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CALL TO ORDER

The mayor called the meeting to order at 7:30 P.M. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Carpenter, Chaudry, Kelly, Pavlini (7:35 P.M.), Malay

Absent:

Also Present: Administrator Waldron, Attorney Belardo, Engineer/Planner Messina, Police Chief Kumpf, Clerk Szabo

FIRE & RESCUE APPOINTMENTS

[Resolution #060256](#) - *Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc., Alex Seaton*

Motion by Carpenter, second by Chaudry, and unanimously agreed to approve Resolution #060256.

WHEREAS, § 2-16.1 of the Revised General Ordinances of the Township of Bernards, there shall be a first aid department known as the "Township of Bernards First Aid and Emergency Department" consisting of the First Aid Squad of the Basking Ridge Fire Company No. 1 and the Liberty Corner First Aid Squad, Inc.,

WHEREAS, Alex Seaton, 192 Liberty Corner Road, Far Hills, NJ. has been recommended by the Liberty Corner First Aid Squad, Inc. for appointment,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the applicant is hereby appointed as a member of the Liberty Corner First Aid Squad, Inc. effective this date.

[Resolution #060270](#) - *Appointment to Membership in Township of Bernards Volunteer, Liberty Corner Fire Company, Inc., David A. Smart*

Motion by Carpenter, second by Kelly, and unanimously agreed to approve Resolution #060270.

WHEREAS, pursuant to §2-14.1 of the Revised General Ordinances of the Township of Bernards, the volunteer fire department consisting of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company, Inc., are hereby made the fire department for the Township of Bernards; and

WHEREAS, the **Liberty Corner Fire Company** is recommending David A. Smart, 43 Kinnan Way, Basking Ridge, NJ, for appointment as a Full member;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that David A. Smart is hereby appointed as a Full Member of the Liberty Corner Fire Company, Inc. effective this date.

[Resolution #060280](#) - *Appointment to Membership in Township of Bernards Volunteer Junior Firefighter's Auxiliary, Liberty Corner Fire Company, Inc., Hilary N. Farley*
Motion by Chaudry, second by Carpenter, and unanimously agreed to approve Resolution #060280.

WHEREAS, pursuant to §2-14.1 of the Revised General Ordinances of the Township of Bernards, the volunteer fire department consisting of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company, Inc., are hereby made the fire department for the Township of Bernards; and

WHEREAS, the **Liberty Corner Fire Company** is recommending Hilary N. Farley, 24 Cameron Court, Basking Ridge, NJ, for appointment as a Junior Firefighter's Auxiliary member;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Hilary N. Farley is hereby appointed as a Junior Firefighter's Auxiliary Member of the Liberty Corner Fire Company, Inc. effective this date.

MAYORAL APPOINTMENT TO THE LIBRARY BOARD – DAVID HITCHCOCK, FILLING UNEXPIRED 5-YR TERM OF RITA LAJOE EXPIRING 12/31/2008

The mayor announced his appointment to the Library Board.

REPORTS

None.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee members and staff reported on their recent activities.

MINUTES

[05/09/2006](#) – *Regular Meeting – Open Session*

Motion by Carpenter, second by Pavlini, and unanimously agreed that these minutes be approved for content and release.

05/09/2006 – Regular Meeting – Executive Session

Motion by Kelly, second by Carpenter, and unanimously agreed that these minutes be approved for content only.

05/17/2006 – Agenda/Regular Meeting – Open Session

Motion by Chaudry, second by Pavlini, and unanimously agreed that these minutes be approved for content and release.

CORRESPONDENCE

None.

PUBLIC COMMENT

Todd Edelstein, Riverside Drive, commended the committee on their decision not to restore funding for the school board budget.

Fred Manley, Forrest Trail, urged the committee to move forward on an ordinance for historic preservation.

UNFINISHED BUSINESS

Board of Education Access Road Potential Funding Discussion

Waldron reported on a recent meeting with Board representatives regarding funding of the access road. The Board was advised to make a request to the Township Committee. Lou Carlucci and Lisa Winter were present from the Board.

The Board's architect from the Spiezel Architects presented a rendering of the access road through the municipal complex. The Board is in the process of obtaining a traffic study, to be performed prior to the end of the school year.

Although the Township Committee had previously approved a concept plan for the roadway going through the municipal complex, because of it being less costly, they now were not sure it was the best long-term solution. Kumpf and Waldron voiced issues of safety and traffic congestion which influenced the committee's current position. There was also some question as to whether the access road through the municipal complex was to become the main access to the Ridge High School Campus.

The committee was now considering access through South Maple Avenue via the Engineering Services and township owned residence to the north of it. The estimated cost was \$995,000.

Engineer/Planner Messina advised of some engineering challenges of the site, including grade, environmental issues and stormwater management, but he too felt this location was the best alternative. He is anxious to see the results of the traffic study, and suggested the committee then obtain a preliminary engineering study.

To date, the committee had not committed any funding to the access road. Board representatives indicated they have no funding for the project.

The committee agreed to wait for the results of the traffic study before making any decision as to location and funding.

[Ordinance #1872](#) - *Accepting a Wetlands Conservation Easement on Block 104, Lot 9.07, from James and Olivia O'Connor to the Township of Bernards – Public Hearing*

The clerk read the ordinance by title and the mayor opened the public hearing. There were no comments and the hearing was closed.

Motion by Carpenter, second by Chaudry, that Ordinance #1872 be adopted and advertised as required by law.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

[Ordinance #1871](#) - *An Ordinance of Bernards Township in Somerset County, State of New Jersey Amending Section 21-31.3 Concerning Noise – Public Hearing*
[Planning Board Report](#)

The clerk read the ordinance by title, the committee acknowledged the Planning Board's report endorsing the ordinance, and the mayor opened the public hearing.

Todd Edelstein, Riverside Drive, commented on the ordinance.

Motion by Pavlini, second by Carpenter, that Ordinance #1871 be adopted and advertised as required by law.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

[Ordinance #1875](#) - *An Ordinance to Amend Salary Ordinance #1832 Revising Salary Ranges for Certain Positions – Public Hearing*

The clerk read the ordinance by title and the mayor opened the public hearing. There were no comments and the hearing was closed.

Motion by Kelly, second by Chaudry, that Ordinance #1875 be adopted and advertised as required by law.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

NEW BUSINESS

Consent Agenda

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, a copy placed on the bulletin board of the meeting room and are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

Motion by Carpenter, second by Pavlini, to remove Resolution #060279 from the consent agenda, and approve the remaining items.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

Begin Consent Agenda

[Resolution #060277](#) - Approval of Bill List Dated 05/23/2006

05/23/06
 Page No: 1
 14:19:09

TOWNSHIP OF BERNARDS

Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 05/23/06 to 05/23/06
 Report Type: All Checks Report Format: Super Condensed Check Type: Computer & Manual

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
CASH - CHECKING					
57762	05/23/06	Alignment Check		VOID	
57763	05/23/06	70090 MENDHAM COUNTRY DAY SCHOOL	352.43		818
57764	05/23/06	72104 BOCINA HOMES CORPORATION	14,804.11		818
57765	05/23/06	90038 FORGIONE, LUCY A.	128.36		818
57766	05/23/06	90087 MILLER, FRED	200.00		818
57767	05/23/06	90108 MIMLITSCH, SHARON	199.91		818
57768	05/23/06	90145 ANTHONY, JAMES	53.75		818
57769	05/23/06	90176 BOETTCHER, GARY	200.00		818
57770	05/23/06	90220 BETTLER, DENNIS	135.00		818
57771	05/23/06	90240 STORK, ELLEN C.	14.43		818
57772	05/23/06	90286 BURGER, JON	384.48		818
57773	05/23/06	90348 LUBANSKY, MARCIA	73.00		818
57774	05/23/06	A0126 AFLAC NEW YORK	977.04		818
57775	05/23/06	A0168 ALLIED OIL COMPANY, LLC	16,525.21		818
57776	05/23/06	A0180 AMERICAN LIBRARY ASSOCIATION	1,210.00		818
57777	05/23/06	A0234 ABLE PLUMBING	600.00		818
57778	05/23/06	A0327 ACCURINT	146.60		818
57779	05/23/06	A0338 AFLAC	1,841.12		818
57780	05/23/06	A0366 A.JULIANO&SON CONTRACTORS INC	115,293.08		818
57781	05/23/06	A0367 ALL TYPE, INC	463.35		818
57782	05/23/06	A0383 ALMETEK INDUSTRIES, INC.	1,720.60		818
57783	05/23/06	A0398 ABSOLUTEHIRE	248.50		818
57784	05/23/06	A0404 APRUZZESE, MCDERMOTT, ET AL	2,295.00		818
57785	05/23/06	B0003 BAKERS AUTO PARTS, INC.	134.57		818
57786	05/23/06	B0020 BASKING RIDGE ELECTRIC CO., INC	1,777.78		818
57787	05/23/06	B0026 BERNARDS TOWNSHIP CURRENT	192,354.73		818
57788	05/23/06	B0029 BERNARDS TWP BD OF EDUCATION	4,838,762.16		818
57789	05/23/06	B0031 BERNARDSVILLE PRINT CENTER	570.46		818
57790	05/23/06	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	465,691.07		818
57791	05/23/06	B0044 BASKING RIDGE ANIMAL HOSPITAL	68.50		818
57792	05/23/06	B0050 BERNARDSVILLE ONE HOUR PHOTO	284.15		818
57793	05/23/06	B0066 BANJO RAGTIMERS ENTERTAINMENT	795.00		818
57794	05/23/06	B0076 BERNARDS TOWNSHIP TRUST FUND	211,000.00		818
57795	05/23/06	B0198 BOUND BROOK FORD	1,671.20		818
57796	05/23/06	B0203 DIFRANCESCO, BATEMAN, COLEY,	0.00	05/23/06 VOID	0
57797	05/23/06	B0203 DIFRANCESCO, BATEMAN, COLEY,	12,693.10		818
57798	05/23/06	B0223 BERNARDS TWP. OPEN SPACE FUND	651,250.00		818
57799	05/23/06	B0241 BANISCH ASSOCIATES, INC.	5,006.70		818
57800	05/23/06	B0315 BOROUGH OF PEAPACK & GLADSTONE	2,063.35		818
57801	05/23/06	B0386 BWI	241.85		818
57802	05/23/06	B0432 BUSINESS & LEGAL REPORTS	590.00		818
57803	05/23/06	B0439 ALOHA HOLDINGS INC.	500.00		818
57804	05/23/06	B0472 BLINDS TO GO	124.60		818
57805	05/23/06	B0473 BLUE EMBER TECHNOLOGIES, LLC	272.09		818
57806	05/23/06	B0474 BALAWAT, RATHNA	630.00		818
57807	05/23/06	C0012 CLARK TRUE VALUE HARDWARE	76.25		818
57808	05/23/06	C0024 COURIER NEWS	420.00		818
57809	05/23/06	C0028 CY DRAKE LOCKSMITHS, INC.	312.30		818
57810	05/23/06	C0058 CORIGLIANO MOTOR SERVICE INC.	292.64		818
57811	05/23/06	C0083 CDW GOVERNMENT, INC.	99.99		818
57812	05/23/06	C0343 COUNTY OF MORRIS TREASURER	225.00		818
57813	05/23/06	C0408 CHAMPION UNIFORM SUPPLY	1,006.20		818
57814	05/23/06	D0013 DUN & BRADSTREET	504.50		818
57815	05/23/06	D0017 DEPOSITORY TRUST COMPANY	191,806.25		818
57816	05/23/06	D0047 DU BROW'S GARDEN CENTER	1,305.00		818
57817	05/23/06	D0053 NJ DIVISION OF ALCOHOLIC	39.00		818
57818	05/23/06	D0153 DOCUMENT CONCEPTS, INC	264.06		818
57819	05/23/06	D0215 D LOVENBERG'S PORTABLE TOILETS	65.00		818
57820	05/23/06	D0223 DESIDERIO PAINTING &	2,320.00		818
57821	05/23/06	D0310 DATA NETWORK SOLUTIONS	700.00		818
57822	05/23/06	D0328 DAVIDSON, JAMES N.	400.00		818

57823	05/23/06	E0005	CULLIGAN	200.71		818
57824	05/23/06	E0158	EISENSTEIN, DR. BRUCE A.	2,582.60		818
57825	05/23/06	E0180	ENFORSYS POLICE SYSTEMS, INC	11,000.00		818
57826	05/23/06	F0001	FEDEX	73.86		818
57827	05/23/06	F0003	FOLEY, INCORPORATED	459.14		818
57828	05/23/06	F0041	FREIHEITER, JOHN S.	345.00		818
57829	05/23/06	F0067	FERRIERO ENGINEERING, INC.	7,682.75		818
57830	05/23/06	F0158	FLEMINGTON DEPARTMENT STORE	125.00		818
57831	05/23/06	F0165	FOREMOST PROMOTIONS	738.88		818
57832	05/23/06	G0004	GALLS, INC.	92.50		818
57833	05/23/06	G0066	GRAINGER INC	560.93		818
57834	05/23/06	G0098	JCP&L	0.00	05/23/06 VOID	0
57835	05/23/06	G0098	JCP&L	0.00	05/23/06 VOID	0
57836	05/23/06	G0098	JCP&L	0.00	05/23/06 VOID	0
57837	05/23/06	G0098	JCP&L	0.00	05/23/06 VOID	0
57838	05/23/06	G0098	JCP&L	26,990.08		818
57839	05/23/06	G0133	GARDEN STATE LABORATORIES, INC	105.00		818
57840	05/23/06	G0217	GREENWOOD PUBLISHING GROUP, INC	40.02		818
57841	05/23/06	G0267	GARDEN STATE VINYL DESIGNS	96.25		818
57842	05/23/06	G0333	GUS & BUCKYS BEDMINSTER WASH	135.15		818
57843	05/23/06	G0356	GREENSCAPES	569.00		818
57844	05/23/06	G0375	GIACIOIA, DENISE	100.00		818
57845	05/23/06	H0029	HUMPHREYS, A.	530.00		818
57846	05/23/06	H0104	HANDI-LIFT INC.	247.50		818
57847	05/23/06	H0181	HOUSER WELDING SUPPLY	110.00		818
57848	05/23/06	H0230	HYATT REGENCY	475.92		818
57849	05/23/06	H0232	HERBSTER, GERRY	10.00		818
57850	05/23/06	I0067	INDUSTRIAL RUBBER COMPANY	123.45		818
57851	05/23/06	I0071	INNOVA DISC GOLF	232.69		818
57852	05/23/06	J0002	JAEGER LUMBER	643.26		818
57853	05/23/06	J0007	AIRGAS, INC.	42.55		818
57854	05/23/06	J0052	J.H. REID ON-SITE RECYCLING	4,934.00		818
57855	05/23/06	J0080	JANSEN, BUCCO, DEBONA & SEMRAU	280.00		818
57856	05/23/06	J0121	JOSEPH MEGNA	6,333.46		818
57857	05/23/06	K0026	KEN RENT	95.40		818
57858	05/23/06	K0046	KIPP BROTHERS INC.	916.80		818
57859	05/23/06	K0180	KURUGANTI, INDIRA	340.00		818
57860	05/23/06	L0005	LIBRARY PETTY CASH	30.30		818
57861	05/23/06	L0020	LAWSON PRODUCTS, INC.	619.20		818
57862	05/23/06	L0159	NONNA'S RISTORANTE	102.00		818
57863	05/23/06	L0181	LAND'S END, INC.	368.95		818
57864	05/23/06	L0197	L.P. STATILE, INC.	918.00		818
57865	05/23/06	L0200	LASER TECHNOLOGY, INC.	120.00		818
57866	05/23/06	M0010	MOBILE LAWNMOWER SERVICE, INC.	81.10		818
57867	05/23/06	M0015	MOORE MEDICAL CORPORATION	107.02		818
57868	05/23/06	M0062	MARSHALL CAVENDISH CORPORATION	140.13		818
57869	05/23/06	M0113	MAJOR POLICE SUPPLY	799.96		818
57870	05/23/06	M0235	MORRISTOWN MEMORIAL HOSPITAL	65.00		818
57871	05/23/06	M0342	MORTON'S MARKETING RESOURCES	563.54		818
57872	05/23/06	M0518	MINOLTA CORPORATION	174.90		818
57873	05/23/06	N0006	NEW JERSEY AMERICAN WATER CO.	0.00	05/23/06 VOID	0
57874	05/23/06	N0006	NEW JERSEY AMERICAN WATER CO.	0.00	05/23/06 VOID	0
57875	05/23/06	N0006	NEW JERSEY AMERICAN WATER CO.	52,444.80		818
57876	05/23/06	N0040	NATIONAL FIRE PROTECTION ASSN.	338.26		818
57877	05/23/06	N0053	NJ UNEMPLOYMENT COMP. FUND	11,654.47		818
57878	05/23/06	N0065	NATIONAL ASSOCIATION OF REAL	245.00		818
57879	05/23/06	N0083	NJRPA	570.00		818
57880	05/23/06	N0093	NEW PIG CORPORATION	123.91		818
57881	05/23/06	N0118	NATURE'S CHOICE CORPORATION	1,800.00		818
57882	05/23/06	N0207	NEXTEL COMMUNICATIONS	306.06		818
57883	05/23/06	N0267	NJ STATE LEAGUE/MUNICIPALITIES	90.00		818
57884	05/23/06	N0273	NEAL-SCHUMAN PUBLISHERS	74.25		818
57885	05/23/06	N0322	NEXTEL COMMUNICATIONS	156.48		818
57886	05/23/06	N0341	NUDEP-DIV OF SOLID & HAZ.WASTE	1,528.00		818
57887	05/23/06	O0017	OLD DOMINION BRUSH CO., INC.	709.20		818
57888	05/23/06	P0014	PUBLIC SERVICE ELEC. & GAS CO	3,196.53		818
57889	05/23/06	P0031	PASSAIC VALLEY COACHES	4,611.00		818
57890	05/23/06	P0419	PAX AMICUS CASTLE THEATRE	440.00		818
57891	05/23/06	Q0001	QUALITY BOOKS INC.	104.45		818
57892	05/23/06	Q0002	CINTAS CORP. - #101	177.00		818
57893	05/23/06	R0003	RAY'S SPORT SHOP, INC.	1,002.35		818

TOWNSHIP COMMITTEE MINUTES

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57894	05/23/06	R0004	RECORDED BOOKS INC.	340.90	818
57895	05/23/06	R0006	RECREATION PETTY CASH	91.33	818
57896	05/23/06	R0009	REGENT BOOK COMPANY INC.	36.42	818
57897	05/23/06	R0017	RARITAN VALLEY COMMUNITY COLL.	50.00	818
57898	05/23/06	R0025	RIDGE RESTAURANT	185.00	818
57899	05/23/06	R0040	RUSSELL REID	163.53	818
57900	05/23/06	R0134	RICCIARDI BROTHERS, INC.	699.42	818
57901	05/23/06	R0145	RUTGERS-CENTER FOR GOV. SER.	884.00	818
57902	05/23/06	R0173	BLUE MOON DRY CLEANER INC.	90.75	818
57903	05/23/06	R0336	RAO, KEELIE	630.00	818
57904	05/23/06	R0338	REDDICK, NANCY	20.00	818
57905	05/23/06	S0016	STORR TRACTOR COMPANY	186.00	818
57906	05/23/06	S0066	SOMERSET HILLS FLORIST	132.00	818
57907	05/23/06	S0069	SAL'S AUTO BODY INC.	2,727.58	818
57908	05/23/06	S0083	SOMERSET COUNTY ASSESSORS ASSN	50.00	818
57909	05/23/06	S0103	SOMERSET GRAIN FEED & SUPPLY	29.70	818
57910	05/23/06	S0105	FUNPLEX	50.00	818
57911	05/23/06	S0191	SOMERSET COUNTY RECYCLING PROG	57,287.70	818
57912	05/23/06	S0227	SHEARON ENVIROMENTAL DESIGN CO	21,000.00	818
57913	05/23/06	S0305	SUPERGLASS WINDSHIELD REPAIR	60.00	818
57914	05/23/06	S0415	SPORTWORLD	540.00	818
57915	05/23/06	S0443	STAPLES BUSINESS ADVANTAGE	1,007.96	818
57916	05/23/06	S0508	SOUTH JERSEY ENERGY	7,011.45	818
57917	05/23/06	S0519	STOUT'S CHARTER SERVICE	1,458.00	818
57918	05/23/06	S0628	STATE OF NEW JERSEY-HB	127,170.35	818
57919	05/23/06	S0642	SHAWAH, PAUL	15.00	818
57920	05/23/06	T0071	THE WORKS	750.00	818
57921	05/23/06	T0154	TILCON NEW YORK, INC.	1,204.90	818
57922	05/23/06	T0221	THOMSON WEST	72.50	818
57923	05/23/06	T0272	TOPJET SALES, INC.	2,585.00	818
57924	05/23/06	U0010	UPSTART	115.54	818
57925	05/23/06	U0040	URUCORP MAINTENANCE CONTRACTOR	2,900.00	818
57926	05/23/06	V0020	VILLAGE OFFICE SUPPLY	2,161.31	818
57927	05/23/06	V0037	VILLAGE SUPERMARKET, INC.	223.07	818
57928	05/23/06	V0056	VERIZON WIRELESS	575.23	818
57929	05/23/06	V0058	VERIZON	0.00	05/23/06 VOID 0
57930	05/23/06	V0058	VERIZON	2,200.31	818
57931	05/23/06	V0059	VERIZON CABS	194.65	818
57932	05/23/06	W0014	WARNOCK FLEET	1,571.63	818
57933	05/23/06	W0016	WARRENVILLE TRUE VALUE	360.68	818
57934	05/23/06	W0056	WELDON CONCRETE CO.	4,014.56	818
57935	05/23/06	W0089	TIMMERMAN EQUIPMENT CO.	177.38	818
57936	05/23/06	W0210	WILD, ANN	85.00	818
57937	05/23/06	X0003	XEROX CORPORATION	732.77	818

Total Checks: 176 Total Void Checks: 9 Total Amount Void: 0.00 Total Amount Paid: 7,136,898.85

CURRENT FUND	5-01	74.25	0.00
GOLF COURSE UTILITY	5-26	1,224.03	0.00
	Year Total:	1,298.28	0.00
CURRENT FUND	6-01	6,703,843.56	0.00
DOG FUND	6-12	299.61	0.00
TRUST FUNDS	6-13	275,840.00	0.00
GOLF COURSE UTILITY	6-26	34,939.04	0.00
	Year Total:	7,014,922.21	0.00
CAPITAL FUND	C-04	115,637.82	0.00
GRANT FUND	G-02	5,040.54	0.00
		=====	=====
Total Of All Funds:		7,136,898.85	0.00

[Resolution #060255](#) - Approval of Special Event Permit for American Cancer Society, Relay for Life Walk, May 26 & 27, 2006

WHEREAS, Meghan Perrin representing the American Cancer Society “the applicant,” has requested a special event permit from 6 PM on May 26, 2006, to 8 AM on May 27, 2006 for the purpose of holding the Relay for Life Walk in Bernards Township at Ridge High School; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

WHEREAS, the Municipal Clerk, Police Chief, Fire Official, Health Officer, Recreation Program Director and Risk Manager have reviewed the application and recommend approval;

WHEREAS, Bernards Township Police Officers will be used to help coordinate this event and the applicant has agreed to reimburse the township in the amount of \$980.00 for this support.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the special event application is hereby approved.

[Resolution #060257](#) - Approval of Request Block Party Cameron Court – June 3, 2006

WHEREAS, Eileen Farley hereinafter “the applicant,” has requested permission to close Cameron Court on Saturday, June 3, 2006 (rain date N/A) from 4:00 to 9:00 P.M. for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and recommend approval; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved.

[Resolution #060258](#) - Commendation on Attaining Eagle Scout Designation, Griffith Dudley

WHEREAS, the Township Committee is very pleased to recognize the outstanding personal effort of Griffith Dudley reaching the rank of Eagle Scout, and

WHEREAS, Griffith Dudley, a member of Troop 351, Black River District, Patriot’s Path Council, sponsored by the Presbyterian Church of Basking Ridge, has been an active scout, demonstrating outstanding leadership within the Troop, and has contributed many serviced hours to his community during his years in scouting, and

WHEREAS, of the total national enrollment of the scouting program, only a small percentage reach this prestigious rank, which Griffith will carry as a badge of honor.

NOW THEREFORE BE IT RESOLVED that the Township Committee offers its best wishes for continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout his life.

[Resolution #060259](#) - In Recognition of Outstanding Service to Bernards Township, Rita Lajoie

WHEREAS, Rita Lajoie has given, during the past eleven and one-half years, innumerable hours to our local government, its democratic process, and to the citizens of Bernards Township; and

WHEREAS, Rita Lajoie has rendered inestimable services on the Library Board as a Trustee since January 1, 1994 and has served as its President since January of 2005.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that in recognition of her years of faithful service, the Bernards Township Committee extends to Rita Lajoie deep appreciation and sincere gratitude on behalf of all the residents and officials of Bernards Township; and

NOW THEREFORE BE IT FURTHER RESOLVED, that this Committee extends to Rita Lajoie its very best wishes for health, happiness and continued success; and finally

BE IT FINALLY RESOLVED, that this citation of his service be inscribed at length in the minutes of this Township meeting, held on the 23rd day of May, in the year of Our Lord, 2006, and that a suitable copy thereof, signed by the members of the Township Committee and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed, be presented to Rita Lajoie.

[Resolution #060260](#) - Awarding a Professional Services Contract for 2006 Quarry Engineering Inspection Services to Princeton Hydro, LLC in the Not to Exceed Amount of \$8,550.00

WHEREAS, the Township of Bernards requires services for professional engineering services regarding the Millington Quarry for the period from April 1, 2006 through December 31, 2006; and

WHEREAS, Princeton Hydro, LLC has submitted a proposal dated April 4, 2006 outlining services to the township; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, the treasurer has certified funds are available in 6-13-56-051-IFP (Inspection Fee Escrow) line item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Geoffrey Goll, P.E., NJ Lic # 39614 of the firm Princeton Hydro, LLC., Suite 1, 1108 Old York Road, P.O. Box 720, Ringoes, NJ 08551 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated April 4, 2006.
2. The contract term is from April 1, 2006 through December 31, 2006 at a fixed monthly rate of \$ 950.00, not to exceed \$ 8,550.00.
3. The contractor must render billings within 30 days of service delivery.
4. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service deliver.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Peter A. Messina, P.E., P.P., CME, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that a copy of this resolution be published in the official township newspaper, and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

I agree to the terms as stated in the Resolution and by signing this document I, am committed to following all terms of this award.

Geoffrey Goll, P.E., NJ Lic # 39614

TREASURER'S CERTIFICATION

I, John M Bolcato, CPA/CMFO, Treasurer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$ 8,550.00. Monies are available in: Inspection Fee Escrow 6-13-56-051-IFP.

Date: May 5, 2006

*John M Bolcato
for Treas Cert*

John M Bolcato, CPA/CMFO, Treasurer

[Resolution #060261](#) - Raffle Approval - Morris Museum, Inc., ID #324-5-20477, #RA:715 Off Premise Cash Raffle

WHEREAS, Morris Museum, Inc. has submitted an application for an off premise cash raffle to be held at North Maple Inn, 300 North Maple Avenue, Basking Ridge, NJ, on October 14, 2006, between 6:30-9:30 P.M.; and

WHEREAS, the application has been reviewed by the Municipal Clerk and Chief of Police who recommend approval.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Off Premise Cash Raffle #RA:715 application of Morris Museum, Inc. be approved as submitted.

[Resolution #060262](#) - Award of Purchase Orders for Various Identified Vendors

WHEREAS, the Township of Bernards Department has adopted Ordinance # 1854 “Known as Pay to Play”; and

WHEREAS, pursuant to the ordinance, window contracts determined to exceed \$ 17,500.00 and within the bid threshold of \$ 29,000.00, requires governing body approval; and

WHEREAS, the purchasing agent has identified and determined that the value of four (4) vendors who in the previous year have provided goods secured through and selected through quotation process “non-fair and open”(see below) will exceed \$ 17,500.00; and

Vendor	Not to Exceed	Vendor	Not to Exceed
Baker & Taylor (Library)	\$ 29,000.00	Warrenville True Value	\$ 29,000.00
Rays’s Sports Shop	\$ 29,000.00	Village Office	\$ 29,000.00

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, excluding those made in 2005, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance # 1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue recurring (contracts) purchase orders to the vendors listed above to maintain continuity and facilitate the ordering process of these vendors through December 31, 2006.

[Resolution #060263](#) - Personnel Appointment, Lawrence Suiter – Crossing Guard, Police Department

WHEREAS, the part time position of Crossing Guard became available due to resignation effective November 7, 2005; and

WHEREAS, the Police Chief, Township Administrator, and Director of Human Resources have deemed it necessary to fill this position; and

WHEREAS, Lawrence Suiter has applied for and is qualified to fill said position; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Lawrence Suiter be appointed part time Crossing Guard – Police Department effective May 24, 2006 at a rate of \$12.50 per hour.

[Resolution #060264](#) - Authorizing Submission of the Bernards Township 2006-2007 Application for Approval of a Community Based Deer Management Permit and Submission of the Final Report on Results of the 2005-2006 Community Based Deer Management Plan to the New Jersey Division of Fish and Wildlife

WHEREAS, the Bernards Township Deer Management Advisory Committee has submitted to the Township Committee, Township of Bernards, a proposed Application for a Community Based Deer Management Permit for the 2006-2007 Season, and therewith a Final Report on the 2005-2006 Community Based Deer Management Plan, and

WHEREAS, the Township Committee, Township of Bernards, has reviewed and hereby endorses and approves said Application and Final Report.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Application for a Community Based Deer Management Permit for the 2006-2007 Season, and the Final Report for the 2005-2006 Community Based Deer Management Plan, are hereby authorized for submission to the New Jersey Division of Fish and Wildlife.

[Resolution #060265](#) - Authorizing the Discharge of the Mortgage Made as Part of the Bernards Township Housing Rehabilitation Program by Audrey Aronsen

WHEREAS, Audrey Aronsen is the owner of property designated as Lot 4.41 in Block 178.01 on the Tax Map of the Township of Bernards, in the County of Somerset, State of New Jersey, commonly known as 41 Baldwin Court and

WHEREAS, Audrey Aronsen received monetary assistance in the form of a forgivable loan through the Bernards Township Housing Rehabilitation Program for the purpose of correcting housing defects and bringing them up to the housing code standards, and

WHEREAS, as part of the terms of such monetary assistance Audrey Aronsen entered a Mortgage on January 24, 2000, in the amount of Two Thousand, Three Hundred Eighty-Five (\$2,385.00) Dollars for the property to The Township of Bernards, which Mortgage was recorded or registered in the office of the Somerset County Clerk on February 4, 2000, in Mortgage Book 3242, Page 493, Instrument No. 2000104822; and

WHEREAS, the terms of the forgivable loan, consisting of the requirement to own and occupy the Property as a primary residence for a six (6) year period, have been met by Audrey Aronsen, and

WHEREAS, the six (6) year housing affordability control period has expired and there are no further monies owed by Audrey Aronsen in connection with the Mortgage of the Property to the Township of Bernards; and

WHEREAS, based on the above, Audrey Aronsen has met the obligations for and is entitled to a Discharge of the Mortgage;

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the execution of the attached Discharge of Mortgage and recording of the same with the Somerset County Clerk.

[Resolution #060266](#) - Authorizing the Discharge of the Mortgage Made as Part of the Bernards Township Housing Rehabilitation Program by Concetta Moore

WHEREAS, Concetta Moore is the owner of property designated as Lot 30 in Block 90.02 on the Tax Map of the Township of Bernards, in the County of Somerset, State of New Jersey, commonly known as 39 Mount Airy Road and

WHEREAS, Concetta Moore received monetary assistance in the form of a forgivable loan through the Bernards Township Housing Rehabilitation Program for the purpose of correcting housing defects and bringing them up to the housing code standards, and

WHEREAS, as part of the terms of such monetary assistance Concetta Moore entered a Mortgage on January 24, 2000, in the amount of Eight Thousand, Six Hundred Ninety-Five (\$8,695.00) Dollars for the property to The Township of Bernards, which Mortgage was recorded or registered in the office of the Somerset County Clerk on February 4, 2000, in Mortgage Book 3242, Page 501, Instrument No. 200010482; and

WHEREAS, the amount of the monetary assistance was amended and Concetta Moore entered a Mortgage and Mortgage Note Modification Agreement on March 23, 2000, in the amount of Eight Thousand, Nine Hundred Forty-Five (\$8,945.00) Dollars for the Property to the Township of Bernards, which Mortgage Modification was recorded or register in the Somerset County Clerk's Office on June 20, 2000, in Mortgage Book 3298, Page 555, Instrument No.2000122277; and

WHEREAS, the terms of the forgivable loan, consisting of the requirement to own and occupy the Property as a primary residence for a six (6) year period, have been met by Concetta Moore, and

WHEREAS, the six (6) year housing affordability control period has expired and there are no further monies owed by Concetta Moore in connection with the Mortgage of the Property to the Township of Bernards; and

WHEREAS, based on the above, Concetta Moore has met the obligations for and is entitled to a Discharge of the Mortgage;

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the execution of the attached Discharge of Mortgage and recording of the same with the Somerset County Clerk.

[Resolution #060267](#) - Authorizing the Discharge of the Mortgage Made as Part of the Bernards Township Housing Rehabilitation Program by Kay Pyzmar

WHEREAS, Kay Pyzmar is the owner of property designated as Lot 13 in Block 129 on the Tax Map of the Township of Bernards, in the County of Somerset, State of New Jersey, commonly known as 17 Fairview Drive and

WHEREAS, Kay Pyzmar received monetary assistance in the form of a forgivable loan through the Bernards Township Housing Rehabilitation Program for the purpose of correcting housing defects and bringing them up to the housing code standards, and

WHEREAS, as part of the terms of such monetary assistance Kay Pyzmar entered a Mortgage on January 24, 2000, in the amount of Eight Thousand (\$8,000.00) dollars for the property to The Township of Bernards, which Mortgage was recorded or registered in the office of the Somerset County Clerk on February 4, 2000, in Mortgage Book 3242, Page 497, Instrument No. 2000104823; and

WHEREAS, the terms of the forgivable loan, consisting of the requirement to own and occupy the Property as a primary residence for a six (6) year period, have been met by Kay Pyzmar, and

WHEREAS, the six (6) year housing affordability control period has expired and there are no further monies owed by Kay Pyzmar in connection with the Mortgage of the Property to the Township of Bernards; and

WHEREAS, based on the above, Kay Pyzmar has met the obligations for and is entitled to a Discharge of the Mortgage;

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the execution of the attached Discharge of Mortgage and recording of the same with the Somerset County Clerk.

[Resolution #060269](#) - Approval of Request to Discharge Firearms and Cannons with Blank Firing at Oak Street School, 70 W. Oak Street, NJ, on June 20, 2006

WHEREAS, Oak Street School, 70 W. Oak Street, Basking Ridge, has requested permission for the New Living History Association, to conduct a Civil War re-enactment on school property to promote the history education of students of the school, on Tuesday, June 20; and

WHEREAS, the re-enactment will include the discharge of firearms and cannons with blank firing for the purpose of the exercise; and

WHEREAS, pursuant to §3-5.31 of the Revised General Ordinances of the Township of Bernards, no person shall have set off any bomb, firecracker, torpedo or other fireworks, or discharge any gun, pistol, cannon or other firearm or explosive in and about any public or private place within the Township without the written permit of the Township Committee; and

WHEREAS, Robert E. Kumpf, Sr., Bernards Township Police Chief, has reviewed the request and recommends approval.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve the discharge of firearms and cannons with blank firing for June 20, 2006, at Oak Street School.

[Resolution #060284](#) - Approving a Professional Services Contract Between BRB Valuation and Consulting Services and Bernards Township - Not to exceed amount of \$2,000.00

WHEREAS, The Bernards Township Committee on April 12, 2005, passed resolution # 050100 and resolution # 050101 to hire Michael R. Buchalski, MAI, ASA, CTA of the firm Buchalski, Reynolds, and Brodowski, Valuation & Consulting Services for the tax appeal filed for Mountain View Holding Corp. 73 Mountain View Blvd, Basking Ridge, NJ 07920 and Mountain View Holding Corp. 120 Mountain View Blvd, Basking Ridge, NJ 07920; and

WHEREAS, Due to the untimely passing of Michael R. Buchaski, MAI, ASA, CTA, the report prepared is not valid and a new report is required for presentation to the Tax Court; and

WHEREAS, Buchalski, Reynolds, and Brodowski, Valuation and Consulting Services is k/n/a BRB Valuation ad Consulting Services, 84 West Main Street, Freehold, NJ 07728; and

WHEREAS, BRB Valuation ad Consulting Services, has submitted a their proposal dated May 1, 2006 outlining services to the township; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, the treasurer has certified funds are available in 2006 Current Fund Budget, Legal Other Expenses, account #6-01-20-155-204 line item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to of the firm BRB Valuation ad Consulting Services, 84 West Main Street, Freehold, NJ 07728 as follows:

1. The contract will encompass services as outlined in the submitted quote.
2. The contract term is from May 23, 2006 through June 1, 2006 at a not to exceed amount of \$ 2,000.00
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.

8. The contractor shall report directly to Marcia Sudano, Tax Assessor who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that a copy of this resolution be published in the official township newspaper, and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

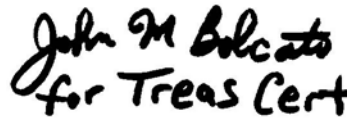
I agree to the terms as stated in the Resolution and by signing this document I, Pamela J. Brodowski, MAI, ASA, CTA, for BRB Valuation and Consulting Services am committed to follow all terms of this award.

Pamela J. Brodowski, MAI, ASA, CTA,

TREASURER'S CERTIFICATION

I, John M Bolcato CPA/CMFO, Treasurer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced in the amount not to exceed \$2,000.00 Monies are available in: Legal Other Expenses.

Date: May 19, 2006



John M Bolcato, CPA/CMFO, Treasurer

[Resolution #060273](#) - Authorization for Tax Refund(s)

WHEREAS, the following tax overpayment(s) exist; and

WHEREAS, the homeowner(s) request a refund; and

WHEREAS, the tax collector recommends refund(s) be issued.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bernards, approves and authorize the following:

Block and Lot	Quarter/Year	Amount	Issue Refund To
187/33.18	4Q2005	\$ 8032.50	Jaffa, LLC 57 Brant Ave Suite 200 Clark NJ 07066
182.01/386/CONDO	3&4Q2005	\$1128.99	Angelo Calamusa 97 Potomac Drive Basking Ridge, NJ 07920

[Resolution #060274](#) - Request to Purchase - Shade Awnings Awarded to Shade Systems Inc., 4350 N.W. 19 Avenue, Unit G, Pompano Beach, FL 33064

WHEREAS, The Township of Bernards Department has adopted Ordinance # 1854 “Known as Pay to Play”; and

WHEREAS, pursuant to the ordinance, window contracts determined to exceed \$ 17,500.00 and within the bid threshold of \$ 29,000.00, requires governing body approval; and

WHEREAS, the Township of Bernards Recreation Department received three (3) quotes for the purchase of shade awnings. The quote summary is as follows;

Vendor	Quote
Shade Systems	\$ 19,014.00
Parkreation, Inc	\$ 19,476.00
T.F. Harper & Associates	\$ 19,276.00

and

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, excluding those made in 2005, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance # 1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year; and

WHEREAS, the treasurer has certified that funds are available in the 2006 budget; the line item appropriation or ordinance to be charged is Capital Ordinance 1787, line account C-04-55-787-AO1 and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order to Shade System, 4350 N.W. 19 Avenue, Unit G, Pompano Beach, FL 33064

TREASURER'S CERTIFICATION

I, John M. Bolcato, CPA/CMFO, Treasurer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced service contract. Monies are available in: C-04-55-787-A01.

Date: May 12, 2006



John M. Bolcato, CPA/CMFO, Treasurer

[Resolution #060275](#) - Authorizing Acceptance of Affiliation Agreement with the Women's Resource Center's Somerset Hills Domestic Violence Response Team, an Agency Established to Provide Participating Municipalities with Training and Services in

Matters Pertaining to Domestic Violence Cases that Occur within the Participating Municipality

WHEREAS, the State of New Jersey Office of Victim-Witness Advocacy has awarded the Women's Resource Center's Somerset Hills Domestic Violence Response Team with grant funding to serve participating municipalities, and provide services and training to volunteers and police officers in matters that pertain to Domestic Violence incidents that occur within these participating municipalities, and;

WHEREAS, the Township of Bernards wishes to be a participating municipality and receive services from the Somerset Hills Domestic Violence Response Team; and

WHEREAS, funding for these services are presently provided through a V.A.W.A. Grant (Violence Against Women Act) administered through the New Jersey Division of Law & Public Safety, Department of Criminal Justice, Office of Victim/ Witness Advocacy; and granted to the Women's Resource Center; then

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Mayor and Clerk are authorized to execute this agreement.

[Resolution #060276](#) - Approval of Special Event Permit for the Basking Ridge and Liberty Corner Memorial Day Parades May 29, 2006

WHEREAS, James DeCoste was appointed by the Township Committee as the 2006 Memorial Day Parade Coordinator; and

WHEREAS, James DeCoste has submitted an application for the Basking Ridge and Liberty Corner Memorial Day Parades to be held May 29, 2006 and

WHEREAS, the Basking Ridge Parade will be held from 8:45 A.M. to 10 A.M. starting at N. Finley Avenue and Collyer Lane, and ending at the War Memorial on N. Finley Avenue; and the Liberty Corner Parade will be held from 10:45 A.M. to 12:00 P.M. starting at the center of Liberty Corner on Church Street, and ending at the War Memorial on Church Street; and

WHEREAS, the Municipal Clerk, Police Chief, and Recreation Director, have reviewed the application and recommend approval; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the special event permit be issued and a portion of N. Finley Avenue, Basking Ridge; and Church Street, Liberty Corner be temporarily closed to accommodate this event.

[Resolution #060278](#) - Approval of Special Event Permit for Bernards Township Department of Parks & Recreation and Liberty Cycle Shop for a Bike Race on 6/6/06, Including Temporary Street Closures

WHEREAS, Peter Wright, representing the Bernards Township Department of Parks & Recreation; and Greg Cordasco, representing Liberty Cycle Shop, 107 S. Maple Avenue, Basking Ridge, NJ 07920 "the applicants," have requested a special event permit for 6/6/06, from 5 PM to 7:30 PM for the purpose of holding a bike race; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

WHEREAS, the Municipal Clerk, Police Chief, Health Officer, Fire Official, Recreation Director, and Risk Manager have reviewed the application.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved, including the temporary street closing of Finley Avenue from Dayton Street to Henry Street; Henry Street to Brownlee Place; Brownlee Place to West Oak Street; West Oak Street from Finley Avenue to Lee Place; Lee Place to Hillside Avenue; Hillside Avenue to Dayton Street; Dayton Street to Finley Avenue.

[Resolution #060281](#) - Adopting Voluntary Guidelines Concerning Political Signs in Bernards Township

WHEREAS, the Township Committee of the Township of Bernards wishes to formalize voluntary guidelines concerning the posting of political signs within Bernards Township.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby adopt the following voluntary guidelines:

Your rights to political expression in the matter of election signs are guaranteed by the First Amendment of the US Constitution, but as a courtesy to township residents and staff we would prefer you not place signs on Bernards Township Municipal or Board of Education properties.

Also, please continue to observe the tradition of removing all signs as quickly as possible after the election.

Election signs may not be placed within 100 feet of the American flag marking a polling place pursuant to N.J.S.A. 19:34-6.

Your cooperation is appreciated.

[Resolution #060282](#) - Approval of Request For Block Party, End of Tysley Street

WHEREAS, Heidi Vigeant hereinafter “the applicant,” has requested permission to close the end of Tysley Street in front of #23 on June 17, 2006 (rain date N/A) from 1:00 P.M. to 6:00 P.M. for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and recommend approval; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved.

[Resolution #060283](#) - Approval of Request For Block Party, Eton Place

WHEREAS, Keelie Rao hereinafter “the applicant,” has requested permission to close Eton Place on June 17, 2006 (rain date June 24, 2006) from 3:00 P.M. to 9:00 P.M. for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and recommend approval; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved.

End Consent Agenda Items

[Resolution #060279](#) - *Rejection of Bids, Phase II Kennedy-Martin-Stelle Farmstead, Phase II*

Chaudry asked for an update. Kelly explained that due to the escalating construction costs, the Friends of the Farmstead will focus on the English Barn and Farm House. These will be the first structures open to the public. In the next phase, the Wagon House will be addressed and the Friends will be further fund raising.

Motion by Chaudry, second by Pavlini, and unanimously agreed to approve Resolution #060279.

WHEREAS, the Township of Bernards received bids on Wednesday, May 17, 2006 at 10:00 for Phase II Kennedy-Martin-Stelle Farmstead Project.
The bid summary is as follows:

Vendor	Base Bid #1	Base Bid #2	Total Base Bids
Hahr Construction	\$ 483,000.00	\$ 377,000.00	\$ 860,000.00
Lewis-Graham	\$ 416,000.00	\$ 569,000.00	\$ 985,000.00

and

WHEREAS, it is the combined recommendation of the Township Attorney, Township Administrator, Township Engineer and Purchasing Agent to reject all bidders pursuant to NJSA 40A:11-13.2a, as they substantially exceed the budget allocation.

BE IT RESOLVED, by the Township Committee of the Township of Bernards, Somerset County, New Jersey that all bids be rejected; and

NOW THEREFORE BE IT RESOLVED, that the Purchasing Agent, is hereby authorized to reject all bids and re-advertise the project.

Ordinance #1878 - An Ordinance of the Township of Bernards Appropriating \$75,000.00 for Police Headquarters HVAC Improvements – Introduction

The clerk read the ordinance by title. Motion by Carpenter, second by Pavlini, that Ordinance #1878 be introduced on first reading, advertised as required by law, with a public hearing on 6/13/06.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

BE IT ORDAINED by the Township Committee of the Township of Bernards in the County of Somerset, New Jersey that the sum of \$75,000.00 is hereby appropriated from the Capital Improvement Fund, for improvements to the Police Headquarters HVAC System.

Any grant moneys received for the purposes described above hereof shall be applied to direct payment of the cost of the improvements and shall reduce the amount authorized from the capital improvement fund to the extent that such funds are so used.

The period of usefulness is five years or more. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services are on file with the Township Clerk and are available for public inspection.

BE IT FURTHER ORDAINED, this ordinance shall take effect immediately upon final passage and publication in accordance with law.

Ordinance #1877 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 4 “General Licensing” Section 2 “Sales of Goods and Services” Subsection F Concerning Soliciting for Charitable Causes or to Discuss Issues of Public or Religious Interest – Introduction

Recommendation for TC Action

Motion by Pavlini, second by Carpenter, that Ordinance #1877 be introduced on first reading, advertised as required by law, with a public hearing on 6/13/06.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 4, “General Licensing” Section 2 “Sales of Goods and Services” Subsection 4 “Exceptions” Paragraph “f” of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in **bold and underline**; deletions are in brackets and ~~stricken~~):

§4-4.2

- f. Any person soliciting for a charitable cause **or to discuss with such occupant issues of public or religious interest.**[.]

Each section of this ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or a part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any section or part hereof.

All ordinances, codes or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

[Ordinance #1876](#) - *An Ordinance Amending the Revised General Ordinances of the Township of Bernards Chapter 10 “Municipal Parks, Playgrounds and Pools” Subsection 1 “Park Regulations” and Chapter 4 “General Licensing” Section 4 “Sales of Goods and Services” to Allow the Sale of Ice Cream at Municipal Parks and Playgrounds – Introduction – Introduction*
[Recommendation for TC Action](#)

The clerk read the ordinance by title. Motion by Chaudry, second by Kelly, that Ordinance #1876 be introduced on first reading, advertised as required by law, with a public hearing on 6/13/06.

Pavlini expressed doubt about the ordinance due to traffic and safety concerns at the park.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

SECTION 10-1 Park Regulations

§ 10-1.1.m Rules and Regulations for Use of Municipal Parks and Open Space.

- m. Pursuant to Subsection 4-2.11, solicitation is prohibited except in accordance with Sections 4-2.7 f. and h.

SECTION 4

Sales of Goods and Services

§ 4-2.7. Sale of Food and Ice Cream.

f. 1. A licensee engaged as an ice cream vendor may sell ice cream from one or more temporary locations from vehicles in residential zone districts and districts which permit retail sales as a permitted use. Sales of ice cream at the Township parks and athletic fields, as referenced in Table A, may be allowed by the Township Committee on an annual basis only by the successful vendor as prescribed under N.J.S.A. 40 A:11-4.1 to 4.5. (Ord. #1307, 5-12-1998, added)

2. All employees of the successful vendor that will sell ice cream at Township parks and athletic fields shall be fingerprinted and undergo a criminal history background check. If any individual is determined to have a criminal record containing a disqualifying event, that individual shall not be permitted to sell ice cream at Township parks and athletic fields.

3. An ice cream vendor shall submit to the Bernards Township Chief of Police (the "Chief") the individual name of the ice cream man or woman, address, fingerprints and written consent for a criminal history record background check to be performed. The Chief is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules and regulations. The ice cream vendor shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

4. If the Chief is notified by the State Bureau of Investigation that any individual has a criminal record, the Chief shall promptly notify the Township Administrator.

5. Once the Township Administrator is notified of the criminal record, the Township Administrator and Chief of Police shall contact the ice cream vendor and individual to request the individual's written authorization to obtain detailed information regarding the criminal record from the State Bureau of Investigation. If the individual refuses to provide such written authorization, the individual shall be barred from selling ice cream in Bernards Township. Once the individual provides such written authorization, the Chief of Police shall obtain detailed information regarding the criminal record from the State Bureau of Investigation.

6. Once the detailed information regarding the criminal record is received, the Township Administrator and the Chief of Police shall make a determination within 5 days as to whether any event in the record constitutes a disqualifying event. The following shall constitute a disqualifying event:

a. Conviction of any crime or misdemeanor, including but not limited to murder, kidnapping, arson and other burnings, atrocious assault and battery, breaking and entering, bribery and corruption, burglary,

conspiracy, embezzlement, conversion and misappropriation of funds, extortion or threats, forgery and counterfeiting, frauds and cheats, indecency and obscenity, larceny, loan sharking, possession or use of a controlled dangerous substance, receiving stolen property, robbery, rape and carnal or child abuse, seduction and any other crimes against the person or crimes involving moral turpitude.

b. Conviction of any misdemeanor or disorderly persons offense involving being unable to give a good account, common thieves, burglars and pickpockets, carrying weapons or burglar tools, conspiracy, unlawful soliciting, assault and battery, frauds and misrepresentations, possession or use of habit-producing drugs, shoplifting, and any other offense involving moral turpitude.

c. Business pursuits resulting in fraud, misappropriation of funds or similar activity.

The above crimes, misdemeanors or disorderly persons offenses shall be deemed to be those as defined or equivalent to crimes and disorderly offenses defined by law in the State of New Jersey.

7. Notification of a Disqualifying Event, Appeal of Determination and Prohibition of Sales in Bernards Township by Ice Cream Man or Woman.

a. If a determination has been made by the Township Administrator and the Chief of Police that an event in the individual's criminal record constitutes a disqualifying event, then the Township Administrator and Chief of Police shall notify the ice cream vendor and the individual in writing of the determination within 3 days.

b. Once the ice cream vendor and the individual have been formally notified in writing that the Township Administrator and the Chief of Police have made a determination that any event contained in the individual's criminal record is a disqualifying event, the ice cream vendor or the individual shall have the right within 5 days of receipt of the formal notification appeal to the Township Committee for review of the determination of the Township Administrator and Chief of Police.

c. The ice cream vendor and the individual shall be entitled to speak to the Township Committee on the individual's behalf, and shall be entitled to provide information stating why the event in the individual's criminal record should not be considered a disqualifying event.

d. Once an appeal is made, the Township Committee shall review the entire file, the circumstances surrounding the criminal record and any statement or information provided by the ice cream vendor or the

individual, and shall make a final determination within 10 days as to whether an event on the criminal record constitutes a disqualifying event. The Township Committee may affirm or reverse the decision of the township administrator and the chief of police and shall set forth their final determination in writing.

e. If neither the ice cream vendor nor the individual appeals the initial determination by the Township Administrator and Chief of Police within 10 days of the date of the formal notification letter of a disqualifying event, then the individual shall be barred from selling ice cream in Bernards Township. Once a final determination is made by the Township Committee that an event on the individual's criminal record constitutes a disqualifying event, the individual shall be permanently barred from selling ice cream in Bernards Township.

8. Confidentiality. The criminal history record background check and fingerprinting procedure set forth in this chapter will be conducted, to the extent possible, in a manner intended to preserve the privacy of all parties. To the extent possible, privacy and confidentiality will be maintained.

h. No ice cream vendor shall park any vehicle within the lines of any public street, road or other public place for the purpose of selling ice cream for a period longer than 15 minutes, and then only while making actual sales. Sales of ice cream at Township parks and athletic fields will be allowed only by the successful vendor as referenced in Section 4-2.7f, during the established park hours of operations. Vehicles shall be parked adjacent to the right-hand curbline to ensure safety of customers. Vehicles may park only within parking lots of the parks and athletic fields, and shall not park on any park road for the sale of items to the public. No vehicle used for selling ice cream shall be parked within 500 feet of any school or school property one-half hour before the opening of school or one-half hour after the close of school, nor shall any such vehicle be parked within 500 feet of any public place of amusement or assemblage during the hours such place is open for attendance, or any public park. (Ord. #1307, 5-12-1998, added)

Table A	
Southard Park	Baseball & Soccer Field
Pleasant Valley Park	Soccer Field 1, 2, 3, 4, Softball Field 1, 2, 3 Baseball Field 1
Dunham Park	Soccer Field, Roller Hockey Court, Baseball Field
Rebel Hill Park	Baseball Field, Soccer Field
War Memorial Fields	Soccer, Baseball, Softball
Astor Fields	Soccer/Lacrosse Fields

Farmstead Park	Soccer/Lacrosse Field
Dewy Meadows Field	Soccer Field
Liberty Corner Firemen's Field	Baseball Field

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bernards, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Bernards are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Ordinance #1879 - Accepting a Stream Buffer Conservation Easement on Block 20, Lot 4, from Gerard Dobrowolski and Ann C. Fisher to the Township of Bernards – Introduction

The clerk read the ordinance by title. Motion by Carpenter, second by Chaudry, that Ordinance #1879 be introduced on first reading, advertised as required by law, with a public hearing on 6/13/06.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Gerard Dobrowolski and Ann C. Fisher, 9 Tysley Street, Basking Ridge, NJ, 07920, a stream buffer conservation easement on Block 20, Lot 4 in Bernards Township.
2. The easement is on file with the office of the township clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

[Ordinance #1880](#) - An Ordinance of Bernards Township in Somerset County, State of New Jersey, Amending Section 2-7 entitled "Police Department" of the Bernards Township General Ordinances – Introduction

[Recommendation for TC Action](#)

The clerk read the ordinance by title. Motion by Pavlini, second by Kelly, that Ordinance #1880 be introduced on first reading, advertised as required by law, with a public hearing on 6/13/06.

Roll Call:

- Aye: Carpenter, Chaudry, Kelly, Pavlini, Malay
- Nay:
- Abstain:
- Motion carried.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey as follows:

1. Section 2-7 entitled "Police Department" of Chapter II entitled "Administration", of the Bernards Township General Ordinances is hereby amended as follows [~~deletions in strikethrough~~, additions in underline]:

SECTION 2-7

Police Department

§ 2-7.1. Establishment and Organization.

- a. The Township of Bernards Police Department, as has been heretofore legally established under applicable laws of the State of New Jersey, is continued. The Police Department shall consist of no more than a Chief of Police, one Captain, four Lieutenants, six Sergeants, 23 Patrol Officers and Detectives and such other superior officers and patrol persons as will be determined by the Township Committee from time to time as being proper and feasible for the Department. These members of the Bernards Township Police Department shall be duly sworn.
- b. The Police Department shall also consist of certain civilian personnel to fill various positions, including but not limited to clerks, dispatchers, matrons and also special law enforcement officers, to be employed for special events, emergency purposes and otherwise. The Township Committee shall designate and thereafter appoint appropriate numbers of the above-mentioned civilian personnel as is deemed necessary for the efficient operation of the Police Department. Such civilian personnel shall not be members of the Department, except those who are designated as members by statute or ordinance.

§ 2-7.2. Township Committee Designated as Appropriate Authority.

In accordance with N.J.S.A. 40A:14-118, the Bernards Township Committee is designated as the appropriate authority with the power to fix policies for the regulation and control of the Police Department. These policies shall serve as guides for the Chief of

Police with regard to efficiency and routine day-to-day operations. The Township Committee shall adopt and promulgate rules and regulations for the government of the police force and for the discipline of its members. The Mayor may annually appoint a Police Subcommittee comprised of (a) the Township Administrator; and (b) a Township Committee member or members who shall advise the Township Committee on police issues.

§ 2-7.3. Chief of Police.

The head of the Police Department shall be the Chief of Police who shall be appointed by the Township Committee and who shall carry out such duties as the Township Committee shall assign to the Chief. The Chief of Police shall be directly responsible to the Township Committee for the efficiency and routine day-to-day operations of the Police Department and shall have the authority to assign day-to-day duties to members and other personnel of the Department. The Chief of Police shall keep the records of the Police Department in such manner and form as may be prescribed by the Police Subcommittee and each month shall make reports in writing to the Township Committee, as the Township Committee may require, of the operations and conduct of the Police Department during the preceding month. The Chief shall also report, in writing, whatever information the Township Committee or the Chief of Police may deem necessary to impart for the public benefit and the good of the Police Department. The Chief of Police shall recommend to the Township Committee rules and regulations for the conduct and discipline of the members of the Police Department and amendments to the rules and regulations as necessary.

The Chief of Police shall, among other duties:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- b. Have, exercise and discharge the functions, powers and duties of the force;
- c. Prescribe the duties and assignments of all subordinates and other personnel; and
- d. Delegate such authority as he or she may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision.

§ 2-7.4. Police Department Functions.

The Police Department shall:

- a. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages and preserve order at all elections, public meetings and assemblages;
- b. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of the streets

by vehicles and persons to protect the safety and facilitate the convenience of motorists and pedestrians;

- c. Remove or cause to be removed all nuisances in the public streets, parks and other public places, inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit and report thereon to the appropriate department;
- d. Provide proper police attendance and protection at fires;
- e. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments;
- f. Operate a training program to maintain and improve the efficiency of the members of the Department, subject to the budgetary approval of the Township Committee;
- g. Administer and enforce the rules and regulations for the disposition, conduct and discipline of the Department; and
- h. Be responsible to the Township Committee for all equipment and property of the Police Department and preserve, maintain and protect all such equipment and property in good order and useful condition and render a strict account thereof when called for by the Township Committee or the public safety.

§ 2-7.5. Qualifications and Appointment.

Each applicant for a position in the Police Department shall possess the qualifications required by N.J.S.A. 40A:14-122, as amended, and any other applicable statutes. The minimum age for appointment shall be 18 years and the maximum age shall be 35 years old, except as set forth in N.J.S.A. 40A:14-127.1. With the approval of the Township Committee, the Chief of Police may establish additional qualifications and requirements relating to level or nature of experience, training, or particular expertise for applicants for particular positions which the Police Department seeks to fill. All such additional qualifications shall be clearly specified in advertisements for the open position. Appointment of a new permanent Police Chief shall be made by the Township Committee, taking into consideration such evaluation or evaluation process as it may deem appropriate. All appointments of other new officers or employees of the Department, and all promotions, shall be made by the Township Committee, after receipt of reports or recommendations, if submitted, from the Police Chief and the Police Subcommittee.

§ 2-7.6. Term of Office.

The term of the permanent officers and patrol persons employed in the Department shall be for the time that good behavior and efficiency is maintained. Every newly appointed officer shall serve a probationary period which shall run until the later of (a) 12 months from the start of employment as an officer; or (b) six months of service after successful

completion of the course at a New Jersey-certified police training academy. No member shall serve as an officer or a member of the Department after attaining the age of 65 years. Probationary officers may be removed from employment by the Township at any time during their probationary period or at its conclusion upon notice and an opportunity to be heard.

§ 2-7.7. Rules and Regulations.

The Township Committee shall, by resolution, from time to time as in its judgment may seem necessary, adopt and amend the rules and regulations for the conduct and discipline of the Police Department and members thereof. The Township Administrator shall distribute copies of any newly adopted rule, regulation or amendment promptly after its adoption to all Township Committee members and the Chief of Police. Any such rule, regulation or amendment shall take effect 30 days after adoption unless the Township Committee shall declare, in its resolution, that an emergency exists which requires a rule, regulation or amendment to take effect immediately. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations, and all members and employees of the Police Department shall be subject to such rules, regulations and penalties.

§ 2-7.8. Disciplinary Action.

- a. Disciplinary action shall be taken against members of the Police Department in accordance with N.J.S.A. 40A:14-147, court decisions and the rules and regulations adopted by resolution pursuant to Subsection 2-7.7 above. Police officers may be disciplined for the reasons set forth in N.J.S.A. 40A:14-147, including but not limited to misconduct or disobedience of rules and regulations.
- b. Disciplinary action against a police officer (the respondent) includes counseling, oral reprimand, written reprimand, fine, voluntary surrender of time off in lieu of a fine, voluntary surrender of accumulated overtime in lieu of a fine, suspension, demotion or removal from the police force. Disciplinary action shall be initiated by written complaint.
- c. The complainant shall file said complaint with the Township Administrator and simultaneously serve a copy upon the respondent and the Chief of Police.
- d. Said complaint shall specify the disciplinary charge(s) and shall notify the respondent of the date, time and place of the hearing which shall be not less than 10 nor more than 30 days from the date of service thereof upon the respondent. A failure to comply with said provisions as to the service of the complaint shall require a dismissal of the complaint. Prior to serving the complaint, the complainant shall ask the hearing officer, as specified in Paragraph f, to designate a hearing date within the specified time limits. Adjournment of up to 45 days may be granted if both parties consent.
- e. A complaint charging a violation of the rules or regulations adopted pursuant to Subsection 2-7.7 above shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The forty-five-day time limit shall not

apply if an investigation of a respondent for a violation of those rules or regulations is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this state, in which case the forty-five-day limit shall begin on the day after the disposition of the criminal investigation. A failure to file a complaint within the forty-five-day limits of this paragraph shall require dismissal of the complaint, except that the forty-five-day limits of this paragraph shall not apply to complaints filed against respondents by private individuals. Upon the filing of a complaint by a private individual, the Chief of Police shall cause the department to conduct an internal investigation. If the internal investigation finds probable cause to believe that there has been a violation of the Department rules and regulations, the officer in charge of the investigation shall file departmental charges and the matter shall proceed as otherwise provided in this Subsection 2-7.8. If the internal investigation does not find such probable cause, departmental charges shall not be filed.

- f. The hearing shall be before the Township Administrator. In the absence or ineligibility of the Township Administrator, the hearing shall be conducted by the Township Committee or its designee. As used in this section, "hearing officer" means the person before whom the hearing is conducted. The hearing officer shall function as the trier of fact and shall sustain or dismiss the charge(s). The hearing officer shall determine the appropriate disciplinary action pursuant to rules and regulations as adopted by Township Committee, pursuant to Subsection 2-7.7 above.
- g. The complainant shall have the burden to prove each disciplinary charge by a preponderance of the evidence.
- h. The complainant and respondent may examine and cross-examine witnesses, retain counsel, offer evidence and obtain reasonable discovery.
- i. The hearing officer shall issue a written decision within 15 days after the hearing, setting forth findings of fact and conclusions of law.
- j. Should the disciplinary charge be sustained by the hearing officer, the respondent may obtain court review thereof in the manner prescribed by law.
- k. The disciplinary procedures set forth herein do not apply to probationary officers, who may be removed at any time during their probationary period or at its conclusion upon notice and an opportunity to be heard.

§ 2-7.9. Special Law Enforcement Officers.

As provided by N.J.S.A. 40A:14-146.8 et seq. (P.L. 1985, c. 439), as amended from time to time, the Township Committee may appoint special law enforcement officers who shall be so designated. Such appointments shall be for one year or such lesser time as the Township Committee may specify at the time it makes any such appointment. Such special law enforcement officers, when assigned to duty by the Chief of Police shall, within the scope of such assignment, have all the powers and duties of regular police officers (except as limited by N.J.S.A. 40A:14-146.14 or other applicable statute), but shall not be members of the Police Department. Special law enforcement officers shall

receive such compensation as the Township Committee shall fix, shall be subject to call of duty by and shall be under the supervision and direction of the Chief of Police, or in the absence of the Chief, by and of the Acting Police Chief, if any, or the next highest ranking superior officer in the Police Department. While on duty and service to the municipality, special law enforcement officers shall devote themselves exclusively thereto. Special law enforcement officers shall be governed by the rules and regulations of the department and shall be subject to disciplinary action under the same procedures as in Subsection 2-7.8 above.

§ 2-7.10. Acting Police Chief.

In case the Chief of Police is absent or goes on voluntary temporary leave, he or she shall, if the Chief deems it necessary for the efficient operation of the force, designate a member of the Police Department to act as Chief of Police until the Chief of Police returns to duty. In case of death, removal, suspension, incompetency or resignation of the Chief of Police, or if the Township Committee determines that the Chief of Police is incapable of making such designation, the Township Committee shall designate the person to act as Chief until the Chief of Police returns to duty or until a successor is appointed. The person so designated shall be charged with and perform all the duties of the Chief of Police while so acting. Such temporary appointment shall not increase the compensation of the person so designated.

§ 2-7.11. Police Matrons.

The Township Committee may, in its discretion, appoint police matrons for the Police Department in such number as the Township Committee may determine, and upon their appointments they shall become members of the Department in accordance with N.J.S.A. 40A:14-140.

§ 2-7.12. Adult School Crossing Guards.

- a. The Township Committee may, in its discretion, appoint persons at least 18 years of age as school crossing guards in such numbers as the Township Committee may determine. No person shall be appointed as a school crossing guard unless such person:
 1. Is a citizen of this state;
 2. Is sound in body and of good health;
 3. Is of good moral character;
 4. Has not been convicted of any criminal offense involving moral turpitude; and
 5. Has been certified as eligible by the Chief of Police.
- b. School crossing guards shall be appointed for terms not exceeding one year. The Township Committee may revoke any such appointment for cause and after proper hearing before the Township Administrator or other person designated as

under Subsection 2-7.8f above. The powers and duties of a school crossing guard shall cease at the expiration or termination of the term for which the guard was appointed.

- c. School crossing guards shall not be members of the Police Department, but shall be under the supervision and direction of the Chief of Police and shall comply with the rules and regulations applicable to the conduct and decorum of regular police officers. They shall perform their duties only in this Township.
- d. School crossing guards shall not have the right to bear firearms or the power of arrest.
- e. Every school crossing guard shall receive such training and uniform as provided by law.

§ 2-7.13. Compensation.

The compensation for all members of the Police Department and special law enforcement officers and other personnel shall be fixed by the Township Committee each year.

§ 2-7.14. Intermunicipal Police Assistance.

- a. Reciprocal Agreement Established. Bernards Township hereby establishes or continues, as the case may be, a reciprocal agreement (referred to below as "the agreement") for intermunicipal police assistance at times of any and all emergencies with the following municipalities:
 - 1. Each and every municipality within the County of Somerset; and
 - 2. All contiguous Morris County Townships.

This Subsection 2-7.14 shall be or become effective as to each of the above municipalities at such time as such municipality has in the past or may in the future adopt an ordinance providing for the same terms and conditions set forth in this subsection.

- b. Intermunicipal Assistance. The Bernards Township Chief of Police shall provide assistance to requesting municipalities to the extent possible, without endangering persons or property within Bernards Township.
- c. Expenses. Bernards Township shall receive reimbursement of the costs and expenses for the provision of its personnel and equipment to the requesting municipality, except when the requesting municipality receives state or federal aid by way of reimbursement. When state or federal aid is received by the requesting municipality, Bernards Township shall certify its costs and expenses to the requesting municipality, and the requesting municipality shall pay the costs and expenses to Bernards Township to the extent necessary so that no participating municipality bears a greater proportion of unreimbursed costs and expenses than the requesting municipality.

- d. Powers, Authority and Immunities. In accordance with N.J.S.A. 40A:14-156.2 et seq., the members of the Bernards Township Police Department and any other municipality passing an ordinance with the same terms and conditions as this subsection, while on duty rendering assistance to any other municipality, shall have the same powers, authority and immunities as have the members of the police force of the municipality in which such assistance is being rendered.
- e. Injury and Death Benefits. Members of any Police Department who suffer injury while providing assistance pursuant to this subsection, or their legal representative if death results, shall be entitled to all of the benefits they would have received if injury or death had occurred in the participating municipality where their duties are normally performed. The participating municipality where duties are normally performed shall provide such injury or death benefits.
- f. Senior Ranking Officer. When police assistance is requested pursuant to this subsection, the Chief of Police of the requesting municipality shall be the senior ranking officer of all members of any Police Department rendering assistance.
- g. Mutual Aid Operations Plan. The Mutual Aid Operations Plan promulgated by the Somerset County Chiefs of Police Association, prescribing the specifics of emergency reciprocal police assistance, is hereby incorporated by reference without inclusion in this subsection.
- h. Report to Governing Body. The Chief of Police shall provide the governing body with a brief summary of the types of services rendered and received under the agreement, along with appropriate comments and recommendations, as soon after the end of the third quarter of the calendar year as practical.
- i. Withdrawal from Agreement. Bernards Township may withdraw from and terminate the agreement at the end of any calendar year, provided that notice of its intention to terminate is given no later than November 12 to every other participating municipality. Otherwise, the agreement shall remain in force from year to year.
- j. This subsection shall continue in effect from and after its year of adoption, except as it may be amended from time to time.
- k. If any portion of this subsection shall be declared to be unconstitutional, invalid or inoperative by a court of competent jurisdiction, those portions which are not unconstitutional, invalid or inoperative shall remain in full force and effect.

§ 2-7.15. Officer to be Provided with Means of Defense.

Whenever a member or officer of the Police Department is a defendant in any action or legal proceeding arising out of or directly related to the lawful exercise of police powers in the furtherance of his official duties, the governing body of the municipality shall provide said member or officer with necessary means for the defense of such action or proceeding. The governing body shall select for the officer one of the following three methods of defense:

- a. Assignment of an attorney to represent the officer at a rate not to exceed the hourly rate in effect for the township attorney as of the date the legal services were performed, which rate may be amended from time to time by resolution of the governing body; or
- b. Permitting the officer to select an attorney designated by the municipality to defend officers in such actions at a rate not to exceed the hourly rate in effect for the township attorney as of the date the legal services were performed, which rate may be amended from time to time by resolution of the governing body; or
- c. Payment to an attorney of the officer's own choice, at a rate not to exceed the hourly rate in effect for the township attorney as of the date the legal services were performed, which rate may be amended from time to time by resolution of the governing body.

But no defense shall be provided in a disciplinary proceeding instituted against him by the municipality or in a criminal proceeding instituted as a result of a complaint on behalf of the municipality. If any such disciplinary or criminal proceeding instituted by or on complaint of the municipality shall be dismissed or finally determined in favor of the member or officer, he shall be reimbursed for the expense of his defense at a rate not to exceed the hourly rate in effect for the township attorney as of the date the legal services were performed, for the reasonable number of hours expended by his attorney in his behalf.

2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bernards, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Bernards are hereby ratified and confirmed, except where inconsistent with the terms hereof.

3. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

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

ADJOURNMENT

By unanimous consent, the meeting adjourned at 8:46 P.M.

Respectfully submitted

Denise Szabo, Municipal Clerk

John Malay, Mayor
