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**EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED)**  
 ..... ERROR! BOOKMARK NOT DEFINED.

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## AGENDA 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; Attorney Belardo, Municipal Clerk/Assist.  
Admin. Szabo

### AMEND AGENDA

Motion by Malay, second by Pavlini, and unanimously agreed to amend the agenda to include Resolution #080185.

### EXECUTIVE SESSION – [Resolution #080156](#)

Motion by Malay, second by Kelly, and unanimously agreed that Resolution #080156 be adopted and the meeting temporarily adjourned to executive session at 8:10 PM.

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

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

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

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
Personnel Matters                      Employee Performance
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.

At 8:00 PM the meeting resumed in open session.

### [DISPOSITION OF OUTBUILDINGS ON MCCOLLUM FARM, LETTER OF 3/12/08 FROM DAN LINCOLN](#)

Mr. Lincoln has visited the site several times with clients and contractors in an effort to salvage parts or all of the existing buildings.

Mr. Lincoln addressed the committee. Bill and Carolyn Knox who are township residents are interested in relocating the barn, cow shed and chicken coop to their property on Mountain Road. They will assume the cost of disassembly and moving. The Knoxes have indicated their willingness to make a donation in excess of \$500 to the Historical Society in thanks for this opportunity.

Additionally Lincoln requested that the Historical Preservation Committee be granted permission to have the stable and house photographed so they could advertise the buildings' availability.

The committee concurred and a resolution will be prepared for the next meeting.

**REGULAR SESSION PORTION**

**MINUTES**

03/11/2008 –Regular Meeting – Open Session

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

03/11/2008 –Regular Meeting – Executive Session

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

**FIRE & RESCUE APPOINTMENTS**

Resolution #080182 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc. Wenchi Shang and Caroline Shang

Motion by Malay, second by Pavlini, and unanimously agreed that Resolution #080182 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, pursuant to §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**, the Liberty Corner First Aid Squad, Inc. is recommending the following individuals for appointment:

| <u>NAME</u>    | <u>ADDRESS</u>                         | <u>MEMBERSHIP STATUS</u> |
|----------------|--|--------------------------|
| Wenchi Shang   | 26 Watchung Drive<br>Basking Ridge, NJ | Regular                  |
| Caroline Shang | 26 Watchung Drive<br>Basking Ridge, NJ | Regular                  |

**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 Liberty Corner First Aid Squad, Inc. effective this date.

**CORRESPONDENCE**

None.

**REPORTS**

None.

**PUBLIC COMMENT**

Glenn Vanbuskirk, 174 Wexford Lane, cemetery manager for Evergreen Cemetery asked that the committee return the pauper’s field to them for in ground burials. The matter will be scheduled on an upcoming agenda.

**TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their recent activities.

**UNFINISHED BUSINESS**

[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” – Public Hearing*

The clerk read the ordinance by title and announced that the Planning Board Secretary had requested the committee adjourn the public hearing to April 23, 2008.

Motion by Pavlini, second by Spitzer, that the public hearing on Ordinance #2000 be adjourned to 4/23/08.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[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 – 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 Kelly, that Ordinance #2004 be adopted and advertised as required by law.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2005](#) - *An Ordinance Accepting Additional Right-of-Way on Whitenack Road, Annin Road and Mine Brook Road – 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 Pavlini, second by Spitzer, that Ordinance #2005 be adopted and advertised as required by law.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2006](#) - *Accepting a Conservation Easement and a Stream Buffer Conservation Easement on Block 9301, Lot 33, from Fellowship Village, Inc., 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 Pavlini, second by Malay, that Ordinance #2006 be adopted and advertised as required by law.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2007](#) - *An Ordinance Authorizing the Township of Bernards to Enter into a Second Amendment to the existing Lease Agreements with Basking Ridge Little League, Inc., a New Jersey Not-For-Profit Corporation, for Block 178.01, Lot 4 on the Tax Map of 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 Kelly, second by Spitzer, that Ordinance #2007 be adopted and advertised as required by law.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2008](#) - *An Ordinance Amending Chapter IV Entitled "General Licensing 2008", Section 4-9 Entitled "Quarrying" of the Revised General Ordinances of the Township of Bernards, to Add Subsection 20 to Section 4-9.5 Entitled "Rehabilitation of Quarry Property" – Public Hearing*

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

Spoke in opposition to the ordinance:

Brian Montage, Esq., representing Tilcon, Inc.

Anthony Markett, Esq., special counsel representing Millington Quarry

Spoke in support of the ordinance:

Jeffrey Capola, 44 Vanderveer Dr., Basking Ridge

Christine Walsh, 3132 Valley Road, Basking Ridge

Suzanne Baker, 92 Spencer Road, Basking Ridge

Motion by Malay, second by Pavlini, that Ordinance #2008 be adopted and advertised as required by law.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

Belardo and Messina left the meeting.

### *2008 Budget Finalization*

Having already met with department heads and members of the township committee on an individual basis, McArthur highlighted key points of the budget.

McArthur reported that the township is in good financial condition due to prudent planning. However, he expressed concern with the township's ability to continue to reduce taxes. Any further reductions could affect future budget items, such as the hire of new police officers, as the budget cap would play a part in these expenditures.

McArthur then asked for a decision on several outstanding proposed items which he felt deserved discussion and the committee removed the following items from the budget: Skateboard Park, preliminary expenses, Farmstead Park Bathroom, Farmstead Park Utilities, Farmstead Parking Lot, and Health Department Generator.

The committee agreed to utilize \$60,000 from the capital improvement fund to help fund three fire trucks.

At the conclusion of the review, a budget was struck with a flat tax for 2008. The formal budget will be introduced on 4/23/08.

## **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 Malay, second by Pavlini, that Resolutions #080170, #080172, #080173, #080179 and #080181, be removed from the consent, and the balance approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

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

[Resolution #080147](#) - Unused Accrued Vacation Payment Due, Antonette D’Orazio, Supervisor, Library

**WHEREAS**, the Township Committee adopted Resolution No. 060504 relating to retirement sick time incentive payout at their regularly meeting of November 22, 2006; and

**WHEREAS**, Antonette D’Orazio will be resigning from the Bernards Township Library effective March 18, 2008; and

**WHEREAS**, per the requirements of the Township’s Personnel Policy, Antonette D’Orazio, is entitled to unused accrued vacation in an amount as calculated below based on an hourly rate of \$32.53.

|          | <b>Total Hours Available</b> | <b>Amount Due</b> |
|----------|------------------------------|-------------------|
| Vacation | 111.17                       | \$3,616.36        |

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the unused accrued vacation payment be approved and distributed in the next available pay cycle.

**TREASURER'S CERTIFICATION**

I, Terri Johnson, Supervisor of Treasury Services for Bernards Township, do hereby certify that there are adequate funds for this expenditure. Funds are available in the 2008 Library S&W (up to \$3,616.36).

Date: 2/28/08

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

**Resolution #080155**- Township of Bernards' Comments and Concerns Regarding the Council on Affordable Housing's 3rd Route Proposed New Rules

**WHEREAS**, the Township of Bernards has a long history of providing affordable housing, and since the 1980's has constructed over 5,000 new homes due to the Council on Affordable Housing (COAH) regulations, and

**WHEREAS**, the Township of Bernards has created affordable housing by inclusionary construction, RCA's, senior housing, homeless shelter, group homes and even rehabilitations for existing low and moderate income families, and

**WHEREAS**, the following are the Township of Bernards' concerns regarding COAH's proposed new rules:

- **Housing Projections** – The numbers of new homes proposed by COAH for the years 2004 to 2018 are extremely overestimated. The Township of Bernards (Township) is primarily a built-out community with very little land available in the sewerred area for development. The housing projection merely looked at historical data during the Township's growth period, which has dramatically slowed down to a trickle, and multiplied it out to 2018. While the Township averaged over 300 homes per year during the build-out of the 5,000 new homes, the new homes have averaged only 15 per year for the last four years. Using that more realistic average, the Township would have only 225 market units from 2004 to 2018. Therefore, COAH's projection of 1,141 market units is over 500% off target. The Township is aware that they only have to provide affordable units for "actual" constructed market units, however, to be forced to plan for an extremely high number is contrived and a waste of planning time, energy and cost.
- **Use of GIS Data for Housing Projections** – The data provided by the NJDEP in its GIS model is extremely inaccurate as it fails in numerous categories. The use of 2002 Land Use Land Cover data is obviously over 6 years old and therefore double counts all of the construction that occurred between 2002 and 2004. This data does not take into account, landfills, quarries, cemeteries, school campuses, churches, and open space purchased by the Township or county. The build out mode could not have taken into account the new NJDEP extensive riparian buffer regulations adopted in November of 2007.

- Use of NJDCA Construction Permit Data – The UCCARS reports submitted by the local Construction Code offices contain certificates of occupancy for many reconstructions that do not involve the building of a new dwelling unit. A total interior renovation would be issued a new certificate of occupancy and therefore reported to DCA as a new CO. The NJDCA would then share this report with COAH with the assumption that a new CO for a new dwelling unit was constructed. This is a relatively high occurrence in our Township and therefore there will be substantial errors in the DCA data provided to COAH.
- Not Allowing Demolitions as Credits – The knockdown/rebuild syndrome is very prevalent in the Township and surrounding communities. The knockdown of a house with subsequent rebuilding of another house does not create a new dwelling unit and therefore could not possibly count toward the need for additional affordable housing. The original Mt. Laurel doctrine and subsequent regulations did not foresee this knockdown/rebuild as a catalyst for new affordable housing.
- Office Vacancies/Re-occupancies – The office buildings that were conceived, zoned, designed and/or constructed between 1980 and 2004 were included in the affordable housing obligation in the first two rounds of the COAH regulations. The affordable units derived from these office buildings have been constructed. The new rule allowing for the re-evaluation of office when a vacant building is re-occupied does not make any sense at all. When the affordable housing requirement is met for the construction of any commercial space, that space cannot be used over and over again to dictate more affordable units.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Bernards hopes these comments are favorably received by COAH and amendments are made to the regulations accordingly.

[Resolution #080157](#) - Approval of the Bill List Dated 03/25/2008

**BE IT RESOLVED**, that the bill list dated 03/25/2008 be audited, and if found correct, be paid

Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 03/25/08 to 03/25/08  
Report Type: All Checks Report Format: Super Condensed Check Type: Computer & Manual

| Check #         | Check Date | Vendor | Amount Paid                     | Reconciled/Void | Ref Number |
|-----------------|------------|--------|---------------------------------|-----------------|------------|
| CASH - CHECKING |            |        |                                 |                 |            |
| 66730           | 03/25/08   |        |                                 | VOID            |            |
| 66731           | 03/25/08   | 90003  | Alignment Check                 |                 | 893        |
| 66732           | 03/25/08   | 90021  | AXT, FREDERICK                  | 80.00           | 893        |
| 66733           | 03/25/08   | 90072  | COYNE, JOEL W.                  | 14.20           | 893        |
| 66734           | 03/25/08   | 90341  | LEE, CYNTHIA J                  | 17.20           | 893        |
| 66735           | 03/25/08   | 90348  | VOGEL, DEIRDRE                  | 157.56          | 893        |
| 66736           | 03/25/08   | 90382  | LUBANSKY, MARCIA                | 20.20           | 893        |
| 66737           | 03/25/08   | A0011  | RAINEY, SYBIL                   | 21.23           | 893        |
| 66738           | 03/25/08   | A0126  | AMERICAN LIBRARY ASSOCIATION    | 52.00           | 893        |
| 66739           | 03/25/08   | A0162  | AFLAC NEW YORK                  | 843.24          | 893        |
| 66740           | 03/25/08   | A0168  | ACME DIESEL ELECTRIC, INC.      | 280.00          | 893        |
| 66741           | 03/25/08   | A0174  | ALLIED OIL COMPANY, LLC         | 21,858.48       | 893        |
| 66742           | 03/25/08   | A0315  | ALL SPORTS                      | 764.16          | 893        |
| 66743           | 03/25/08   | A0338  | AMERICAN SOCIETY OF COMPOSERS   | 296.00          | 893        |
| 66744           | 03/25/08   | A0363  | AFLAC                           | 2,216.61        | 893        |
| 66745           | 03/25/08   | A0412  | AIG VALIC                       | 67,481.16       | 893        |
| 66746           | 03/25/08   | A0455  | AMERICAN PUBLIC WORKS ASSOC     | 80.00           | 893        |
| 66747           | 03/25/08   | A0458  | ARONOFF, RANDY                  | 45.00           | 893        |
| 66748           | 03/25/08   | B0001  | AAA ABLE PLUMBING, HEATING, AC  | 294.00          | 893        |
| 66749           | 03/25/08   | B0003  | BAKER & TAYLOR, INC.            | 1,746.20        | 893        |
| 66750           | 03/25/08   | B0020  | BAKERS AUTO PARTS, INC.         | 139.68          | 893        |
| 66751           | 03/25/08   | B0026  | BASKING RIDGE ELECTRIC CO., INC | 1,581.00        | 893        |
| 66752           | 03/25/08   | B0029  | BERNARDS TOWNSHIP CURRENT       | 1,692.43        | 893        |
| 66753           | 03/25/08   | B0034  | BERNARDS TWP BD OF EDUCATION    | 5,314,993.58    | 893        |
| 66754           | 03/25/08   | B0038  | BERNARDS TOWNSHIP PAYROLL ACCT  | 497,321.81      | 893        |
| 66755           | 03/25/08   | B0094  | BERNARDS TOWNSHIP (COURT)       | 235.79          | 893        |
| 66756           | 03/25/08   | B0163  | BUILDING SAFETY CONFERENCE/NJ   | 625.00          | 893        |
| 66757           | 03/25/08   | B0203  | BAUR MUNICIPAL SUPPLIES         | 540.00          | 893        |
| 66758           | 03/25/08   | B0241  | DIFRANCESCO, BATEMAN, COLEY,    | 32,305.01       | 893        |
| 66759           | 03/25/08   | B0308  | BANISCH ASSOCIATES, INC.        | 29,412.44       | 893        |
| 66760           | 03/25/08   | B0386  | BEDMINSTER TOWNSHIP             | 688.67          | 893        |
| 66761           | 03/25/08   | B0447  | BWI                             | 42.49           | 893        |
| 66762           | 03/25/08   | B0454  | BRODART LIBRARY SUPPLIES&FURN   | 120.96          | 893        |
| 66763           | 03/25/08   | B0461  | BRANCHBURG BASKETBALL ASSOC.    | 2,600.00        | 893        |
| 66764           | 03/25/08   | B0492  | BAURKOT, DANIEL                 | 55.00           | 893        |
| 66765           | 03/25/08   | C0008  | BROWN'S HUNTERDON INTERNAT'L    | 99.68           | 893        |
| 66766           | 03/25/08   | C0015  | CHILDREN'S PRESS                | 120.25          | 893        |
| 66767           | 03/25/08   | C0024  | CCH, INC.                       | 84.07           | 893        |
| 66768           | 03/25/08   | C0136  | COURIER NEWS                    | 84.40           | 893        |
| 66769           | 03/25/08   | C0345  | CENTER FOR GOVERNMENT SERVICES  | 300.00          | 893        |
| 66770           | 03/25/08   | C0353  | COURIER NEWS                    | 147.19          | 893        |
| 66771           | 03/25/08   | C0422  | CUSTOM BANDAG, INC.             | 1,110.12        | 893        |
| 66772           | 03/25/08   | C0434  | CENTRALPACK SERVICE CORP.       | 1,237.75        | 893        |
| 66773           | 03/25/08   | C0437  | CENTRAL JERSEY CONSTRUCTION     | 7,834.01        | 893        |
| 66774           | 03/25/08   | C0526  | COWELL, TRICIA                  | 23.46           | 893        |
| 66775           | 03/25/08   | C0538  | THE CAMERA SHOPS/RITZ CAMERA    | 199.99          | 893        |
| 66776           | 03/25/08   | C0545  | CHEW, KRISTINA                  | 15.00           | 893        |
| 66777           | 03/25/08   | C0560  | CONCERN EAP                     | 602.70          | 893        |
| 66778           | 03/25/08   | D0020  | CARPENTER, WENDY                | 90.00           | 893        |
| 66779           | 03/25/08   | D0107  | DELTA DENTAL PLAN OF NJ         | 14,020.16       | 893        |
| 66780           | 03/25/08   | D0350  | DLT SOLUTIONS, INC.             | 2,701.29        | 893        |
| 66781           | 03/25/08   | D0364  | DOWN 2 EARTH FARMS, LLC         | 570.00          | 893        |
| 66782           | 03/25/08   | D0365  | DOOLAN, MARK                    | 225.00          | 893        |
| 66783           | 03/25/08   | E0005  | DOWNS FORD, INC.                | 838.32          | 893        |
| 66784           | 03/25/08   | E0181  | CULLIGAN                        | 529.50          | 893        |
| 66785           | 03/25/08   | E0185  | EDM PUBLISHERS                  | 158.48          | 893        |
| 66786           | 03/25/08   | E0192  | EDWARDS TIRE COMPANY            | 775.80          | 893        |
| 66787           | 03/25/08   | F0001  | EAGLE AUTO & TRUCK SERVICES     | 24.99           | 893        |
| 66788           | 03/25/08   | G0005  | FEDEX                           | 69.01           | 893        |
|                 |            |        | GANN LAW BOOKS                  | 1,078.00        | 893        |

|       |          |       |                                |            |     |
|-------|----------|-------|--------------------------------|------------|-----|
| 66789 | 03/25/08 | G0025 | GARDEN STATE HIGHWAY PRODUCTS  | 717.60     | 893 |
| 66790 | 03/25/08 | G0098 | JCP&L                          | 30,566.48  | 893 |
| 66791 | 03/25/08 | H0029 | HUMPHREYS PEST CONTROL, INC.   | 458.00     | 893 |
| 66792 | 03/25/08 | H0061 | HARRAH'S RESORT ATLANTIC CITY  | 1,261.00   | 893 |
| 66793 | 03/25/08 | H0195 | DECISIONSTAT                   | 3,150.00   | 893 |
| 66794 | 03/25/08 | H0235 | HOOVER TRUCK CENTERS           | 58.67      | 893 |
| 66795 | 03/25/08 | I0048 | INTERNATIONAL SALT CO.         | 86,287.43  | 893 |
| 66796 | 03/25/08 | I0084 | iPROMOTEu, INC.                | 221.22     | 893 |
| 66797 | 03/25/08 | J0002 | JAEGER LUMBER                  | 106.79     | 893 |
| 66798 | 03/25/08 | K0133 | KOENIG, STUART R., ESQ.        | 1,880.00   | 893 |
| 66799 | 03/25/08 | L0060 | LAB SAFETY SUPPLY INC          | 471.08     | 893 |
| 66800 | 03/25/08 | L0181 | LAND'S END, INC.               | 295.95     | 893 |
| 66801 | 03/25/08 | L0243 | LEGBAND, SCOTT                 | 90.00      | 893 |
| 66802 | 03/25/08 | M0006 | MGL PRINTING SOLUTIONS         | 102.00     | 893 |
| 66803 | 03/25/08 | M0015 | MOORE MEDICAL, LLC             | 115.12     | 893 |
| 66804 | 03/25/08 | M0016 | MORRIS-UNION FEDERATION        | 1,500.00   | 893 |
| 66805 | 03/25/08 | M0018 | MORRISTOWN LUMBER & SUPPLY CO  | 578.14     | 893 |
| 66806 | 03/25/08 | M0055 | MUNICIPAL CLERKS' ASSOC OF SC  | 35.00      | 893 |
| 66807 | 03/25/08 | M0062 | MARSHALL CAVENDISH CORPORATION | 164.51     | 893 |
| 66808 | 03/25/08 | M0261 | M.A.I.N., INC.                 | 1,399.40   | 893 |
| 66809 | 03/25/08 | M0279 | MITZNER, SCOTT C.              | 1,029.17   | 893 |
| 66810 | 03/25/08 | M0465 | MOORE WALLACE NORTH AMERICA    | 133.16     | 893 |
| 66811 | 03/25/08 | M0490 | MOUNTAINVIEW REALTY HOLDING CO | 56,183.85  | 893 |
| 66812 | 03/25/08 | M0610 | MARQUIS THEATRE                | 3,603.50   | 893 |
| 66813 | 03/25/08 | N0006 | NEW JERSEY AMERICAN WATER CO.  | 1,506.70   | 893 |
| 66814 | 03/25/08 | N0040 | NATIONAL FIRE PROTECTION ASSN. | 715.50     | 893 |
| 66815 | 03/25/08 | N0050 | NJ SHADE TREE FEDERATION       | 145.00     | 893 |
| 66816 | 03/25/08 | N0093 | NEW PIG CORPORATION            | 182.85     | 893 |
| 66817 | 03/25/08 | N0118 | NATURE'S CHOICE CORPORATION    | 900.00     | 893 |
| 66818 | 03/25/08 | N0162 | NEW JERSEY NATIONAL GOLF CLUB  | 8,532.15   | 893 |
| 66819 | 03/25/08 | N0196 | NJ EMERGENCY MGMT ASSOCIATION  | 75.00      | 893 |
| 66820 | 03/25/08 | N0207 | NEXTEL COMMUNICATIONS          | 402.95     | 893 |
| 66821 | 03/25/08 | N0273 | NEAL-SCHUMAN PUBLISHERS        | 47.75      | 893 |
| 66822 | 03/25/08 | N0322 | NEXTEL COMMUNICATIONS          | 126.87     | 893 |
| 66823 | 03/25/08 | N0365 | NATIONAL SWIMMING POOL FOUNDTN | 68.00      | 893 |
| 66824 | 03/25/08 | O0021 | OFFICE DEPOT                   | 764.92     | 893 |
| 66825 | 03/25/08 | O0046 | OCS PRINTING                   | 246.00     | 893 |
| 66826 | 03/25/08 | P0005 | PITNEY BOWES, INC.             | 180.00     | 893 |
| 66827 | 03/25/08 | P0009 | POSTMASTER - BASKING RIDGE     | 340.76     | 893 |
| 66828 | 03/25/08 | P0013 | PUBLIC EMP. RETIREMENT SYSTEM  | 436,299.20 | 893 |
| 66829 | 03/25/08 | P0014 | PUBLIC SERVICE ELEC. & GAS CO  | 7,190.37   | 893 |
| 66830 | 03/25/08 | P0032 | POLICE & FIREMENS RETIREMENT   | 773,185.00 | 893 |
| 66831 | 03/25/08 | P0051 | POSTMASTER, BASKING RIDGE      | 246.00     | 893 |
| 66832 | 03/25/08 | P0118 | PICK QUICK PAPERS INC.         | 13.20      | 893 |
| 66833 | 03/25/08 | P0130 | PROFESSIONAL EQUIPMENT         | 185.70     | 893 |
| 66834 | 03/25/08 | P0445 | PEARL OBSERVATORY              | 350.00     | 893 |
| 66835 | 03/25/08 | P0456 | PFEIFFER, WILLIAM              | 35.00      | 893 |
| 66836 | 03/25/08 | Q0001 | QUALITY BOOKS INC.             | 82.22      | 893 |
| 66837 | 03/25/08 | Q0019 | QUALITY DEER MANAGEMENT ASSOC  | 750.00     | 893 |
| 66838 | 03/25/08 | R0004 | RECORDED BOOKS INC.            | 808.65     | 893 |
| 66839 | 03/25/08 | R0005 | RECORDER PUBLISHING COMPANY    | 34.00      | 893 |
| 66840 | 03/25/08 | R0006 | RECREATION PETTY CASH          | 46.00      | 893 |
| 66841 | 03/25/08 | R0077 | RAY, KALYAN                    | 1,200.00   | 893 |
| 66842 | 03/25/08 | R0136 | BRIAN COOKE                    | 1,200.00   | 893 |
| 66843 | 03/25/08 | R0257 | RARITAN VALLEY DISPOSAL SER CO | 455.00     | 893 |
| 66844 | 03/25/08 | R0281 | RECREATION PETTY CASH CHECKING | 353.00     | 893 |
| 66845 | 03/25/08 | R0304 | RANDOM HOUSE, INC.             | 587.20     | 893 |
| 66846 | 03/25/08 | R0308 | ROUTE 23 AUTO MALL             | 2,117.24   | 893 |
| 66847 | 03/25/08 | R0368 | RPTC, LLC                      | 2,330.00   | 893 |
| 66848 | 03/25/08 | R0376 | RUDCO PRODUCTS                 | 10,865.00  | 893 |
| 66849 | 03/25/08 | R0377 | RAPAPORT, GAIL                 | 90.00      | 893 |
| 66850 | 03/25/08 | S0016 | STORR TRACTOR COMPANY          | 48.02      | 893 |
| 66851 | 03/25/08 | S0066 | SOMERSET HILLS FLORIST         | 132.00     | 893 |
| 66852 | 03/25/08 | S0067 | SOMERSET COUNTY TREASURER      | 150.00     | 893 |
| 66853 | 03/25/08 | S0327 | SYSTEMS SALES CORP.            | 124.36     | 893 |
| 66854 | 03/25/08 | S0344 | SUMMIT SUPPLY CORP OF COLORADO | 890.80     | 893 |
| 66855 | 03/25/08 | S0443 | STAPLES BUSINESS ADVANTAGE     | 162.30     | 893 |
| 66856 | 03/25/08 | S0508 | SOUTH JERSEY ENERGY            | 35,118.79  | 893 |
| 66857 | 03/25/08 | S0656 | STADIUM AUTO MALL SALES, INC   | 894.60     | 893 |

TOWNSHIP COMMITTEE MINUTES

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|                   |          |       |                                |                      |                         |                                 |
|-------------------|----------|-------|--------------------------------|----------------------|-------------------------|---------------------------------|
| 66858             | 03/25/08 | S0691 | SUPERIOR DISTRIBUTORS          | 122.39               |                         | 893                             |
| 66859             | 03/25/08 | S0707 | SINGER, JORDAN                 | 290.00               |                         | 893                             |
| 66860             | 03/25/08 | T0002 | TOMAHAWK LIVE TRAP CO.         | 671.91               |                         | 893                             |
| 66861             | 03/25/08 | T0019 | TRAP ROCK INDUSTRIES, INC.     | 753.00               |                         | 893                             |
| 66862             | 03/25/08 | T0049 | TROPICANA CASINO & RESORT      | 258.00               |                         | 893                             |
| 66863             | 03/25/08 | T0066 | THOMSON                        | 68.16                |                         | 893                             |
| 66864             | 03/25/08 | T0113 | TRUMP TAJ MAHAL                | 578.00               |                         | 893                             |
| 66865             | 03/25/08 | U0040 | URUCORP MAINTENANCE CONTRACTOR | 1,550.00             |                         | 893                             |
| 66866             | 03/25/08 | V0037 | VILLAGE SUPERMARKET, INC.      | 75.90                |                         | 893                             |
| 66867             | 03/25/08 | V0056 | VERIZON WIRELESS               | 1,080.18             |                         | 893                             |
| 66868             | 03/25/08 | V0058 | VERIZON                        | 0.00                 | 03/25/08 VOID           | 0                               |
| 66869             | 03/25/08 | V0058 | VERIZON                        | 2,341.36             |                         | 893                             |
| 66870             | 03/25/08 | V0059 | VERIZON CABS                   | 193.42               |                         | 893                             |
| 66871             | 03/25/08 | W0013 | WARNOCK FORD                   | 1,039.73             |                         | 893                             |
| 66872             | 03/25/08 | W0016 | WARRENVILLE TRUE VALUE         | 295.31               |                         | 893                             |
| 66873             | 03/25/08 | W0187 | WASTE MANAGEMENT OF NJ, INC    | 4,653.12             |                         | 893                             |
| 66874             | 03/25/08 | W0213 | WT COX SUBSCRIPTIONS, INC.     | 26.94                |                         | 893                             |
| 66875             | 03/25/08 | X0003 | XEROX CORPORATION              | 703.46               |                         | 893                             |
| Total Checks: 146 |          |       |                                | Total Void Checks: 2 | Total Amount Void: 0.00 | Total Amount Paid: 7,506,847.32 |

| Fund Description    | Fund | Budget | Fund Total   | Revenue | Fund Total |
|---------------------|------|--------|--------------|---------|------------|
| CURRENT FUND        | 7-01 |        | 100,039.07   |         | 0.00       |
| CURRENT FUND        | 8-01 |        | 7,300,148.47 |         | 0.00       |
| DOG FUND            | 8-12 |        | 2,693.91     |         | 0.00       |
| TRUST FUNDS         | 8-13 |        | 88,365.22    |         | 0.00       |
| GOLF COURSE UTILITY | 8-26 |        | 1,788.30     |         | 0.00       |
| Year Total:         |      |        | 7,392,995.90 |         | 0.00       |
| CAPITAL FUND        | C-04 |        | 2,330.00     |         | 0.00       |
| GRANT FUND          | G-02 |        | 11,482.35    |         | 0.00       |
| Total Of All Funds: |      |        | 7,506,847.32 |         | 0.00       |

[Resolution #080158](#) - Resolution Authorizing the Renewing of a Commodity Resale System

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey is desirous of renewing a Commodity Resale System for the resale of **Gasoline, Diesel Fuel, Snow Removal Chemicals and Public Works Materials**; and

**WHEREAS**, the Township of Bernards has agreed to serve as the Lead Agency for a Commodity Resale Agreement with, **Basking Ridge Fire Company #1 & First Aid Squad, Liberty Corner Fire Company, Liberty Corner First Aid Squad, Bernards Township Board of Education, Bernards Township Sewerage Authority, Long Hill Township, Long Hill Township Emergency Services – First Aid Squad, Long Hill Township Board of Education, Borough of Far Hills and Somerset County Education Services Commission for a period from April 23, 2008 to April 23, 2013.**

**NOW, THEREFORE, BE IT RESOLVED** at the Township Committee meeting held on April 23, 2008 of the Township of Bernards, County of Somerset, State of New Jersey, as follows:

The Township Committee hereby authorizes the renewal of a Commodity Resale System known as the **Bernards Commodity Resale System** with the Township of Bernards serving as the Lead Agency.

The Administrator is hereby authorized to enter into a contract with the Township of Bernards for the sale of gasoline, diesel fuel, snow removal chemicals and public works materials.

[Resolution #080159](#) - Including the Somerset County Education Services Commission into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Somerset County Education Services Commission has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Somerset County Education Services Commission be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

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

[Resolution #080160](#) - Including the Long Hill Township (Department of Public Works & Police Department) into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Long Hill Township (Department of Public Works & Police Department) has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Long Hill Township (Department of Public Works & Police Department) be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the mayor and clerk are authorized to execute the agreement.

[Resolution #080161](#) - Including the Bernards Township Board of Education into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Vehicle Maintenance and Repair Service, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, vehicle maintenance and repair service, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Bernards Township Board of Education has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Bernards Township Board of Education be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the mayor and clerk are hereby authorized to execute the agreement.

[Resolution #080162](#) - Including the Bernards Township Sewerage Authority into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Vehicle Maintenance and Repair Service, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, vehicle maintenance and repair service, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Bernards Township Sewerage Authority has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Bernards Township Sewerage Authority be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Clerk are hereby authorized to execute this contract.

[Resolution #080163](#) - Including the Borough of Far Hills into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Borough of Far Hills has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Borough of Far Hills be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the mayor and clerk and hereby authorized to execute this contract.

[Resolution #080164](#) - Including the Liberty Corner First Aid Squad into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Vehicle Maintenance and Repair Service, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, vehicle maintenance and repair service, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Liberty Corner First Aid Squad has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Liberty Corner First Aid Squad be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Clerk are hereby authorized to execute the contract.

[Resolution #080165](#) - Including the Liberty Corner Fire Company into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Vehicle Maintenance and Repair Service, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, vehicle maintenance and repair service, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Liberty Corner Fire Company has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Liberty Corner Fire Company be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

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

[Resolution #080166](#) - Including the Long Hill Township Board of Education into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Long Hill Township Board of Education has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Long Hill Township Board of Education be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that at the Township Committee that the Clerk is hereby authorized to execute this contract.

[Resolution #080167](#) - Including the Long Hill Emergency Services – First Aid Squad into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Long Hill Emergency Services – First Aid Squad has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Long Hill Emergency Services – First Aid Squad be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the mayor and clerk and hereby authorized to execute this contract.

[Resolution #080168](#) - Including the Basking Ridge Fire Company #1 & First Aid Squad into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Vehicle Maintenance and Repair Service, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, vehicle maintenance and repair service, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Basking Ridge Fire Company #1 & First Aid Squad has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Basking Ridge Fire Company #1 & First Aid Squad be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

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

[Resolution #080169](#) - Personnel Appointment, Thomas Timko, Assistant Township Engineer, Engineering Services

**WHEREAS**, the position of Assistant Township Engineer became vacant due to resignation; and

**WHEREAS**, the Township Engineer, Township Administrator, and Human Resource Manager have deemed it necessary to fill this position; and,

**WHEREAS**, Thomas Timko has applied for and is qualified to fill said position; and

**WHEREAS**, the Township Engineer, Township Administrator, and Manager of Human Resources recommend appointment of Thomas Timko to the position of full-time Assistant Township Engineer; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that Thomas Timko be appointed full-time Assistant Township Engineer, Engineering Services effective April 21, 2008 at an annual salary of \$93,000 for a 40 hour workweek. Employment is pending the pre-employment screening conducted as per Township Policy.

[Resolution #080171](#) - Requesting Approval from the Suburban Municipal Joint Insurance Fund to Extend General Liability and Non-Owned Auto Liability Coverage to Project Graduation

**WHEREAS**, the Township of Bernards is a participating member of the Suburban Municipal Joint Insurance Fund (JIF) , and the Township of Bernards has been responsible for Project Graduation for 22 years, and

**WHEREAS**, the Suburban Municipal Joint Insurance Fund has adopted certain criteria to distinguish between bonafide municipal activities and other quasi-public entities not sponsored by the municipality and, therefore, not subject to coverage by the Suburban Municipal Joint Insurance Fund, and

**WHEREAS**, it has been determined that in order to be covered by the Suburban Municipal Joint Insurance Fund, an organization or activity must meet the test that its function is of the type that historically municipalities have undertaken or have provided with insurance coverage and/or is one which advances the bonafide local public purpose on a non-profit basis typically met by local government, the benefits of which are available to the municipality in general, and

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards, is hereby requesting approval from the Suburban Municipal Joint Insurance Fund to extend General Liability and Non-owned Auto Liability Coverage to Project Graduation.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Mayor and Township Committee of the Township of Bernards that the above listed organization exists within the Township of Bernards as a bonafide charitable, educational or recreational activity of the municipality and is, in fact, an organization that supports and/or provides services to the municipality in general and, as such, is sponsored or subsidized directly or indirectly by the municipality.

**NOW THEREFORE BE IT FURTHER RESOLVED**, The Township of Bernards does hereby request that this Project Graduation described above be added as an additional insured for General Liability and Non-owned Auto Liability in accordance with the applicable limits and restrictions.

[Resolution #080174](#) - Authorizing the Execution of an Amended Stipulation of Dismissal without Prejudice in the litigation matter of Pyne-Sloane Investments, LLC, et al. v Township of Bernards, et al., Docket No. SOM-L-930-06

**WHEREAS**, the action captioned Pyne-Sloane Investments, LLC, et al. v. Township of Bernards, et al., Docket No. SOM-L-930-06, in the Superior Court of New Jersey, Law Division, Somerset County, which challenged the provisions of Bernards Township Ordinance #1870, (hereinafter referred to as the “Litigation”), was voluntarily dismissed without prejudice by the parties in accordance with the terms of a Stipulation of Dismissal Without Prejudice filed with the court on March 19, 2007; and

**WHEREAS**, the Stipulation of Dismissal Without Prejudice provided that if plaintiffs did not

reinstitute the Litigation by June 30, 2008, then the action would be dismissed with prejudice; and

**WHEREAS**, the parties wish to enter into and engage in discussions concerning a possible acquisition by the Township of the Pyne-Sloane properties, located at Block 9601, Lots 8, 9, 11, 12, 13 and 14, in Bernards Township; and

**WHEREAS**, the parties are desirous of avoiding the potential expense, inconvenience and distraction of litigation during any such acquisition discussions, and accordingly wish to enter an Amended Stipulation of Dismissal Without Prejudice extending by six months the date through which plaintiffs are permitted to reinstitute the Litigation; and

**WHEREAS**, Pyne-Sloane has approved and executed the Amended Stipulation attached to this Resolution; and

**WHEREAS**, the Township Committee of the Township of Bernards has authorized, after review and consideration with the Township Attorney, approval of the Stipulation;

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

1. The Township Attorney is authorized to execute on behalf of Bernards Township and the Bernards Township Committee the Amended Stipulation of Dismissal Without Prejudice attached to this Resolution.

[Resolution #080175](#) - Approving Extension of Time – Professional Services for Farmland Preservation Planning Services for the Agricultural Advisory Committee

**WHEREAS:** The Bernards Township Committee on September 11, 2007, passed resolution #070451 to hire Francis J. Banish III, PP/AICP, NJ Lic # 33L1001686000 of the Banish Associates, Inc., to provide professional planning to support the activities of the Agricultural Advisory Committee for Farmland Preservation Planning in the not to exceed amount of \$ 25,000.00; and

**WHEREAS:** Banish Associates, Inc., requires additional time in the performance of land preservation consulting services for the Farmland Preservation Planning.

**NOW, THEREFORE BE IT RESOLVED** by the Township of Bernards that an extension of contract be awarded to Francis J. Banish III, PP/AICP, NJ Lic # 33L1001686000 of the Banish Associates, Inc. until June 13, 2008, at no additional cost to the town.

I agree to the terms as stated in the Resolution and by signing this document I, Francis J. Banisch III, PP/AICP, NJ Lic # 33L100168600 for Banisch Associates, Inc., am committed to follow all terms of this award.

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Francis J. Banisch, III PP/AICP

[Resolution #080176](#) - Canceling General Capital Ordinance Appropriation Balance

**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>      |
|--------------------|-------------|---------------|--------------------------|
| 1951-A             | 2007        | \$190,000.00  | Capital Improvement Fund |

[Resolution #080177](#) - 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:

| <b>Block &amp; Lot</b> | <b>Quarter &amp; Year</b> | <b>Amount</b> | <b>Issue Refund To</b>                               |
|------------------------|---------------------------|---------------|--|
| 9501/9                 | 3Q08                      | 6697.58       | Citimortgage<br>P.O. Box 23689<br>Rochester NY 14692 |

[Resolution #080178](#) - Including the Bernardsville Fire Department into the Commodity Resale System for the Resale of Gasoline, Diesel Fuel, Snow Removal Chemicals and Public Works Materials

**WHEREAS**, N.J.A.C. 5:34-7 authorizes contracting units to establish a Commodity Resale System; and

**WHEREAS**, the Township of Bernards, County of Somerset, State of New Jersey has established a Commodity Resale System for the resale of gasoline, diesel fuel, snow removal chemicals and public works materials with Bernards Township serving as the Lead Agency; and

**WHEREAS**, the Bernardsville Fire Department has requested to be part of the Commodity Resale System with Bernards Township.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that the Bernardsville Fire Department be included in the Commodity Resale System for a period from April 23, 2008 to April 23, 2013 per the agreement which follows.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Clerk are hereby authorized to execute this contract.

[Resolution #080180](#) - Award of Purchase Order for One (1) 2008 Toyota Prius Hybrid, 5 Dr Hatchback Awarded to: Route One Corp Motors Fleet, POB 638, Red Bank, NJ 07701, State Contract #A-70698 – in the amount of \$20,349

**WHEREAS**, The Township of Bernards Department of Public Works wishes to purchase, One (1) 2008 Toyota Prius Hybrid from Route One Corp Motors Fleet;

| QTY | DESCRIPTION                              | AMOUNT      |
|-----|--|-------------|
| 1   | 2008 Toyota Prius Hybrid, 5 Dr Hatchback | \$20,349.00 |

and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-12, the Township is authorized to purchase goods and services, without advertising for bids, under any contract for such goods or services entered into on behalf of the State; and

**WHEREAS**, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Route One Corp Motors Fleet, POB 638, Red Bank, NJ 07701 in the amount of \$20,349.00; and

**WHEREAS**, it is expected that the Township will receive a rebate of approximately \$2,200.00 from the BPU for the purchase of this vehicle in the future; and

**WHEREAS**, the Supervisor of Treasury Services has certified that funds are available in the budget; the line item appropriation or ordinance to be charged is Capital Ordinance # 1951B-07 line account # C-04-55-951-B00.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a purchase order for One (1) 2008 Toyota Prius Hybrid 5 DR Hatchback, State Contract #A-70698 to Route One Corp Motors Fleet, POB 638, Red Bank, NJ 07701 in the amount of \$20,349.00.

**TREASURER'S CERTIFICATION**

I, Terri Johnson, Supervisor of Treasury Services, hereby certify that adequate funds are available for the above referenced purchase in the amount of \$20,349.00. Monies are available in Ord#1951B-07, account #C-04-55-951-B00.

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

Date: 3/14/08

Terri Johnson, Supervisor of Treasury Services

[Resolution #080185](#) - Appointment to the Cable TV Task Force, James Rollo

**WHEREAS**, a vacancy currently exists on the Cable TV Task Force; and

**WHEREAS**, James Rollo, currently serving as the Bernards Township Board of Education IT Manager has applied for appointment.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that James Rollo is hereby appointed a regular member of the Cable TV Task force for a three year term to expire 12/13/2010.

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

[Resolution #080170](#) - Award of Purchase Orders for Various Identified Vendors

Motion by Spitzer, second by Pavlini, that Resolution #080170 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, The Township Committee of Bernards has adopted Ordinance # 1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

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

**WHEREAS**, the purchasing agent has determined that the value of seven (9) vendors listed below who in the previous year have provided goods secured in excess of \$17,500.00; and

| Vendor                       | Not to Exceed | Vendor                | Not to Exceed |
|------------------------------|---------------|-----------------------|---------------|
| Baker and Taylor             | \$ 29,000.00  | Ray’s Sport Shop, Inc | \$ 29,000.00  |
| Champion Uniform Supply, Inc | \$ 29,000.00  | Trilogy Repertory     | \$ 29,000.00  |
| Culligan Water Co.           | \$ 29,000.00  | Warrenville Hardware  | \$ 29,000.00  |
| K&J Landscaping              | \$ 29,000.00  | W.W. Grainger         | \$ 29,000.00  |
| R & B Printing, Inc.         | \$ 29,000.00  |                       |               |

**WHEREAS**, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance # 1854 adopted on February 28, 2006, that would

prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year; and

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase orders to the vendors listed above to maintain continuity and facilitate the ordering process through December 31, 2008.

[Resolution #080172](#) - *Acceptance of the American with Disabilities Act Self Evaluation and Transition Plan Dated March 2008*

Motion by Spitzer, second by Malay, that Resolution #080172 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, the Americans with Disabilities Act (ADA) was signed into law in 1990; and

**WHEREAS**, the Township of Bernards believes it is vital to ensure that the Township is meeting the needs of people with disabilities who live, work or visit our community; and

**WHEREAS**, the Township of Bernards has on file the Americans with Disabilities Act Self Evaluation and Transition Plan originally created in June of 1995 and updated in October, 1999; and

**WHEREAS**, the Self Evaluation and Transition Plan addresses corrections to any structural obstacles that may exist which would inhibit access to public buildings and/or public facilities; and

**WHEREAS**, Rhonda Pisano, Part-Time Secretary in the Engineering Services Office has over twenty years experience in disability related work and provided the original (1995) and updated (1999) Self Evaluation and Transition Plan for the Township; and

**WHEREAS**, Rhonda Pisano has recently conducted the current Self Evaluation and Transition Plan dated March, 2008.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that The Americans with Disabilities Act Self Evaluation and Transition Plan, updated March 2008 prepared by Rhonda Pisano be accepted; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that ADA regulations allow for corrections to any structural obstacles that result in an undue financial and administrative burden,

the municipality would not have to make this accommodation. However, the Township should find an alternate way to make a similar accommodation. The Township Committee further directs the Township Administrator/CFO to provide for improvements to Township facilities based on Ms. Pisano's recommendations within the confines of budgetary constraints.

[Resolution #080173](#) - *Proclaiming Arbor Day in Bernards Township*

Motion by Spitzer, second by Malay, and unanimously agreed to approve Resolution #080173.

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS**, trees in our township increase property values, enhance the economic vitality of business areas, and beautify our community and spiritual renewal, and

**NOW, THEREFORE**, The Township Committee of the Township of Bernards does hereby proclaim April 26, 2008 as **ARBOR DAY**.

**IN THE COMMUNITY OF Bernards Township**, we urge all citizens to support efforts to protect our trees and woodlands to support our town's urban forestry program, and

**FURTHER**, we urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

[Resolution #080179](#) - *Authorizing Submission of a Grant Proposal by the Friends of the Kennedy-Martin-Stelle Farmstead to the Somerset County Cultural and Heritage Commission for an Historic Preservation Grant in the Amount of \$124,768 to Help Return the Farm House of the Kennedy-Martin-Stelle Farmstead to Occupancy*

Motion by Spitzer , second by Malay, that Resolution #080179 be approved.

Roll Call:

Aye: Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain: Kelly

Motion carried.

**WHEREAS**, the Township Committee of the Township of Bernards acquired the Kennedy-Martin-Stelle Farmstead as part of an open space acquisition; and,

**WHEREAS**, the Township Committee of the Township of Bernards recognizes the historical significance of the Kennedy-Martin-Stelle Farmstead and believes it prudent to preserve; and,

**WHEREAS**, the Township Committee of the Township of Bernards approved submission of a 2005 NJ Historical Trust grant to perform work on the Farm House in Phase I to “Stabilize and Prevent Loss”, and in Phase II to “Repair Frame and Enclose Envelope”, and a 2006 Somerset County Cultural & Heritage Commission Historic Preservation Grant, for an archeology survey to plan the development of the site for public use, which grants were awarded and the work authorized under both has been substantially completed; and

**WHEREAS**, the Township Committee of the Township of Bernards approved submission of a 2007 Somerset County Cultural & Heritage Commission Historic Preservation Grant, to help return the Farm House to occupancy, which grant was awarded and the work authorized is currently being undertaken; and,

**WHEREAS**, the Township Committee of the Township of Bernards believes the Farm House of the Kennedy-Martin-Stelle Farmstead is an excellent candidate for historic preservation to prepare the development of the site for public use; 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 by the Friends of the Kennedy-Martin-Stelle Farmstead to the Somerset County Cultural & Heritage Commission for an 2008 Historic Preservation Grant in the Amount of \$124,768 to be used to restore/repair exterior windows and doors, restore/repair walls and ceiling plaster, and to restore/repair the north east corner-post of the Farm House. There are no Township of Bernards matching funds required.

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

[Resolution #080181](#) - *Authorization of the Sale at Public Auction of the Township’s Personal Property Not Needed for Public Use*

Motion by Carpenter, second by Pavlini, that Resolution #080181 be approved.

Roll Call:

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

**WHEREAS**, the Purchasing Agent has presented the following listing of personal property which are no longer needed for public use by the Township of Bernards;

| Description  | Serial #     |
|--|--------------|
| 4' High Book Shelf -Oak  |              |
| 4' High Book Shelf-Oak   |              |
| 5' High Book Shelf-Walnut  |              |
| 3'x6' Desk -Oak  |              |
| 3'x6' Desk-Walnut  |              |
| 4'x8' Desk-Walnut  |              |
| Office Chair w/ Wheels   |              |
| Office Chair   |              |
| Printer Table-Oak  |              |
| Printer Table-Oak  |              |
| Paper Shredder Table   |              |
| 6' Long Credenza-Oak   |              |
| Philadelphia Micrographics & Imaging - Canon PC 80<br>Microfilm Reader-Printer | 33103226     |
| Philadelphia Micrographics & Imaging - Canon PC 80<br>Microfilm Reader-Printer | 33216547     |
| Savin Copier 2013Z   | H4216502902  |
| Genicom Printer Model 4840E  | 9544-9-56157 |
| Canon PC 720 Copier  | NUL16899     |
| Minolta Camera X-370/w Vivitar 2500 Flash                                      |              |
| Todd Enterprises CD Cabinet  | VLSQ14       |
| Phillips Video Projector   | E000040      |
| Sharp Linytron TV  |              |
| TV Carts (2)   |              |
| 3 Boxes of Salzburg Gold Crystal Glasses (2 per box)                           |              |
| 2 Boxes with Lenox wine glasses (4 per box)                                    |              |
| Box with Perfume, Cologne, flatware  |              |
| Assortment of Bicycles (27)  |              |

and

**WHEREAS**, pursuant to N.J.S.A.40A:11-36, “Sale or other disposition of personal property,” the governing body may authorize the public sale of municipal owned property no longer needed for public use; and

**WHEREAS**, the Township of Bernards as a member of the County of Somerset Cooperative Purchasing, wishes to participate in a sealed bid auction to be held on Wednesday, May 14, 2008, at 10:00 A.M. at the Somerset County Freeholders Chamber; and

**WHEREAS**, the auction will be conducted by Mary Louise Stanton, Purchasing Agent, who shall coordinate the auction with Bernards Township Purchasing Agent, Francis J. Decibus.

**BE IT RESOLVED**, that the Resolution (or other Notice of the date, time and place of the auction, with a description of the items to be sold) shall be published in an official newspaper not more than 14 days prior to the date of the auction, as is required by NJSA 40A:11-36(3).

**BE IT FURTHER RESOLVED**, that the Bernards Township Committee does hereby declare that the personal property listed above are surplus and no longer needed for Township use; and

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee does hereby authorize a sealed bid auction of the surplus property identified, to be held on Wednesday, May 14, 2008 at 10:00 A.M. at the Somerset County Freeholders Chamber.

**ADJOURNMENT**

By unanimous consent, the meeting adjourned at 9:40 PM.

Respectfully submitted

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

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