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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE  
MINUTES**

**FEBRUARY 12, 2008 - REGULAR SESSION**

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## CALL TO ORDER

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

## ROLL CALL

Present: Kelly, Malay, Pavlini, Spitzer, Carpenter

Absent:

Also Present: Administrator McArthur, Attorney Belardo, Engineer/Planner Messina (7:50 PM), Municipal Clerk/Assist. Admin. Szabo

## EXECUTIVE SESSION – [Resolution #080102](#)

Motion by Pavlini, second by Malay, that Resolution #080102 be adopted and the meeting temporarily adjourned to executive session at 7:32 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:
  - Contract Negotiation Contract Negotiations, Teamsters/PBA
  - Litigation West v. Bernards Township
  - Land Acquisition Block 150, Lots 1, 2.01, 3.01, 5.01,  
Block 3601, Lot 4  
Block 175, Lot 36.01 and Q0044  
Block 175, Lot 19 and 33.01
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 mayor announced that due to the unexpected absence of the Township's Consultant from Princeton Hydro, due to the inclement weather, the committee would be tabling Ordinance #2001 and Resolution #080107 to the 2/26/08 meeting.

## AMEND AGENDA

Motion by Malay, second by Pavlini, that the agenda be amended to remove Resolution #080111 from the Consent Agenda.

## **MINUTES**

*01/29/2008 – Combined Agenda/Regular Meeting – Open Session*

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

*01/29/2008 – Combined Agenda/Regular Meeting – Executive Session*

By unanimous consent, these minutes were approved for content only.

### **Resolution #080111 - Personnel Appointment, Promotion of Scott Ward, Sergeant, Police Department**

Motion by Pavlini, second by Malay, that Resolution #080111 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, the position of Sergeant was vacated due to a resignation; and

**WHEREAS**, the promotional testing was conducted as per the Promotional Policy; and

**WHEREAS**, Detective Scott Ward applied for and was tested for the promotion and is qualified to fill this position; and

**WHEREAS**, the Bernards Township Chief of Police is recommending Detective Scott Ward be promoted to the rank of Sergeant; and

**WHEREAS**, the Bernards Township Administrator reviewed the promotional policy and agrees that the policy was administered properly; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that Detective Scott Ward be appointed to the position of Sergeant in the Bernards Township Police Department effective February 13, 2008, at an annual salary of \$92,101.61

The clerk administered the oath of office to Sergeant Scott.

## **FIRE & RESCUE APPOINTMENTS**

**Resolution #080094 - Appointment to Membership in Township of Bernards Volunteer, Basking Ridge Fire Company #1, Robert K. Fullagar, Jr.**

Motion by Malay, second by Pavlini, and unanimously agreed to approve Resolution #080094.

**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 **Basking Ridge Fire Company #1** is recommending Robert K. Fullagar, Jr., 122 Spencer Road, Basking Ridge, NJ, for appointment as a Full member;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Robert K. Fullagar, Jr. is hereby appointed as a Full Member of the Basking Ridge Fire Company #1 effective this date.

[Resolution #080095](#) - *Appointment to Membership in Township of Bernards Volunteer, Basking Ridge Fire Company #1, Karen Bissett-Hornblow*

Motion by Pavlini, second by Kelly, and unanimously agreed to approve Resolution #080095.

**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 **Basking Ridge Fire Company #1** is recommending Karen Bissett-Hornblow, 65 Fairview Drive South, Basking Ridge, NJ, for appointment as a Full member;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Karen Bissett-Hornblow is hereby appointed as a Full Member of the Basking Ridge Fire Company #1 effective this date.

[Resolution #080108](#) - *Appointment to Membership in Township of Bernards Volunteer, Basking Ridge Fire Co. #1, Theodore E. Renz, John J. Sheehan, Jr.*

Motion by Kelly, second by Malay, and unanimously agreed to approve Resolution #080108.

**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 departments for the Township of Bernards; and

**WHEREAS**, the Basking Ridge Fire Company #1 is recommending the following individuals for appointment:

<u>NAME</u>	<u>ADDRESS</u>	<u>MEMBERSHIP STATUS</u>
Theodore E. Renz	89 Riverside Drive asking Ridge, NJ	Full
John J. Sheehan, Jr.	6 Colonial Drive asking Ridge, NJ	Full

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the above individuals are hereby appointed as members of the Basking Ridge Fire Company #1 effective this date.

[Resolution #080109 - Appointment to Membership in Township of Bernards Volunteer, Liberty Corner First Aid Squad, Inc., Joseph Friedman](#)

Motion by Malay, second by Pavlini, and unanimously agreed to approve Resolution #080109.

**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**, Joseph Friedman, 3604 Balsam Way, Basking Ridge, 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.

### **CORRESPONDENCE**

[Request Dated 1/18/08 from Fastcom Consulting Services for Erecting a Wireless Communications Facility on Block 60, Lot 1 \(40 Washington Avenue\)](#)

The committee acknowledged the request, but they were not interested in allowing a wireless facility on this municipal property in a residential neighborhood. A memorializing resolution will be prepare for action at the next meeting.

[Notification of Community Hope's Application for a Somerset County Community Development Block Grant for 2008 Hope for Veterans](#)

The committee acknowledged the notification of the grant application for Community Hope's employment training program for "Hope for Veterans" at the VA Hospital and voiced there support. There was no public comment regarding the application.

[Request from Hamilton Ridge Condominium Association for Parking Restrictions on Fife Lane and Longrifle Lane](#)

The committee acknowledged the request for a No stopping or standing restriction from 8 AM to 5 PM on Fife Lane and Longrifle Lane when school is in session due to safety concerns. The committee also reviewed an endorsement of the request from Police Chief Dennis Mott. They agreed to amend the agenda to add Ordinance #2003 introducing the parking restrictions.

### **REPORTS**

[Recommendation, Soil Erosion and Sediment Control Agreement with Somerset-Union SCD, Draft Agreement](#)

The committee reviewed a recommendation from Township Engineer/Planner Peter Messina to transfer review and certification of soil erosion and sediment control plans for land disturbances in the township as defined as project under the NJ Soil Erosion and Sediment Control Act, Chapter 251, PL1975, to the Somerset Union Soil Control District.

The township has been functioning since passage of the Act under a township ordinance for soil erosion and sediment control which was approved by the State Soil Conservation Committee.

The township wants to retain the enforcement of the soil erosion and sediment control, but enter into an agreement with the District and State Soil Conservation Committee to have the District implement a portion of the local ordinance.

According to Messina, this agreement will eliminate the man hours required to process the paperwork required for these permits, while keeping the important inspection process in-house or by the township's site consultants. The laws are changing so rapidly that it is difficult to understand and apply the new regulations to new projects. The SUSCD does these reviews daily and must understand and can apply the ever changing regulations. In addition, the engineering department will lose a full time employee in May with no replacement approved. In order to shift that person's responsibilities to other persons he needs to find ways to reduce some of the work load.

Motion by Pavlini, second by Spitzer, to approve the agreement. A resolution will be listed on the next agenda.

## **PUBLIC COMMENT**

Geoff Goll, the Township's Consultant from Princeton Hydro, arrived at the meeting but since the committee had already announced they would be tabling Ordinance #2001 and Resolution #080107 to the 2/26/08 meeting, they did not proceed with any formal action concerning these matters at this meeting.

### Commented on the Quarry and the contaminated soils

Christen Walsh, 3447 Valley Road  
Suzzane Baker, 92 Spencer Road  
Christine Thoma, 3132 Valley Road  
Carol Bianchi, 55 Springhouse Lane  
Jonathan Marshall, 41 Lyons Road  
John Gannon, 4 Woodstone Road  
Suzzane Quigley, 16 St. Nicholas Way  
Brendan O'Connor, 11 Forbes Court

John Selman, General Manager of Millington Quarry distributed a fact sheet.

## **TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their recent activities.

The committee agreed to nominate the VNA for a Good Neighbor Award.

## **UNFINISHED BUSINESS**

[Ordinance #1998](#) - *Accepting a Stream Buffer Conservation Easement on Block 133, Lot 9.01, from J. Joseph and Jennifer Cambria 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 Malay, second by Pavlini, that Ordinance #1998 be adopted and advertised as required by law.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #1999](#) - *An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Land Development", Concerning Lot Width – Public Hearing Planning Board Report*

The clerk read the ordinance by title and the committee acknowledged the report of the Planning Board:

*The Planning Board discussed the above proposed ordinance at their public meeting on February 5, 2008. The Board discussed the issues identified in David Banisch's January 21, 2008 memo.*

*After hearing input from the public and further Board discussion, the Board decided that a further clarification to the proposed lot width definition addressed the concerns expressed. Board members therefore recommend that the final sentence in the definition of Lot Width be amended to include the phrase "or approved" (shown in blue):*

#### SECTION 21-3

##### **Definitions**

*LOT WIDTH shall mean the distance between the side lot lines measured along a line drawn parallel to the front lot line at a distance from the front lot line equal to the minimum front yard setback. ~~On lots on culs-de-sac or pie-shaped lots, the lot width shall be measured at the actual location of the house, but not closer to the street right-of-way than the minimum front yard setback.~~ Where the minimum width is required to be increased as a result of being a corner lot, only one width need be increased. For cul-de-sac or pie-shaped lots in existence as of February 12, 2008, the lot width shall be measured at the actual **or approved** location of the house, but not closer to the street right-of-way than the minimum front yard setback.*

The mayor opened the public hearing. There were no comments.

Belardo opined that the changes recommended by the Planning Board were not substantive. Messina also suggested an additional change which Belardo opined was not substantive:

*For cul-de-sac or pie-shaped lots in existence or **preliminary approved** as of February 12, 2008, the lot width shall be measured at the actual **or approved** location of the house, but not closer to the street right-of-way than the minimum front yard setback.*

Motion by Malay, second by Kelly, that Ordinance #1999 be amended to comply with the recommendations of the Planning Board and Peter Messina, and that the amended ordinance be adopted.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:  
Abstain:  
Motion carried.

[Ordinance #2001](#) - *An Ordinance Amending Chapter IV Entitled "General Licensing", Section 4-9 Entitled "Quarrying" of The Revised General Ordinances of the Township of Bernards, To Amend Subsections 4-9.4 Entitled "Application For License", 4-9.7 Entitled "Fees", 4-9.8 Entitled "Quarry Inspections" and 4-9.9 Entitled "Regulation of Operation" – Public Hearing*

Because some members of the public left anticipating that Mr. Goll would not be present, motion by Malay, second by Pavlini, and unanimously agreed to table Ordinance #2001 to 2/26/08.

Belardo indicated that the Quarry subcommittee met prior to tonight's meeting and made some minor verbiage changes to the ordinance after consulting with quarry representatives. He opined that none of the proposed changes were substantive and copies of the proposed ordinance changes were available to the public.

[Ordinance #2002](#) - *An Ordinance to Replace in its Entirety Salary Ordinance #1950 Which Fixes the Compensation of Certain Officers and Employees of the Township of Bernards on and After January 1, 2008 – 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.

The clerk indicated there were two typographical errors in the ordinance: Township Survey's grade level should be 10, and the Community Service Director's grade level should be 10. Belardo ruled the changes were not substantive.

Motion by Malay, second by Pavlini, that Ordinance #2002 be amended to correct the typographical errors, adopted and advertised as required by law.

Roll Call:  
Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter  
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 Pavlini, second by Malay, that the consent agenda be approved with the removal and separate consideration of the following: Resolutions #080099, #080103, #080105, #080106, #080107, #080110, #080112 and #080113.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

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

**Resolution #080116 - Approval of the Bill List Dated 02/12/2008**

**BE IT RESOLVED**, that the bill list dated 02/12/2008 be audited, and if found correct, be paid.

02/12/08

TOWNSHIP OF BERNARDS

Page No: 1

12:16:06

Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 02/12/08 to 02/12/08

Report Type: All Checks

Report Format: Super Condensed Check Type:

Computer & Manual

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
CASH - CHECKING					
66218	02/12/08	Alignment Check		VOID	
66219	02/12/08	72053 UNITED STATES GOLF ASSOCIATION	100.00		889
66220	02/12/08	72067 HOROWITZ, ROBERT I.	1,035.00		889
66221	02/12/08	90128 SZABO, DENISE	62.57		889
66222	02/12/08	90203 HURST, CHRISTOPHER	4,403.86		889
66223	02/12/08	90226 LITTLE, KEVIN	478.00		889
66224	02/12/08	90227 SHIMSKY, MICHAEL	29.79		889
66225	02/12/08	90267 AMERMAN, GLEN	42.68		889
66226	02/12/08	90279 NEIL, DAWN	200.00		889
66227	02/12/08	90373 STEELE, LAURA	16.16		889
66228	02/12/08	A0060 ANJEC	35.20		889
66229	02/12/08	A0168 ALLIED OIL COMPANY, LLC	35,538.04		889
66230	02/12/08	A0327 ACCURINT	46.75		889
66231	02/12/08	A0395 AUGUST N. SANTORE, JR, P.C.	450.00		889
66232	02/12/08	A0398 ABSO	99.00		889
66233	02/12/08	A0425 ATLANTIC TACTICAL	2,987.00		889
66234	02/12/08	A0455 ARONOFF, RANDY	45.00		889
66235	02/12/08	B0001 BAKER & TAYLOR, INC.	0.00	02/12/08 VOID	0
66236	02/12/08	B0001 BAKER & TAYLOR, INC.	14,275.13		889
66237	02/12/08	B0003 BAKERS AUTO PARTS, INC.	266.14		889
66238	02/12/08	B0015 BRODART COMPANY	378.25		889
66239	02/12/08	B0020 BASKING RIDGE ELECTRIC CO., INC	423.00		889
66240	02/12/08	B0021 BASKING RIDGE FIRE CO.	2,850.00		889
66241	02/12/08	B0026 BERNARDS TOWNSHIP CURRENT	0.00	02/12/08 VOID	0
66242	02/12/08	B0026 BERNARDS TOWNSHIP CURRENT	0.00	02/12/08 VOID	0
66243	02/12/08	B0026 BERNARDS TOWNSHIP CURRENT	0.00	02/12/08 VOID	0
66244	02/12/08	B0026 BERNARDS TOWNSHIP CURRENT	17,690.94		889
66245	02/12/08	B0031 BERNARDSVILLE PRINT CENTER	5,284.82		889
66246	02/12/08	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	487,588.21		889
66247	02/12/08	B0044 BASKING RIDGE ANIMAL HOSPITAL	690.75		889
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66256	02/12/08	B0529 BLABOLIL, ROBERT	90.00		889
66257	02/12/08	C0024 COURIER NEWS	24.25		889

66258	02/12/08	C0037	CLERK'S PETTY CASH	24.49	889
66259	02/12/08	C0083	CDW GOVERNMENT, INC.	79.78	889
66260	02/12/08	C0146	CORBETT, MYRA	98.91	889
66261	02/12/08	C0178	CMF BUSINESS SUPPLIES, INC.	737.93	889
66262	02/12/08	C0200	CALIBRE PRESS, INC.	179.10	889
66263	02/12/08	C0309	COPPER KETTLE DELICATESSEN	83.15	889
66264	02/12/08	C0408	CHAMPION UNIFORM SUPPLY	1,048.40	889
66265	02/12/08	C0454	COMMUNICATIONS ADVANTAGE	70.00	889
66266	02/12/08	C0530	CIT FINANCIAL SERVICES	479.60	889
66267	02/12/08	C0556	CIMAGLIA, DAVE	120.00	889
66268	02/12/08	C0558	CRAIG D ROCK PLUMBING&HEATING	6,400.00	889
66269	02/12/08	D0009	DOMB LIGHTING & ELECTRICAL	299.54	889
66270	02/12/08	D0063	DELUXE INTERNATIONAL TRUCKS	123.58	889
66271	02/12/08	D0215	D LOVENBERG'S PORTABLE TOILETS	130.00	889
66272	02/12/08	D0339	DEER CARCASS REMOVAL SVC, LLC	389.70	889
66273	02/12/08	D0348	DENSON, TONI	60.00	889
66274	02/12/08	D0364	DOOLAN, MARK	225.00	889
66275	02/12/08	E0005	CULLIGAN	1,432.85	889
66276	02/12/08	E0162	ETTEL, RICHARD	1,125.00	889
66277	02/12/08	E0172	E M GRANT	165.00	889
66278	02/12/08	E0185	EDWARDS TIRE COMPANY	1,534.48	889
66279	02/12/08	E0191	EAST COAST EMERGENCY LIGHTING,	198.66	889
66280	02/12/08	E0192	EAGLE AUTO & TRUCK SERVICES	24.99	889
66281	02/12/08	E0210	EXHIBIO	3,534.00	889
66282	02/12/08	F0001	FEDEX	15.86	889
66283	02/12/08	F0123	FODALE, EDWARD	720.00	889
66284	02/12/08	F0148	FAIRFIELD MAINTENANCE INC	2,790.00	889
66285	02/12/08	F0166	FARINA, GEORGE	990.00	889
66286	02/12/08	F0258	FINDAWAY WORLD, LLC	711.86	889
66287	02/12/08	G0004	GALLS, INC.	282.00	889
66288	02/12/08	G0043	GORSKY, ANGELA	21.16	889
66289	02/12/08	G0066	GRAINGER INC	1,217.22	889
66290	02/12/08	G0098	JCP&L	28,518.63	889
66291	02/12/08	G0333	GUS & BUCKYS BEDMINSTER WASH	53.60	889
66292	02/12/08	H0181	HOUSER WELDING SUPPLY	177.65	889
66293	02/12/08	H0246	HOME DEPOT CREDIT SERVICES	67.58	889
66294	02/12/08	H0268	HERILA, BEN	275.00	889
66295	02/12/08	J0002	JAEGER LUMBER	879.76	889
66296	02/12/08	J0052	J.H. REID ON-SITE RECYCLING	2,975.00	889
66297	02/12/08	J0126	JDS GENERAL CONTRACTING INC	15,832.80	889
66298	02/12/08	K0059	KAYSER, JOHN P	1,310.00	889
66299	02/12/08	K0070	KENT ADHESIVE PRODUCTS CO	245.92	889
66300	02/12/08	L0187	LAKELAND BUS COMPANY	800.00	889
66301	02/12/08	M0011	L-3 COMMUNICATIONS-MOBILE	243.45	889
66302	02/12/08	M0015	MOORE MEDICAL, LLC	266.06	889
66303	02/12/08	M0018	MORRISTOWN LUMBER & SUPPLY CO	5,143.12	889
66304	02/12/08	M0053	MORRIS COUNTY POLICE ACADEMY	840.00	889
66305	02/12/08	M0178	MARK'S AUTO SERVICE	37.50	889
66306	02/12/08	M0251	MUNICIPAL CLERKS' ASSN OF NJ	175.00	889
66307	02/12/08	M0393	METRO RACE FORUM	256.50	889
66308	02/12/08	M0441	MAIN LINE COMMERCIAL POOLS,INC	19,593.00	889
66309	02/12/08	M0452	MORRIS REGIONAL PUBLIC HEALTH	3,000.00	889
66310	02/12/08	M0482	MOSKAL, DENNIS	810.00	889
66311	02/12/08	N0003	NATIONAL REGISTER PUBLISHING	307.10	889
66312	02/12/08	N0006	NEW JERSEY AMERICAN WATER CO.	68.00	889
66313	02/12/08	N0017	NJ STATE LEAGUE OF MUNICIPAL.	125.00	889
66314	02/12/08	N0040	NATIONAL FIRE PROTECTION ASSN.	219.33	889
66315	02/12/08	N0042	NJ LIBRARY TRUSTEE ASSOCIATION	204.00	889
66316	02/12/08	N0053	NJ UNEMPLOYMENT COMP. FUND	10,784.68	889
66317	02/12/08	N0101	NEW JERSEY DEVILS	1,600.00	889
66318	02/12/08	N0118	NATURE'S CHOICE CORPORATION	900.00	889
66319	02/12/08	N0154	NEW HORIZONS	1,599.00	889
66320	02/12/08	N0177	NAIFA	475.00	889
66321	02/12/08	N0187	NJ ENVIRONMENTAL HEALTH ASSOC	800.00	889
66322	02/12/08	N0334	NATIONAL SAFETY PRODUCTS, INC	97.92	889
66323	02/12/08	N0360	NEW JERSEY DIETETIC ASSN.	75.00	889
66324	02/12/08	O0021	OFFICE DEPOT	556.09	889
66325	02/12/08	O0061	O2 SPORTS	192.00	889
66326	02/12/08	O0082	OUT IN STYLE, INC.	2,658.00	889
66327	02/12/08	P0014	PUBLIC SERVICE ELEC. & GAS CO	696.38	889
66328	02/12/08	P0046	RESERVE ACCOUNT	2,120.17	889

66329	02/12/08	P0211	PATRIOT HILL CONDO ASSOCIATION	3,806.20		889
66330	02/12/08	P0454	PERDEK, ANDY	270.00		889
66331	02/12/08	P0455	POWERHOUSE STUDIOS, INC.	300.00		889
66332	02/12/08	Q0001	QUALITY BOOKS INC.	551.07		889
66333	02/12/08	Q0002	CINTAS CORP. - #101	177.00		889
66334	02/12/08	Q0005	QUALITY AUTOMOTIVE CO.	367.28		889
66335	02/12/08	Q0012	QUALITY COMMUNICATIONS & ALARM	870.30		889
66336	02/12/08	R0003	RAY'S SPORT SHOP, INC.	660.04		889
66337	02/12/08	R0004	RECORDED BOOKS INC.	2,126.90		889
66338	02/12/08	R0005	RECORDER PUBLISHING COMPANY	30.60		889
66339	02/12/08	R0009	REGENT BOOK COMPANY INC.	13.03		889
66340	02/12/08	R0010	REIDER ASSOCIATES	225.00		889
66341	02/12/08	R0023	RICHIES TIRE SERVICE, INC.	1,200.00		889
66342	02/12/08	R0025	RIDGE RESTAURANT	39.90		889
66343	02/12/08	R0045	RUTGERS - THE STATE UNIVERSITY	2,814.00		889
66344	02/12/08	R0046	R & J CONTROL, INC.	532.00		889
66345	02/12/08	R0134	RICCIARDI BROTHERS, INC.	103.96		889
66346	02/12/08	R0251	REXEL BRIDGEWATER	764.67		889
66347	02/12/08	R0281	RECREATION PETTY CASH CHECKING	120.00		889
66348	02/12/08	R0304	RANDOM HOUSE, INC.	116.00		889
66349	02/12/08	R0367	R & R TROPHY & SPORTING GOODS	80.64		889
66350	02/12/08	R0375	ROWE, MATT	275.00		889
66351	02/12/08	S0009	SEELY EQUIPMENT & SUPPLY CO.	1,687.60		889
66352	02/12/08	S0067	SOMERSET COUNTY TREASURER	4,863,119.18		889
66353	02/12/08	S0068	SOMERSET COUNTY TREASURER	532,542.55		889
66354	02/12/08	S0069	SAL'S AUTO BODY INC.	5,506.59		889
66355	02/12/08	S0103	SOMERSET GRAIN FEED & SUPPLY	641.70		889
66356	02/12/08	S0443	STAPLES BUSINESS ADVANTAGE	481.17		889
66357	02/12/08	S0591	STAR LEDGER - SUBSCRIPTIONS	215.80		889
66358	02/12/08	S0628	STATE OF NEW JERSEY-HB	143,052.34		889
66359	02/12/08	S0656	STADIUM AUTO MALL SALES, INC	739.55		889
66360	02/12/08	S0691	SUPERIOR DISTRIBUTORS	859.07		889
66361	02/12/08	T0019	TRAP ROCK INDUSTRIES, INC.	463.50		889
66362	02/12/08	T0049	TROPICANA CASINO & RESORT	190.00		889
66363	02/12/08	T0066	THOMSON	1,663.25		889
66364	02/12/08	T0113	TRUMP TAJ MAHAL	510.00		889
66365	02/12/08	T0154	TILCON NEW YORK, INC.	178.26		889
66366	02/12/08	T0284	BROADWAY INBOUND	2,800.00		889
66367	02/12/08	V0008	VITAL COMMUNICATIONS, INC.	1,402.70		889
66368	02/12/08	V0009	VNA COMMUNITY CARE, INC.	5,982.00		889
66369	02/12/08	V0011	VARITRONICS SYSTEMS	3,950.00		889
66370	02/12/08	V0020	VILLAGE OFFICE SUPPLY	207.85		889
66371	02/12/08	V0028	MPS	241.33		889
66372	02/12/08	V0037	VILLAGE SUPERMARKET, INC.	33.21		889
66373	02/12/08	V0056	VERIZON WIRELESS	2,647.43		889
66374	02/12/08	V0058	VERIZON	0.00	02/12/08 VOID	0
66375	02/12/08	V0058	VERIZON	2,357.74		889
66376	02/12/08	V0059	VERIZON CABS	193.42		889
66377	02/12/08	W0002	WARNOCK DODGE	195.00		889
66378	02/12/08	W0014	WARNOCK FLEET	2,026.75		889
66379	02/12/08	W0016	WARRENVILLE TRUE VALUE	956.81		889
66380	02/12/08	W0030	WORLD BOOK, INC	995.00		889
66381	02/12/08	W0059	WOMEN'S HEALTH&COUNSELING CTR	1,007.00		889
66382	02/12/08	W0089	TIMMERMAN EQUIPMENT CO.	1,325.36		889
66383	02/12/08	W0097	WINNER FORD	272.08		889
66384	02/12/08	W0128	WASTEQUIP ACCURATE	12,922.00		889
66385	02/12/08	W0187	WASTE MANAGEMENT OF NJ, INC	200.00		889
66386	02/12/08	W0206	WARNER COMMUNICATIONS	23.32		889
66387	02/12/08	W0213	WT COX SUBSCRIPTIONS, INC.	8,848.35		889
66388	02/12/08	W0241	W.B.MASON	777.60		889
66389	02/12/08	X0003	XEROX CORPORATION	622.87		889
66390	02/12/08	X0005	XTEL COMMUNICATION	813.66		889
66391	02/12/08	Y0011	YORK FENCE CONSTRUCTION CO,INC	2,980.00		889
66392	02/12/08	Z0031	ZIEMANN, BOB	200.00		889

Check # Check Date Vendor Amount Paid Reconciled/Void Ref Number

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Total Checks: 175 Total Void Checks: 6 Total Amount Void: 0.00 Total Amount Paid: 6,332,147.22  
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02/12/08  
Page No: 5

TOWNSHIP OF BERNARDS

12:16:06

Check Register By Check Date

Fund Description	Fund	Budget	Fund Total	Revenue	Fund Total
CURRENT FUND	7-01		120,066.10		0.00
GOLF COURSE UTILITY	7-26		3,260.11		0.00
			-----		-----
Year Total:			123,326.21		0.00
CURRENT FUND	8-01		6,121,956.98		0.00
DOG FUND	8-12		1,230.75		0.00
TRUST FUNDS	8-13		42,381.41		0.00
GOLF COURSE UTILITY	8-26		855.59		0.00
			-----		-----
Year Total:			6,166,424.73		0.00
CAPITAL FUND	C-04		26,095.72		0.00
GRANT FUND	G-02		16,300.56		0.00
			=====		=====
Total Of All Funds:			6,332,147.22		0.00

[Resolution #080070](#) - Authorizing a Place-to-Place Transfer for Liquor License #1802-44-003-003, True Value Wines & Spirits, Inc.

**WHEREAS**, an application has been filed for a place-to-place transfer of Plenary Retail Distribution License #1802-44-003-003, issued to True Value Wines and Spirits, Inc. for premises heretofore located at 12 Lyons Shopping Center, Basking Ridge, NJ 07920; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Bernards does hereby approve, effective 03/03/2008, the place-to-place transfer of the aforesaid plenary retail consumption license premises, from its former location at 12 Lyons Shopping Center, Basking Ridge, NJ 07920, to its new location at 100 Marketplace, 25 Mountainview Blvd., Basking Ridge, NJ 07920, and does hereby direct the Municipal Clerk to endorse the license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to premises located at 100 Marketplace, 25 Mountain Boulevard, Basking Ridge, NJ 07920.”

[Resolution #080096](#) - Personnel Appointment, Brent Philhower, Laborer – Department of Public Works

**WHEREAS**, the full time position of Laborer became available due to a series of promotions within the Public Works Department; and,

**WHEREAS**, the Director of Public Works, Township Administrator, and Human Resources Manager have deemed it necessary to fill this position; and,

**WHEREAS**, Brent Philhower has applied for and is qualified to fill said position; and

**WHEREAS**, the Director of Public Works, Township Administrator, and Human Resources Manager recommend appointment of Brent Philhower to full time Laborer; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Brent Philhower be appointed full time Laborer effective February 19, 2008, at an hourly rate of \$13.22 for a 40-hour workweek. Offer of employment is contingent upon the results of pre-employment screening as per township policy.

[Resolution #080097](#) - Personnel Appointment, Tom Nicoletti, Crew Chief, Department of Public Works

**WHEREAS**, the Public Works Crew Chief position became available due to promotion effective December 11, 2007; and

**WHEREAS**, the Township Administrator/CFO, Director of Public Works and Manger of Human Resources deem it necessary to fill this position; and,

**WHEREAS**, Tom Nicoletti 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 Tom Nicoletti be appointed Crew Chief of the Department of Public Works effective February 13, 2008 at an hourly rate of \$26.97 for a 40 hour workweek.

[Resolution #080100](#) - Appointment to the Open Space Advisory Committee, Kim Hiscano

**WHEREAS**, pursuant to Ordinance #1840 adopted by the Bernards Township Committee on January 24, 2006, there exists an Open Space Advisory Committee whose mission is to review and recommend parcels of land and interests therein for acquisition and preservation as open space within the Township of Bernards; and

**WHEREAS**, a vacancy exists on the Open Space Advisory.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that Kim Hiscano, 252 N. Maple Avenue, Basking Ridge, be appointed to the Open Space Advisory for a three year term to expire 12/31/2010.

[Resolution #080101](#) - Accepting a Certified List from Bernards Township Participating Volunteer Fire Companies and First Aid Squad for Eligibility in Length of Service Awards Program (LOSAP) for the Year 2007

**WHEREAS**, the creation of a Length of Service Awards Program (LOSAP) for the volunteer fire and first aid squad members was approved by the voters of Bernards Township on November 5, 2002, and

**WHEREAS**, the Township Committee of the Township of Bernards approved the adoption of the Plan Document designating AIG VALIC as the service provider in Resolution #030353 on November 11, 2003, and

**WHEREAS**, the State of New Jersey, Department of Community Affairs, Division of Local Government Services has reviewed the Plan Document and supporting documentation and found the plan to be in compliance with the requirements of N.J.A.C. 5:30-14.25(b) on January 30, 2004, and

**WHEREAS**, each participating volunteer fire company and first aid squad has submitted a certified list to the Local Plan Administrator of those emergency service workers who have met the requirements of the plan as outlined in Ordinance #1576,

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the following certified lists from each participating volunteer fire company and first aid squad be accepted and approved;

Basking Ridge Fire Company No. 1 and First Aid Squad

Jon Bently	Robert Houlihan	Edward McMahon
Lois Bloom	Nicholas Ierubino	Todd Middleton
Louis D'Autorio	Jody Jacobus	Richard Moschello

Michelle D'Autorio	Kevin Lavery	John Sabel
Michael Delgado	Arthur Marky	Peter Von der Linde
Patrick DiLorenzo	Jane McArthur	Brendan Watt
Edmund Foley	Daniel McEnerney	Duncan Watt
Brian Grace	Jack McGrath	
Stephen B. Hayworth	Matthew McMahon	

Liberty Corner Fire Company

Jeffrey Alkhas	Marc Friedman	Michael LaCosta
Peter Aprahamian	Don Gazzale	Gerald Modugno
Michael Barth	Douglas Gazzale	Eric Murphy
Carl Blanchard	Laurie Gazzale	Robert Pierson
John Borchert	Glenn Hart	Charles Pisano, Jr.
David Carroll	Caleb Hough	David Smart
Stanley Eckstein	Christopher Hurst	Kenneth White
James Farley	Scott Kessel	Landon Zimmerman
Joe Friedman	Rich Kronengold	

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be posted for a period of 30 days in the office of the Township Clerk, the Basking Ridge Fire Company and the Liberty Corner Fire Company.

[Resolution #080104](#) - Return of Irrevocable Standby Letter of Credit #06-10 for the Visiting Nurse Association of Somerset Hills

**WHEREAS**, the Development Control Officer of the Township of Bernards, Somerset County, New Jersey, 07920, has the following Irrevocable Standby Letter of Credit.

Name of Applicant: Visiting Nurse Association of Somerset Hills  
Address: 12 Olcott Ave.  
Bernardsville, NJ 07924  
Irrevocable Standby Letter of Credit #: 06-10  
Insurance Company: Peapack-Gladstone Bank  
Address: 158 Route 206 N  
PO Box 178  
Gladstone, NJ 07934  
Amount: \$278,742.60 Cash Portion: \$30,971.40

**WHEREAS**, the aforesaid applicant is requesting return of their Irrevocable Standby Letter of Credit, and

**WHEREAS**, the Township Engineer recommends return of the Irrevocable Standby Letter of Credit to the applicant, and

**WHEREAS**, no Maintenance Surety required.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the aforesaid Irrevocable Standby Letter of Credit be released to the above named applicant.

[Resolution #080110](#) - Authorizing 2007 Application for Tonnage Grant  
Motion by Kelly, second by Pavlini, that Resolution #080110 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bernards that the Township of Bernards hereby endorses the submission of the 2007 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Pat Monaco, Recycling Coordinator, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

[Resolution #080113](#) - Authorizing Submission of a Grant Application to the State of New Jersey Department of Health and Senior Services for a Grant Entitled “Phase III CDC Pandemic Influenza Supplemental Funding.” For the Purpose of Providing Funding for the Bernards Township Health Department and the Pandemic Flu Preparedness Committee

**WHEREAS**, the Health Educator/Human Services Coordinator is recommending the Township Committee approve a grant application to Bernards Township for a grant entitled “Phase III CDC Pandemic Influenza Supplemental Funding,” which would provide \$10,565.00 for the purpose of funding the township program, project or facility known as the Pandemic Flu Preparedness Committee; and

**WHEREAS**, the grant application requires a 0% match of \$10,565.00 to be provided by Bernards Township with funds being available in Account: 2008 Budget Request – All grant funds must be encumbered by August 9, 2008, as certified below by the treasurer; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that it does hereby authorize submission of a grant application to the State of New Jersey Department of Health and Senior Services for a grant entitled “Phase III CDC Pandemic Influenza Supplemental Funding” for the purpose of funding the township program, project or facility known as the Bernards Township Health Department and the Pandemic Flu Preparedness Committee; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that Heather Benamati of the Bernards Township Health Department will serve as the project manager for this grant application.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards, that the Mayor, Project Manager, and Clerk are hereby authorized to sign the grant on behalf of the township.

[Resolution #080114](#) - Authorization for Tax Refund(s)

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

**WHEREAS**, the homeowner’s mortgage company 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
2201/9.01/CONDO	1Q08	965.82	GMAC Mortgage Corp Attn: Tax Dept. Judy Fox 3451 Hammond Ave Waterloo IA 50702

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

[\*Resolution #080099\*](#) - *Authorizing and Approving Purchase from Sagem Morpho Inc., State Contract #A-68461 for a MORPHO Integrated Live Scan LIS2-R250 (Real-time ability to capture and efficiently transmit finger images to Law Enforcement agencies) at a cost not to exceed \$40,516*

After a lengthy explanation by Police Chief Mott, a motion was made by Carpenter, seconded by Malay, to table Resolution #080099 to 2/26/08 for a better justification.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

***Resolution #080103*** - *Acceptance of the Friends of the Kennedy Martin-Stelle Farmstead 2007 Annual Report*

Motion by Pavlini, second by Spitzer, to table the Resolution to 2/26/08 pending presentation of the Pathways, Parks & Recreation Committee on plans for the Farmstead.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[\*Resolution #080105\*](#) - *Acceptance of the Construction Official's 2007 Annual Report*

The committee requested that in future years there be a three-year comparison on the report.

Motion by Carpenter, second by Pavlini, to approve Resolution #080105.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, pursuant to §12-1.4. of the Revised General Ordinances of the Township of Bernards, the Construction Official shall, with the advice of the subcode officials, prepare and submit to the Township Committee biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act; and

**WHEREAS**, the 2007 annual report has been submitted as required.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that 2007 Annual Report of the Construction Official be accepted as submitted.

**Pursuant to township ordinance please accept this annual activity report for 2007.**

• <b>Applications received and reviewed:</b>	<b>2259</b>
• <b>Permits issued:</b>	<b>1922 (An all time record.)</b>
• <b>Permit updates issued:</b>	<b>315</b>
• <b>New Buildings:</b>	<b>75</b>
• <b>Additions:</b>	<b>112</b>
• <b>Alterations:</b>	<b>1890</b>
• <b>Certificates of Occupancy issued:</b>	<b>135</b>
• <b>New residential units:</b>	<b>12</b>
• <b>Residential Demo &amp; Reconstruction:</b>	<b>6</b>
• <b>Certificates of Approval issued:</b>	<b>2144</b>
• <b>Inspections conducted:</b>	<b>9807</b>
• <b>Revenue:</b>	<b>\$ 698,176.50</b>
• <b>Expenditures:</b>	<b>\$ 764,479.32</b>
• <b>Customer Service Survey's Mailed:</b>	<b>2279</b>
• <b>Returned:</b>	<b>226</b>
• <b>Positive Survey Responses:</b>	<b>220</b>
• <b>Dissatisfied Survey Responses:</b>	<b>6</b>

Major projects in the township in 2007 were the USGA museum expansion, the Board of Education school additions and alterations, Somerset Hills VNA and Bnai – Israel and 100 Market Place.

No fee revenue is collected for Board of Education projects which accounted for **189** inspections during 2007.

At this time no major revisions to the Construction Code fee ordinance is suggested.

*Resolution #080106 - Authorizing Acceptance of a \$1,000,000 Contribution from Somerset County towards Bernards' Acquisition of the Cangiano Tract, now identified as Block 4601, Lot 5.01, and Authorizing Execution by the Mayor and Clerk of a Deed Placing Additional Restrictive Language Requested by the County on the Cangiano Tract*

The committee discussed the conditions of the grant award. Motion by Carpenter, second by Pavlini, to approve Resolution #080106.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, Bernards acquired property consisting of approximately 185.18± acres, known as the Cangiano Tract, identified on the Tax Map as Lot 5.01 in Block 4601 (*previously identified as Lots 1, 5, 21, 22 and 23 in Block 122*), by deed dated October 31, 2007, recorded in the Somerset County Clerk's Office on November 5, 2007, in Book 6082, Page 142-151, Instrument No. 2007063560, which deed included language restricting the Township's use and conveyance of the Property; and

**WHEREAS**, Bernards acquired the Cangiano Tract for the purchase price of \$7,116,000 using funds from the Township's Open Space Recreation and Farmland and Historic Preservation Trust Fund and funds obtained in conjunction with a bond ordinance; and

**WHEREAS**, the Somerset County Freeholders, by Resolution 07-887, authorized as a County Special Project Grant a \$1,000,000 contribution toward Bernards' acquisition of the Cangiano Property, requiring in conjunction with the contribution that Bernards execute a deed placing the County's usual and customary restrictive language into the chain of title; and

**WHEREAS**, the Somerset County Attorney, the Township Attorney and the Township Committee have all reviewed and approved the form of the proposed restrictive deed; and

**WHEREAS**, the Township Committee desires to accept the County's contribution of \$1,000,000 towards the acquisition of the Cangiano Tract, and to authorize the Township's Mayor, professionals and staff to take all required actions necessary to effectuate the contribution at the earliest possible time, including the execution and recording of a restrictive deed;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of Bernards Township accepts Somerset County's Special Project Grant \$1,000,000 contribution towards the Township's acquisition of the Cangiano Tract, and hereby instructs the Mayor and Township Clerk to execute the restrictive deed, which deed is on file with the Bernards Township Clerk and is attached to this Resolution. The Township Committee further authorizes Township professionals and staff to take such actions as may be necessary to record the restrictive deed and effectuate the contribution.

*Resolution #080107 - Awarding a Professional Services Contract for 2008 Quarry Engineering Inspection Services to Princeton Hydro, LLC., in the Not to Exceed Amount of \$179,610*

The resolution was tabled to 2/26/08, pending adoption of Ordinance #2001.

*Resolution #080112 - Establishing a Program for Facility Use by Approved Community Service Groups*

Motion by Carpenter, second by Kelly, to amend the proposed resolution and adopt it as amended (amendments indicated in strikethrough and underline below):

Roll Call:

Aye: Kelly, Spitzer, Carpenter

Nay: Malay, Pavlini,

Abstain:

Motion carried.

**WHEREAS**, the Department of Parks & Recreation wishes to establish a special facility use program for community service groups who meet certain criteria set by the Department of Parks & Recreation and the Recreation, Parks & Pathways Advisory Committee; and

**WHEREAS**, the criteria established is as follows: 1. The group shall be a recognized non-profit organization by 501(c)(3), NJ certification or tax-exempt status; 2. At least 75% of the membership shall be Bernards Township residents; 3. The group shall provide the Township with an insurance certificate naming Bernards Township as additional insured with a minimum of \$1 million in liability coverage; 4. The groups mission shall be community service based and the group shall provide some type of service to the Bernards Township community; and

**WHEREAS**, Board of Education sponsored clubs or organizations are also eligible for the program provided their organization is covered by BOE insurance; and

**WHEREAS**, each approved community service group is entitled to the following at no cost per year: 1. Twelve 3-hour uses of the Community Center Activity Room or Recreation Room per year for group meetings; 2. One picnic shelter reservation (one day) at Southard Park to hold a group picnic; 3. One park reservation (one day) to hold a group fundraiser; and

**WHEREAS**, a designated contact person from the community service group must submit an application each year including their contact information, a description of the organization and/or mission statement and a list of members with addresses for verification; and

**WHEREAS**, the designated contact person will also be asked to sign an agreement confirming their understanding and compliance with the criteria for approval, reservation policies and procedures, cancellation polices and insurance requirements; and

**WHEREAS**, applications from community service groups who meet the criteria will be approved by the Recreation, Parks & Pathways Committee on a monthly basis; and

**WHEREAS**, all community service groups must abide by the Reservation Policies and Procedures adopted by the Township Committee and the Revised General Ordinances of the Township of Bernards regarding Municipal Parks & Open Space; and

**WHEREAS**, the Director of the Department of Parks & Recreation wishes the Program for Facility Use by Approved Community Service Groups be authorized by resolution of the Township Committee of the Township of Bernards; and

**WHEREAS**, these criteria, policies and procedures may be amended from time to time as deemed necessary by the Department of Parks & Recreation

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby adopt the **Program for Facility Use by Approved Community Service Groups**; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards, that the above criteria, policy and guidelines are to be implemented effective immediately to all new applications, and new criteria effective January 1, 2009 for all groups currently enrolled in the program.

**In addition to the Reservation Policies & Procedures followed by the Department of Parks & Recreation and adopted by resolution of the Township Committee, Approved Community Service Groups will be asked to abide by the following:**

- Complimentary reservations are limited to 12 units (maximum of 3 hours per unit). You may reserve up to 2 units on the same date. Unused time will not carry over from year to year. You may reserve additional time if needed through the standard procedures at the current approved fee schedule.
- ~~One~~Two persons will be listed as the Contact Person for your organization. He/She will be the ONLY person able to make a reservation for the group. Dates may be reserved in-person or by phone.
- The free use of the facility is intended solely for the affiliated group under which you book your reservation. Any outside or personal use of the facility under this program is prohibited, and will result in cancellation of any remaining dates and suspension of your group's privileges.

~~Once the reservation has been made, units can not be cancelled and or re-booked. If you cancel or change a reservation you will forfeit that particular unit.~~

~~You must contact the Parks & Recreation Department, at least 1 week in advance when you know you will not be using a reserved unit. This will allow other groups the opportunity to book the facility. If you book a unit and do not call to cancel with at least 1 week's notice, and do not use the facility, you will be charged the regular rental fee for the booked time that went unused.~~

[Ordinance #1997](#) - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 10 "Municipal Parks, Playgrounds and Pools" Section 1 "Park Regulations" Regarding Solicitation by Township-Based Non-Profit Community Service Groups – Introduction*

The clerk read the ordinance by title. Motion by Pavlini, second by Spitzer, that Ordinance #1997 be introduced on first reading, advertised as required by law, with a public hearing on 3/11/07.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**BE IT ORDAINED**, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 10, "Municipal Parks, Playgrounds and Pools," Section 1 "Park Regulations" of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in double underlined; deletions are in brackets and ~~[stricken]~~):

**§ 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 Subsection 4-2.7 f and h, and policies recommended by the Department of Parks and Recreation and adopted by resolution of the Township Committee to allow limited solicitation by Township based non-profit, community service groups. Said policies to be on file with the Township Clerk. (Ord. #1876, 6-13-2006, amended)

**§ 10-1.2. Park Reservations.**

- b. Persons applying for reserved use of a park facility for a special event as defined below in Section 4-4, Shows, Public Exhibitions, Special Events, Amusement Devices and Fireworks, including field reservations, must apply to the Director of Parks and Recreation, complete the provided special events license application and pay the applicable fee. An event proposed to take place at a municipal park or facility shall be considered a show, special event or public exhibition only if the anticipated capacity of the event exceeds the number of persons normally permitted at the facility as prescribed by resolution of the Township Committee. Special event permits may only be issued by resolution of the Township Committee pursuant to Section 4-4.

~~1. A "special event" shall mean any kind of performance intended to entertain persons, including but not limited to carnivals, circuses, wild animal shows, theatrical exhibitions, bike races, sporting events, festivals, concerts and the like which are open to the general public, and exceed the number of persons normally permitted at the facility as prescribed by resolution of the Township Committee. See Section 4-4, Shows, Public Exhibitions, Special Events and Amusements Devices. (Ord. #1452, 5-15-2001, adopted)~~

*Ordinance #2003 - An Ordinance to Amend the Revised General Ordinance of the Township of Bernards, Chapter VII, "Traffic," Section 7-15, Applicability of Subtitle One of Title 39 of the New Jersey Revised Statutes to Semi-public and Private Roads, Streets and Driveways Regarding Fife Lane and Longrifle Lane in Hamilton Ridge – Introduction*

Motion by Pavlini, second by Malay, that Ordinance #2003 be introduced on first reading, advertised as required by law, with a public hearing on 3/11/07.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, in order to promote the betterment of public safety there is a need to regulate parking prohibitions on Fife Lane and Longrifle Lane in the development known as Hamilton Ridge.

**NOW, THEREFORE**, be it ordained by the Township Committee of the Township of Bernards in the County of Somerset as follows:

1. Section 7-15 of Chapter VII, "Traffic" of the Revised General Ordinance of the Township of Bernards is hereby amended by the addition of the following:

7-15.21 Hamilton Ridge (Fife Lane and Longrifle Lane)

- a. The provisions of Subtitle One, Title 39 of the New Jersey Revised Statutes are hereby made applicable to Fife Lane and Longrifle Lane, private roads within Hamilton Ridge, located in the Township of Bernards, Somerset County, New Jersey.
- b. There shall be a "No Stopping or Standing" prohibition on both sides of Fife Lane and Longrifle Lane between the hours of 8 AM to 5 PM, while school is in session.

The remainder of Section 7-15 remains unchanged.

2. Regulatory signs shall be erected and maintained by the Midstate Management Corporation to affect the above restrictions.

**PUBLIC COMMENT**

Bill Allen, Holmesbrook Road, commented on contaminated soil at the quarry.

Todd Edelstein, Riverside Drive, commented on Resolution #080099.

Brendon O'Connor, 11 Forbes Court, commented on cell towers.

**EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED)**

**ADJOURNMENT**

By unanimous consent, the meeting adjourned at 10:49 PM.

Respectfully submitted

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Denise Szabo, Municipal Clerk

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John Carpenter, Mayor