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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE  
MINUTES**

**SEPTEMBER 11, 2007 –REGULAR SESSION**

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## CALL TO ORDER

The mayor called the meeting to order at 7 PM. 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, Malay, Pavlini

Absent:

Also Present: CFO/Administrator McArthur, Attorney Belardo, Engineer/Planner  
Messina, Clerk/Assist. Admin. Szabo

## EXECUTIVE SESSION – [Resolution #070438](#)

Motion by Carpenter, second by Malay, and unanimously agreed that Resolution #070438 be approved and the meeting temporarily adjourned to executive session at 7:04 PM.

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - Personnel Matters Administrator's Review
  - Litigation Howmichael v. Bernards Township
  - Land Acquisition Route 78, Section 4A, Parcel V40B2B
3. It is anticipated that the minutes on the subject matters of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements on personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The committee will come back into open session and may take further action.
5. This resolution shall take effect immediately.

The meeting resumed in open session at 7:30 PM.

## MOMENT OF SILENCE

For victims of 9-11 and those serving overseas

## MINUTES

[08/28/2007](#) – Combined Agenda & Regular Meeting – Open Session

By unanimous consent these minutes were approved for content and release.

*08/28/2007 – Combined Agenda & Regular Meeting – Exec. Session*

By unanimous consent these minutes were approved for content only.

**FIRE & RESCUE APPOINTMENTS**

[Resolution #070443](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner Fire Company, Troy T. DeLorenzo

Motion by Malay, second by Carpenter, that Resolution 070443 be approved.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Malay, Pavlini

Nay:

Abstain:

Motion carried.

**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 Troy T. DeLorenzo, 13 Fairview Drive Ease, Basking Ridge, NJ, for appointment as a Full member;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Troy T. DeLorenzo is hereby appointed as a Full Member of the Liberty Corner Fire Company effective this date.

**CORRESPONDENCE**

None.

**REPORTS**

None.

**PUBLIC COMMENT**

Jerry Elson, 26 Wedgwood Drive, commented on noise from the Little League field and submitted a petition stating the signers felt the noise from the PA system was unreasonable and unacceptable. Additional support of the petition expressed by John Schulenberg, Wedgwood Drive; John Campbell, 20 Wedgewood Drive; Rita Savino, 3544 Valley Road.

John Crane, Decker Street, spoke of the township’s property acquisition Block 122, Lots 1, 5, 21-23 and asked for more information concerning demolition of the building, wetlands and buildable lot area.

**TOWNSHIP COMMITTEE/STAFF COMMENTS**

Staff and committee members reported on their recent activities.

## **UNFINISHED BUSINESS**

### [Review of Revised Proposal from Princeton Hydro Regarding Soil Testing at Millington Quarry](#)

Mr. Goll, P.E. of Princeton Hydro explained the proposal. In addition to the testing already being performed (1 sample collected per visit) they would collect up to four additional samples per visit. Each sample would be collected from different sources that are arriving at the site for the day that they are on site. The samples will be analyzed for the same criteria as in previous site visits. Due to the additional samples being collected, additional time will be required on site as well as in the office to review the lab results. It is expected that additional two hours will be required on site and two hours in the office per visit. The additional fees per visit will be \$125 and \$3930 for samples.

Mr. Goll fielded questions from the committee.

Kelly, Pavlini and Carpenter, wanted the existing fill, brought in over the past year to be tested in addition to that proposed. Belardo indicated the ordinance would have to be amended to adjust the escrow fee required of the quarry to cover this additional testing.

Carpenter felt that protocol was needed on the number of loads to sample.

Motion by Carpenter, second by Kelly, that the matter be tabled to 10/9/07 so that protocol on samples could be examined; and that the license also be tabled until the ordinance was amended. Belardo felt it was within the committee purview to combine the issues.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Malay, Pavlini

Nay:

Abstain:

Motion carried.

### [Resolution #070298](#) - Approval of 2007 Quarry License, Tilcon New York, Inc.

She motion immediately above to table to 10/9/07.

## **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.

Mrs. Kelly temporarily left the meeting.

Motion by Chaudry, second by Carpenter, to approve the consent agenda

Roll Call:

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

**\*\*Begin Consent Agenda\*\***

**Resolution #070435 - Approval of the Bill List Dated 08/28/2007**

**BE IT RESOLVED**, that the bill list dated 09/11/2007 be audited, and if found correct, be paid.

09/11/07  
 Page No: 1  
 11:39:53

TOWNSHIP OF BERNARDS

Check Register By Check Date

-----  
 Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 09/11/07 to 12/31/07  
 Report Type: All Checks Report Format: Super Condensed Check Type:  
 Computer & Manual

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
<b>CASH - CHECKING</b>					
64530	09/11/07	Alignment Check		VOID	
64531	09/11/07	90018 BYRNES, EDWARD	31.06		876
64532	09/11/07	90108 MIMLITSCH, SHARON	351.84		876
64533	09/11/07	90128 SZABO, DENISE	69.99		876
64534	09/11/07	90229 WERNER, HENRY	157.77		876
64535	09/11/07	90361 ROSER, KRISTINA	200.00		876
64536	09/11/07	A0123 AMERICAN PUBLIC HEALTH ASSN	160.00		876
64537	09/11/07	A0168 ALLIED OIL COMPANY, LLC	7,332.76		876
64538	09/11/07	A0180 AMERICAN LIBRARY ASSOCIATION	160.00		876
64539	09/11/07	A0437 AFFORDABLE HOUSING PROS OF NJ	46.00		876
64540	09/11/07	B0003 BAKERS AUTO PARTS, INC.	297.43		876
64541	09/11/07	B0005 BATTERY & ELECTRIC SERVICE CO.	174.51		876
64542	09/11/07	B0015 BRODART COMPANY	114.83		876
64543	09/11/07	B0020 BASKING RIDGE ELECTRIC CO., INC	4,809.00		876
64544	09/11/07	B0026 BERNARDS TOWNSHIP CURRENT	0.00	09/11/07 VOID	0
64545	09/11/07	B0026 BERNARDS TOWNSHIP CURRENT	0.00	09/11/07 VOID	0
64546	09/11/07	B0026 BERNARDS TOWNSHIP CURRENT	0.00	09/11/07 VOID	0
64547	09/11/07	B0026 BERNARDS TOWNSHIP CURRENT	22,996.57		876
64548	09/11/07	B0031 BERNARDSVILLE PRINT CENTER	205.07		876
64549	09/11/07	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	516,031.74		876
64550	09/11/07	B0241 BANISCH ASSOCIATES, INC.	3,792.10		876
64551	09/11/07	B0386 BWI	36.87		876
64552	09/11/07	B0391 BIRD, JOHN C	200.00		876
64553	09/11/07	B0512 BEHNKE, GEORGE	1,000.00		876
64554	09/11/07	B0519 BBC AUDIOBOOKS AMERICA	191.13		876
64555	09/11/07	C0003 CASCADE TREE SERVICE	8,140.00		876
64556	09/11/07	C0346 CROWN TROPHY OF GREEN BROOK	294.54		876
64557	09/11/07	C0408 CHAMPION UNIFORM SUPPLY	1,051.45		876
64558	09/11/07	C0422 CENTRALPACK SERVICE CORP.	996.25		876
64559	09/11/07	D0033 DEMCO	355.02		876
64560	09/11/07	D0040 DORELL & SONS, INC.	740.00		876
64561	09/11/07	D0097 D'ONOFRIO & SONS, INC.	1,514.29		876
64562	09/11/07	D0215 D LOVENBERG'S PORTABLE TOILETS	640.00		876
64563	09/11/07	D0350 DOWN 2 EARTH FARMS, LLC	1,455.00		876
64564	09/11/07	D0359 DELEONARDIS, ANN	197.25		876
64565	09/11/07	D0360 DEHOFF, JEANNE	80.00		876
64566	09/11/07	E0005 CULLIGAN	834.05		876
64567	09/11/07	E0031 E & B DISTRIBUTORS	337.27		876
64568	09/11/07	E0192 EAGLE AUTO & TRUCK SERVICES	49.98		876
64569	09/11/07	F0001 FEDEX	122.36		876
64570	09/11/07	F0003 FOLEY, INCORPORATED	360.00		876
64571	09/11/07	F0005 UNION SECURITY INSURANCE CO.	7,256.80		876
64572	09/11/07	F0067 FERRIERO ENGINEERING, INC.	3,780.00		876
64573	09/11/07	G0025 GARDEN STATE HIGHWAY PRODUCTS	161.50		876
64574	09/11/07	G0066 GRAINGER INC	1,187.27		876
64575	09/11/07	G0098 JCP&L	0.00	09/11/07 VOID	0

64576	09/11/07	G0098	JCP&L	0.00	09/11/07 VOID	0
64577	09/11/07	G0098	JCP&L	0.00	09/11/07 VOID	0
64578	09/11/07	G0098	JCP&L	34,990.00		876
64579	09/11/07	G0300	GOLD TYPE BUSINESS MACHINES	4,795.00		876
64580	09/11/07	G0326	GARDEN STATE MESSENGER INC.	642.00		876
64581	09/11/07	H0029	HUMPHREYS PEST CONTROL, INC.	361.00		876
64582	09/11/07	H0084	HARRIS, WILLIAM	200.00		876
64583	09/11/07	I0007	INFORMATION PUBLICATIONS	119.00		876
64584	09/11/07	I0010	INTERNATIONAL ASSN.OF ARSON	110.00		876
64585	09/11/07	J0002	JAEGER LUMBER	184.89		876
64586	09/11/07	J0123	JPC PAPER CO.	194.25		876
64587	09/11/07	K0197	KACHUBA, JOHN	375.00		876
64588	09/11/07	K1065	K & J LANDSCAPE MANAGEMENT, INC	8,249.38		876
64589	09/11/07	L0060	LAB SAFETY SUPPLY INC	447.59		876
64590	09/11/07	L0181	LAND'S END, INC.	810.50		876
64591	09/11/07	L0187	LAKELAND BUS COMPANY	800.00		876
64592	09/11/07	L0197	L.P. STATILE, INC.	239.00		876
64593	09/11/07	L0276	LI, CHUN T	278.62		876
64594	09/11/07	M0001	MARTINSVILLE AUTO PARTS	521.29		876
64595	09/11/07	M0010	MOBILE LAWNMOWER SERVICE, INC.	115.85		876
64596	09/11/07	M0015	MOORE MEDICAL, LLC	234.16		876
64597	09/11/07	M0178	MARK'S AUTO SERVICE	75.00		876
64598	09/11/07	M0251	MUNICIPAL CLERKS' ASSN OF NJ	30.00		876
64599	09/11/07	M0342	MORTON'S MARKETING RESOURCES	464.43		876
64600	09/11/07	M0419	WACHOVIA-CUST/SASS MUNI V DTR	288,456.49		876
64601	09/11/07	M0441	MAIN LINE COMMERCIAL POOLS, INC	3,219.95		876
64602	09/11/07	M0498	MP OVERHEAD DOORS	800.00		876
64603	09/11/07	N0006	NEW JERSEY AMERICAN WATER CO.	0.00	09/11/07 VOID	0
64604	09/11/07	N0006	NEW JERSEY AMERICAN WATER CO.	1,198.99		876
64605	09/11/07	N0014	NEWSBANK, INC	3,305.00		876
64606	09/11/07	N0017	NJ STATE LEAGUE OF MUNICIPAL.	45.00		876
64607	09/11/07	N0023	TREASURER, STATE OF NEW JERSEY	35.00		876
64608	09/11/07	N0032	NJ STATE DEPT HEALTH/SR SVCS	36.60		876
64609	09/11/07	N0040	NATIONAL FIRE PROTECTION ASSN.	270.00		876
64610	09/11/07	N0064	NEW JERSEY LIBRARY ASSOCIATION	105.00		876
64611	09/11/07	N0083	NJRPA	1,185.00		876
64612	09/11/07	N0118	NATURE'S CHOICE CORPORATION	1,800.00		876
64613	09/11/07	N0244	NORTHERN TOOL & EQUIPMENT CO.	315.43		876
64614	09/11/07	N0322	NEXTEL COMMUNICATIONS	545.42		876
64615	09/11/07	N0359	NEW YORK AQUARIUM	702.00		876
64616	09/11/07	O0003	ORIENTAL TRADING COMPANY, INC.	81.30		876
64617	09/11/07	O0021	OFFICE DEPOT	1,426.00		876
64618	09/11/07	P0005	PITNEY BOWES, INC.	180.00		876
64619	09/11/07	P0009	POSTMASTER - BASKING RIDGE	1,336.46		876
64620	09/11/07	P0014	PUBLIC SERVICE ELEC. & GAS CO	399.03		876
64621	09/11/07	P0046	RESERVE ACCOUNT	3,756.42		876
64622	09/11/07	P0221	PATRIOT MEWS COMMUNITY ASSOC.	1,183.12		876
64623	09/11/07	P0377	PRINCETON HYDRO, LLC	1,425.00		876
64624	09/11/07	P0380	POWERCO, INC.	10.86		876
64625	09/11/07	P0449	PREMIERE MOTOR INN	485.00		876
64626	09/11/07	Q0001	QUALITY BOOKS INC.	93.50		876
64627	09/11/07	Q0002	CINTAS CORP. - #101	177.00		876
64628	09/11/07	Q0005	QUALITY AUTOMOTIVE CO.	219.45		876
64629	09/11/07	R0004	RECORDED BOOKS INC.	829.85		876
64630	09/11/07	R0005	RECORDER PUBLISHING COMPANY	34.00		876
64631	09/11/07	R0006	RECREATION PETTY CASH	19.97		876
64632	09/11/07	R0010	REIDER ASSOCIATES	1,175.00		876
64633	09/11/07	R0045	RUTGERS - THE STATE UNIVERSITY	1,005.00		876
64634	09/11/07	R0077	RAY, KALYAN	300.00		876
64635	09/11/07	R0134	RICCIARDI BROTHERS, INC.	660.00		876
64636	09/11/07	R0304	RANDOM HOUSE, INC.	554.40		876
64637	09/11/07	R0309	ROYAL COMMUNICATIONS, INC.	1,575.00		876
64638	09/11/07	S0016	STORR TRACTOR COMPANY	115.35		876
64639	09/11/07	S0021	S & S WORLDWIDE, INC.	145.28		876
64640	09/11/07	S0035	SIRCHIE FINGER PRINT LAB	98.93		876
64641	09/11/07	S0067	SOMERSET COUNTY TREASURER	157.70		876
64642	09/11/07	S0091	SOMERSET COUNTY	12,560.25		876
64643	09/11/07	S0103	SOMERSET GRAIN FEED & SUPPLY	120.00		876
64644	09/11/07	S0204	SEQUOIA INVESTMENTS	706.04		876
64645	09/11/07	S0227	SHEARON ENVIROMENTAL DESIGN CO	21,525.00		876
64646	09/11/07	S0443	STAPLES BUSINESS ADVANTAGE	570.26		876

64647	09/11/07	S0656	STADIUM AUTO MALL SALES, INC	207.97	876
64648	09/11/07	S0691	SUPERIOR DISTRIBUTORS	55.76	876
64649	09/11/07	S0696	SELL, MR & MRS ROBERT	45.00	876
64650	09/11/07	T0042	N.J.DIVISION OF TAXATION	30.00	876
64651	09/11/07	T0066	THOMSON	333.00	876
64652	09/11/07	T0154	TILCON NEW YORK, INC.	457.45	876
64653	09/11/07	T0221	THOMSON WEST	82.00	876
64654	09/11/07	T0302	TURNBAUGH, MR & MRS E. NEWTON	325.00	876
64655	09/11/07	V0037	VILLAGE SUPERMARKET, INC.	18.62	876
64656	09/11/07	V0056	VERIZON WIRELESS	544.34	876
64657	09/11/07	V0058	VERIZON	3,882.69	876
64658	09/11/07	V0059	VERIZON CABS	196.61	876
64659	09/11/07	W0016	WARRENVILLE TRUE VALUE	510.39	876
64660	09/11/07	W0153	EMTEC	1,086.00	876
64661	09/11/07	W0241	W.B.MASON	741.30	876
64662	09/11/07	W0253	WINTERS STAMP MFG CO	113.35	876
64663	09/11/07	X0005	XTEL COMMUNICATION	877.27	876

Total Checks: 134 Total Void Checks: 8 Total Amount Void: 0.00 Total Amount Paid: 1,006,600.46

Fund Description	Fund	Budget	Fund Total	Revenue	Fund Total
CURRENT FUND	6-01		5,488.62		0.00
CURRENT FUND	7-01		919,032.79		0.00
DOG FUND	7-12		464.79		0.00
TRUST FUNDS	7-13		39,955.89		0.00
GOLF COURSE UTILITY	7-26		27,264.69		0.00
	Year Total:		986,718.16		0.00
CAPITAL FUND	C-04		10,404.00		0.00
GRANT FUND	G-02		3,989.68		0.00
	Total Of All Funds:		1,006,600.46		0.00

[Resolution #070429](#) - Compliance with N.J.S.A. 40A:5-4 2006 Annual Report of Audit

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

**WHEREAS**, The Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

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

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

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

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

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

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Bernards, hereby states that it has complied with N.J.A.C. 5:30-6, and does hereby submit a

certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

[Resolution #070436](#) - Authorization for Tax Refund(s)

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

**WHEREAS**, the homeowner has requested 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 authorized the following:

Block & Lot	Quarter & Year	Amount	Issue Refund To
182.01/324/CONDO	4Q07	\$ 906.72	Amy Beth Puskas 239 Potomac Drive Basking Ridge NJ 07920

[Resolution #070437](#) - Commendation on the Occasion of Your Retirement, John Bird

**WHEREAS**, the Township Committee of the Township of Bernards desires to convey to you an expression of its appreciation and grateful acknowledgment for the valued services rendered by you as an employee of the Township of Bernards for the past 40 years; and

**WHEREAS**, you have given generously of your time and efforts in a dignified, faithful and professional manner; and

**WHEREAS**, the Township Committee of the Township of Bernards sincerely appreciates the worthwhile contributions you have made towards the material development, communal welfare, safety and quality of life in Bernards Township; and

**WHEREAS**, on the occasion of your 40 years of service you are retiring to start the next challenging and exciting chapter of your life;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bernards that its sincere congratulations are expressed on the occasion of your retirement.

[Resolution #070439](#) - Approval of Developer's Agreement, Millington Quarry Inc., Stonehouse II, Block 164 Lot 4 and 5

**WHEREAS**, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer's Agreement "Agreement" pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate, and

**WHEREAS**, the Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

**WHEREAS**, there shall be executed a Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in “Appendix C” of the Revised Land Use Ordinance of the Township of Bernards; and

**WHEREAS**, a developer must use the pre-printed form which is available from the Township Engineering Department; and

**WHEREAS**, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

**WHEREAS**, Millington Quarry Inc. has submitted an Agreement with respect to Stonehouse II pursuant to preliminary approval by the Planning Board dated March 2, 2004; and final approval dated May 2, 2006; and

**WHEREAS**, the Township Engineer and Township Attorney have approved the Agreement;

**NOW THEREFORE BE IT RESOLVED**, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid Agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

[Resolution #070440](#) - Approval of Developer’s Agreement, Millington Quarry Inc., Bettlar Tract, Block 150, Lot 6

**WHEREAS**, Section 21-58A of the Revised Land Use Ordinance of the Township of Bernards requires that as a condition of final approval, a Developer’s Agreement pursuant to Section 21-58A.1. shall be provided by the applicant for review and comment of the Township Engineer, in consultation with the Township Attorney as the Township Engineer may deem appropriate, and

**WHEREAS**, the Agreement must be approved by the Township Committee upon recommendation of the Township Engineer; and

**WHEREAS**, there shall be executed an Agreement between the developer and the Township incorporating all of the terms and conditions of approval imposed by the board in the form set forth in “Appendix C” of the Revised Land Use Ordinance of the Township of Bernards; and

**WHEREAS**, a developer must use the pre-printed form which is available from the Township Engineering Department; and

**WHEREAS**, the Township Engineer may revise the pre-printed form from time to time, provided such revisions may not alter the substance of such forms authorized by an ordinance implementing the revision; and

**WHEREAS**, Millington Quarry Inc. has submitted an Agreement with respect to the Bettlar Tract pursuant to preliminary approval by the Planning Board dated October 21, 2003; and final approval dated November 21, 2006; and

**WHEREAS**, the Township Engineer and Township Attorney have approved the Agreement;

**NOW THEREFORE BE IT RESOLVED**, pursuant to Section 21-58A of the revised Land Use Ordinance of the Township of Bernards that the aforesaid Agreement is hereby approved as to form and substance by the Township Committee of the Township of Bernards.

[Resolution #070441](#) - A Resolution Expressing the Sense of the Township Committee to Maintain Jurisdiction and Control over North Maple Avenue

**WHEREAS**, the County of Somerset has expressed interest in taking over control of North Maple Avenue in Bernards Township; and

**WHEREAS**, following public discussion on August 28, 2007 the Township Committee expressed a strong desire to maintain jurisdiction and control of North Maple Avenue in Bernards Township; and

**WHEREAS**, the Township Committee is committed to maintaining community character and objects to any widening of North Maple Avenue.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that we do hereby express our Sense of Committee to maintain jurisdiction and control of North Maple Avenue.

[Resolution #070444](#) - Adoption of the Employee Assistance Program and Authorizing the Human Resources Manager to Enter Into a Professional Service Agreement with CONCERN, Employee Assistance Program, 200 South Street, Suite 402, Morristown, NJ 07960

**WHEREAS**, the Township of Bernards cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and professional lives; and

**WHEREAS**, while many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice; and

**WHEREAS**, an employee assistance program provides confidential access to professional counseling services for help in confronting such personal problems as marital and family issues, financial or legal troubles, emotional stress, alcohol and other substance abuse issues.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the employee assistance program is hereby made available to all full-time non-contractual regular employees of Bernards Township as well as their immediate family members effective October 1, 2007.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that the Human Resources Manager is hereby authorized to enter into an agreement with CONCERN Employee Assistance program to be re-evaluated in two years to determine its effectiveness in providing the best possible service to the full-time non-contractual employees of Bernards Township.

[Resolution #070445](#) - Awarding a Professional Services Contract for Employee Assistance Program (EAP) to Dr. Joanne Conroy, Executive Vice President NJ Lic # 26MA07311700 of Concern Corp/Morristown Memorial Hospital d.b.a. CONCERN EAP in the Not to Exceed Amount of \$700

**WHEREAS**, the Township of Bernards requires services for professional employee assistance program; and

**WHEREAS**, Morristown Medical Hospital submitted a proposal on April, 2007 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**, this professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* as the contract amount is under the threshold; and

**WHEREAS**, the treasurer has certified funds are available in 7-01-20-105-274 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 Morristown Memorial Hospital, 200 South Street, Suite 402, Morristown, New Jersey 07960 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated April, 2007.
2. The contract term is from October 1, 2007 through December 31, 2007 at a quarterly rate of \$ 6.15 per non contractual full- time employees, not to exceed \$ 700.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. Any modification to this contract shall be requested in writing, approved by the Township Committee, 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, agreed upon, and approved by the Township Committee in advance of service delivery.
6. 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.
7. The contractor shall report directly to Marie Eula, Manager, Human Resources 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.

\_\_\_\_\_  
Dr. Joanne Conroy, Executive Vice President, NJ Lic # 26MA07311700

[Resolution #070447](#) - Acceptance of Grant and Insertion of Revenue Item Into the 2007 Budget in the amount of \$100,000 from the United States Department of Health and Human Services for the Drug-Free Communities Support Program Grant (Grant #SP012261-06) for period 09/30/07 to 09/29/08

**WHEREAS**, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Township has received a notification of award for year #3 funding in the amount of \$100,000 from the United States Department of Health and Human Services for the Drug-Free Communities Support Program Grant for period 09/30/07 to 09/29/08 and wishes to amend its 2007 budget to include this amount as a revenue

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Bernards hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and

Private Revenues Offset with Appropriations:

US Department of Health and Human Services – Drug-Free Communities Support Program Grant

**BE IT FURTHER RESOLVED** that a like sum of \$100,000.00 total be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from “CAPS”

Public and Private Appropriations Offset by Revenues:

US Department of Health and Human Services – Drug-Free Communities Support Program Grant

**BE IT FURTHER RESOLVED** that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

[Resolution #070448](#) - Approval of Request for Block Party, Grove Road, 9/8/07

**WHEREAS**, Andrea Williams of 18 Grove Road “the applicant” has requested permission to close Grove Road for the purpose of holding a block party on 9/8/07 (raindate 9/9/07); 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

**WHEREAS**, members of the Township Committee were informally polled to approve this request prior to formal action of the committee because of timing of the application submission, and the municipal clerk was authorized to grant approval.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby memorialize approval of this request.

[Resolution #070449](#) - Approval of Special Event Permit for the Annual Fall Carnival at Dewy Meadows, the Bernards Township Chamber Of Commerce, September 13, 14, 15 & 16, 2007

**WHEREAS**, Albert LiCata, representing the Chamber of Commerce “the applicant,” has requested a special event permit for carnival amusement rides on September 13, 14, 15 & 16, 2007, to be held at the Dewy Meadow Retail Center; and

**WHEREAS**, the Municipal Clerk, Health Officer, Fire Official, Recreation and Risk Manager have reviewed the application and find it complete and in compliance with the Revised General Ordinances of the Township of Bernards § 4-4 et seq.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that the special event permit for carnival amusement rides is hereby approved.

[Resolution #070450](#) - Providing for Mutual Aid for Construction Code Services between Bernards Township and Bedminster Township

**WHEREAS**, The New Jersey Uniform Construction Code requires that in the event of certain conflict of interest situations another municipality must enforce the regulations; and

**WHEREAS**, Bernards Township and Bedminster Township wish to provide mutual aid assistance in order to provide for construction code services in the event of certain conflict of interest situations; and

**WHEREAS**, the Construction Official and Administrator recommend a mutual aid agreement be in place.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the construction code official of the Township of Bernards is hereby authorized and directed to provide construction code services to the Township of Bedminster in the event a conflict of interest prevents the Township of Bedminster construction office from providing those services.

[Resolution #070451](#) - Awarding a Professional Services Contract for Professional Planning Services for the Agricultural Advisory Committee Activities to Banisch Associates in the Not to Exceed Amount of \$25,000

**WHEREAS**, the Township of Bernards requires services for professional planning to support the activities of the Agricultural Advisory Committee; and

**WHEREAS**, Banisch Associates has submitted a proposal dated September 5, 2007 outlining services to the township; and

**WHEREAS**, 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.

**WHEREAS**, this contract has been awarded to Banish Associates through a process without public advertisement pursuant to N.J.S.A. 19:44A-20.7; and

**WHEREAS**, the treasurer has certified funds are available in 7-01-21-187-204 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 Francis J. Banisch III, PP/AICP, NJ Lic # 33L100168600 of the firm Banisch Associates, PO Box 154, Sergeantsville, NJ 08857-0154 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated September 5, 2007.
2. The contract term is from June 14, 2007 through December 31, 2007 at a not to exceed amount of \$25,000.00.
3. Billings must be rendered by the contractor within 45 days of service delivery.
4. Any modification to this contract shall be requested in writing, approved by the Township Committee, 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, agreed upon, and approved by the Township Committee 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 Bruce McArthur, CFO/Town Administrator 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, Francis J. Banisch III, PP/AICP, NJ Lic # 33L100168600 for Banisch Associates, Inc., am committed to follow all terms of this award.

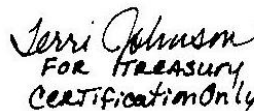
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Francis J. Banisch, III PP/AICP  
NJ Lic # 33L100168600

**TREASURER'S CERTIFICATION**

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of \$25,000.00. Monies are available in 2007 Budget – line account # 7-01-21-187-204.

Date: 9/6/07



FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson  
Supervisor of Treasury Services

[Resolution #070452](#) - Awarding a Professional Services Contract for Performing Real Estate Appraisal Services for English Farm Block/Lot 152/26.01 & 175/19 Farmland Preservation to Matthew S. Krauser, NJ Lic # 42RG00191200 of the firm Integra Realty Resources, in the Not to Exceed Amount of \$5,500

**WHEREAS**, the Township of Bernards requires services for professional real estate appraisal services; and

**WHEREAS**, Matthew S. Krauser, NJ Lic # 42RG00191200 of the firm Integra Realty Resources, has submitted a proposal dated February 11, 2007 outlining the professional real estate appraisal services it will provide 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.

**WHEREAS**, this professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* as the contract amount is under the threshold; and

**WHEREAS**, the treasurer has certified funds are available in the open Space Trust Fund account # 7-13-56-056-OST 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 Matthew S. Krauser, NJ Lic #

42RG00191200 of the firm Integra Realty Resources, 110 S. Jefferson Road, 2<sup>nd</sup> Floor, Whippany, NJ 07981-1038 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated February 11, 2007.
2. The contract term is from September 11, 2007 through December 31, 2007 at a not to exceed amount of \$ 5,500.00.
3. The contract issued by Bernards Township supersedes any and all terms and conditions submitted in the proposal dated February 11, 2007.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be requested in writing, approved by the Township Committee, and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated, agreed upon, and approved by the Township Committee in advance of service delivery.
7. 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.
8. 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.
9. The contractor shall report directly to Bruce McArthur, Township Administrator/CFO 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, Matthew S. Krauser, NJ Lic # 42RG00191200, for Integra Realty Resources, am committed to follow all terms of this award.

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Matthew S. Krauser, NJ Lic # 42RG00191200

**TREASURER'S CERTIFICATION**

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$5,500.00. Monies are available in the Open Space Trust Fund: 7-13-56-056-OST.

Date: 9/6/07

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson  
Supervisor of Treasury Services

**\*\*End Consent Agenda\*\***

[Recommendation for TC Action from Jennifer Gander, Parks & Recreation Requesting Adoption of Policies and Procedures for Mountain Park Concession Use by Non-Profit Organizations](#)

The committee reviewed the proposed program and policies allowing emergency service and non-profit sports organizations the opportunity to fundraise by operating the concession at Mt. Park during peak usage times and special events.

Ms. Hale of the Basking Ridge First Aid Squad addressed the committee.

The committee agreed to endorse the proposal and adopted the following resolution.

[Resolution #070446 - Adopting a Program and Policies and Procedures Therefore Entitled "Mountain Park Concession Use by Non-Profit Organization"](#)

Motion by Carpenter, second by Chaudry, that Resolution 070446 be approved.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Malay, Pavlini

Nay:

Abstain:

Motion carried

**WHEREAS**, the Director of Parks and Recreation has recommended that the township provide an opportunity to emergency service groups and non-profit sports organizations to fundraise for their organization by offering concession items to park patrons during peak usage times and special events at Mountain Park ("the program"); and

**WHEREAS**, the Township Committee reviewed a program policy outlining the policies and procedures of the program; and

**WHEREAS**, the policies and procedures will protect the aesthetics of the park by regulating signage and outlining cleanup and trash procedures, and ensure adherence to proper Health Department food handling procedures; and

**WHEREAS**, township emergency service groups will be given priority scheduling when requesting times to operate the concession; and

**WHEREAS**, not only emergency services groups and non-profit sports organizations will benefit from the program, but so too will participants and spectators by having the availability of refreshments and products while they enjoy Mountain Park.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that we do hereby approve the program, and adopt the policies and procedures as set forth this date.

[Recommendation for TC Action from Basking Ridge Little League to Install Four Electronic Scoreboards at the Baseball Complex on Valley Road](#)

Brad O'Brien, Bill DeVries, Jim Felecito, Jay Petrillo and Victor Hatalla were in attendance to represent the Little League.

The committee reviewed the request from Little League to replace the existing score boards to enhance the complex. Under the terms of the lease with the township, the township committee would need to approve the score boards. Representatives asserted that there would be no adverse effect to the public as the boards do not contain sound equipment, only digital and LED lighting. The scoreboards would be used both during the day and night, the night time use would be limited to the previously approved times for use of lights at the complex.

The applicant indicated that the new score board would cut down on use of the public address system and thereby address the noise issue mentioned by citizens at the earlier public comment period.

The committee was sympathetic to the noise issues raised by the residents. Pavlini suggested that the lease be amended to eliminate the public address system completely.

Hatalla indicated if the scoreboards were allowed to be installed now, at the start of the next season, the public address system would be eliminated.

Motion by Carpenter, second by Malay, to amend the lease to allow the scoreboards to be installed, but disallow the public address system with the committee revisiting the lease during the 2008 winter season.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Malay, Pavlini

Nay:

Abstain:

Motion carried.

The revised ordinance will be introduced on 9/25/07.

[Letter Request from Glenn Geiger Representing 100 Marketplace, LLC, an Affiliate of Bocina Homes Corporation to Change Zoning in the E-3 Zone to Allow for a Retail Liquor Store](#)

The committee reviewed the request to change the zoning. They also reviewed a memo from Assistant Township Planner upholding the current interpretation of the zoning ordinance to prohibit a liquor store in the zone. Belardo concurred with the interpretation.

Motion by Carpenter, second by Kelly, that an ordinance for the zoning change allowing a liquor store in the zone be prepared by counsel for introduction on 9/25/07.

Roll Call:

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

[Recommendation for TC Action from Ariane Delafosse for Endorsement of Bernards Township for Certification as a Community Wildlife Habitat with the National Wildlife Federation](#)

The committee reviewed the request meant to raise awareness of citizen's immediate environment and the small things they can do to enhance it for local wildlife. The certificate would benefit the community by attracting songbirds, butterflies, frogs and other interesting wildlife, increase curb appeal by replacing grass lawns and native wildflowers, shrubs and trees, restore habitats where commercial and resident development degraded natural ecosystems, and reduce use of chemicals, conserving energy and water, and composting help to improve air, water and soil quality.

The committee agreed to endorse the certification:

[Resolution #070442 - Authorizing the Registration of Bernards Township for Certification as a Community Wildlife Habitat with the National Wildlife Federation](#)

Motion by Malay, second by Chaudry, that Resolution #070442 be approved.

Roll Call:

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

**WHEREAS**, Ariane Delafosse, a resident of Bernards Township and appointee to the Green Team and Environmental Commission; and founder of Community Green, a non-profit organization committed to working with individuals, groups and communities on environmental projects whose mission is to provide access to empowerment in global environmental issues by providing connections and inspirational information; and

**WHEREAS**, Ms. Delafosse has requested endorsement for certification of Bernards Township as a Community Wildlife Habitat with the National Wildlife Federation; and

**WHEREAS**, the National Wildlife Federation promotes and certifies community wildlife habitats friendly to both people and wildlife; and

**WHEREAS**, conventional landscaping has reduced the natural ecological balance of our land and certification as a Community Wildlife Habitat benefits the community by:

1. Attracting songbirds, butterflies, frogs and other interesting wildlife.
2. Increasing curb appeal by replacing grass lawns with native wildflowers, shrubs and trees

3. Restoring habitats where commercial and residential development have degraded natural ecosystems
4. Reducing the use of chemicals, conserving energy and water, and composting help to improve air, water and soil quality

**WHEREAS**, with more education and a better understanding of natural landscaping and how food, water and shelter provide for our wildlife, we can restore balance and make a difference one backyard at a time.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby endorse registration of Bernards Township Community Wildlife Habitat with the National Wildlife Federation.

[Ordinance #1979](#) - *Accepting a Conservation Easement on Block 185, Lot 17.02, from Robert N. Vogt and Gwen Gepfert to the Township of Bernards – Introduction*  
 Motion by Malay, second by Chaudry, that Ordinance #1979 be introduced on first reading, advertised as required by law, with a public hearing on 10/09/07.

Roll Call:

Aye: Carpenter, Chaudry, Kelly, Malay, Pavlini  
 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 Robert N. Vogt and Gwen Gepfert, 74 Crest Drive, Basking Ridge, NJ, 07920, a conservation easement on Block 185, Lot 17.02, 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.

*Mayor's Appointment to the Library Board – Tim Opremcak, Regular Member, filling the 5 year term of David Hitchcock, expiring 12/31/2008*

*Mayor's Appointment to the Planning Board*

The mayor announced her appointments.

Paul Saccone	A2 member filling the unexpired 2 year term of Ms. DelVento, expiring 12/31/08
Karen Terracciano DelVento	Moved from A2 to A1, filling the unexpired 2 year term of Carolyn Gaziano, expiring 12/31/07
Carolyn Gaziano	Moved from A1 to RM, filling the unexpired 4 year term of Richard Macksoud, expiring 12/31/08

The mayor announced her appointment.

**PUBLIC COMMENT**

John Campbell, 20 Wedgewood Drive, complimented the committee on their handling of the Basking Ridge Little League issue addressed earlier in the meeting.

Bill Allen commented on the quarry rehabilitation plan and license renewal.

**ADJOURNMENT**

By unanimous consent, the meeting adjourned at 10:20 PM.

Respectfully submitted,

\_\_\_\_\_  
Denise Szabo, Mun. Clerk

\_\_\_\_\_  
Mary Pavlini, Mayor