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

AMENDA AGENDA

Motion by Malay, second by Spitzer, and unanimously agreed to add Resolution #080342 to the agenda.

EXECUTIVE SESSION – [Resolution #080328](#)

Motion by Malay, second by Spitzer, and unanimously agreed that Resolution #080328 be approved, 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:
 - Litigation MQI/Tilcon v. Bernards Twp.
Notice of Motion for Leave to Intervene or in the
Alternative to File an Amicus Curiae Brief –
MQI/Tilcon v. Bernards Twp.
Class Action Suit, Public Intoxication
 - Land Acquisition English Wood Lot, Block 11201, Lot 1
Pyne Block 9601, Lots 8, 9, 11, 12, 13 & 14
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 8:00 PM.

Resolution #080342 - Awarding a Professional Services Contract for Legal Services to Dennis Krumholz Esq., and Jillian Mooney, Esq., of the law firm of Riker, Danzig, Scherer, Hyland & Perretti, LLP, In The Not to Exceed Amount of \$35,000.00 to Serve as Special Co-Counsel with Township Attorney John Belardo, Esq. of the law firm of McElroy, Deutsch, Mulvaney & Carpenter, LLC

Motion by Malay, second by Spitzer, to approve Resolution #080342.

Roll Call:

Aye: Malay, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, the Township of Bernards requires additional legal services in pending litigation in the New Jersey Superior Court, Somerset County, entitled Millington Quarry, Inc. v. Township of Bernards, et al., bearing Docket No. SOM-L-475-08, and Tilcon New York Inc. v. Township of Bernards, et al., bearing Docket No. SOM-L-476-08, relating to the Millington Quarry Property (the “Pending Quarry Litigation”); and

WHEREAS, the Mayor and Township Committee have deliberated and, after due and careful consideration, have determined that combining the expertise of John P. Belardo, Esq. in governmental entity law and that of Dennis Kumholz, Esq. in environmental law in defense of the Pending Quarry Litigation best serves the interest of the residents of Bernards Township; and

WHEREAS, Mr. Belardo, Mr. Krumholz and Ms. Mooney will serve as a collaborative force and co-counsel team in strategizing and defending the Pending Quarry Litigation; and

WHEREAS, N.J.S.A. 40A:11-5 of the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) exempts professional legal services from competitive bidding; and

WHEREAS, this professional services contract is subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the treasurer has certified funds are available in the Litigation Fees and Compensation 8-01-20-155-20A, line item appropriation or ordinance; and

WHEREAS, Dennis Krumholz, Esq., partner, and Jillian Mooney Esq., associate, of the firm Riker, Danzig Scherer, Hyland & Perretti, LLP, are retained as co-counsel to assist John Belardo, Esq., Municipal Attorney, partner of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, to litigate on behalf of and defend the Township’s interests in the Pending Quarry Litigation;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract for legal services be awarded to Dennis Krumholz, Esq and Jillian Mooney, Esq., of the firm Riker, Danzig, Scherer, Hyland & Perretti, LLP, Headquarters Plaza II, Morristown, NJ 07962 as follows:

1. The contract term is from July 29, 2008 through July 28, 2009. Legal services shall be provided at an hourly rate of \$ 375.00 for Dennis Krumholz, Esq., partner, and \$175.00 for Jillian Mooney, Esq., associate, at a combined not to exceed amount of \$ 35,000.00.
2. The terms of the contract shall be as set forth herein and in the Professional Services Agreement which is on file with the Township Clerk's Office.
3. Billings must be rendered by Riker, Danzig , Scherer, Hyland & Perretti, LLP, within 20 days of service delivery.
4. The Mayor and Clerk are hereby authorized and directed to execute the attached Professional Services Agreement with Dennis Krumholz, Esq. and Jillian Mooney, Esq. of Riker, Danzig Scherer, Hyland & Perretti, LLP for the performing of special legal co-counsel services for the Township of Bernards, specifically in defense of the Pending Quarry Litigation.
5. This Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5.
6. Any modification to the contract shall be requested in writing by Riker, Danzig Scherer, Hyland & Perretti, LLP, approved by the Township Committee, and signed by both parties, and upon obtaining said signatures shall immediately become part of the contract.
7. No payments in excess of the "not to exceed" contract amount will be approved, unless such services/expenditures are negotiated, agreed upon, and approved in writing by the Township Committee in advance of service delivery.
8. This resolution and the contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the contract shall be governed and interpreted in accordance with the Laws of the State of New Jersey.

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, Dennis Krumholz, Esq of the firm Riker, Danzig, am committed to follow all terms of this award and the contract.

Dennis Krumholz, Esq., of the firm Riker, Danzig Scherer, Hyland & Perretti, LLP

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 \$ 35,000.00. Monies are available in: 8-01-21-155-20A.

Date: July 28, 2008

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson , Supervisor of Treasury Services

The mayor introduced Mr. Dennis Krumholz and his associate, Ms. Jillian Mooney.

CORRESPONDENCE

None.

REPORTS

None.

Recommendation for Township Committee Action – Request from Liberty Corner First Aid Squad to Participate in LOSAP – Discussion – Mark Rosenblum

Mr. Rosenblum addressed the committee.

The Squad is requesting that the committee Amend Chapter 2 “Administration” of the Revised General Ordinances, Subsection 30 “Length of Service Awards Program (LOSAP) for Emergency Services Volunteer Personnel,” to make volunteer members of Liberty Corner First Aid Squad (“LCFAS”) eligible to participate in the LOSAP that became effective in Bernards Township on January 1, 2003; and approve the LOSAP eligibility criteria proposed by LCFAS for its members who wish to participate in LOSAP.

Rosenblum indicated that not all members of the squad wish to participate and estimated approximately 10 are currently interested. According to McArthur, the estimated cost for 2009 would be approximately \$13,230 for ten members of LCFAS to participate.

Motion by Malay, second by Spitzer, and unanimously agreed to support the initiative and take the necessary steps to move forward.

Recommendation for Township Committee Action – Ordinance #2026 Concerning Intermunicipal Police Assistance – Discussion - Dennis Mott

Chief Mott addressed the committee.

Acceptance and adoption of the Bernards Township Mutual Police Aid Inter-local Services Agreement will improve the protection of life and property of Bernards Township residents by ensuring requests for assistance by the Bernards Township Police are answered during times of emergency. This agreement will improve the protection of Bernards Township and Bernards Township Police Officers against liability claims when officers have to respond to another jurisdiction and provide assistance. Police Officers shall be afforded all of the privileges, immunities and defenses for tort liability for any actions taken pursuant to this Mutual Police Aid Inter-local Services agreement. This agreement was authored for use by all law enforcement agencies in Somerset County by Somerset County counsel Thomas Miller. It has been reviewed and approved by Somerset County Prosecutor Wayne Forrest. The township’s risk manager has reviewed the agreement as well and advised Indemnification in the draft agreement as written is well crafted with respect to the General Liability and Police Professional Liability exposures.

The committee supported the ordinance and agreed to amend the agenda to introduce Ordinance #2026 later in the meeting.

REGULAR SESSION PORTION

MINUTES

07/15/2008 - Combined Agenda/Regular Meeting – Open Session

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

07/15/2008 – Combined Agenda/Regular Meeting – Executive Session

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

FIRE & RESCUE APPOINTMENTS

[Resolution #080326](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc., Victoria Michael

Motion by Malay, second by Spitzer, and unanimously agreed that Resolution #080326 be approved.

WHEREAS, § 2-16.1 of the Revised General Ordinances of the Township of Bernards, there shall be a first aid department known as the "Township of Bernards First Aid and Emergency Department" consisting of the First Aid Squad of the Basking Ridge Fire Company No. 1 and the Liberty Corner First Aid Squad, Inc.,

WHEREAS, Victoria Michael, 30 Cooper Lane, Basking Ridge, NJ. has been recommended by the Liberty Corner First Aid Squad, Inc. for appointment,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the applicant is hereby appointed as a member of the Liberty Corner First Aid Squad, Inc. effective this date.

[Resolution #080327](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner Fire Company, Skyla C. Zimmerman

Motion by Malay, second by Spitzer, and unanimously agreed that Resolution #080327 be approved.

WHEREAS, pursuant to §2-14.1 of the Revised General Ordinances of the Township of Bernards, the volunteer fire department consisting of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company, Inc., are hereby made the fire department for the Township of Bernards; and

WHEREAS, the **Liberty Corner Fire Company** is recommending Skyla C. Zimmerman, 230 Woods End Drive, Basking Ridge, NJ, for appointment as a Full member;

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

[Resolution #080338](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc. Alison Sarokhan and Joseph Stoto

Motion by Malay, second by Spitzer, and unanimously agreed that Resolution #080338 be approved.

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>
Alison Sarokhan	73 Old Coach Rd. Basking Ridge	Regular
Joseph Stoto	351 Penns Way Basking Ridge	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.

PUBLIC COMMENT

None.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members commented on their recent activities.

UNFINISHED BUSINESS

[Ordinance #2022](#) - *Accepting Property known as Block 1603, Lot 21.02 (After Subdivision) and Accepting a Public Access & Pedestrian Easement on Block 1603, Lot 21.01 (After Subdivision) from Richard S. Blauvelt to the Township of Bernards – Public Hearing*

The clerk read the ordinance by title and the mayor read the open public hearing. There were no comments and the hearing was closed.

Motion by Malay, second by Spitzer, that Ordinance #2022 be adopted and advertised as required by law.

Roll Call:

Aye: Malay, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2023](#) - *An Ordinance Accepting Van Cortland Way – 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 Spitzer, that Ordinance #2023 be adopted and advertised as required by law.

Roll Call:

Aye: Malay, 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 Malay, second by Spitzer, and unanimously agreed that Resolution #080331 be removed from the consent agenda since it was an earlier version of Resolution #080341 also listed.

Motion by Malay, second by Spitzer, that the balance of the Consent Agenda be approved.

Roll Call:

Aye: Malay, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

Begin Consent Agenda

[Resolution #080302](#) - Approval of Special Event Permit, National Multiple Sclerosis Society – September 13 & 14, 2008, Bike Ride Fundraiser

WHEREAS, Brandie Engelberger, representing the National Multiple Sclerosis Society “the applicant,” has requested a special event permit September 13 & 14, 2008 from 9 AM to 2 PM for the purpose of holding Bike Ride Fundraiser;

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

WHEREAS, the Municipal Clerk, Police Chief, Recreation Director, Risk Manager have reviewed the application and recommend approval

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved.

[Resolution #080329](#) - Approval of the Bill List Dated 07/29/2008

BE IT RESOLVED, that the bill list dated 07/29/2008 be audited, and if found correct, be paid.

07/29/08
Page No: 1
11:50:27

TOWNSHIP OF BERNARDS

Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 07/29/08 to 07/29/08
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y
Manual: Y Dir Deposit: Y
=====

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
CASH - CHECKING	CURRENT	CHECKING			
68160	07/29/08	Alignment Check		VOID	
68161	07/29/08	70077 LUFKIN, RUTH	74.22		912
68162	07/29/08	72043 GREENBAUM, ROWE, SMITH, RAVIN &	823.80		912
68163	07/29/08	90018 BYRNES, EDWARD	95.95		912
68164	07/29/08	90047 GREEN, JONATHAN	200.00		912
68165	07/29/08	90076 MAHON, DEBRA L.	132.31		912
68166	07/29/08	90105 REESE, EDWARD	77.50		912
68167	07/29/08	90142 SUDANO, MARCIA	255.53		912
68168	07/29/08	90145 ANTHONY, JAMES	107.99		912
68169	07/29/08	90240 STORK, ELLEN C.	21.75		912
68170	07/29/08	90292 CORSENTINO, MARGARET	52.00		912
68171	07/29/08	90309 ROCHE, RICHARD	95.93		912
68172	07/29/08	90316 MULLIGAN, MICHAEL	26.91		912
68173	07/29/08	90322 HERNDON, ROBERT	263.85		912
68174	07/29/08	90332 ESKOW, KEVIN	30.00		912
68175	07/29/08	90333 KING, TIMOTHY D	297.98		912
68176	07/29/08	90348 LUBANSKY, MARCIA	43.43		912
68177	07/29/08	90379 HILF, LYNNE	78.63		912
68178	07/29/08	90381 DICKSON, ANITA	32.32		912
68179	07/29/08	90385 BENAMATI, HEATHER	1,159.00		912
68180	07/29/08	90399 ZOLNIEROWSKI, SLAWOMIR	116.50		912
68181	07/29/08	90400 ALBANESE, CHRISTOPHER	200.00		912
68182	07/29/08	A0027 AT&T	48.27		912
68183	07/29/08	A0162 ACME DIESEL ELECTRIC, INC.	285.00		912
68184	07/29/08	A0168 ALLIED OIL COMPANY, LLC	16,962.50		912
68185	07/29/08	A0174 ALL SPORTS	896.82		912
68186	07/29/08	A0258 ACCUMED DIAGNOSTIC LAB	748.00		912
68187	07/29/08	A0327 ACCURINT	45.80		912
68188	07/29/08	A0381 BLACK LAGOON	525.00		912
68189	07/29/08	A0398 ABSO	58.00		912
68190	07/29/08	A0404 APRUZZESE, MCDERMOTT, ET AL	2,569.00		912
68191	07/29/08	A0425 ATLANTIC TACTICAL	189.80		912
68192	07/29/08	B0001 BAKER & TAYLOR, INC.	7,847.26		912
68193	07/29/08	B0015 BRODART COMPANY	484.97		912
68194	07/29/08	B0020 BASKING RIDGE ELECTRIC CO., INC	1,091.00		912
68195	07/29/08	B0026 BERNARDS TOWNSHIP CURRENT	144,326.47		912
68196	07/29/08	B0029 BERNARDS TWP BD OF EDUCATION	5,847,361.50		912
68197	07/29/08	B0031 BERNARDSVILLE PRINT CENTER	2,292.45		912
68198	07/29/08	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	601,428.23		912
68199	07/29/08	B0038 BERNARDS TOWNSHIP (COURT)	680.37		912
68200	07/29/08	B0044 BASKING RIDGE ANIMAL HOSPITAL	865.00		912
68201	07/29/08	B0071 BROWN DISTRIBUTING CORP.	210.60		912
68202	07/29/08	B0145 BASKING RIDGE GARDEN CLUB	574.51		912
68203	07/29/08	B0203 DIFRANCESCO, BATEMAN, COLEY,	4,724.47		912
68204	07/29/08	B0233 BASKING RIDGE GLASS & MIRROR	21.95		912
68205	07/29/08	B0241 BANISCH ASSOCIATES, INC.	3,511.00		912
68206	07/29/08	B0446 BERRY MEADOW FARM, INC.	150.00		912
68207	07/29/08	B0527 B&H	20.33		912
68208	07/29/08	B0535 CHARLES J. BECKER & BRO, INC.	54.48		912
68209	07/29/08	B0536 BAYSHORE RECYCLING CORPORATION	412.73		912
68210	07/29/08	C0024 COURIER NEWS	154.96		912
68211	07/29/08	C0028 CY DRAKE LOCKSMITHS, INC.	29.08		912
68212	07/29/08	C0037 CLERK'S PETTY CASH	57.96		912
68213	07/29/08	C0069 STATE OF NEW JERSEY	721.50		912
68214	07/29/08	C0073 CAMPBELL FOUNDRY COMPANY	4,032.00		912
68215	07/29/08	C0228 CHERRY VALLEY TRACTOR SALES	810.00		912
68216	07/29/08	C0288 CAMP-OUT, INC.	159.96		912
68217	07/29/08	C0309 COPPER KETTLE DELICATESSEN	31.83		912
68218	07/29/08	C0353 CUSTOM BANDAG, INC.	998.82		912

68219	07/29/08	C0420	COLONIAL PARK PUTTING COURSE	840.00	912
68220	07/29/08	C0422	CENTRALPACK SERVICE CORP.	9,453.33	912
68221	07/29/08	C0482	CABLEVISION OF RARITAN VALLEY	109.00	912
68222	07/29/08	C0526	THE CAMERA SHOPS/RITZ CAMERA	570.55	912
68223	07/29/08	C0530	CIT FINANCIAL SERVICES	959.20	912
68224	07/29/08	C0540	COLALILLO, FRANK	180.00	912
68225	07/29/08	C0564	COMBAT SHOOTING AND TACTICS	1,000.00	912
68226	07/29/08	C0572	COLOR ME MINE BERNARDSVILLE	625.00	912
68227	07/29/08	D0009	DOMB LIGHTING & ELECTRICAL	215.60	912
68228	07/29/08	D0020	DELTA DENTAL PLAN OF NJ	13,704.05	912
68229	07/29/08	D0150	DEEP RUN AQUATIC SERVICES, INC	2,700.00	912
68230	07/29/08	D0219	DUDLEY, ROBERT	200.00	912
68231	07/29/08	D0295	D & G EQUIPMENT CO., INC.	207.92	912
68232	07/29/08	D0301	DOBROWOLSKI, ALEX	60.00	912
68233	07/29/08	D0339	DEER CARCASS REMOVAL SVC, LLC	454.65	912
68234	07/29/08	D0351	DECOSTE, JAMES	50.00	912
68235	07/29/08	D0365	DOWNNS FORD, INC.	607.29	912
68236	07/29/08	E0005	CULLIGAN	834.40	912
68237	07/29/08	E0098	EMBLEM ENTERPRISES, INC	701.02	912
68238	07/29/08	E0185	EDWARDS TIRE COMPANY	306.12	912
68239	07/29/08	E0191	EAST COAST EMERGENCY LIGHTING	2,750.24	912
68240	07/29/08	E0192	EAGLE AUTO & TRUCK SERVICES	24.99	912
68241	07/29/08	E0200	ERGOCUBE	57.85	912
68242	07/29/08	F0001	FEDEX	17.34	912
68243	07/29/08	F0007	FIRE FIGHTERS EQUIPMENT CO	190.00	912
68244	07/29/08	F0028	FLORHAM PARK ROLLER RINK	796.50	912
68245	07/29/08	F0037	FLAGHOUSE INC.	562.35	912
68246	07/29/08	F0098	FERTL-SOIL TURF SUPPLY, INC	783.85	912
68247	07/29/08	F0123	FODALE, EDWARD	540.00	912
68248	07/29/08	F0171	FIRST CHOICE AUTO PARTS &	284.21	912
68249	07/29/08	G0025	GARDEN STATE HIGHWAY PRODUCTS	1,160.00	912
68250	07/29/08	G0066	GRAINGER INC	894.88	912
68251	07/29/08	G0201	GENERAL CODE PUBLISHERS	1,750.00	912
68252	07/29/08	G0300	GOLD TYPE BUSINESS MACHINES	125.00	912
68253	07/29/08	G0333	GUS & BUCKYS BEDMINSTER WASH	162.95	912
68254	07/29/08	G0413	GREENLEAF, DANIEL	385.00	912
68255	07/29/08	G0421	GROBEN, JAMES	60.00	912
68256	07/29/08	H0004	HEALTH DEPARTMENT PETTY CASH	19.63	912
68257	07/29/08	H0108	HIGHLANDS REGIONAL LIB COOP	235.00	912
68258	07/29/08	H0273	HUNDLEY, TIMOTHY A.	2,153.43	912
68259	07/29/08	I0013	INSTITUTE FOR PROF.DEVELOPMENT	198.00	912
68260	07/29/08	I0024	INSTITUTE FOR CAREER RESEARCH	229.50	912
68261	07/29/08	I0067	INDUSTRIAL RUBBER COMPANY	685.08	912
68262	07/29/08	J0001	JK OFFICE MACHINES, INC.	158.00	912
68263	07/29/08	J0007	AIRGAS EAST	48.15	912
68264	07/29/08	J0110	JOHN E. REID & ASSOCIATES, INC	410.00	912
68265	07/29/08	J0136	JAZIKOFF, RAYMOND	60.00	912
68266	07/29/08	K0059	KAYSER, JOHN P	1,795.00	912
68267	07/29/08	K0133	KOENIG, STUART R., ESQ.	9,777.00	912
68268	07/29/08	K0204	KING OF CLEAN	456.00	912
68269	07/29/08	L0005	LIBRARY PETTY CASH	40.97	912
68270	07/29/08	L0197	L.P. STATILE, INC.	1,173.00	912
68271	07/29/08	L0283	LUCAS, EMERY	400.00	912
68272	07/29/08	M0006	MGL PRINTING SOLUTIONS	434.00	912
68273	07/29/08	M0279	MITZNER, SCOTT C.	1,029.17	912
68274	07/29/08	M0444	MAGLOCLEN	400.00	912
68275	07/29/08	M0482	MOSKAL, DENNIS	300.00	912
68276	07/29/08	M0617	MIDDLESEX POWER EQUIPMENT	60.60	912
68277	07/29/08	M0619	MAHLIK, ANNETTE	285.00	912
68278	07/29/08	M0621	MENZA, BETTY ANN	80.00	912
68279	07/29/08	M0623	MILLER, ALEX	60.00	912
68280	07/29/08	M0624	MCCABE, TANIA & DENNIS	2,044.94	912
68281	07/29/08	N0006	NEW JERSEY AMERICAN WATER CO.	47,139.73	912
68282	07/29/08	N0017	NJ STATE LEAGUE OF MUNICIPAL.	500.00	912
68283	07/29/08	N0023	TREASURER, STATE OF NEW JERSEY	50.00	912
68284	07/29/08	N0030	NJ STATE ASSN.-CHIEFS/POLICE	120.00	912
68285	07/29/08	N0088	NJ ASSN./CHIEFS OF POLICE	330.00	912
68286	07/29/08	N0118	NATURE'S CHOICE CORPORATION	1,940.00	912
68287	07/29/08	N0140	NENA-NJ CHAPTER CONFERENCE	250.00	912
68288	07/29/08	N0207	NEXTEL COMMUNICATIONS	256.89	912

68289	07/29/08	N0244	NORTHERN TOOL & EQUIPMENT CO.	38.12	912
68290	07/29/08	N0267	NJ STATE LEAGUE/MUNICIPALITIES	16.00	912
68291	07/29/08	N0291	NJ LEGISLATIVE MANUAL	68.00	912
68292	07/29/08	N0296	NJASRO	75.00	912
68293	07/29/08	N0301	NORTON, MAUREEN	75.34	912
68294	07/29/08	N0333	NJ PUBLIC SAFETY ACCRED COAL	500.00	912
68295	07/29/08	O0003	ORIENTAL TRADING COMPANY, INC.	24.75	912
68296	07/29/08	O0021	OFFICE DEPOT	1,095.00	912
68297	07/29/08	O0064	O'CONNELL, ELIZABETH	40.34	912
68298	07/29/08	P0006	POLICE PETTY CASH	72.41	912
68299	07/29/08	P0014	PUBLIC SERVICE ELEC. & GAS CO	244.38	912
68300	07/29/08	P0035	PIZZA MILL,THE	693.00	912
68301	07/29/08	P0046	RESERVE ACCOUNT	4,203.97	912
68302	07/29/08	P0051	POSTMASTER, BASKING RIDGE	252.00	912
68303	07/29/08	P0182	PSE&G ENERGY TECHNOLOGIES	13.68	912
68304	07/29/08	P0377	PRINCETON HYDRO, LLC	1,667.88	912
68305	07/29/08	P0389	PROFESSIONAL GOVT EDUCATORS	90.00	912
68306	07/29/08	P0466	PUYPE, JULIE	175.00	912
68307	07/29/08	R0003	RAY'S SPORT SHOP, INC.	662.74	912
68308	07/29/08	R0006	RECREATION PETTY CASH	79.38	912
68309	07/29/08	R0010	REIDER ASSOCIATES	1,955.00	912
68310	07/29/08	R0023	RICHIES TIRE SERVICE, INC.	105.67	912
68311	07/29/08	R0086	ROBERTS, ARTURO	200.00	912
68312	07/29/08	R0357	ROYAL CHEVROLET	18.11	912
68313	07/29/08	R0366	ROBB, DARA	5.00	912
68314	07/29/08	S0009	SEELY EQUIPMENT & SUPPLY CO.	108.82	912
68315	07/29/08	S0016	STORR TRACTOR COMPANY	762.29	912
68316	07/29/08	S0061	SWANK MOTION PICTURES, INC.	296.00	912
68317	07/29/08	S0066	SOMERSET HILLS FLORIST	59.00	912
68318	07/29/08	S0069	SAL'S AUTO BODY INC.	1,569.95	912
68319	07/29/08	S0088	SOMERSET COUNTY CLERK	7,262.40	912
68320	07/29/08	S0227	SHEARON ENVIROMENTAL DESIGN CO	44,126.66	912
68321	07/29/08	S0367	SOMERSET CTY HUMAN RESOURCES	100.00	912
68322	07/29/08	S0443	STAPLES BUSINESS ADVANTAGE	535.22	912
68323	07/29/08	S0508	SOUTH JERSEY ENERGY	1,485.97	912
68324	07/29/08	S0626	SEARLS, BRIAN	180.00	912
68325	07/29/08	S0651	STADLER, HENRY	300.00	912
68326	07/29/08	S0720	SCIORTINO, RICO	600.00	912
68327	07/29/08	S0721	STEFANCHIK, RANDY	120.00	912
68328	07/29/08	T0025	TRUKMANN'S REPROGRAPHICS	670.75	912
68329	07/29/08	T0071	THE WORKS	152.00	912
68330	07/29/08	T0142	TODD HARRIS CO., INC.	2,752.00	912
68331	07/29/08	T0154	TILCON NEW YORK, INC.	657.71	912
68332	07/29/08	U0040	URUCORP MAINTENANCE CONTRACTOR	3,559.10	912
68333	07/29/08	U0079	US SPORTS INSTITUTE, INC.	5,920.00	912
68334	07/29/08	V0009	VNA COMMUNITY CARE, INC.	5,982.00	912
68335	07/29/08	V0037	VILLAGE SUPERMARKET, INC.	64.71	912
68336	07/29/08	V0056	VERIZON WIRELESS	2,651.63	912
68337	07/29/08	V0058	VERIZON	0.00	07/29/08 VOID
68338	07/29/08	V0058	VERIZON	4,109.48	912
68339	07/29/08	V0097	VEILLEUX, JAMES	360.00	912
68340	07/29/08	V0122	VEOLIA ENVIRONMENTAL SERVICES	324.00	912
68341	07/29/08	W0016	WARRENVILLE TRUE VALUE	1,433.72	912
68342	07/29/08	W0187	WASTE MANAGEMENT OF NJ, INC	6,749.54	912
68343	07/29/08	W0210	WILD, ANN	190.00	912
68344	07/29/08	W0228	WINDING PATH YOGA	1,395.00	912
68345	07/29/08	W0241	W. B. MASON	518.40	912
68346	07/29/08	W0259	VENTURA, MIESKOWITZ, KEOUGH &	643.50	912
68347	07/29/08	W0260	WARNER, BRUCE	70.00	912

Report Totals	Paid	Void	Amount Void	Amount Paid
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Checks:	186	2	0.00	6,875,090.22
Direct Deposit:	0	0	0.00	0.00
	=====	=====	=====	=====
Total:	186	2	0.00	6,875,090.22

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	7-01	20,893.30	0.00

GOLF COURSE UTILITY	7-26	18.00	0.00
		-----	-----
	Year Total:	20,911.30	0.00
CURRENT FUND	8-01	6,614,276.48	0.00
DOG FUND	8-12	967.56	0.00
TRUST FUNDS	8-13	158,163.43	0.00
GOLF COURSE UTILITY	8-26	60,496.14	0.00
		-----	-----
	Year Total:	6,833,903.61	0.00
CAPITAL FUND	C-04	13,775.66	0.00
GRANT FUND	G-02	6,499.65	0.00
		=====	=====
Total Of All Funds:		6,875,090.22	0.00

[Resolution #080330](#) - Acceptance of Grant and Insertion of Revenue Item Into 2008 Budget \$5,000 from Y2008 Somerset County Youth Services Commission Annual Grant for the Purpose of Funding the Youth Summit Program

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

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

WHEREAS, the Township has received \$5,000 from the Y2008 Somerset County Youth Services Summit Grant for the purpose of funding the program and wishes to amend its 2008 budget to include this amount as a revenue

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

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written
Consent of Director of Local Government Services - Public and
Private Revenues Offset with Appropriations:
Y2008 Somerset County Youth Services - Youth Summit Grant

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 total be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
Y2008 Somerset County Youth Services - Youth Summit Grant

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

[Resolution #080332](#) - Personnel Appointment, Sue Long, Administrative Assistant – Engineering

WHEREAS, the position of Administrative Assistant became available due to a resignation within the Engineering Department; and

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

WHEREAS, Sue Long has applied for and is qualified to fill said position; and

WHEREAS, the Township Administrator, and HR Manager and Township Engineer, recommend appointment and promotion of Sue Long to the position of full-time Administrative Assistant; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Sue Long be appointed full-time Administrative Assistant, Engineering Department effective July 30, 2008 at an hourly rate of \$21.00 for a 40 hour work week.

[Resolution #080333](#) - Personnel Appointment, John Dawson – Substitute Crossing Guard, Police Department

WHEREAS, the position of Crossing Guard is a necessary function of the Police Department; and

WHEREAS, John Dawson has applied for and is qualified to fill said position; and

WHEREAS, the Police Chief, Township Administrator and Human Resource Manager recommend appointment of John Dawson to the position of part time Substitute Crossing Guard – Police Department;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that John Dawson be appointed part time Substitute Crossing Guard – Police Department effective August 1, 2008 at an hourly rate of \$13.00.

[Resolution #080334](#) - Granting Permission for the New Jersey Army National Guard Helicopter to Land at Ridge High School on 8/5/08 as Part of the National Night Out Against Crime” Event

WHEREAS, the Bernards Township Police Department is planning the annual “National Night Out Against Crime” event to be held on 8/5/08 at Ridge High School; and

WHEREAS, as part of the program, the New Jersey Army National Guard helicopter has been procured through the State Police Homeland Security Division to land and be displayed at the event between the hours of 6 PM and 9 PM; and

WHEREAS, the New Jersey Army National Guard has requested written authorization from the Township Committee to land the helicopter within the township for this event; and

WHEREAS, the New Jersey Army National Guard has also requested permission from the property owner, the Bernards Township Board of Education to land the helicopter specifically at Ridge High School.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby grant permission for the New Jersey National Guard's helicopter to land at Ridge High School on 8/5/08 for the National Night Out Against Crime Event as long as the property owner has additionally granted permission.

[Resolution #080335](#) - Granting Permission for Temporary Banners to Promote "National Night Out Against Crime" in Bernards Township

WHEREAS, pursuant to §21-17.2.h of the Revised Land Use Ordinances of the Township of Bernards, "moving or rotating signs or lights as well as streamers, pennants and similar displays are prohibited in all zones;" and

WHEREAS, the Bernards Township Police Department has requested relief from this ordinance to allow for the temporary display of a banners promoting National Night Out Against Crime in Bernards Township at the following Board of Education locations:

1. Oak St. School - West Oak St. driveway.
2. William Annin School - Quincy Rd. driveway
3. Liberty Corner School - Church St. driveway
4. Mount Prospect School - Allen Rd. driveway
5. Cedar hill School - Grass median in front of school
6. Ridge High School - Parking lot in front of school

WHEREAS, the banners are 4'x 6', red, white, and blue with a patriotic theme, with wording announcing the: 1) name of the event (National Night Out Against Crime), 2) time (6p-9p), and 3) location (Ridge High School); and

WHEREAS, the banners will be attached to temporary posts or already existing fences and walls; and

WHEREAS, the Bernards Township Board of Education has provided written approval for the banners to be display on their property at the locations noted above for this event.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve the request for temporary banners for the National Night Out Against Crime Event in Bernards Township.

[Resolution #080337](#) - Approval of Request for a Block Party Woods End Between Jeffrey & Edward Court September 6, 2008 (rain date 9/7/08)

WHEREAS, Gayle Shimoun, 126 Woods End, Basking Ridge, NJ, hereinafter “the applicant,” has requested permission to close Woods End between Jeffrey Court and Edward Court on September 6, 2008 (rain date September 7, 2008) from 3:00 P.M. to 9:00 P.M. for the purpose of holding a block party; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and recommend approval; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request be approved.

[Resolution # 080339](#) - Award of Purchase Orders for Various Identified Vendors

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 the vendor (s) listed below will exceed \$ 17,500.00 in purchases;

Vendor	Not to Exceed	Vendor	Not to Exceed
Lyons Workspace Product	\$ 29,000.00	Main Line Commercial Pools	\$ 29,000.00
York Fence Construction Co.	\$ 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 #080340](#) - Award of Bid for 2008 Road Repairs Awarded to Renda Roads, Inc. in the Amount of \$236,600.00 for Alt #1, and in the Amount not to exceed \$250,000.00 for Alt #2

WHEREAS, the Township of Bernards received bids on Wednesday, June 25, 2008 for the 2008 Road Repairs. The bid summary is as follows:

Alternate # 1 (Various roadway repair throughout the Township, minimum repair area 4 SY)

Contractor	Alt. #1
Renda Roads, Inc.	\$236,600.00
Schifano Construction Co.	\$257,550.00
DLS Contracting	\$221,600.00
A. Montone	\$270,250.00
Penoloza-Calderone Asphalt Co.	\$481,650.00

and

Alternate # 2 (Unit price for additional repair work from date of award of bid to August 30, 2009 for the repairing of various roads as directed by the public works department.)

Contractor	Alt. 2 (Unit Price)
Renda Roads, Inc.	\$189.00
Schifano Construction Co.	\$220.00
DLS Contracting	\$46,195.00
A. Montone	\$224.00
Penoloza-Calderone Asphalt Co.	\$558.00

Renda Roads, Inc. (Alt. 2 by description-Unit price for additional road repairs as directed by the DPW

Director through August 30, 2009 – Cost not to exceed \$ 250,000.00)

DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL UNIT PRICE
2" Mill	SY	4	\$ 3.00	\$ 12.00
5" Mill	SY	4	\$ 5.00	\$ 20.00
Dense Graded Aggregate Repair Areas	TONS	1	\$7.00	\$7.00
Bit. Concrete Mix I-2, 5" Thick	TONS	1	\$ 74.00	\$ 74.00
FABC Mix I-5, 2" Thick	TONS	1	\$ 76.00	\$ 76.00
TOTAL UNIT PRICE BID				\$ 189.00

and

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this contract to Renda Roads, Inc., PO Box 89, Whitehouse, NJ 08888 in the amount of \$236,600.00 for Alternate #1, and in the amount not to exceed \$250,000.00 for Alternate #2; and

WHEREAS, the Supervisor of Treasury Services has certified that funds are available in the budget; the line item appropriations or ordinance is Capital Ordinance # 1873 line accounts #C-04-55-786-L05 (\$12,136.16), #C-04-55-873-L04 (\$40,000.00), and budget line account #8-01-26-290-266 (\$184,463.84) and

WHEREAS, the Supervisor of Treasury Services has certified that funds are available in the budget; the line item appropriations or ordinance is Capital Ordinance # 2010 line account #C-04-55-010-K06 (\$70,000.00) and budget line account #09-01-26-290-266 – (\$180,000.00) contingent upon Township Committee budget approval; and

WHEREAS, this contract has been awarded to Renda Roads, Inc., through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq."

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Renda Roads, Inc., PO Box 89, Whitehouse, NJ 08888; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that in accordance with the bid specifications, the contract between Bernards Township ("Owner") and Renda Roads, Inc., ("Contractor") shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the 2008 Road Repairs Alt # 1 & 2.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days 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 resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed within 120 calendar days from the day of commencement of the work.
9. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time of 120 calendar days shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and

materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.

11. The contractor shall report directly to Pat Monaco, Director of Public Works at 908-204-3086, who will be the Township of Bernards' contact for all phases of this project.
12. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages
13. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

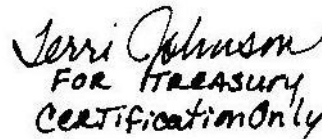
I agree to the terms as stated in this Resolution and by signing this document, as President of Renda Roads, Inc., I am committed to follow all terms of this award.

Peter DeLoria, Vice-President

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 of \$236,789.00 for Alt #1, and \$250,000.00 for Alt #2. Monies are available in Capital Ordinance # 1873 accounts #C-04-55-786-L05 (\$12,136.16), #C-04-55-873-L04 (\$40,000.00), and budget line account #8-01-26-290-266 (\$184,463.84) for Alt #1. Monies are available in Capital Ordinance # 2010 account, #C-04-55-010-K06 (\$70,000.00) and budget line account #09-01-26-290-266 (\$180,000.00) contingent upon Township Committee budget approval, for Alt #2.

Date: 7/22/08



Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Supervisor of Treasury Services

[Resolution #080341](#) - Unused Comp Accrual Payment Due Anita Dickson, Records Clerk, Police Department

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

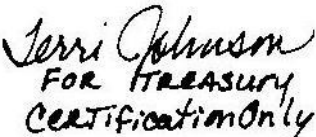
WHEREAS, Anita Dickson has resigned from the Bernards Township Police Department effective June 30, 2008; and

WHEREAS, per the requirements of the Township's Personnel Policy, Anita Dickson is entitled to

Comp Time Accrual, however, since she resigned without two weeks notice shall forfeit accumulated unused vacation time. Payment for comp time is calculated below based on an hourly rate of \$15.53.

	Total Hours Available	Amount Due
Comp Time Accrual	1.88 hours	\$29.20

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

<p>TREASURER'S CERTIFICATION</p> <p>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 Police Salary & Wage Budget account #8-01-25-240-111, not to exceed \$29.20.</p> <p>Date: 7/22/08</p> <div style="text-align: center;">  FOR TREASURY CERTIFICATION ONLY </div> <p style="text-align: center;">Terri Johnson, Supervisor of Treasury Services</p>
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End Consent Agenda Items

[Ordinance #2030](#) - An Ordinance Amending, Revising and Supplementing the Revised General Ordinances of the Township of Bernards, Specifically, Amending Chapter 3, "Police Regulations", Section 3-5 "Conduct in Public, Semi-Public or Private Places", to Delete Subsection 3-5.2 "Intoxication, Disturbing the Peace" – Introduction

The clerk read the ordinance by title. Motion by Malay, second by Spitzer, that Ordinance #2030 be introduced on first reading, advertised as required by law, with a public hearing on 8/12/08.

Roll Call:

Aye: Malay, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

BE IT ORDAINED by the Township Committee of the Township of Bernards that Chapter III entitled "Police Regulations", of the *Revised General Ordinances of the Township of Bernards* in Somerset County, New Jersey, shall be amended, revised and supplemented as follows:

Section 1. Chapter III entitled "Police Regulations", Section 3-5 entitled "Conduct in Public, Semi-Public or Private Places", shall be amended by deletion in the entirety of Subsection 3-5.2 entitled "Intoxication; Disturbing the Peace", and to mark the Subsection 3-5.2 "Reserved".

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. This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

[Ordinance #2026](#) - *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, Section 2-7 entitled "Police Department" of Chapter II entitled "Administration" to amend Subsection 2-7.14 entitled "Intermunicipal Police Assistance" – Introduction*

The clerk read the ordinance by title. Motion by Malay, second by Spitzer, that Ordinance #2026 be introduced on first reading, advertised as required by law, with a public hearing on 8/12/08.

Roll Call:

Aye: Malay, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, the Chief of Police is recommending that the Township Committee accept, and adopt the Mutual Police Aid Inter-local Services Agreement to ensure that full police powers remain intact when Bernards Township Police Officers are assisting other law enforcement agencies outside their jurisdiction; and

WHEREAS, the Mutual Police Aid Interlocal Services Agreement will ensure that police departments assisting other law enforcement agencies outside their jurisdiction will be eligible for FEMA reimbursement for salary, use of vehicles and equipment and damage of same in the event of an emergency, will provide a large pool of officers from all Somerset County, Morris County, and other local, county, and state law enforcement agencies who are covered under this agreement and who will be able to quickly respond to major incidents and calls for assistance, to ensure the Township of Bernards and all Bernards Township Police Officers will be protected against all liability claims when assisting other law enforcement agencies outside their jurisdiction, to ensure that full police powers remain intact when Bernards Township Police Officers are assisting other law enforcement agencies outside their jurisdictions, to ensure that Bernards Township Police Officers and future disability, retirement, and death benefits are protected if officers sustain any injuries while assisting other law enforcement agencies outside Bernards Township; and

WHEREAS, the Agreement has been reviewed by the Chief of Police, the Township Administrator, and Township Attorney; and

WHEREAS, in accordance with N.J.S.A. 40A:156.1, *et seq.*, municipalities may enter into intermunicipal police mutual aid agreements through adoption of reciprocal ordinances;

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

Section 1. Subsection 2-7.14 entitled “Intermunicipal Police Assistance” of Section 2-7 entitled “Police Department” of Chapter II entitled “Administration” of the Code of the Township of Bernards shall be deleted in its entirety and replaced as follows:

§ 2-7.14 Intermunicipal Police Assistance.

- a. Reciprocal Agreement Established. Pursuant to N.J.S.A. 40A:14-156.1, there is hereby established a mutual aid agreement with all other municipalities in Somerset County, New Jersey, or to any other municipality in the State of New Jersey, whether or not such municipality is located within Somerset County, which municipality has adopted a reciprocal ordinance to provide mutual police aid in the event of an emergency, and has entered into an interlocal or shared service agreement with the Township pursuant to law. The terms and conditions of such mutual aid agreements shall govern, in conjunction with the terms and conditions of providing mutual aid as provided by N.J.S.A. 40A:14-156.1, *et seq.* Such mutual aid agreements shall apply whenever the Township of Bernards shall have an emergency within its boundaries requiring additional police assistance to protect life and property, and whenever any reciprocating municipality may experience a similar emergency requiring additional police assistance.
- b. Adoption of Agreement. The participation by the Township of Bernards shall be pursuant to the terms and conditions set forth in the intermunicipal mutual aid agreement, as adopted and executed by the Township, in conjunction with the terms and conditions of providing mutual aid as provided by N.J.S.A. 40A:14-156.1, *et seq.*, and set forth herein. Any future amendments or modifications to the intermunicipal mutual aid agreement shall not require an amendment to this subsection, provided such amended or modified agreement is not inconsistent with the terms and conditions set forth in this subsection, and is authorized by proper Resolution of the Township.
- c. Powers, Authority and Immunities. In accordance with N.J.S.A. 40A:14-156.2, the members of the Bernards Township Police Department, while on duty rendering assistance to any other municipality entering into such a reciprocal agreement, shall have the same powers, authority and immunities as have the members of the police force of the municipality in which such assistance is being rendered.
- d. Report to Governing Body. The Chief of Police shall provide the governing body with a brief summary of the types of services rendered and received under the agreement, along with appropriate comments and recommendations, as soon after the end of the third quarter of the calendar year as practical.

- e. This subsection shall continue in effect from and after its year of adoption, except as may be amended from time to time.

Section 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. 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 3. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 4. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

Section 5. This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED)

None.

ADJOURNMENT

By unanimous consent, the meeting adjourned at 9:06 PM.

Respectfully submitted

Denise Szabo, Municipal Clerk

John Carpenter, Mayor