

# **TABLE OF CONTENTS**

## **BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE MINUTES COMBINED AGENDA/REGULAR – FEBRUARY 26, 2008**

*(click on the page number to go directly to that page)*

<b>CALL TO ORDER.....</b>	<b>4</b>
<b>ROLL CALL.....</b>	<b>4</b>
<b>AMEND AGENDA .....</b>	<b>4</b>
<b>EXECUTIVE SESSION – RESOLUTION #080126.....</b>	<b>4</b>
<b>AMEND AGENDA .....</b>	<b>5</b>
<b>RESOLUTION #080137.....</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
<b>REPORTS .....</b>	<b>5</b>
<b>MINUTES.....</b>	<b>5</b>
02/12/2008 – REGULAR MEETING – OPEN SESSION .....	5
02/20/2008 – AGENDA MEETING – OPEN SESSION .....	5
02/12/2008 – REGULAR MEETING – EXECUTIVE SESSION .....	5
02/20/2008 – AGENDA MEETING – EXECUTIVE SESSION .....	5
<b>FIRE &amp; RESCUE APPOINTMENTS.....</b>	<b>5</b>
<b>CORRESPONDENCE.....</b>	<b>5</b>
<b>PUBLIC COMMENT .....</b>	<b>5</b>
<b>TOWNSHIP COMMITTEE/STAFF COMMENTS .....</b>	<b>5</b>
<b>UNFINISHED BUSINESS.....</b>	<b>5</b>
ORDINANCE #2001 (AS INTRODUCED); ORDINANCE #2001 (WITH PROPOSED CHANGES) - 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 .....	5
<b>NEW BUSINESS.....</b>	<b>6</b>
<b>CONSENT AGENDA.....</b>	<b>6</b>
<i>Resolution #080122 - Approval of the Bill List Dated 02/26/2008 .....</i>	<i>7</i>
<i>Resolution #080088 - Authorizing a Release to the Municipal Excess Liability Joint         Insurance Fund In the Matter of West v. Township of Bernards, Docket SOM-L-1983-07. 20</i>	
<i>Resolution #080093 - Approval of Request to Discharge Firearms and Cannons with Blank         Firing at Liberty Corner School, Oak Street School, Mt. Prospect School and Cedar Hill         School Starting March 3, 2008, through March 6, 2008 (with March 7 as snow day).....</i>	<i>9</i>

<i>Resolution #080115 - Authorizing Execution of an Agreement with the Somerset-Union Soil Conservation District and the State Soil Conservation Committee for Plan Review of Certain Soil Erosion Control Plans.....</i>	<i>10</i>
<i>Resolution #080117 - Resolution Authorizing the Reimbursement of \$4,979.37 to the Borough of Far Hills for Engineering Services – Douglas Road Drainage Improvements. 11</i>	
<i>Resolution #080118 - Commendation on Attaining Eagle Scout Designation Steven Manelski.....</i>	<i>12</i>
<i>Resolution #080120 - Denial of Request from FASTCOM Consulting Services, LLC to Locate a Verizon Wireless Telecommunications Site on Bernards Township Property On Block 60 Lot 1 (40 Washington Avenue).....</i>	<i>12</i>
<i>Resolution #080121 - Canceling General Capital Ordinance Appropriation Balances.....</i>	<i>13</i>
<i>Resolution #080123 - Acceptance of the Grant from the United States Department of Homeland Security Commercial Equipment Direct Assistance Program for the Incident Commander’s Radio Interface (ICRI) awarded to the Bernards Township Police Emergency Response Forces .....</i>	<i>13</i>
<i>Resolution #080124 - Irrevocable Letter of Credit Reduction Pinewoods Subdivision, Block 164, Lot 76 .....</i>	<i>14</i>
<i>Resolution #080125 - Opposing Revisions to the Wrongful Death Statute .....</i>	<i>20</i>
<i>Resolution #080127 .....</i> - Awarding a Professional Services Contract for Performing Real Estate Appraisal Services for Sons of Liberty Farm, Block/Lot 9401/11 (formerly referred to as 175/36.01) to Matthew S. Krauser, NJ Lic # 42RG00191200 of the firm Integra Realty Resources, in the Not to Exceed Amount of \$3,500.00 .....	<i>14</i>
<i>Resolution #080128 - Expressing Opposition to Toll Increases for the Garden State Parkway, NJ Turnpike and Atlantic City Expressway.....</i>	<i>21</i>
<i>Resolution #080129 - Personnel Appointment, Brenda Zimmerman, Part-Time Deputy Court Administrator, Court .....</i>	<i>16</i>
<i>Resolution #080130 - Authorizing Acceptance of the Year 2008 Bernards Township Municipal Alliance Grant from Somerset County Board of Chosen Freeholders.....</i>	<i>16</i>
<i>Resolution #080131 - March 2008 - YOUTH ART MONTH.....</i>	<i>17</i>
<i>Resolution #080132 - Acceptance of Tax Collector’s Annual Report .....</i>	<i>21</i>
<i>Resolution #080103 - Acceptance of the Friends of the Kennedy Martin-Stelle Farmstead 2007 Annual Report .....</i>	<i>17</i>
<i>Resolution #080133 - Acknowledging the 2008 Master Plan Report for the Kennedy-Martin-Stelle Farmstead and Farmstead Park dated November 27, 2008, Prepared by the Parks, Pathways &amp; Recreation Committee.....</i>	<i>18</i>
<i>Resolution #080134 - Resolution Canceling General Capital Ordinance Appropriation Balances.....</i>	<i>18</i>
<i>Resolution #080136 - In Recognition of Service to All Involved in the Creation of A Place to Remember .....</i>	<i>19</i>
<b>RESOLUTION #080138 - AMENDING RESOLUTION #080070, PLACE-TO-PLACE TRANSFER, LIQUOR LICENSE #1802-44-003-003, TRUE VALUE WINES &amp; SPIRITS, INC.....</b>	<b>19</b>
<b>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 .....</b>	<b>22</b>
<b>ORDINANCE #2004 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERNARDS CHAPTER 2 “ADMINISTRATION” SECTION 17 “SHADE TREE</b>	

COMMISSION” SUBSECTION 2 “MEMBERSHIP; APPOINTMENT; TERMS” TO PROVIDE FOR  
ALTERNATE MEMBERS – INTRODUCTION ..... 24  
ORDINANCE #2000 - 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, “REVISED LAND USE ORDINANCES”, ARTICLE IV  
“ZONING”, SECTION 21-11 “NONCONFORMING USES AND STRUCTURES” – INTRODUCTION ..... 25  
NAMING RECENTLY ACQUIRED OPEN SPACE PARCELS (GERHARD) (CANGIANO) ..... 27  
**EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED) ... 27**  
**ADJOURNMENT ..... 27**

## REGULAR SESSION PORTION

### 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: CFO/Administrator McArthur, Engineer/Planner Messina (8:00 PM),  
Attorney Belardo, Clerk/Assist Adm. Szabo

### AMEND AGENDA

Motion by Malay, second by Pavlini, and unanimously agreed to amend Resolution #080126 to include a discussion on attorney client privilege and litigation (possible modification of January 2006, quarry settlement agreement).

### EXECUTIVE SESSION – [Resolution #080126](#)

Motion by Malay, second by Pavlini, and unanimously agreed to approve Resolution #080126 as amended 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 PBA Grievance
  - Personnel Matters PBA Grievance  
Assistant Township Engineer
  - Litigation/Attorney Client Privilege Millington Quarry/Tilcon, Inc. possible  
modification of January 2006 quarry settlement  
agreement
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 8:04 PM.

## **AMEND AGENDA**

Motion by Malay, second by Pavlini, and unanimously agreed to add Resolution #080138 to the consent agenda.

## **REPORTS**

None.

## **MINUTES**

[02/12/2008](#) – *Regular Meeting – Open Session*

[02/20/2008](#) – *Agenda Meeting – Open Session*

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

*02/12/2008 – Regular Meeting – Executive Session*

*02/20/2008 – Agenda Meeting – Executive Session*

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

## **FIRE & RESCUE APPOINTMENTS**

None.

## **CORRESPONDENCE**

### **PUBLIC COMMENT**

Commented on quarry operations and fill:

Suzanne Baker, 92 Spencer Road

Richard Bianchi, 55 Spring House Lane

Richard Huckins, 67 Woodstone Road, and Chair of the Open Space Advisory Committee

Lisa Silvershein, 15 Harrison Brook Drive

Samuel Pasquale, 14 Briar Lane

Christen Walsh, 3447 Valley Road - Could only find William J. Walsh, Jr. at 3447 Valley Road.

John Crane, 39 Decker Street

Todd Edelstein, 39 Riverside Drive, commented on matters on the consent agenda.

### **TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their recent activities.

### **UNFINISHED BUSINESS**

[Ordinance #2001](#) (As Introduced); [Ordinance #2001](#) (With Proposed Changes) - 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  
Geoff Goll of Princeton Hdyro was present and participated in discussion on the matter.

Quarry representative had contacted Mr. Belardo with a proposed amended version of the ordinance. Belardo ruled these proposed amendments were not substantive in nature. Copies were made available to the public and township committee members.

The clerk read the ordinance by title and the mayor opened the public hearing.

The following members of the public spoke in support of the ordinance (as introduced), or a more stringent course of fill testing, or stoppage of fill altogether:

Richard Bianchi, 55 Springhouse Lane  
Leon Harris, 7 Dexter Drive, The Barrons  
Mike McCarthy, 38 Kinnan Way  
Bill Walsh, 3442 Valley Road,  
Christen Walsh, 3442 Valley Road .  
John Gannon, 4 Woodstone Road  
Richard Huckins, 67 Woodstone Road  
Lisa Silvershein, 15 Harrison Brook Drive  
Samuel Pasquae, 14 Briar Lane

Brian Montage, Esq., to Tilcon and John Selman, General Manager of Tilcon presented photos of the fill operation.

Steve O'Reilly, Environmental Engineer for Tilcon, commented on testing.

Meryl A.G. Gonchar., representing Millington Quarry addressed a minor factual correction to the ordinance as introduced. (page 3, paragraph 8 “Through ~~Millington Quarry and~~ Tilcon...”

Motion by Malay to adopt the proposed amended version of the ordinance with suggested amendments recommended by quarry representatives. There was no second and the motion died.

Motion by Kelly, second by Malay, to adopt the ordinance as introduced, including the one factual amendment presented by Meryl Gonchar (above).

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 Spitzer, second by Kelly, to approve the consent agenda.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

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

**Resolution #080122 - Approval of the Bill List Dated 02/26/2008**

02/26/08  
Page No: 1  
11:57:41

TOWNSHIP OF BERNARDS

Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 02/26/08 to 02/26/08  
Report Type: All Checks Report Format: Super Condensed Check Type:  
Computer & Manual

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
CASH - CHECKING					
66393	02/26/08	Alignment Check		VOID	
66394	02/26/08	70036 RAVENSWOOD DEVELOPERS INC.	4,509.97		890
66395	02/26/08	70102 GMAC MORTGAGE	965.82		890
66396	02/26/08	90154 BARTSCH, VIRGINIA	20.55		890
66397	02/26/08	90211 PICCOLINE, MARIE	88.97		890
66398	02/26/08	90224 CALLAHAN, DANIEL J	200.00		890
66399	02/26/08	90227 SHIMSKY, MICHAEL	21.93		890
66400	02/26/08	90240 STORK, ELLEN C.	34.31		890
66401	02/26/08	90266 MILLER, DEBORAH	20.43		890
66402	02/26/08	90288 GILPIN, PAT	24.99		890
66403	02/26/08	90325 NAFIE, DONNA	47.54		890
66404	02/26/08	90337 MCCLOSKEY, RYAN	20.38		890
66405	02/26/08	90348 LUBANSKY, MARCIA	20.20		890
66406	02/26/08	90366 OLIVARI, KAREN	130.99		890
66407	02/26/08	90379 HILF, LYNNE	101.28		890
66408	02/26/08	90395 NERI, MARK	394.35		890
66409	02/26/08	A0005 OHLIN SALES, INC. D/B/A	103.32		890
66410	02/26/08	A0027 AT&T	26.15		890
66411	02/26/08	A0041 ATLANTIC DETROIT DIESEL	1,269.30		890
66412	02/26/08	A0044 APPROVED FIRE PROTECTION SYS	1,841.40		890
66413	02/26/08	A0126 AFLAC NEW YORK	843.24		890
66414	02/26/08	A0168 ALLIED OIL COMPANY, LLC	24,001.15		890
66415	02/26/08	A0330 ANDY MATT, INC.	8,073.00		890
66416	02/26/08	A0338 AFLAC	2,216.61		890
66417	02/26/08	A0398 ABSO	10.00		890
66418	02/26/08	A0399 ABSOLUTE AUTO TRUCK SALVAGE CO	630.00		890
66419	02/26/08	A0404 APRUZESE, MCDERMOTT, ET AL	1,459.00		890
66420	02/26/08	A0424 AM/PM SERVICES	368.00		890
66421	02/26/08	A0455 ARONOFF, RANDY	123.00		890
66422	02/26/08	B0001 BAKER & TAYLOR, INC.	5,792.94		890
66423	02/26/08	B0015 BRODART COMPANY	59.13		890
66424	02/26/08	B0026 BERNARDS TOWNSHIP CURRENT	2,589.13		890
66425	02/26/08	B0029 BERNARDS TWP BD OF EDUCATION	5,314,993.58		890
66426	02/26/08	B0030 BRUSH'S OF BASKING RIDGE	211.77		890
66427	02/26/08	B0031 BERNARDSVILLE PRINT CENTER	71.50		890
66428	02/26/08	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	550,017.73		890
66429	02/26/08	B0058 BALLY'S ATLANTIC CITY	339.00		890
66430	02/26/08	B0203 DIFRANCESCO, BATEMAN, COLEY,	9,024.60		890
66431	02/26/08	B0239 BERNARDS TWP CHAMBER COMMERCE	125.00		890
66432	02/26/08	B0309 BAKER & TAYLOR ENTERTAINMENT	441.30		890
66433	02/26/08	B0461 BAURKOT, DANIEL	110.00		890
66434	02/26/08	B0518 BERNARDSVILLE HARDWARE	69.55		890
66435	02/26/08	B0519 BBC AUDIOBOOKS AMERICA	349.05		890
66436	02/26/08	B0526 BUY PC SUPPLIES, LLC	34.93		890
66437	02/26/08	C0024 COURIER NEWS	79.60		890
66438	02/26/08	C0035 CERTIFIED SPEEDOMETER SERVICE	299.00		890
66439	02/26/08	C0208 NJCACOA	200.00		890

66440	02/26/08	C0309	COPPER KETTLE DELICATESSEN	527.74	890
66441	02/26/08	C0353	CUSTOM BANDAG, INC.	555.06	890
66442	02/26/08	C0422	CENTRALPACK SERVICE CORP.	1,725.48	890
66443	02/26/08	C0434	CENTRAL JERSEY CONSTRUCTION	9,008.16	890
66444	02/26/08	C0454	COMMUNICATIONS ADVANTAGE	547.00	890
66445	02/26/08	C0476	CIT-E-NET LLC	1,500.00	890
66446	02/26/08	C0482	CABLEVISION OF RARITAN VALLEY	109.00	890
66447	02/26/08	C0556	CIAGLIA, DAVE	40.00	890
66448	02/26/08	D0033	DEMCO	138.50	890
66449	02/26/08	D0083	DAILY RECORD	59.75	890
66450	02/26/08	D0153	DOCUMENT CONCEPTS, INC	278.43	890
66451	02/26/08	D0223	DESIDERIO PAINTING &	4,859.00	890
66452	02/26/08	D0310	DATA NETWORK SOLUTIONS	700.00	890
66453	02/26/08	E0005	CULLIGAN	65.50	890
66454	02/26/08	E0181	EDM PUBLISHERS	158.48	890
66455	02/26/08	F0001	FEDEX	32.09	890
66456	02/26/08	F0158	FLEMINGTON DEPARTMENT STORE	939.80	890
66457	02/26/08	F0256	FIBREX PRODUCTS	13,458.10	890
66458	02/26/08	F0259	FAR HILLS BOROUGH	4,979.37	890
66459	02/26/08	G0008	GAYLORD BROTHERS INC.	992.72	890
66460	02/26/08	G0066	GRAINGER INC	688.20	890
66461	02/26/08	G0326	GARDEN STATE MESSENGER INC.	633.00	890
66462	02/26/08	G0412	GOLON, ROBERT	150.00	890
66463	02/26/08	H0181	HOUSER WELDING SUPPLY	253.35	890
66464	02/26/08	I0006	INT'L ASSN OF CHIEFS OF POLICE	240.00	890
66465	02/26/08	I0106	INFO USA CITY DIRECTORIES	135.00	890
66466	02/26/08	J0001	JK OFFICE MACHINES, INC.	256.00	890
66467	02/26/08	J0007	AIRGAS EAST	49.46	890
66468	02/26/08	J0080	JANSEN, BUCCO, DEBONA & SEMRAU	914.51	890
66469	02/26/08	J0114	JEFKO EQUIPMENT SUPPLIES, INC.	793.00	890
66470	02/26/08	L0004	LIBERTY CORNER FIRE COMPANY	1,275.00	890
66471	02/26/08	L0005	LIBRARY PETTY CASH	45.00	890
66472	02/26/08	L0018	LUDLOW HEATING & COOLING CO.	243.30	890
66473	02/26/08	L0038	LIN-GATE EQUIPMENT SALES & SVC	342.28	890
66474	02/26/08	L0058	LOUNSBURY EXCAVATING, INC.	3,276.00	890
66475	02/26/08	L0137	LIBERTY CORNER SCHOOL	1,000.00	890
66476	02/26/08	L0187	LAKELAND BUS COMPANY	775.00	890
66477	02/26/08	L0243	LEGBAND, SCOTT	135.00	890
66478	02/26/08	L0284	LYON WORKSPACE PRODUCTS	342.73	890
66479	02/26/08	M0062	MARSHALL CAVENDISH CORPORATION	164.51	890
66480	02/26/08	M0235	MORRISTOWN MEMORIAL HOSPITAL	116.00	890
66481	02/26/08	M0270	MORRIS & BEISSEL HOMES, INC.	1,415.15	890
66482	02/26/08	M0279	MITZNER, SCOTT C.	1,029.17	890
66483	02/26/08	M0301	MEADOWLANDS CASTLE, INC.	320.40	890
66484	02/26/08	M0381	METEORLOGIX	477.00	890
66485	02/26/08	M0518	KONICA MINOLTA BUSINESS SOL.	483.25	890
66486	02/26/08	M0568	MALLERY, DONNA	100.00	890
66487	02/26/08	M0569	MSKCC REGIONAL ADMINISTRATION	110.00	890
66488	02/26/08	M0609	MERCER CTY COURT ADMIN ASSOC	100.00	890
66489	02/26/08	N0006	NEW JERSEY AMERICAN WATER CO.	63,073.81	890
66490	02/26/08	N0027	NEW JERSEY LAW JOURNAL	65.95	890
66491	02/26/08	N0030	NJ STATE ASSN.-CHIEFS/POLICE	25.00	890
66492	02/26/08	N0032	NJ STATE DEPT HEALTH/SR SVCS	1,654.80	890
66493	02/26/08	N0040	NATIONAL FIRE PROTECTION ASSN.	43.15	890
66494	02/26/08	N0124	NJ HEALTH OFFICERS ASSOCIATION	75.00	890
66495	02/26/08	N0179	NEW JERSEY STATE GOLF ASSOC.	959.00	890
66496	02/26/08	N0207	NEXTEL COMMUNICATIONS	489.82	890
66497	02/26/08	N0316	NEILLANDS, PETE &/OR ZAIDA	495.00	890
66498	02/26/08	N0322	NEXTEL COMMUNICATIONS	907.54	890
66499	02/26/08	O0006	OXFORD UNIVERSITY PRESS INC	76.12	890
66500	02/26/08	O0007	OMNIGRAPHICS INC.	63.55	890
66501	02/26/08	O0021	OFFICE DEPOT	1,732.26	890
66502	02/26/08	O0061	O2 SPORTS	881.20	890
66503	02/26/08	P0006	POLICE PETTY CASH	60.97	890
66504	02/26/08	P0377	PRINCETON HYDRO, LLC	3,270.00	890
66505	02/26/08	P0380	POWERCO, INC.	962.76	890
66506	02/26/08	P0424	PARKER LANDSCAPING & CONST	13,125.00	890
66507	02/26/08	R0003	RAY'S SPORT SHOP, INC.	371.06	890
66508	02/26/08	R0004	RECORDED BOOKS INC.	439.30	890
66509	02/26/08	R0005	RECORDER PUBLISHING COMPANY	449.58	890
66510	02/26/08	R0009	REGENT BOOK COMPANY INC.	115.04	890
66511	02/26/08	R0010	REIDER ASSOCIATES	1,200.00	890

**TOWNSHIP COMMITTEE MINUTES**

**02/26/2008**

**PAGE 8 OF 27**

66512	02/26/08	R0025	RIDGE RESTAURANT	584.85	890
66513	02/26/08	R0042	RAND MCNALLY & COMPANY	301.29	890
66514	02/26/08	R0046	R & J CONTROL, INC.	245.00	890
66515	02/26/08	R0086	ROBERTS, ARTURO	100.00	890
66516	02/26/08	R0134	RICCIARDI BROTHERS, INC.	106.93	890
66517	02/26/08	R0257	RARITAN VALLEY DISPOSAL SER CO	942.50	890
66518	02/26/08	R0305	ROWMAN & LITTLEFIELD	36.25	890
66519	02/26/08	R0308	ROUTE 23 AUTO MALL	136.91	890
66520	02/26/08	R0358	RUTGERS SOILS LABORATORY	75.00	890
66521	02/26/08	S0072	SOMERSET COUNTY GOVERNING OFF.	35.00	890
66522	02/26/08	S0302	SEMCOR EQUIPMENT CORP.	593.32	890
66523	02/26/08	S0443	STAPLES BUSINESS ADVANTAGE	607.33	890
66524	02/26/08	S0595	SOMERSET CTY HEALTH OFFICER'S	250.00	890
66525	02/26/08	S0597	SHOWCASES	179.63	890
66526	02/26/08	S0601	SWARTZ, ANNE	250.00	890
66527	02/26/08	S0675	SOCIETY FOR HUMAN RESOURCE MGT	160.00	890
66528	02/26/08	S0691	SUPERIOR DISTRIBUTORS	935.43	890
66529	02/26/08	S0704	SPACE ODYSSEY LLC	100.00	890
66530	02/26/08	S0706	STATE OF NJ, FOREST SERVICE	16.00	890
66531	02/26/08	T0001	TAMS-WITMARK MUSIC LIBRARY, INC	70.00	890
66532	02/26/08	T0019	TRAP ROCK INDUSTRIES, INC.	361.00	890
66533	02/26/08	T0025	TRUKMANN'S REPROGRAPHICS	1,212.69	890
66534	02/26/08	T0049	TROPICANA CASINO & RESORT	480.00	890
66535	02/26/08	T0051	TRI-COUNTY COURT ADMIN. ASSOC.	70.00	890
66536	02/26/08	T0090	TREASURER, STATE OF NEW JERSEY	5,250.00	890
66537	02/26/08	T0231	TOTAL LUBRICATION SVCS&SUPPLY	974.56	890
66538	02/26/08	T0308	TORO NSN	1,500.00	890
66539	02/26/08	U0040	URUCORP MAINTENANCE CONTRACTOR	3,559.10	890
66540	02/26/08	V0008	VITAL COMMUNICATIONS, INC.	1,475.00	890
66541	02/26/08	V0026	VNA OF SOMERSET HILLS	31,873.29	890
66542	02/26/08	V0037	VILLAGE SUPERMARKET, INC.	25.68	890
66543	02/26/08	V0058	VERIZON	447.80	890
66544	02/26/08	W0016	WARRENVILLE TRUE VALUE	302.22	890
66545	02/26/08	W0087	WATSON LABEL PRODUCTS	604.32	890
66546	02/26/08	W0089	TIMMERMAN EQUIPMENT CO.	553.69	890
66547	02/26/08	W0187	WASTE MANAGEMENT OF NJ, INC	6,298.08	890
66548	02/26/08	W0210	WILD, ANN	190.00	890
66549	02/26/08	W0236	WHITETAILE SOLUTION	420.00	890
66550	02/26/08	Y0011	YORK FENCE CONSTRUCTION CO, INC	549.00	890

Fund Description	Fund	Budget	Fund Total	Revenue	Fund Total
CURRENT FUND	7-01		30,388.96		0.00
CURRENT FUND	8-01		6,029,914.46		0.00
DOG FUND	8-12		3,113.80		0.00
TRUST FUNDS	8-13		51,602.01		0.00
GOLF COURSE UTILITY	8-26		2,667.78		0.00
	Year Total:		6,087,298.05		0.00
CAPITAL FUND	C-04		7,115.42		0.00
GRANT FUND	G-02		16,515.53		0.00
			=====		=====
Total Of All Funds:			6,141,317.96		0.00

[Resolution #080093](#) - Approval of Request to Discharge Firearms and Cannons with Blank Firing at Liberty Corner School, Oak Street School, Mt. Prospect School and Cedar Hill School Starting March 3, 2008, through March 6, 2008 (with March 7 as snow day)

**WHEREAS**, Principal Dr. Kathleen Pecararo has requested permission for the New Living History Association to conduct a Civil War re-enactment on the school property of Liberty Corner School, Oak Street School, Mt. Prospect School and Cedar Hill School to promote the history education of students, starting March 3, 2008, through March 6, 2008 (with March 7 as snow day); and

**WHEREAS**, the firing of a full-sized reproduction Civil War cannon that will be shot for each of the individual class visitations at each school. The group will be using an 8-ounce charge of Goes 2 FA powder. It is a pyrotechnic and lifting powder, the charge being wrapped in multiple layers of heavy duty aluminum foil, as per the USV and Federal Artillery Reserve safety regulations. The charge is set off with a friction primer; and

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

**WHEREAS**, Dennis Mott, Bernards Township Police Chief and Janet Lake, Bernards Township Fire Official, have reviewed the request and find it to be in order.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby approve the discharge of firearms and cannons starting March 3, 2008, through March 6, 2008 (with March 7 as snow day).

[Resolution #080115](#) - Authorizing Execution of an Agreement with the Somerset-Union Soil Conservation District and the State Soil Conservation Committee for Plan Review of Certain Soil Erosion Control Plans

**WHEREAS**, This Agreement is entered into between the Somerset-Union Soil Conservation District, a special purpose subdivision of the State organized pursuant to N.J.S.A. 4:24-1 et seq. (hereinafter referred to as the **District**), the Township of Bernards, Somerset County, New Jersey (hereinafter referred to as the **Municipality**) and the State Soil Conservation Committee (hereinafter referred to as the **SSCC**) to establish a working relationship and identify the respective roles and responsibilities of the District and the Municipality with the transition of some authority from the Municipality to the District for implementing soil erosion and sediment controls on development activities through the Township Ordinance known as Section 21-27, Soil Erosion and Sediment Control and in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (hereinafter referred to as the **Standards**) as promulgated by the SSCC.

**WHEREAS**, Bernards Township is presently an “exempt” community in which the municipality has agreed to enforce the soil erosion and sedimentation control practices for all developments.

**WHEREAS**, The parties by this agreement desire to establish a working relationship between the Municipality and the District for the implementation of portions of the aforesaid Ordinance; and,

**WHEREAS, THE DISTRICT AGREES TO:**

Review and certify, certify with conditions, or deny with reasons stated, soil erosion and sediment control plans for all eligible projects referred by the Municipality to the District in accordance with Ordinance. The District will only accept applications which meet the definition of a “project” under the Act.

**WHEREAS**, A “project” is generally defined as two or more homes from a subdivision or a commercial site plan. Clearing and grading (non-farm) of land over 5,000 S.F. would also be a “project”.

**WHEREAS, THE MUNICIPALITY AGREES TO:**

Refer all applications for soil disturbance which require soil erosion and sediment control plans to the Municipal Engineer, or the Municipality’s authorized agent and to the Somerset-Union Soil Conservation District, for certification and condition all Municipal Agency approvals upon such certification. The Municipal Engineer will review and certify applications which do not meet the project definition of the Act but are defined as a project under the municipal Land Development Ordinance. The Municipal Engineer may also review and certify projects by the Municipality and the Municipal Sewerage Authority.

**WHEREAS**, This Agreement may be modified by mutual agreement and may be terminated by either party upon thirty (30) days written notice. The review and certification by the District will be applicable to all projects which have not received preliminary approval for the Municipal Planning Board, Zoning Board of Adjustment or Municipal certification for projects not requiring a Municipal Board approval by the effective date of this Agreement.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that it does hereby authorize the execution of an agreement with the Somerset-Union Soil Conservation District and the State Soil Conservation Committee for plan review of soil erosion control plans that meet the definition of a “project”.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that it is understood that all inspections of soil erosion control will remain with the Township and all construction not defined as a state “project” and projects constructed by the township and Sewerage Authority will be under municipal jurisdiction.

[Resolution #080117](#) - Resolution Authorizing the Reimbursement of \$4,979.37 to the Borough of Far Hills for Engineering Services – Douglas Road Drainage Improvements  
**WHEREAS**, Douglas Road straddles the border between Bernards Township and Far Hills Borough; and

**WHEREAS**, Bernards Township and Far Hills Borough have traditionally shared the costs of maintenance of this municipal common road; and

**WHEREAS**, the Mayor of Far Hills Borough has received notification from Somerset County that the County will undertake the replacement of the necessary culvert and headwall as detailed on a set of construction drawings prepared by the Borough’s Engineer; and

**WHEREAS**, significant municipal tax dollars will be saved by having Somerset County agree to perform these drainage improvements; and

**WHEREAS**, Far Hills Borough has certified that they expended \$9,958.75 for engineering work related to the Douglas Road drainage improvements; and

**WHEREAS**, One half of Far Hills Borough's engineering expenditures would represent Bernards Township's fair share of \$4,979.37; and

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that the Borough of Far Hills is to be reimbursed \$4,979.37 for Douglas Road drainage engineering. Payment will be made from Capital ordinance #1951-A, line item C-04-55-951-A04 entitled "Drainage Improvements."

**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 payment in the amount not to exceed \$4,979.37. Monies are available in the Capital ordinance #1951-A, line item C-04-55-951-A04 entitled "Drainage Improvements."

Date: 2/12/08

*Terri Johnson  
FOR TREASURY  
CERTIFICATION ONLY*

Terri Johnson

Supervisor of Treasury Services

[Resolution #080118](#) - Commendation on Attaining Eagle Scout Designation Steven Manelski

**WHEREAS**, the Township Committee is very pleased to recognize the outstanding personal effort of Steven Manelski reaching the rank of Eagle Scout, and

**WHEREAS**, Steven Manelski, a member of Troop 555 of Basking Ridge, has been an active scout, demonstrating outstanding leadership within the Troop, and has contributed many service hours to his community during his years in scouting, and

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

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

[Resolution #080120](#) - Denial of Request from FASTCOM Consulting Services, LLC to Locate a Verizon Wireless Telecommunications Site on Bernards Township Property On Block 60 Lot 1 (40 Washington Avenue)

**WHEREAS**, the Township of Bernards received a letter dated January 18, 2008, from FASTCOM Consulting Services, Brie Fastnacht, representing Verizon Wireless, requesting permission to locate a wireless telecommunications site on Bernards Township Property on Block 60 Lot 1 (40 Washington Avenue); and

**WHEREAS**, Verizon Wireless proposed a lease agreement for an initial term of five years with 3 consecutive five year renewal terms at an annual rent of \$20,000 with 15% per renewal term rent increase; and

**WHEREAS**, the Township Committee discussed the request at its meeting of February 12, 2008, and the consensus was to deny the request.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby memorialize our decision to deny FASTOM's request for locating this wireless telecommunication site in Bernards Township on the subject property.

[Resolution #080121](#) - Canceling General Capital Ordinance Appropriation Balances

**WHEREAS**, certain General Capital Ordinance Appropriation balances remain dedicated to purchases now completed, to be funded in future years, abandoned, or funded by other means; and

**WHEREAS**, it is necessary to formally cancel said balances to return the unexpended appropriations to the Capital Improvement Fund.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that the following unexpended and dedicated balances of General Capital Ordinance Appropriations be cancelled:

<b>Ordinance #</b>	<b>Year</b>	<b>Amount</b>	<b>Cancelled To</b>
1460-A	2001	\$ 2,393.94	Capital Improvement Fund
1460-B	2001	\$ 94.81	Capital Improvement Fund
1460-E	2001	\$ 133.73	Capital Improvement Fund
1635	2003	\$ 37,500.00	Capital Improvement Fund
1640-B	2003	\$ 83.64	Capital Improvement Fund
1640-F	2003	\$ 86.98	Capital Improvement Fund
1711-G	2004	\$ 10.10	Capital Improvement Fund
1711-J	2004	\$ 107.10	Capital Improvement Fund
1786-D	2005	\$ 20,000.00	Capital Improvement Fund
1803	2005	\$ 121.77	Capital Improvement Fund
1873-I	2006	\$ .84	Capital Improvement Fund
1873-J	2006	\$ 1.59	Capital Improvement Fund
1951-A	2007	\$200,000.00	Capital Improvement Fund
	Total:	\$260,534.50	

[Resolution #080123](#) - Acceptance of the Grant from the United States Department of Homeland Security Commercial Equipment Direct Assistance Program for the Incident Commander's Radio Interface (ICRI) awarded to the Bernards Township Police Emergency Response Forces

**WHEREAS**, the Bernards Township Police Department has been awarded a grant from the United States Department of Homeland Security entitled "Commercial Equipment Direct Assistance Program (CEDAP)" for the purpose of providing a Incident Commanders' Radio Interface (ICRI) for the Bernards Township Police and Bernards Township Emergency Response Forces; and

**WHEREAS**, the grant application does not require a match of funds; and

**WHEREAS**, the grant application has been reviewed by the Chief of Police, the Township Administrator, and Township Attorney,

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that it does hereby authorize acceptance of a grant application award from the U.S. Department of Homeland Security entitled “Commercial Equipment Direct Assistance Program” for the purposes of providing the Incident Commander’s Radio Interface; and

**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 application on behalf of the township.

[Resolution #080124](#) - Irrevocable Letter of Credit Reduction Pinewoods Subdivision, Block 164, Lot 76

**WHEREAS**, the Development Control Officer of the Township of Bernards, Somerset County, New Jersey, 07920, has the following:

Item:	Irrevocable Letter of Credit.
Name of Applicant:	Somerset County Living Properties LLC
Address of Applicant:	2560 US Highway 22, Suite 345 Scotch Plains, NJ 07076
Irrevocable Letter of Credit:	#0932-1
Insurance Company:	Magyar Bank
In the Amount of:	\$439,138.80
For:	Pinewoods Subdivision

**WHEREAS**, the applicant has requested a reduction to the Irrevocable Letter of Credit; and

**WHEREAS**, the Township Engineer, after inspection of the improvements covered by the Applicants Irrevocable Letter of Credit, recommends a reduction by the amount of \$300,553.20; and

**WHEREAS**, the Township Attorney has approved the Irrevocable Letter of Credit dated January 30, 2008 (Revision of original letter issued March 28, 2007), in the amount of \$138,585.60, as to form and sufficiency; and

**WHEREAS**, the Irrevocable Letter of Credit dated January 30, 2008 (Revision of original letter issued March 28, 2007) is to be attached to and become part of Irrevocable Letter of Credit No. 0932-1.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the aforesaid Irrevocable Letter of Credit dated January 30, 2008 (Revision of original letter issued March 28, 2007) reduction be approved.

[Resolution #080127](#) - Awarding a Professional Services Contract for Performing Real Estate Appraisal Services for Sons of Liberty Farm, Block/Lot 9401/11 (formerly referred to as 175/36.01) to Matthew S. Krauser, NJ Lic # 42RG00191200 of the firm Integra Realty Resources, in the Not to Exceed Amount of \$3,500.00

**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 January 29, 2008 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 # 8-13-56-056-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 is 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 January 29, 2008.
2. The contract term is from February 26, 2008 through April 15, 2008 at a not to exceed amount of \$ 3,500.00.
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. 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/Township 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, Matthew S. Krauser, NJ Lic # 42RG00191200, for Integra Realty Resources, am committed to follow all terms of this award.

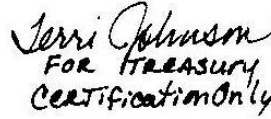
---

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 \$3,500.00. Monies are available in the Open Space Trust Fund: 8-13-56-056-OST.

Date: 2/20/08



FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson  
Supervisor of Treasury Services

[Resolution #080129](#) - Personnel Appointment, Brenda Zimmerman, Part-Time Deputy Court Administrator, Court

**WHEREAS**, the position of part-time Deputy Court Administrator became available due to restructuring of the Court Office and,

**WHEREAS**, the Court Administrator and Manager of Human Resources presented to the Township Committee a restructuring plan of the Court office at their regularly scheduled meeting of April 18, 2007;

**WHEREAS**, the Township Committee endorsed the revised structure of the department as: Court Administrator; Senior Deputy Court Administrator, Deputy Court Administrator; and a part-time Deputy Court Administrator; and

**WHEREAS**, the Court Administrator, Township Administrator, and Human Resources Manager recommend the appointment of Brenda Zimmerman to the position of part-time Deputy Court Administrator; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Brenda Zimmerman be appointed part-time Deputy Court Administrator effective March 3, 2008, at an hourly rate of \$22.00, on an "as-needed" basis, not to exceed 19 hours per week.

[Resolution #080130](#) - Authorizing Acceptance of the Year 2008 Bernards Township Municipal Alliance Grant from Somerset County Board of Chosen Freeholders

**WHEREAS**, pursuant to Resolution #070415 adopted by the Bernards Township Committee on 8/28/07, submission of a grant application to the County of Somerset was authorized for the provision of the municipal alliance activities for prevention of alcoholism and drug abuse in Bernards Township; and

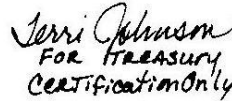
**WHEREAS**, on 2/8/08 Bernards Township was notified by letter from the County of Somerset that the grant was awarded in the amount of \$20,809. Bernards Township will secure a 75% match of \$15,607 in in-kind services and a 25% cash match of \$5,202 will be raised by the Municipal Alliance Committee or provided by the municipality.

**NOW, THEREFORE, BE IT RESOLVED**, by the Bernards Township Mayor and Council that it hereby authorizes the Mayor and Clerk-Administrator to sign the grant award contract.

**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 grant match in the amount of \$5,202. Monies are available in: 2008 Budget Request – Outside CAP Township Grant Match.

Date: 2/20/08



Terri Johnson  
FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson, Supervisor of Treasury Services

**[Resolution #080131](#) - March 2008 - YOUTH ART MONTH**

**WHEREAS**, art education contributes powerful educational benefits to all elementary, middle, and secondary students including the following;

- art education develops students' creative problem-solving and critical thinking abilities;
- art education teaches sensitivity to beauty, order, and other expressive qualities;
- art education gives students a deeper understanding of multi-cultural values and beliefs;
- art education reinforces and brings to life what students learn in other subjects; and
- art education interrelates student learning in art production, art history, art criticism, and aesthetics, and

**WHEREAS**, our national leaders have acknowledged the necessity of including arts experiences in all students' education,

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that support should be given to art teachers as they attempt to strengthen art education,

**NOW THEREFORE BE IT FURTHER RESOLVED**, that we do hereby proclaim that March 2008 be observed as YOUTH ART MONTH, and that all citizens are urged to take interest in and give full support to quality school art programs for children and youth.

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

**WHEREAS**, pursuant to Ordinance #1775 adopted by the Township Committee of the Township of Bernards on March 29, 2005, authorizing a lease agreement with the Friends of the Kennedy-Martin-Steele Farmstead, Inc. for a 4.397 acre tract known as Block 185, Lot 20.03, King George Road, Basking Ridge; and

**WHEREAS**, pursuant to said lease, and N.J.S.A. 40A:12-14(c) the Friends of the Kennedy Martin-Steele Farmstead, Inc., must submit an annual report to the Township setting out in detail the progress of the buildings preservation, restoration, renovations or operations and the progress of all fund-raising activities and grant applications, the proposed use for the buildings upon commencement of operation, the occupancy and utilization of the buildings during the preceding year, the activities of the Tenant undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value of cost, if any, of such activities in furtherance of such purpose and an affirmation of the continued tax exempt status of the Tenant pursuant to both State and federal law.

**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 Friends of the Kennedy Martin-Steele Farmstead be accepted as submitted.

[Resolution #080133](#) - Acknowledging the 2008 Master Plan Report for the Kennedy-Martin-Stelle Farmstead and Farmstead Park dated November 27, 2007, Prepared by the Parks, Pathways & Recreation Committee

**WHEREAS**, the Township Committee of the Township of Bernards believes that parks, open space, recreational facilities and programs are important components of the quality of life within Bernards Township; and

**WHEREAS**, in 1999, the township acquired property know as Block 185, Lot 20.04 (property formerly known as the Geier Farm) “property”; and

**WHEREAS**, the Parks, Pathways & Recreation committee presented a Master Plan report for the property to the Township Committee at a public meeting on February 20, 2008.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby acknowledge and thank the Parks, Pathways & Recreation Committee for the report.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards as follows:

1. The Master Plan Report is to be used as a planning tool and adoption of this resolution does not endorse the plan, nor authorize appropriation of funds for any programs, acquisitions, or facilities.
2. All new facilities proposed in the Plan are conceptual in nature. Final design or significant improvements to any existing facility will require formal adoption by the Township Committee after further study, consideration, and citizen input.

[Resolution #080134](#) - Resolution Canceling General Capital Ordinance Appropriation Balances

**WHEREAS**, certain General Capital Ordinance Appropriation balances remain dedicated to purchases now completed, to be funded in future years, abandoned, or funded by other means; and

**WHEREAS**, it is necessary to formally cancel said balances to return the unexpended appropriations to the Capital Improvement Fund.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards that the following unexpended and dedicated balances of General Capital Ordinance Appropriations be cancelled:

Ordinance #	Year	Amount	Cancelled To
-------------	------	--------	--------------

1887	2007	\$30,015.46	Capital Improvement Fund
	Total:	\$30,015.46	

**Resolution #080136** - In Recognition of Service to All Involved in the Creation of A Place to Remember

**WHEREAS**, the community joined together in spring of 2005 to create A Place to Remember; Bernards Townships Memorial to all lives changed and lost on September 11 2001,

**WHEREAS**, Township residents formed the September 11<sup>th</sup> Remembrance Foundation of Bernards Township, a 501c3 to raise funds for the creation of the memorial,

**WHEREAS**, Township employees, local professionals in the fields of law, landscape design, construction, masonry and accounting gave of their time and expertise,

**WHEREAS**, the project was supported whole heartily by the business community and service organization of Bernards Township,

**WHEREAS**, as a result of the hard work and dedication of all involved the memorial was dedicated on September 10, 2006,

**WHEREAS**, the Foundation will close upon the end of fiscal year May 31, 2008 and the project will be considered complete,

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby express our heartfelt appreciation to all for their service to our community:

**NOW THEREFORE BE IT FURTHER RESOLVED**, that a copy of this resolution be inscribed at length in the minutes of this Township meeting, held on the 26th day of February, in the year of Our Lord, 2008, and that a suitable copy signed and attested by the Municipal Clerk, with the corporate seal of the Township thereunto affixed.

**Resolution #080138** - Amending Resolution #080070, Place-to-Place Transfer, Liquor License #1802-44-003-003, True Value Wines & Spirits, Inc.

**WHEREAS**, on February 12, 2008, pursuant to Resolution #080070 the township committee authorized a place-to-ace transfer of Liquor License #1802-44-003-003 “the license” from 12 Lyons Shopping Center, Basking Ridge to 100 Marketplace, 24 Mountainview Boulevard, Basking Ridge, effective March 3, 2008; and

**WHEREAS**, the license holder has notified the municipal clerk that the new facility at 24 Mountainview Boulevard is still under construction, and has requested the township committee authorize a new date of transfer of April 1, 2008.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby extend the transfer date of the license to April 1, 2008.

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

[Resolution #080088](#) - Authorizing a Release to the Municipal Excess Liability Joint Insurance Fund In the Matter of West v. Township of Bernards, Docket SOM-L-1983-07 Motion by Pavlini, second by Malay, that Resolution #080088 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**BE IT RESOLVED**, that the Mayor and Clerk are hereby authorized to execute a Release to the Municipal Excess Liability Joint Insurance Fund in the Matter of West v. Township of Bernards, Docket SOM-L-1983-07.

[Resolution #080125](#) - Opposing Revisions to the Wrongful Death Statute Motion by Pavlini, second by Malay, that Resolution #080125 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, Liability claims against municipalities are already increasing 10% per year, and

**WHEREAS**, the proposed revisions to the Wrongful Death Statute will add another 6% to 10% to this cost, and

**WHEREAS**, under the current wrongful death law, family members can already collect substantial compensation for actual losses such as medical bills and lost income as well as loss of companionship, and

**WHEREAS**, this bill will also allow juries to award substantial additional compensation for “emotional distress”, and

**WHEREAS**, this bill is contrary to the principles in Title 59, and

**WHEREAS**, without the limitations in Title 59, it would be very difficult for State, County and Local Government to respond to a wide range of emergency situations.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we urge the legislature to exempt Title 59 entities from any expansion of the Wrongful Death Statute.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Senator Christopher Bateman, Assemblyman Peter J. Biondi, Assemblywoman Denise Coyle, Governor Corzine, Senate President Cody and Assembly Speaker Roberts.

[Resolution #080128](#) - Expressing Opposition to Toll Increases for the Garden State Parkway, NJ Turnpike and Atlantic City Expressway

Motion by Malay, second by Pavlini, that Resolution #080128 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, Governor Jon Corzine recently unveiled a financial plan that includes significant toll increases for the Garden State Parkway, New Jersey Turnpike and Atlantic City Expressway; and.

**WHEREAS**, under the Governor's plan, tolls on these essential and vital roads would increase 50% in 2010, 2014, 2018 and 2022 and continue to increase every four years to reflect inflation until 2085; and

**WHEREAS**, the toll increases will have a profound negative impact on communities whose residents rely heavily on these roads including the Township of Bernards; and

**WHEREAS**, in addition to the significant number of workers within and without the County who commute to their places of employment, a very small percentage utilize public transportation and the majority of commuters drive alone; and

**WHEREAS**, under Governor Corzine's current plan, these residents, as well as all other residents who use the Garden State Parkway and New Jersey Turnpike regularly, would see significantly more of their hard-earned dollars go towards their commuting costs which will impact their quality of life and financial well-being; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we hereby steadfastly state our opposition to Governor Corzine's current plan to significantly increase tolls on the Garden State Parkway, New Jersey Turnpike and Atlantic City Expressway, and to establish tolls on Route 78 and other current non toll roads in New Jersey, as these measures would have a severe and profound negative impact on the residents New Jersey who rely on those roads and use them on a frequent basis.

[Resolution #080132](#) - Acceptance of Tax Collector's Annual Report

Motion by Spitzer, second by Pavlini, that Resolution #080132 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:  
Abstain:  
Motion carried.

**WHEREAS**, N.J.S.A.54:4-91 requires that the Tax Collector shall submit an annual statement of receipts to the governing body.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the following Collector's Annual Report of Receipts for the Year Ending December 31, 2007, be hereby acknowledged and accepted as submitted.

Description	Month Total
Tax Searches	\$ 2,420.00
Interest	109,942.12
Return Check Fee	540.00
Ridge Oak - In Lieu of Taxes	210,576.70
2008 Taxes Prepaid	561,820.39
2007 Taxes	108,939,543.48
2006 Taxes	627,473.24
2005 Taxes	129,102.08
2004 Taxes	60,612.09
2003 Taxes	
Duplicate Bills/Copies	109.25
Cost of Advertising	241.65
Outside Liens Redeemed	250,790.84
Parking Spaces	
Premium Collected	191,300.00
6% Penalty	9,056.45
<b>Total</b>	<b>\$111,093,528.29</b>

[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

Motion by Spitzer, second by Malay, that Resolution #080107 be approved.

Roll Call:  
Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter  
Nay:  
Abstain:  
Motion carried.

**WHEREAS**, the Township of Bernards requires professional engineering services at the Millington Quarry; and

**WHEREAS**, Princeton Hydro, LLC has submitted a proposal dated December 14, 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 contract has been awarded to Princeton Hydro, LLC through a process without public advertisement pursuant to N.J.S.A. 19:44A-20.7; and

**WHEREAS**, the treasurer has certified funds will be provided by Tilcon, Inc. and available in 8-13-56-051-IFP (Inspection Fee Escrow) line item appropriation or ordinance.

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

1. The contract will encompass services as outlined in the submitted proposal dated December 14, 2007.
2. The contract term is from January 1, 2008 through December 31, 2008 at a monthly rate of \$9,978.33 at a cost not to exceed one hundred nineteen thousand seven hundred and forty (\$119,740.00). (Upon discovery of contaminated materials, an increase of inspections shall be performed for a period of two months at a monthly cost of fifty nine thousand eight hundred and seventy dollars \$ 59,870.00) at a combined cost not to exceed one hundred seventy nine thousand six hundred and ten dollars (\$179,610.00).
3. The contract and resolution issued by Bernards Township supersedes any terms of the December 14, 2007, proposal letter to the extent inconsistent with the resolution and contract.
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. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Peter A. Messina, P.E., P.P., CME, Township Engineer who will be the chief contact for the Township of Bernards on this project.

**BE IT RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that a copy of this resolution be published in the official township

newspaper, and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

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

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

**TREASURER'S CERTIFICATION**

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds will be provided by Tilcon, Inc., put into an Escrow account and will then be available for the above referenced purchase in the amount not to exceed \$ 179,610.00. Monies will be available in line account: Inspection Fee Escrow 8-13-56-051-IFP.

Date: 2/1/08

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson  
Supervisor of Treasury Services

[Ordinance #2004](#) - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards Chapter 2 "Administration" Section 17 "Shade Tree Commission" Subsection 2 "Membership; Appointment; Terms" to Provide for Alternate Members – Introduction

The clerk read the ordinance by title. Motion by Spitzer, second by Malay, that Ordinance 2004 be introduced on first reading, advertised as required by law, with a public hearing scheduled for 3/25/08.

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 2, "Administration," Section 17 "Shade Tree Commission" Subsection 2 "Membership; Appointment; Terms" of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in double underlined; deletions are ~~stricken~~):

§ 2-17.2. Membership; Appointment; Terms.

The Shade Tree Commission shall consist of seven regular members and two alternate members, all of whom shall be residents of the Township appointed by the Mayor, and they shall serve for staggered five-year terms.

The term of each alternate member shall be five years commencing on January 1 of the year of appointment; provided, however, that the initial term of Alternate No.2 shall be four years and the initial term of Alternate No. 1 shall be five years. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member.(Ord. #251; Ord. #1236, § 1EN; Ord. #1305, 5-12-1998, amended)

Ordinance #2000 - 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, "Revised Land Use Ordinances", Article IV "Zoning", Section 21-11 "Nonconforming Uses and Structures" – Introduction

The clerk read the ordinance by title. Motion by Malay, second by Spitzer, that Ordinance #2000 be introduced on first reading, advertised as required by law, referred to the Planning Board and scheduled for a public hearing on 3/25/08.

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 and State of New Jersey, that:

**Section 1.** Chapter 21 entitled "Land Development", Article IV entitled "Zoning", Section 21-11 entitled "Nonconforming Uses and Structures" of the Code of the Township of Bernards shall be amended, revised and supplemented as follows (new text shown in double underlining; deleted text is shown in ~~strike through~~):

SECTION 21-11

**Nonconforming Uses and Structures**

**§ 21-11.1. Uses.**

- a. Any lawful nonconforming use which existed on the date of adoption of this chapter may be continued upon the lot or in the structure so occupied, provided that no nonconforming use which has been changed to a conforming use shall thereafter be changed back to a nonconforming use and no nonconforming use shall be changed to another nonconforming use.
- b. Any structure containing a nonconforming use on the date of adoption of this chapter shall not be enlarged unless the use is changed to a conforming use.
- c. Any lot containing a nonconforming use on the date of adoption of this chapter may be enlarged providing that the land area devoted to or occupied by the nonconforming use shall not be extended or enlarged.

**§ 21-11.2. Structures.**

Any structure which meets the use requirements of this article and is nonconforming because of any of the following: lot area, width, frontage, height, FAR, coverage and/or yard regulations, may be enlarged without an application to the Zoning Board of Adjustment providing provided any nonconforming height, FAR or coverage are not made further nonconforming by the enlargement. Any addition to a nonconforming structure shall comply with all yard requirements.

Any structure which meets the use requirements of this article and is nonconforming because of any of the following: lot area, width, frontage, height, FAR, coverage and/or yard regulations, may be restored or repaired in the event of partial destruction thereof without an application to

the Zoning Board of Adjustment. For the purposes of this section, if a structure is substantially totally destroyed, then such destruction exceeds partial destruction and the structure may not be restored or repaired except in accordance with all current requirements of this chapter. In determining whether a structure has been substantially totally destroyed, a factor for consideration shall be (a) whether reconstruction (as defined in N.J.A.C. 5:23-6.3) of the structure will be such that, given the extent and nature of the work, the work area (as defined in N.J.A.C. 5:23-6.3) of the structure cannot be occupied while the reconstruction work is in progress; and (b) whether a new certificate of occupancy is required before the work area can be reoccupied.

**§ 21-11.3. Repairs and Maintenance.**

Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure or to a structure containing a nonconforming use.

**§ 21-11.4. ~~Replacement of Nonconforming Uses.~~(Reserved)**

~~A nonconforming use or structure which is destroyed by fire or natural or man-made disaster may be replaced providing the height, FAR, coverage and yard setbacks are not expanded or further infringed upon. In addition, an application to replace a preexisting, nonconforming use or structure shall be made to the Planning Board, and the Planning Board shall consider with the applicant whether any of the previous nonconformances can be reduced as part of the rebuilding. The preexisting, nonconforming use may only be replaced with a conforming use or the same preexisting, nonconforming use.~~

**Section 2.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bernards, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Bernards are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.** The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63(if required).

**Section 5.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Bernards for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 6.** This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted

ordinance by the Clerk with (a) the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

## AGENDA SESSION PORTION

### *Naming Recently Acquired Open Space Parcels ([Gerhardt](#)) ([Cangiano](#))*

The committee deliberated on the recommendations and agreed on the following:

#### Gerhard:

Motion by Malay, second by Spitzer, and unanimously agreed to name the former Gerhardt track “McCollum Farm.”

#### Cangiano:

Motion by Carpenter, second by Kelly, and unanimously agreed to name the former Cangiano track “Whitenack Wood.”

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

None.

### **ADJOURNMENT**

By unanimous consent, the meeting adjourned at 9:45 PM.

Respectfully submitted

\_\_\_\_\_  
Denise Szabo, Municipal Clerk

\_\_\_\_\_  
John Carpenter, Mayor