County of Somerset, that the following budget transfers be made effective January 22, 2018:

CURRENT FUND:	ACCT #	FROM	TO
LANDFILL - OE	10-A00-0235-0200	\$ 12,000.00	XXXXXX
SHADE TREE - OE	10-A00-0160-0200	\$ 8,700.00	XXXXXX
CLERK - OE	10-A00-0102-0200	\$ 490.00	XXXXXX
FINANCE - OE	10-A00-0110-0200	\$ 148.00	XXXXXX
IT - OE	10-A00-0112-0200	\$ 215.00	XXXXXX
TAX ASSESSOR - OE	10-A00-0115-0200	\$ 91.00	XXXXXX
LEGAL - OE	10-A00-0135-0200	\$ 2,398.00	XXXXXX
B&G - OE	10-A00-0145-0200	\$ 295.00	XXXXXX
PLANNING BOARD - OE	10-A00-0150-0200	\$ 1,780.00	XXXXXX
BOARD OF ADJ. - OE	10-A00-0155-0200	\$ 4,500.00	XXXXXX
COMMUNICATIONS - OE	10-A00-0190-0200	\$ 115.00	XXXXXX
BOARD OF HEALTH - OE	10-A00-0250-0200	\$ 195.00	XXXXXX
RECREATION - OE	10-A00-0272-0200	\$ 1,400.00	XXXXXX
CONSTRUCTION - OE	10-A00-0285-0200	\$ 230.00	XXXXXX
GAS - NATURAL	10-A00-0320-0200	\$ 660.00	XXXXXX
ASSESSOR - S&W	10-A00-0115-0100	XXXXXX	\$ 875.00
UNEMPLOYMENT	10-A00-0350-0200	XXXXXX	\$ 381.00
POLICE - S&W	10-A00-0195-0100	XXXXXX	\$ 4,447.00
CLERK - S&W	10-A00-0102-0100	XXXXXX	\$ 593.00
FINANCE - S&W	10-A00-0110-0100	XXXXXX	\$ 223.00
TAX COLLECTOR - S&W	10-A00-0120-0100	XXXXXX	\$ 444.00
ZONING/HOUSING - S&W	10-A00-0156-0100	XXXXXX	\$ 885.00
STREETS & ROADS - S&W	10-A00-0220-0100	XXXXXX	\$ 2,101.00
IT - S&W	10-A00-0112-0100	XXXXXX	\$ 394.00
STREETS & ROADS - OE	10-A00-0220-0200	XXXXXX	\$ 5,200.00
ENGINEERING	10-A00-0140-0200	XXXXXX	\$ 7,800.00
POLICE - OE	10-A00-0195-0100	XXXXXX	\$ 600.00
TELEPHONE - OE	10-A00-0305-0215	XXXXXX	\$ 550.00
FIRE HYDRANT - OE	10-A00-0180-0220	XXXXXX	\$ 3,000.00
A&E - OE	10-A00-0100-0100	XXXXXX	\$ 5,724.00
		\$ 33,217.00	\$ 33,217.00

I, Anthony Suriano, Acting Borough Clerk of the Borough of Bernardsville in the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough Council of the Borough of Bernardsville in the County of Somerset in the State of New Jersey on January 22, 2018.

Anthony Suriano
Acting Borough Clerk



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

Administration (908) 766-3000 Fax (908) 766-2401
Engineering (908) 766-3850 Fax (908) 766-2788

RESOLUTION #18 - 32

APPOINTING JOHN SKINNER PART-TIME SUBSTITUTE DISPATCHER

WHEREAS, Lt. John Gardner has recommended appointing John Skinner as a part-time substitute dispatcher; and

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

(1) John Skinner is hereby appointed as a part-time substitute dispatcher effective immediately, at a salary of \$15.00/hr while training and \$20.00/hr after training is completed.

(2) the appointment is subject to provisions of the Personnel Policies of the Borough of Bernardsville.

I, Anthony Suriano, Acting 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 January 22, 2018.

**BOROUGH OF BERNARDSVILLE
RESOLUTION #18- 33**

**RESOLUTION AUTHORIZING EXECUTION OF DEVELOPER'S AGREEMENT
WITH NGC DEVELOPMENT, LLC IN CONNECTION WITH PROPERTY LOCATED
AT 88 AND 108 CLAREMONT ROAD, (BLOCK 37, LOT 18.01 AND BLOCK 68, LOT 9)**

WHEREAS, NGC Development, LLC (the "Developer") received use variance approval, dimensional variance approval, design standard waiver approval, minor subdivision approval, and preliminary and final major site plan approval for property located at 88 and 108 Claremont Road and known as Block 69, Lot 9 and Block 37, Lot 18.01 on the Borough Tax Maps, from the Borough Zoning Board of Adjustment at Application no. 17-02, as memorialized in a resolution adopted by the Board on December 20, 2017 (the "Resolution"); and

WHEREAS, the Resolution provides in paragraph 5, at page 18, that "The [Developer] shall be required to enter into a Developer's Agreement with the Borough . . . "; and

WHEREAS, the Resolution goes on to provide in paragraph 6, at pages 18-19, that:

"As agreed to by the [Developer], in order to comply with the affordable housing requirements of the Borough, the [Developer] intends to address the affordable housing obligation associated with the proposed development by acquiring a lot or existing dwelling elsewhere in Bernardsville and conveying it, together with sufficient funding, to a special needs housing provider to enable it to be utilized as a special needs group home for developmentally disabled adults. To the extent that the number of bedrooms that are able to be created in the group home do not equal the number of affordable units required pursuant to Borough calculations (total of 5, assuming 20 condominium units are constructed), the Applicant shall make a payment in lieu of the construction of the additional unit or portion thereof to the Borough's Affordable Housing Trust Fund. The details of this, including the timing of the fulfillment of this commitment, will be negotiated and agreed upon with the Borough Council and made a part of the Developer's Agreement. Specific plans for this affordable housing obligation shall be approved prior to the issuance of any building permit." ; and

WHEREAS, as set forth in paragraph 14 of the proposed Developer's Agreement, a copy of which is attached hereto and incorporated herein by reference, the Developer has agreed to make

a contribution in lieu of the construction of an affordable housing unit, if permitted by the Resolution, in the amount of \$ _____ for each unit; and

WHEREAS, it is further provided in paragraph 14 of the Developer's Agreement that "In the event the [Developer] is required to make a contribution in lieu of providing an affordable housing unit or portion thereof in addition to conveying the group home, such payment shall be made prior to the issuance of ninety (90) percent of the certificates of occupancy of units in the residential project or the certificate of occupancy for the 18th unit in the residential project, whichever occurs first."; and

WHEREAS, Randall Gottesman, P.P., president of CGP&H, has reviewed these proposed terms and found them to be appropriate;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Bernardsville, in the County of Somerset, State of New Jersey, that the Mayor and Acting Borough Clerk are hereby authorized to execute the Developer's Agreement with NGC Development, LLC, a copy of which is attached hereto and which is incorporated herein by reference.

I, Anthony Suriano, Acting 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, January ____, 2018.

Anthony Suriano, Acting Clerk