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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE
MINUTES**

APRIL 29, 2008 – COMBINED AGENDA/REGULAR SESSION

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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: Pavlini, Spitzer, Carpenter
Absent: Kelly, Malay
Also Present: CFO/Administrator McArthur, Attorney Belardo, Municipal Clerk/Assist.
Admin. Szabo

EXECUTIVE SESSION – [Resolution #080210](#)

Motion by Pavlini, second by Spitzer, that Resolution #080210 be approved, and the meeting temporarily adjourned to executive session at 7:31 PM.

Roll Call:

Aye: Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

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:

<input checked="" type="checkbox"/> Personnel	Performance, Police Department
<input checked="" type="checkbox"/> Personnel	HR Manager, Compensation
<input checked="" type="checkbox"/> Contract Negotiations	Board of Health Interlocal Agreements
<input checked="" type="checkbox"/> Contract Negotiations/Litigation	MEL Insurance
<input checked="" type="checkbox"/> Contract Negotiations/Litigation	EDC
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 8:10 PM.

REGULAR SESSION PORTION

MINUTES

None.

FIRE & RESCUE APPOINTMENTS

None.

CORRESPONDENCE

None.

REPORTS

None.

PUBLIC COMMENT

Lynn Goclek, Wolf Lane , asked that video clips for Planning Board meetings be attached to the agenda posted on the website.

The following commented on quarry matters:

John Corn, 23 Woodstone Rd.

Leo Harris, 7 Dexter Drive

Thomas Handabaka, St. Nickolas Way

Michael Mahoney, 55 Southard Way

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

UNFINISHED BUSINESS

None.

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 Pavlini, that the Consent Agenda be approved with the exception of Resolution #080229 which was removed from the consent agenda and tabled to 5/13/08.

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

****Begin Consent Agenda****

Resolution #080217 - Approval of the Bill List Dated 04/29/2008

BE IT RESOLVED, that the bill list dated 04/29/2008 be audited, and if found correct, be paid

04/29/08
 Page No: 1
 09:34:39

TOWNSHIP OF BERNARDS

Check Register By Check Date

 Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 04/29/08 to 04/29/08
 Report Type: All Checks Report Format: Super Condensed Check Type:
 Computer & Manual

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
CASH - CHECKING					
67159	04/29/08			VOID	
67160	04/29/08	90108 Alignment Check	35.97		896
67161	04/29/08	90240 MIMLITSCH, SHARON	20.58		896
67162	04/29/08	A0126 STORK, ELLEN C.	843.24		896
67163	04/29/08	A0168 AFLAC NEW YORK	23,589.60		896
67164	04/29/08	A0171 ALLIED OIL COMPANY, LLC	581.78		896
67165	04/29/08	A0194 AUTOMATED WASTE EQUIPMENT CO.	1,050.00		896
67166	04/29/08	A0194 AARDVARK ENTERTAINMENT INC	75.70		896
67167	04/29/08	A0327 ACCURINT	2,216.61		896
67168	04/29/08	A0338 AFLAC	490.00		896
67168	04/29/08	A0419 ARCO STEEL COMPANY	1,090.00		896
67169	04/29/08	B0020 BASKING RIDGE ELECTRIC CO., INC	5,314,993.58		896
67170	04/29/08	B0029 BERNARDS TWP BD OF EDUCATION	3,103.58		896
67171	04/29/08	B0040 H. K. BUZBY & SONS	261.00		896
67172	04/29/08	B0127 BEACON ATHLETICS	19,292.12		896
67173	04/29/08	B0203 DIFRANCESCO, BATEMAN, COLEY,	16.76		896
67174	04/29/08	B0492 BROWN'S HUNTERDON INTERNAT'L	210.00		896
67175	04/29/08	B0505 WILLIAM BROOKS	42.13		896
67176	04/29/08	B0518 BERNARDSVILLE HARDWARE	48.40		896
67177	04/29/08	C0024 COURIER NEWS	3,470.89		896
67178	04/29/08	C0083 CDW GOVERNMENT, INC.	294.88		896
67179	04/29/08	C0353 CUSTOM BANDAG, INC.	109.00		896
67180	04/29/08	C0482 CABLEVISION OF RARITAN VALLEY	49,600.00		896
67181	04/29/08	D0017 DEPOSITORY TRUST COMPANY	13,546.06		896
67182	04/29/08	D0020 DELTA DENTAL PLAN OF NJ	8,020.00		896
67183	04/29/08	D0361 DAVIS AVIATION	300.99		896
67184	04/29/08	D0365 DOWNS FORD, INC.	26.00		896
67185	04/29/08	E0004 EFINGER SPORTING GOODS CO.	56.23		896
67186	04/29/08	F0001 FEDEX	7,392.34		896
67187	04/29/08	F0005 UNION SECURITY INSURANCE CO.	345.00		896
67188	04/29/08	F0041 FREIHEITER, JOHN S.	3,248.90		896
67189	04/29/08	F0158 FLEMINGTON DEPARTMENT STORE	1,154.22		896
67190	04/29/08	G0066 GRAINGER INC	620.46		896
67191	04/29/08	I0067 INDUSTRIAL RUBBER COMPANY	675.00		896
67192	04/29/08	I0093 IRWIN, MICHAEL	958.02		896
67193	04/29/08	J0123 JPC PAPER CO.	128.00		896
67194	04/29/08	L0005 LIBRARY PETTY CASH	248.04		896
67195	04/29/08	L0060 LAB SAFETY SUPPLY INC	370.00		896
67196	04/29/08	L0197 L.P. STATILE, INC.	156.00		896
67197	04/29/08	M0006 MGL PRINTING SOLUTIONS	254.30		896
67198	04/29/08	M0010 MOBILE LAWNMOWER SERVICE, INC.			

67199	04/29/08	M0279	MITZNER, SCOTT C.	1,029.17	896
67200	04/29/08	M0342	MORTON'S MARKETING RESOURCES	100.47	896
67201	04/29/08	M0577	MEDINA CONSULTANTS, P.C.	9,479.00	896
67202	04/29/08	N0006	NEW JERSEY AMERICAN WATER CO.	93.03	896
67203	04/29/08	N0040	NATIONAL FIRE PROTECTION ASSN.	43.15	896
67204	04/29/08	N0124	NJ HEALTH OFFICERS ASSOCIATION	75.00	896
67205	04/29/08	N0322	NEXTEL COMMUNICATIONS	126.08	896
67206	04/29/08	N0363	NEW DAY FILMS	85.50	896
67207	04/29/08	O0003	ORIENTAL TRADING COMPANY, INC.	182.20	896
67208	04/29/08	P0003	PATRIOTS PATH COUNCIL BSA	251.00	896
67209	04/29/08	P0073	PASSAIC RIVER COALITION	1,556.83	896
67210	04/29/08	P0182	PSE&G ENERGY TECHNOLOGIES	370.54	896
67211	04/29/08	P0377	PRINCETON HYDRO, LLC	4,800.00	896
67212	04/29/08	P0437	POS PAPER.COM	97.25	896
67213	04/29/08	R0005	RECORDER PUBLISHING COMPANY	35.00	896
67214	04/29/08	R0010	REIDER ASSOCIATES	423.90	896
67215	04/29/08	R0077	RAY, KALYAN	300.00	896
67216	04/29/08	R0304	RANDOM HOUSE, INC.	88.00	896
67217	04/29/08	R0308	ROUTE 23 AUTO MALL	531.51	896
67218	04/29/08	R0309	ROYAL COMMUNICATIONS, INC.	4,750.00	896
67219	04/29/08	R0373	RUESTERHOLZ, KEVIN	3,150.00	896
67220	04/29/08	S0035	SIRCHIE FINGER PRINT LAB	143.14	896
67221	04/29/08	S0067	SOMERSET COUNTY TREASURER	4,863,119.18	896
67222	04/29/08	S0068	SOMERSET COUNTY TREASURER	532,542.55	896
67223	04/29/08	S0072	SOMERSET COUNTY GOVERNING OFF.	105.00	896
67224	04/29/08	S0202	SUBURBAN PROPANE	135.68	896
67225	04/29/08	S0227	SHEARON ENVIROMENTAL DESIGN CO	44,126.66	896
67226	04/29/08	S0478	SCIENTIFIC WATER CONDITIONING	263.68	896
67227	04/29/08	S0601	SWARTZ, ANNE	250.00	896
67228	04/29/08	S0656	STADIUM AUTO MALL SALES, INC	716.03	896
67229	04/29/08	S0691	SUPERIOR DISTRIBUTORS	350.58	896
67230	04/29/08	T0066	THOMSON	100.00	896
67231	04/29/08	T0087	TOTAL MEDIA INC.	50.00	896
67232	04/29/08	T0101	TRIANGLE COMMUNICATIONS	46.00	896
67233	04/29/08	T0154	TILCON NEW YORK, INC.	199.50	896
67234	04/29/08	T0164	THE TEACHING COMPANY	609.45	896
67235	04/29/08	T0310	TANENBAUM, JILL & MICHAEL	330.00	896
67236	04/29/08	U0040	URUCORP MAINTENANCE CONTRACTOR	1,550.00	896
67237	04/29/08	V0009	VNA COMMUNITY CARE, INC.	5,982.00	896
67238	04/29/08	V0037	VILLAGE SUPERMARKET, INC.	41.46	896
67239	04/29/08	V0056	VERIZON WIRELESS	417.80	896
67240	04/29/08	V0058	VERIZON	1,165.00	896
67241	04/29/08	W0014	WARNOCK FLEET	24,569.00	896
67242	04/29/08	W0210	WILD, ANN	190.00	896

Total Checks: 84 Total Void Checks: 1 Total Amount Void: 0.00 Total Amount Paid: 10,963,505.72

Fund Description	Fund	Budget	Fund Total	Revenue	Fund Total
CURRENT FUND	7-01		135.00		0.00
CURRENT FUND	8-01		10,876,647.08		0.00
DOG FUND	8-12		191.97		0.00
TRUST FUNDS	8-13		34,721.04		0.00
GOLF COURSE UTILITY	8-26		44,583.66		0.00
	Year Total:		10,956,143.75		0.00
CAPITAL FUND	C-04		7,140.00		0.00
GRANT FUND	G-02		86.97		0.00
	Total Of All Funds:		10,963,505.72		0.00

[Resolution #080227](#) - Resolution of Personnel Appointment Leonard LaJeunesse Equipment Operator, Department of Public Works

WHEREAS, the Equipment Operator position became available due to promotion effective February 13, 2008; and

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

WHEREAS, Leonard LaJeunesse has applied for and is qualified to fill said position; and

NOW THEREFORE be it RESOLVED, by the Township Committee of the Township of Bernards that Leonard LaJeunesse be appointed Equipment Operator in the Department of Public Works effective May 5, 2008 at an hourly rate of \$26.51 for a 40 hour workweek.

[Resolution #080228](#) - Award of Change Order #1, 2006 Archaeological Survey for Kennedy- Awarding an Extraordinary Unspecifiable Services Contract for Phase I Archaeological Survey Kennedy-Martin-Stelle Farmstead, Awarded to Richard Grubb & Associates, Inc., In the amount of \$5,000

WHEREAS, the Engineering Department requests a change order to be approved by the Township Committee at its regular meeting on April 29, 2008. This change order is listed below for your review and approval; and

Vendor	CO	Original Award	Increase	New Total
Richard Grubb & Associates	Number 1	\$7,303.00	\$5,000.00	\$12,303.00
	Total CO		+\$5,000.00 (+68.5%)	\$12,303.00

WHEREAS, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to Richard Grubb & Associates (RA060390); and

WHEREAS, the Supervisory of Treasury Services has certified that funds are available in the budget line for appropriation or ordinance to be charged is Capital Ordinance #1716, C-04-55-716-A01.

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 change order to the above listed company.

TREASURER'S CERTIFICATION

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$ 5,000.00. Monies are available in: Capital Ordinance #1716, C-04-55-716-A01.

Date: April 23, 2008

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Supervisor of Treasury Services

[Resolution #080230](#) - Amending 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 4/4/08 additional monies in the amount of \$1,256 were awarded to Bernards Township by a letter from the County of Somerset, bringing the total 2008 grant to \$22,065. Bernards Township will secure a 75% match of \$16,549 in in-kind services and a 25% cash match of \$5,516 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.

[Resolution #080231](#) - Authorizing the Posting of Temporary Signs for the Mansion in May

WHEREAS, pursuant to §21-17.6 of the Revised Land Use Ordinances of the Township of Bernards, temporary off-premises, freestanding shall be permitted for Charitable Sales and Services after obtaining a permit from the Zoning Officer; and,

WHEREAS, The Women's Association of Morristown Memorial Hospital will host their 14th Mansion in May Designer Showhouse and Gardens tour at Froh Heim in Far Hills, New Jersey; and,

WHEREAS, Mansions in May is open the entire month of May, Monday through Saturday, 10 a.m. - 3 p.m. and on Sunday from 11 a.m. - 4 p.m.; and,

WHEREAS, all of the proceeds from the upcoming Mansion in May event will be directed to the expansion of in-patient and out-patient pediatric hematology and oncology services at the Valerie Fund Children's Center at Goryeb Children's Hospital; and,

WHEREAS, visitors from around the state will need to travel unfamiliar country roads to get to the Froh Heim house and GPS systems do not accurately chart the route to Far Hills, but rather deliver visitors to a Bernards Township address; and,

WHEREAS, because of the inaccuracy of the GPS systems, Patty Mullens, representing the Women’s Association has requested special permission to post temporary signs at nine locations through the township in order to redirect visitors to the correct location.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby direct the zoning officer to issue a temporary sign permit for the following nine locations for the entire month of May.

- Rt. 202 and Maple Ave.
- Rt. 202 and Childs Rd.
- The Grain House (permission from the property owners has been received)
- Valley Rd. and Mt. Airy Rd.
- Church Street and Lyons Road (Liberty Corner Triangle)
- Minebrook Road and Church Street
- Somerville Road
- Douglas Road and Liberty Corner Road
- Exit Ramps for Rt. 78 and County Road 525

End Consent Agenda Items

[Ordinance #2010](#) - *An Ordinance of the Township of Bernards Appropriating \$4,485,295.00 for Various Capital Improvements*

The clerk read the ordinance by title. Motion by Pavlini, second by Spitzer, that Ordinance #2010 be introduced on first reading, advertised as required by law, and scheduled for public hearing on 05/13/2008.

Roll Call:

Aye: Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

BE IT ORDAINED by the Township Committee of the Township of Bernards in the County of Somerset, New Jersey that the sum of \$4,433,295.00 is hereby appropriated from the Capital Improvement Fund and the sum of \$52,000.00 from Off Tract Transportation Fees for the following purposes:

\$1,440,000.00	Reconstruction or pavement overlay of various roads, and/or parking areas throughout the Township including, but not limited to, Brittany Place, Cooper Lane, Edward Court, Heath Drive, Jeffrey Court, Osbourne Place, Pitney Court, Rachael Court, Runyon Drive, Spring House Lane, Woods End and North Maple Avenue; Various Drainage Improvements; Various Sidewalk Repairs; Storage Facility Improvements and Pleasant Valley Park Upper Parking Lot
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	Expansion/Repaving.
\$260,000.00	Purchase of Public Works Motor Vehicle Fleet Replacement - Small and Large Trucks; and Bus Replacement.
\$129,000.00	Various Facility Improvements including but not limited to following structures: Engineering Services Building, Police HQ, Various Parks and Recreation Facilities and Municipal Building.
\$97,000.00	Pleasant Valley Park Irrigation Upper Fields; Southard Park Basketball Court Resurfacing; Office Furniture; Infrastructure Repairs and Improvements to Various Parks and Recreation Facilities.
\$104,995.00	Purchase of Various Police Equipment including; In-car Camera Systems; Radar Units; Anti-Terrorism Equipment; Bullet Proof Vest Replacements; Light Bars and Racks; Firearms; Furniture; and General Police Equipment.
\$82,000.00	Various Systems Improvements including Network Re-Wiring; Various Hardware/Software Upgrades; Police Mobile Data Terminals; Security and Networking Improvements.
\$13,000.00	Purchase of Various Emergency Equipment for the Basking Ridge First Aid Squad.
\$596,000.00	Purchase of Various Emergency Equipment and Rescue/Pumper Apparatus Replacement for the Basking Ridge Fire Company.
\$1,398,300.00	Purchase of Various Emergency Equipment; Platform/Ladder Apparatus and Pumper Apparatus Replacement for the Liberty Corner Fire Company.
\$60,500.00	Purchase of Various Grounds Maintenance Equipment.
\$304,500.00	Various Equipment for the Public Works Department; Guide Rail Replacement; Reconstruction of Drainage Inlets; Replacement of Backhoe and Skid Loader; Facilities, Parks, Parking Lots Maintenance; and Replacement of Trailers.

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

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

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

EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED)

At 8:26 PM, the committee resumed their executive session discussions pursuant to Resolution #080210. At 10:18 PM the meeting resumed in open session.

AMEND AGENDA

By unanimous consent, the committee agreed to amend the agenda by adding Resolution #080233.

Resolution #080233 - Consent to a Waiver of the Notice for Rate Increase Hearing before the Board of Public Utilities by the Environmental Disposal Corporation (EDC)

Motion by Pavlini, second by Spitzer, to approve Resolution #080233.

Roll Call:

Aye: Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, Environmental Disposal Corporation (“EDC”) filed a petition with the Board of Public Utilities for approval of an increase in rates charged to customers in its service territory, and for bulk user municipal customers; and

WHEREAS, a public hearing on the petition was held on January 14, 2008 in the Township of Bernards; and

WHEREAS, N.J.S.A. 48:2-32.2c(1) requires twenty (20) days notice for the hearing; and

WHEREAS, twenty (20) days notice was provided by publication, and service on various parties, including three other municipalities and the Clerk of Somerset County; and

WHEREAS, service was not effectuated upon the Township of Bernards until December 26, 2007, which was only nineteen (19) days prior to the public hearing; and

WHEREAS, the record reveals that attempts at service were made on two prior occasions, which would have been timely, but due to holiday schedules, such service was not able to be completed; and

WHEREAS, N.J.S.A. 48:2-32.2d provides that notice requirements may be waived; and

WHEREAS, representatives of the Township of Bernards did attend the hearing, and the municipality was not prejudiced by the one day late notice; and

WHEREAS, EDC has requested the Township waive the requirements of notice in order to avoid the necessity of reconducting the entire public hearing;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Bernards does hereby consent to a waiver of the notice required for the aforesaid hearing for the following reasons:

1. The Township of Bernards representatives attended the public hearing;
2. The municipality was not prejudiced by the one day late notice;
3. The lack of timely notice was no fault of the petitioner, but rather the result of holiday schedules;
4. The Township of Bernards does not believe there would be any substantive reason to conduct the public hearing anew.

ADJOURNMENT

The meeting resumed in open session at 10:20 PM and immediately adjourned.

Respectfully submitted

Denise Szabo, Municipal Clerk

John Carpenter, Mayor