

**BERNARDS TOWNSHIP
ZONING BOARD OF ADJUSTMENT
RE-ORGANIZATION MEETING - MINUTES
JANUARY 6, 2010**

Frances Florio, Board Secretary, called the meeting to order at 7:35 p.m.

OPEN MEETING STATEMENT

The Board Secretary read the following statement:

“In accordance with the requirements of the Open Public Meetings Law, notice of this regular meeting of the Board of Adjustment of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, New Jersey; was mailed to the Bernardsville News, Bernardsville, New Jersey; the Courier News, Bridgewater, New Jersey; and was filed with the Township Clerk all on December 9, 2009.

We received no requests for individual notice.”

OATHS OF OFFICE

Counselor Warner swore in the following members:

Kevin Orr, one-year term expiring 12/31/10
Jeffrey Plaza, four-year term expiring 12/31/13
Bruce Lasko, filling the unexpired term of Gwenn Gilmore, expiring 12/31/11
Lisa Marshall, filling the unexpired term of Carol Bianchi, expiring 12/31/12
Michael Viola, filling the unexpired term of Kathleen Kleiber, expiring 12/31/11
Scott Ross, Alternate 1, filling Bruce Lasko’s unexpired term, expiring 12/31/10
James Rhatican, Alternate 2, filling Lisa Marshall’s unexpired term, expiring 12/31/10

ROLL CALL:

Members Present: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross, Rhatican
Members Absent: Schulenburg
Also Present: Counsel Steven Warner, Township Engineer Peter Messina, and Assistant Planner David Schley

CHAIRMAN OF THE BOARD

The Board Secretary called for nominations for the office of Chairman of the Board for the year 2010.

The motion was made by Mr. Plaza and seconded by Mr. Lasko that Mr. Kevin Orr be nominated for the office of Chairman of the Board, term to expire December 31, 2010.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross
Motion carried.

VICE-CHAIRMAN OF THE BOARD

Chairman Orr called for nominations for the office of Vice Chairman of the Board, term to expire December 31, 2010.

The motion was made by Ms. Marshall and seconded by Mr. Lasko that Mr. John Schulenburg be nominated for the office of Vice Chairman of the Board, term to expire December 31, 2010.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross
Motion carried.

ENGINEER

Chairman Orr called for nominations for Engineer for the Board for 2010.

The motion was made by Ms. Marshall and seconded by Mr. Lasko that Peter A. Messina be appointed as Engineer to the Board for the year 2010.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross
Motion carried.

PLANNER

Chairman Orr called for nominations for Planner for the Board for 2010.

The motion was made by Mr. Lasko and seconded by Mr. Miller that David Schley be appointed as Planner to the Board for the year 2010.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross
Motion carried.

SECRETARY OF THE BOARD

Chairman Orr called for nominations for the office of Secretary of the Board for 2010.

The motion was made by Ms. Marshall and seconded by Mr. Plaza that Frances Florio be appointed to the office of Secretary of the Board for 2010.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross
Motion carried.

COUNSEL OF THE BOARD

Chairman Orr read the following resolution: (*Resolution #10-01*)

BE IT RESOLVED, by the Board of Adjustment of the Township of Bernards (herein "Board"), Somerset County, New Jersey, as follows:

WHEREAS, the Board wishes to engage the services of an attorney to perform legal services as required for the year 2010, which is a "professional service" as defined by N.J.S.A. 40A:11-2(6), and which is permitted by N.J.S.A. 40A:11-5(1)(a) to be contracted for without public bidding; and

WHEREAS, the Board has special confidence in the firm of Ventura, Miesowitz, Keough & Warner by reason of the special knowledge and experience demonstrated by the firm and further by reason of the scope of services and schedule of compensation proposed by the firm;

NOW THEREFORE, BE IT RESOLVED that the Board engage the firm of Ventura, Miesowitz, Keough & Warner as its legal counsel for the year 2010, with Steven K. Warner, Esq., of that firm designated as the individual specifically authorized to act in the Board's behalf and, in his absence any other attorney in that firm as he may designate.

BE IT FURTHER RESOLVED, that the Chairman is authorized to execute a contract for the services of Ventura, Miesowitz, Keough & Warner, which contract shall be available for inspection at the Municipal Offices during regular business hours.

BE IT FURTHER RESOLVED, THAT Notice of this Resolution and the terms of the contract for services be published once in an official newspaper of the Board, as required by N.J.S.A. 40A:11-5(1)(a)(I).

The motion was made by Mr. Plaza and seconded by Mr. Miller that the resolution be approved as read.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross

Motion carried.

ADOPTION OF RULES AND REGULATIONS OF THE BOARD

Counselor Warner read the following resolution: (*Resolution #10-02*)

WHEREAS, N.J.S.A. 40:55D-8(a) requires each municipal agency to adopt reasonable rules and regulations for the administration of its functions, powers and duties; and

WHEREAS, N.J.S.A. 40:55D-8(a) further requires that the municipal agency furnish a copy of the adopted rules and regulations to any person upon request; and

WHEREAS, N.J.S.A. 40:55D-8(a) further requires that the municipal agency's rules and regulations thereto be maintained in the office of the administrative officer;

THEREFORE, BE IT RESOLVED, that the attached Rules and Regulations for the Zoning Board of Adjustment of the Township of Bernards be and the same are hereby adopted; and

BE IT FURTHER RESOLVED that copies of this resolution and copies of the attached said rules and regulations be maintained in the office of the Secretary of the Board of Adjustment and the Clerk of the Township of Bernards.

The motion was made by Ms. Marshall and seconded by Mr. Miller that the resolution be approved as read.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross

Motion carried.

ADOPTION OF STATED MEETING DATES

Chairman Orr read the following resolution: (*Resolution #10-03*)

The Bernards Township Board of Adjustment meets at 7:30 p.m. on the first Wednesday after the first Monday of every month on a regular basis in the Municipal Building, Collyer Lane, Basking Ridge. If necessary, the Board may schedule additional meetings on the second Thursday after the first Monday, except in July, August, and December.

**TOWNSHIP OF BERNARDS
COUNTY OF SOMERSET
STATE OF NEW JERSEY
NOTICE OF SCHEDULED MEETINGS FOR 2010
ZONING BOARD OF ADJUSTMENT
Resolution #10-03**

PLEASE TAKE NOTICE that the Zoning Board of Adjustment of the Township of Bernards will meet to discuss or act upon public business at 7:30 p.m. on each of the dates set forth below, at the Municipal Building, Collyer Lane, Basking Ridge, New Jersey:

ORGANIZATION MEETING: January 6, 2010

REGULAR MEETING:	January 6, 2010	July 7, 2010
	February 3, 2010	August 4, 2010
	March 3, 2010	*
	April 7, 2010	October 6, 2010
	May 5, 2010	November 3, 2010
	June 9, 2010	December 8, 2010

SPECIAL MEETING:	January 14, 2010	
	February 11, 2010	June 17, 2010
	March 11, 2010	September 16, 2010
	April 15, 2010	October 14, 2010
	May 13, 2010	November 11, 2010

** No meeting on September 8 - Rosh Hashanah begins at sun down*

Notice of any revisions to the above schedule will be posted, mailed to the newspapers and to those who have so requested as required by law.

The motion was made by Mr. Lasko and seconded by Mr. Miller that the foregoing schedule be adopted.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross

Motion carried.

ADOPTION OF OFFICIAL NEWSPAPERS

The motion was made by Mr. Miller and seconded by Ms. Marshall that the Bernardsville News, Bernardsville, NJ, the Courier News, Bridgewater, NJ, and the Star-Ledger, Newark, NJ, be designated as the official newspapers for 2010.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross

Motion carried.

POLICY OF ADEQUATE NOTICE

Chairman Orr read the following resolution: (*Resolution #10-04*)

WHEREAS, the Open Public Meeting Act, Chapter 231 of the Public Laws of the State of New Jersey requires that henceforth no Public Body shall hold a meeting unless adequate notice thereof has been provided to the public in the manner and under the circumstances therein set forth,

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Bernards that adequate notice, as defined in said Act, be:

1. Posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge,
2. Mailed, telephoned, telexed or hand delivered to the Bernardsville News, Bernardsville, the Courier News, Bridgewater, and the Star-Ledger, Newark, being designated the official newspapers of the Township.
3. Filed with the Township Clerk.
4. Mailed to any person who has so requested such notice for the forthcoming year upon payment of ten dollars.

BE IT FURTHER RESOLVED, that the foregoing notice be posted, mailed and submitted in accordance with said Act.

On motion made by Ms. Marshall, and seconded by Mr. Miller, the foregoing resolution was adopted.

Roll call:

Aye: Lasko, Marshall, Miller, Orr, Plaza, Viola, Ross

Motion carried.

ADJOURNMENT

The motion was made by Mr. Lasko and seconded by Mr. Miller that this re-organization meeting be adjourned. All members were in favor of the motion.

Respectfully submitted,

Frances Florio
Secretary to the Board