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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE
MINUTES**

November 25, 2008 – Combined Agenda/Regular Meeting

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AGENDA SESSION PORTION

CALL TO ORDER

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

ROLL CALL

Present: Kelly, Pavlini, Spitzer, Carpenter
Absent: Malay
Also Present: CFO/Administrator McArthur, Engineer/Planner Messina (8:16 PM), Attorney Belardo (8:16 PM), Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION – [Resolution #080482](#)

Motion by Spitzer, second by Kelly, and unanimously agreed that Resolution #080482 be approved, and the meeting temporarily adjourned to executive session at 7:35 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 Millington Quarry/Tilcon v. Bernards
 - Land Acquisition Block 9301 Lot 19; Bock 7703, Lot 22 – English
 - Personnel Police Chief Review, 2009 Appointments
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 8:15 PM.

BUDGET STATUS REPORT

McArthur presented the following report:

Bernards Township Financial/Budgetary Update
November 25, 2008

Bruce McArthur, CFO/Township Administrator

As we head towards year-end 2008 in a suffering economy, the Township Committee asked me for an update on the Township's finances and budgetary outlook. As we draft a 2009 budget, it is clear that we are not immune to negative economic forces. Outlined below is a brief three part summary:

1. Bernards Township's Fiscal Philosophy and Record
2. Economic Downturn's Effect on Bernards Township
3. Response to the Challenges

Bernards Township's Fiscal Philosophy and Record

Pay as You Go

The "pay as you go" philosophy has been the solid foundation of Bernards Township's fiscal philosophy since the mid 1990's. It is a two-pronged approach; an avoidance of debt, and the establishment and application of prudent reserves. These two fundamentals, coupled with managerial oversight resulted in Bernards Township achieving a 'AAA' bond rating in 2002 from Standard and Poor's. The rating which Bernards has kept ever since is one of only 51 such ratings of municipalities nationwide.

- o Municipal Debt
 - o Last non-open space debt was issued in 1991
 - o \$1.2M Principal Balance will be fully paid off in 2011
 - o Extremely low debt load on general taxation
- o Cash Reserves – Bernards has a variety of reserves established that can be used in emergent situations, to stabilize taxation, or to meet specific goals or mandates
 - o Insurance Reserves – dates back to heavy reliance on self-insurance, can be used to temper rate increases, pay deductibles, or for uninsured losses
 - o Snow Removal – can be used to deal with huge year to year snowfall differentials, and to stabilize snow removal budgets
 - o Recycling – can be used to take advantage of new recycling markets, and stabilize the budgets of the transfer station operation
 - o Library Reserve – unspent annual Library appropriations, and library fees collected can be used for large projects (such as the new roofing project), and to maintain services in the face of reduced funding caused by shrinking ratables
 - o Reserve for Future Public Employee Retirement System – smaller reserve can be used to help offset the increased PERS costs now that state declared "holiday" is over
 - o Sale of Municipal Assets – large reserve which can be used to stabilize taxes, or offset large purchases. Most recent uses were to retire short term Mountain Park construction debt, and to fund ½ of the Aerial Platform Fire Apparatus.
 - o Capital Improvement Fund (CIF) – where annual capital appropriation is deposited, it can be used to accumulate sinking funds for future purchases, stabilize taxes, or provide funding for projects whose necessity occurs out of budget cycle. The CIF reserve has a historical high balance due to the cancellation of appropriations for completed or abandoned projects.
 - o Affordable Housing Trust Fund – large reserve funded by fees collected in new construction. Used to administer, plan, build affordable housing units to meet onerous COAH requirements.

Municipal Property Taxes

Bernards Township's record on property tax relief is one to be proud of. As discussed during 2008 budget discussions, no New Jersey municipality has cut property taxes to the extent that Bernards Township has as summarized below:

	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
Municipal Services Tax Levy	???????????????	\$ 16,024,123	\$ 16,483,115	\$ 16,650,480	\$ 16,943,086
Legal Max Tax Levy w/ State 4% CAP	\$ 22,653,379	\$ 21,416,589	\$ 19,815,772	\$ 18,110,548	\$ 16,943,086

*includes PY Added Exemption Allowed, but no other exemptions

While the above calculation of allowable tax levy is somewhat simplified, it gives the taxpayers a glimpse of what the levy may have been if we had not prepared and managed ourselves prudently. Many of NJ's municipalities have been budgeting up to the allowable "CAP", and are petitioning the state to exempt various items like pension payments, and contractual obligations. Bernards Township doesn't want to be in a position where the onerous tax cap impacts our budgeting. We would further lose autonomy to Trenton; and steer us down a "debt and deferment" path like other towns.

A residential assessed valuation would have had to increase 16.5% from 2005 to 2008 for the owner to have had a flat municipal tax bill. A random sampling of un-improved homes in diverse neighborhoods all showed reduced actual tax bills in this period:

Assessment and Municipal Services Tax Change on Sampling of Unimproved Homes 2005 - 2008

Property Location	<u>Total Assessments</u>				<u>Tax Rates - Municipal Services</u>			
	2008	2007	2006	2005	2008	2007	2006	2005
Potomac Drive	320,800 -0.03%	336,300	352,000	320,900	\$ 718.59 -14.53%	\$ 760.04	\$ 827.20	\$ 840.76
English Place	337,000 9.49%	346,600	365,700	307,800	\$ 754.88 -6.39%	\$ 783.32	\$ 859.40	\$ 806.44
Roberts Circle	540,400 10.49%	537,500	514,600	489,100	\$ 1,210.50 -5.54%	\$ 1,214.75	\$ 1,209.31	\$ 1,281.44
Constitution Way	559,800 7.57%	568,000	568,000	520,400	\$ 1,253.95 -8.03%	\$ 1,283.68	\$ 1,334.80	\$ 1,363.45
Culberson Road	644,100 8.23%	650,700	650,800	595,100	\$ 1,442.78 -7.46%	\$ 1,470.58	\$ 1,529.38	\$ 1,559.16
Thackeray Drive	652,900 5.63%	659,500	649,500	618,100	\$ 1,462.50 -9.69%	\$ 1,490.47	\$ 1,526.33	\$ 1,619.42
Dryden Road	654,300 -0.21%	678,300	694,500	655,700	\$ 1,465.63 -14.69%	\$ 1,532.96	\$ 1,632.08	\$ 1,717.93
Riverside Drive	656,800	672,000	621,700	592,400	\$ 1,471.23	\$ 1,518.72	\$ 1,461.00	\$ 1,552.09

- **Projected YE 2008 Current Fund Balance** will decline an estimated \$1.3M from record 12/31/2007 levels as outlined below:

Projected 2008 Operations / 2009 Surplus in Budget

Surplus Balance December 31, 2007	\$ 16,808,799.13
Increased by:	
Excess in Revenue Anticipated	
Miscellaneous Revenues Anticipated	\$ 947,491.27
Receipts from Delinquent Taxes	\$ 140,000.00
Receipts from Current Taxes	\$ 3,292,460.67
CAP Base Cancellations	\$ 5,500,000.00
Miscellaneous Revenue Not Anticipated	\$ 275,000.00
Appropriation Reserves Lapsed	\$ 1,346,111.00
Reserved for Encumbrances:	
Canceled--PY	\$ 35,000.00
PY Interfund Returned	\$ 149,324.71
Decreased by:	
Interfund Advances Originating in 2008	\$ (4,000.00)
PY SC Deductions Disallowed	\$ (1,500.00)
PY Muni Open Space Taxes	\$ (1,262.42)
PY County Open Space Taxes	\$ (914.79)
PY County Taxes	\$ (8,262.11)
Less: Utilized in 2008 Budget	\$ <u>(12,963,207.70)</u>

Decreased non-tax specific categories is our anticipated

Projected Surplus Balance 12/31/08 \$ 15,515,039.76

revenue realized in the root cause of decrease in cash

fund balance. Interest on investments, construction code permit fees, resultant decreasing added tax revenue, and declining amounts of Energy Tax turned over by the state are susceptible to deteriorating economic conditions.

	Projected			
	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
Interest on Investments	\$ 590,000	\$ 1,525,759	\$ 1,571,229	\$ 1,001,369
Construction Code Fees	\$ 600,000	\$ 664,192	\$ 998,642	\$ 1,342,240
Municipal Added Taxes	\$ 380,127	\$ 808,186	\$ 980,802	\$ 489,738
County Tax-Rate Rounding	\$ 16,584	\$ 474,555	\$ 211,138	\$ 220,109
"State Aid" (ERT)	\$ 2,408,717	\$ 2,647,285	\$ 2,598,855	\$ 2,688,854
Total	\$ 3,995,428	\$ 6,119,977	\$ 6,360,667	\$ 5,742,310

Well-managed Current Fund Balance levels, in addition to other cash reserves are the life-blood of our success in reduced property taxes.

Open Space Trust Fund Projections

The changed economic climate has greatly altered prior perceptions of large cash reserves for the preservation of open space. Early decade projections of assessed valuation growth have proven overly optimistic (the .04/\$100 tax is based on gross assessments). Investment revenue projections were off as a result of declining rates, and the lack of assessment growth. In all likelihood, the tax will probably fund about \$10M worth of new land or development right purchases.

Other Potential Effects of a Worsening Economy:

- Verizon challenge of utility assessment (\$8.3M ratable)
- Possible further “state aid” cuts as state revenue shortfall deepens
- Possible bankruptcies – Municipality bears full school, county burden
- Possible loss of portion of hotel tax revenue
 - 2008 Projection is of highest realized amount on record
- Possible slide of commercial assessments
 - Assessor indicates that the commercial ratable based has been solid
 - With the exception of condo valuations, residential values have held up
- Possible increase in tax payment delinquencies
 - Tax Collector reports no dip in collection rate

Response to the Challenges

- 4 Full-time Positions have been eliminated in 2008
 - 3 Layoffs
 - 1 Attrition
- 4 Positions to be eliminated in 2009
 - 1 Full-time through attrition (at a minimum)
 - 3 P/T positions eliminated
- Green Initiatives with Economic Benefits
 - Investment in energy/water saving capital projects
 - Change in landscaping techniques
 - Maximize sale of recyclables
 - Encourage/enforce frugal, sustainable techniques
- Grow Non-tax Revenues
 - Add carrier to municipal cellular site
 - Raise facility/program fees to offset significant costs
 - Review all miscellaneous fees charged
 - Require purchased permits for newly renovated commuter lot
 - Explore other leasing of municipal assets
- Solidify Interlocal Health Operation with Remaining Members
 - Get higher level of service at less cost by keeping coalition together
- Merge Grounds with DPW
 - Manpower, equipment savings
 - Streamline infrastructure maintenance
- HR Savings through benefit changes
 - Increase Dental Out of Pocket
 - Name SHBP cheapest plan as “standard”
 - Entice employees to “opt-out” of SHBP
- On-going scrutiny of remaining 2008 expenditures
- All departments will reduce “other expense” 2009 budgets
- No “new projects” to be included in 2009 Capital Budget, focus on existing infrastructure
- Encourage Creativity, Teamwork, Customer Service, and a Sense of Ownership at every level of staff
- Continue to Think Long-Term
 - Invest time and funds in initiatives that create operational efficiencies

- Resist the temptation to borrow
- Resist the temptation to defer infrastructure maintenance
- Maintain prudent reserve levels

Every attempt will be made to hold any tax increase to a minimum without jeopardizing the future.

Recommendation for TC Action - ORDINANCE #2042 - An Ordinance of the Township of Bernards Establishing Regulations and Permit Requirements for the Placement and Use of Charitable Clothing Bins throughout the Township – Discussion

Szabo explained that in December 2007 PL2007 c.209 was adopted into law requiring municipalities to license clothing donation bins placed in their communities. Ordinance #2042 sets forth the conditions as required by law. The most significant conditions require the applicant to provide for:

1. The location where the bin would be situated
2. The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent
3. The name and telephone number of the bona fide office of any entity which may share or profit from any clothing or other donations collected via the bin. An answering machine or service unrelated to the person does not constitute a bona fide office
4. Written consent from the property owner to place the bin on his property

**Note: PL 2007 c.209 only mandates licensing of the bins and not land use aspects. Therefore, she recommended that the TC also consider a separate amendment to the Land Use Ordinance as suggested by Assistant Township Planner David Schley.

AMEND AGENDA

By unanimous consent, the committee amended the agenda to include introduction of Ordinance #2042, and directed that a land use amendment be prepared; and also to add Resolution #080477 to the agenda.

REGULAR SESSION PORTION

REPORTS

None.

MINUTES

[11/11/2008](#) – *Combined Agenda/Regular Meeting – Open Session*

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

11/11/2008 – Combined Agenda/Regular Meeting – Executive Session

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

FIRE & RESCUE APPOINTMENTS

None.

PUBLIC COMMENT

None.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members commented on their recent activities.

UNFINISHED BUSINESS

[Resolution #080396](#) - *Renewal of Membership in the Suburban Municipal Joint Insurance Fund*

Motion by Pavlini, second by Kelly, that Resolution #080396 be approved.

Roll Call

Aye: Kelly, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, Bernards Township is a member of the Suburban Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2008 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Township of Bernards agrees to renew its membership in the Suburban Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund, for a three year period beginning January 1, 2009 and ending at 12:01 am January 1, 2012.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Suburban Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

[Resolution #080462](#) - *Authorizing Adoption of the Somerset County Multi-Jurisdictional Multi Hazard Mitigation Plan*

Motion by Pavlini, second by Spitzer, that Resolution #080462 be approved.

Roll Call

Aye: Kelly, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, the Township of Bernards Township has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS, the *Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee; and

WHEREAS, the *Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, two public meetings were held on March 26, 2008 and March 27, 2008, to introduce the planning concept and to solicit questions and comment; and to present the Plan and request comments, as required by law,

NOW, THEREFORE, BE IT RESOLVED The *Somerset County Multi-Jurisdictional Multi-Hazard Mitigation Plan* is hereby adopted as an official plan of the Township of Bernards; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township Committee, and this resolution shall not be interpreted so as to mandate any such appropriations.

BE IT FURTHER RESOLVED The Bernards Township Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management.

NEW BUSINESS

Consent Agenda

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study, a copy placed on the bulletin board of the meeting room and are considered routine and will be enacted by one motion of the Township Committee

with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

Motion by Spitzer, second by Kelly, that the consent agenda be approved.

Roll Call

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

****Begin Consent Agenda****

Resolution #080481- Approval of the Bill List Dated 11/25/2008

BE IT RESOLVED, that the bill list dated 11/25/2008 be audited, and if found correct, be paid.

11/25/08

TOWNSHIP OF BERNARDS
 Check Register By Check Date

Page No: 1

 Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 11/25/08 to 11/25/08
 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			
69624	11/25/08			VOID	
69625	11/25/08	72074	720.50		927
69626	11/25/08	90033	37.24		927
69627	11/25/08	90038	94.62		927
69628	11/25/08	90203	531.72		927
69629	11/25/08	90240	54.24		927
69630	11/25/08	90247	52.14		927
69631	11/25/08	90262	40.00		927
69632	11/25/08	90282	129.38		927
69633	11/25/08	90348	45.63		927
69634	11/25/08	90365	62.01		927
69635	11/25/08	A0027	38.01		927
69636	11/25/08	A0080	637.50		927
69637	11/25/08	A0092	116.14		927
69638	11/25/08	A0161	69.50		927
69639	11/25/08	A0168	18,649.19		927
69640	11/25/08	A0330	500.00		927
69641	11/25/08	A0398	181.50		927
69642	11/25/08	A0425	363.63		927
69643	11/25/08	A0452	11,500.00		927
69644	11/25/08	B0001	2,284.96		927
69645	11/25/08	B0003	68.72		927
69646	11/25/08	B0014	369.46		927
69647	11/25/08	B0026	0.00	11/25/08 VOID	0
69648	11/25/08	B0026	0.00	11/25/08 VOID	0
69649	11/25/08	B0026	4,938.38		927
69650	11/25/08	B0029	5,569,786.50		927
69651	11/25/08	B0031	558.68		927
69652	11/25/08	B0034	512,762.46		927
69653	11/25/08	B0044	560.00		927
69654	11/25/08	B0203	5,763.82		927
69655	11/25/08	B0241	3,076.60		927
69656	11/25/08	B0250	381.79		927
69657	11/25/08	B0309	340.55		927
69658	11/25/08	B0492	65.52		927
69659	11/25/08	B0519	284.84		927
69660	11/25/08	B0525	225.36		927

69661	11/25/08	C0003	CASCADE TREE SERVICE	3,185.00	927
69662	11/25/08	C0024	COURIER NEWS	106.95	927
69663	11/25/08	C0100	CONGREGATION B'NAI ISRAEL	1,091.50	927
69664	11/25/08	C0189	CANGIANO, SALVATORE	65.09	927
69665	11/25/08	C0353	CUSTOM BANDAG, INC.	413.40	927
69666	11/25/08	C0422	CENTRALPACK SERVICE CORP.	3,471.33	927
69667	11/25/08	C0464	CURCIO PLUMBING & HEATING, INC	456.39	927
69668	11/25/08	C0493	COMPUMENTOR	160.00	927
69669	11/25/08	D0017	DEPOSITORY TRUST COMPANY	1,077,918.75	927
69670	11/25/08	D0020	DELTA DENTAL PLAN OF NJ	14,081.85	927
69671	11/25/08	D0033	DEMCO	48.51	927
69672	11/25/08	D0310	DATA NETWORK SOLUTIONS	700.00	927
69673	11/25/08	D0362	DESIGN RESOURCES GROUP	20.07	927
69674	11/25/08	D0363	DUNELLEN RECREATION	225.00	927
69675	11/25/08	D0368	D.A.NOLT	49,865.46	927
69676	11/25/08	E0007	ENGINEERING PETTY CASH	39.60	927
69677	11/25/08	E0020	MAPLE RUN CONDOMINIUM ASSOC.	2,863.56	927
69678	11/25/08	E0045	EMERGENCY SOFTWARE PRODUCTS	450.00	927
69679	11/25/08	E0151	EASTPOINTE BUILDING ASSN., INC	272.48	927
69680	11/25/08	E0185	EDWARDS TIRE COMPANY	1,218.30	927
69681	11/25/08	E0219	ETW CORPORATION	2,285.42	927
69682	11/25/08	F0001	FEDEX	146.04	927
69683	11/25/08	F0003	FOLEY, INCORPORATED	216.05	927
69684	11/25/08	F0067	FERRIERO ENGINEERING, INC.	2,153.50	927
69685	11/25/08	F0148	FAIRFIELD MAINTENANCE INC	763.92	927
69686	11/25/08	F0158	FLEMINGTON DEPARTMENT STORE	125.00	927
69687	11/25/08	F0174	FLEET COMPUTING INTERNATIONAL	525.00	927
69688	11/25/08	F0265	534 LYONS, LLC C/O FIN PRO	2,124.00	927
69689	11/25/08	F0271	FOXHOLE CAFE	225.00	927
69690	11/25/08	G0015	GPANJ, INC.,C/O DONNA GRIFFIN	90.00	927
69691	11/25/08	G0066	GRAINGER INC	2,727.60	927
69692	11/25/08	G0138	GENERAL PLUMBING SUPPLY	476.96	927
69693	11/25/08	G0431	GARRETT, AMY	85.00	927
69694	11/25/08	H0029	HUMPHREYS PEST CONTROL, INC.	394.00	927
69695	11/25/08	H0229	HODULIK & MORRISON, P.A.	18,450.00	927
69696	11/25/08	I0020	IAAO	335.00	927
69697	11/25/08	J0032	JADS CONSTRUCTION	608.50	927
69698	11/25/08	J0080	JANSEN, BUCCO, DEBONA & SEMRAU	407.02	927
69699	11/25/08	J0123	JPC PAPER CO.	255.10	927
69700	11/25/08	J0140	JOHNSTON COMMUNICATIONS	225.00	927
69701	11/25/08	L0116	LAWMEN SUPPLY COMPANY OF NJ	475.45	927
69702	11/25/08	L0298	LAIRD, TERRI	105.30	927
69703	11/25/08	L0299	LEVY, ANNE	180.00	927
69704	11/25/08	M0006	MGL PRINTING SOLUTIONS	722.00	927
69705	11/25/08	M0010	MOBILE LAWNMOWER SERVICE, INC.	228.85	927
69706	11/25/08	M0165	METRO HYDRAULIC JACK CO.	125.00	927
69707	11/25/08	M0195	MATZEL & MUMFORD	256.16	927
69708	11/25/08	M0279	MITZNER, SCOTT C.	1,029.17	927
69709	11/25/08	M0381	METEORLOGIX	477.00	927
69710	11/25/08	M0493	MCELROY, DEUTSCH, MULVANEY &	24,748.13	927
69711	11/25/08	M0577	MEDINA CONSULTANTS, P.C.	9,585.00	927
69712	11/25/08	M0633	MCGEOUGH, PATRICK	4,800.00	927
69713	11/25/08	N0006	NEW JERSEY AMERICAN WATER CO.	4,308.04	927
69714	11/25/08	N0064	NEW JERSEY LIBRARY ASSOCIATION	52.50	927
69715	11/25/08	N0179	NEW JERSEY STATE GOLF ASSOC.	51.00	927
69716	11/25/08	N0207	NEXTEL COMMUNICATIONS	234.22	927
69717	11/25/08	N0223	ASE/ACT	86.00	927
69718	11/25/08	N0297	NORTHERN SAFETY CO., INC.	198.75	927
69719	11/25/08	N0322	NEXTEL COMMUNICATIONS	94.14	927
69720	11/25/08	N0378	NY BLOOD CENTER	100.00	927
69721	11/25/08	O0006	OXFORD UNIVERSITY PRESS INC	46.89	927
69722	11/25/08	O0021	OFFICE DEPOT	258.57	927
69723	11/25/08	O0081	OAKLEY GOVT SALES	74.86	927
69724	11/25/08	P0006	POLICE PETTY CASH	40.34	927
69725	11/25/08	P0014	PUBLIC SERVICE ELEC. & GAS CO	2,033.46	927
69726	11/25/08	P0051	POSTMASTER, BASKING RIDGE	252.00	927
69727	11/25/08	P0377	PRINCETON HYDRO, LLC	21,045.02	927
69728	11/25/08	P0415	PERTH AMBOY SPRING WORKS	1,058.08	927
69729	11/25/08	R0003	RAY'S SPORT SHOP, INC.	477.90	927
69730	11/25/08	R0004	RECORDED BOOKS INC.	2,582.80	927
69731	11/25/08	R0005	RECORDER PUBLISHING COMPANY	434.43	927
69732	11/25/08	R0009	REGENT BOOK COMPANY INC.	772.14	927
69733	11/25/08	R0040	RUSSELL REID	168.81	927
69734	11/25/08	R0054	RAND MATERIALS HANDLING EQUIP.	2,533.59	927
69735	11/25/08	R0100	RBA GROUP	191.40	927
69736	11/25/08	R0134	RICCIARDI BROTHERS, INC.	794.99	927

TOWNSHIP COMMITTEE MINUTES

11/25/08

69737	11/25/08	R0281	RECREATION PETTY CASH CHECKING	420.00		927
69738	11/25/08	R0304	RANDOM HOUSE, INC.	444.40		927
69739	11/25/08	R0306	RIKER, DANZIG, SCHERER, HYLAND	55,002.50		927
69740	11/25/08	S0009	SEELY EQUIPMENT & SUPPLY CO.	258.03		927
69741	11/25/08	S0013	SNAP-ON TOOLS CORPORATION	449.25		927
69742	11/25/08	S0016	STORR TRACTOR COMPANY	39,921.48		927
69743	11/25/08	S0047	ORION SAFETY PRODUCTS	1,547.20		927
69744	11/25/08	S0055	SYNERGY GAS CORP.	80.25		927
69745	11/25/08	S0066	SOMERSET HILLS FLORIST	69.00		927
69746	11/25/08	S0103	SOMERSET GRAIN FEED & SUPPLY	889.20		927
69747	11/25/08	S0327	SYSTEMS SALES CORP.	255.50		927
69748	11/25/08	S0443	STAPLES BUSINESS ADVANTAGE	562.13		927
11/25/08	S0659	SANTORO, RANDY		105.30		927
69750	11/25/08	S0719	SOMERSET HILLS TOWING	1.00		927
69751	11/25/08	T0045	TREASURER - STATE OF N.J.	65.00		927
69752	11/25/08	T0051	TRI-COUNTY COURT ADMIN. ASSOC.	60.00		927
69753	11/25/08	T0066	GALE	397.92		927
69754	11/25/08	T0068	TEE'S PLUS SCREEN PRINTING FAC	1,903.03		927
69755	11/25/08	T0164	THE TEACHING COMPANY	1,718.95		927
69756	11/25/08	T0229	TBS CONTROLS, LLC	426.50		927
69757	11/25/08	T0265	TREASURER, STATE OF NEW JERSEY	250.00		927
69758	11/25/08	T0304	TREASURER, STATE OF NEW JERSEY	10.00		927
69759	11/25/08	U0040	URUCORP MAINTENANCE CONTRACTOR	3,559.10		927
69760	11/25/08	V0037	VILLAGE SUPERMARKET, INC.	183.03		927
69761	11/25/08	V0056	VERIZON WIRELESS	1,104.71		927
69762	11/25/08	V0058	VERIZON	414.21		927
69763	11/25/08	V0124	VERIZON BUSINESS FIOS	105.59		927
69764	11/25/08	W0014	WARNOCK FLEET	54.08		927
69765	11/25/08	W0016	WARRENVILLE TRUE VALUE	843.98		927
69766	11/25/08	W0153	EMTEC / WESTWOOD COMPUTER CORP	5,112.82		927
69767	11/25/08	W0187	WASTE MANAGEMENT OF NJ, INC	5,428.20		927
69768	11/25/08	W0259	VENTURA, MIESOWITZ, KEOUGH &	8,530.50		927
69769	11/25/08	W0263	WAY, ROSEMARIE	110.00		927
69770	11/25/08	X0003	XEROX CORPORATION	351.73		927

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
	----	----	-----	-----
Checks:	144	3	0.00	7,535,818.52
Direct Deposit:	0	0	0.00	0.00
	=====	=====	=====	=====
Total:	144	3	0.00	7,535,818.52

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	7-01	28,497.96	0.00
GOLF COURSE UTILITY	7-26	925.00	0.00
Year Total:		29,422.96	0.00
CURRENT FUND	8-01	6,301,308.99	0.00
DOG FUND	8-12	1,610.70	0.00
TRUST FUNDS	8-13	1,139,765.58	0.00
GOLF COURSE UTILITY	8-26	6,838.91	0.00
Year Total:		7,449,524.18	0.00
CAPITAL FUND	C-04	47,152.13	0.00
GRANT FUND	G-02	9,719.25	0.00
Total Of All Funds:		7,535,818.52	0.00

[Resolution #080483](#) - Change Order #1 for Professional Services Contract for Bond Counsel Awarded to Edward McManimon, of the firm McManimon & Scotland, L.L.C. for an additional amount of \$ 6,000.00 in the the Not to Exceed Amount of \$12,000

WHEREAS, the Bernards Township Committee on January 15, 2008, passed resolution #080007 to hire Edward McManimon, Bond Counsel of the firm, McManimon & Scotland, L.L.C., Bond Counsel services for the period from January 1, 2008 through December 31, 2008 in the amount of \$6,000.00; and

WHEREAS, due to increased activity the Township of Bernards requires additional bond counsel services Edward McManimon, Bond Counsel of the firm, McManimon & Scotland, L.L.C., and

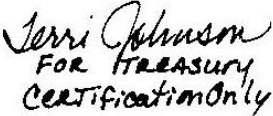
WHEREAS, the Supervisor of Treasury Services has certified that funds are available in the Open Space Trust Fund, and Capital Ordinances #2016 (EF), and #2040 (SoL).

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 change order to Edward McManimon, of the firm McManimon & Scotland, L.L.C. Inc., in the amount of \$ 6,000.00 in the not to exceed amount of \$ 12,000.00.

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 this Resolution and by signing this document, I am committed to follow all terms of this award.

Edward McManimon

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 \$12,000.00. Monies are available in the Open Space Trust Fund and Capital Ordinances #2016, and #2040.	
Date: 11/07/08	 FOR TREASURY CERTIFICATION ONLY
	Terri Johnson Supervisor of Treasury Services

[Resolution #080484](#) - Acceptance of Grant from the Somerset County Board of Chosen Freeholders Youth Athletic and Recreation Facility Grant

WHEREAS, the Township has received \$15,000 from the Somerset County Board of Chosen Freeholders Youth Athletic and Recreation Facility Grant for the purpose of funding repair and resurfacing of the Southard Park Basketball Court.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby accept the grant and authorizing the mayor and clerk to execute the agreement on behalf of the township.

[Resolution #08485](#) - Authorizing the Township Special Tax Attorney to Settle the Tax Appeals Captioned James C Haggerty and Marlene M Haggerty vs. Bernards Township, Tax Court of New Jersey, Docket Nos.: 003541-2008

WHEREAS, James C. and Marlene M Haggerty (“Haggerty”), the owners of Block 173.20, Lot 19 on the Township of Bernards Tax Assessment Maps, 1 Witherspoon Lane (the “property”), filed an appeal of their 2008 assessment in the Tax Court of New Jersey, Docket No.: 003541-2008; and

WHEREAS, the Township Committee of the Township of Bernards met and discussed the aforesaid tax appeal and the recommendations of its Township Tax Assessor and Special Tax Attorney; and

WHEREAS, the Township Tax Assessor’s office has inspected the property and has determined that the house on the property has damage to the kitchen flooring; and

WHEREAS, the total tax assessment for the property in 2008 was \$935,800; and

WHEREAS, an acceptable settlement has been recommended by the Township Tax Assessor, and Special Tax Attorney which results in a nominal reduction in assessment for the 2008 tax year; and

WHEREAS, based upon said settlement, the 2008 total tax assessment on the property will be \$916,300 instead of \$935,800; and

WHEREAS, the Freeze Act will not be applicable to the 2008 judgment; and

WHEREAS, the taxpayer agrees to waive interest on any refunds and that any refunds are to be paid to the taxpayer’s attorney, Daniel G. Keough, in trust; and

WHEREAS, the Township Tax Assessor and the Township’s Special Tax Appeal Attorney recommend the settlement to the Township Committee; and

WHEREAS, the Township Committee leaves the allocation between the land and improvements of the aforesaid 2008 tax assessment on the property to the Township of Bernards Tax Assessor’s discretion with the direction that same be set so as to be most beneficial to the Township; and

WHEREAS, the refund will be only \$304.59 calculated based upon the \$1.562 tax rate for 2008; and

WHEREAS, a copy of the form of Stipulation of Settlement to be filed with the Tax Court, having been reviewed by the Bernards Township Committee, is attached hereto and made a part hereof; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Bernards as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Committee will make this settlement with Haggerty without prejudice to its dealing with any other Bernards Township Tax taxpayers' request for tax assessment reduction.

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 Township of Bernards Tax Assessor is hereby directed to establish the allocation between land and improvements of the \$19,500 total tax assessment reduction for the 2008 tax year for Block 173.20, Lot 19, which is most beneficial to the Township of Bernards and advise the Special Tax Appeal Attorney of that allocation.
2. The Special Tax Appeal Attorney is hereby authorized to enter into and execute the Stipulation of Settlement, attached hereto and incorporated herein, relative to the tax appeals of James C. and Marlene M. Haggerty, Docket No.: 003541-2008, in which settlement the 2008 total tax assessment levied upon the property will be reduced from a total tax assessment of \$935,800 to a reduced total tax assessment of \$916,300; which settlement further provides that interest on refunds, if any, are waived, and that refunds are to be paid to the taxpayers' attorney, Daniel G. Keough, in trust; which settlement further provides that the Freeze Act will be waived.
3. The settlement outlined above shall be without prejudice to the Township's dealings with any Township's taxpayers' request for tax assessment reductions.

[Resolution #080486](#) - Authorizing the Discharge of the Mortgage made as part of the Bernards Township Housing Rehabilitation Program by Agnes Genova

WHEREAS, Agnes Genova (the "Mortgagor") is the owner of property designated as Lot 21.228 in Block 9203 (*previously identified as Block 178.01*) on the Tax Map of the Township of Bernards, in the County of Somerset, State of New Jersey, commonly known as 228 Irving Place (the "Property"); and

WHEREAS, the Mortgagor received monetary assistance in the form of a forgivable loan through the Bernards Township Housing Rehabilitation Program for the purpose of correcting housing defects and bringing them up to the housing code standards; and

WHEREAS, as part of the terms of such monetary assistance the Mortgagor entered a Mortgage on April 5, 2006, in the amount of Fourteen Thousand, Seven Hundred Eighty (\$14,780.00) Dollars for the Property to The Township of Bernards, which Mortgage was recorded or registered in the office of the Somerset County Clerk on April 10, 2006, in Mortgage Book 5880, Page 3152, Instrument No. 2006022631; and

WHEREAS, the terms of the forgivable loan consisted of the requirement that the Mortgagor own and occupy the Property as a primary residence for a six (6) year period, or repay the loan in full with no interest if the premises is sold by the Mortgagor prior to expiration of the six year period; and

WHEREAS, the Mortgagor sold the unit on October 27, 2008, and repaid the Township the full loan amount, and there are no further monies owed by the Mortgagor in connection with the Mortgage of the Property to the Township of Bernards; and

WHEREAS, based on the above, the Mortgagor is entitled to a Discharge of the Mortgage;

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the execution of the attached Discharge of Mortgage by the Mayor and Township Clerk, and the same may thereafter be recorded with the Somerset County Clerk by Agnes Genova or an authorized representative.

[Resolution #080497](#) - Award of Purchase Orders for Various Identified Vendors – Communications Advantage

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 listed below will exceed \$ 17,500.00 in purchases;

Vendor	Not to Exceed
Communications Advantage	\$ 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 vendor listed above to maintain continuity and facilitate the ordering process through December 31, 2008.

End Consent Agenda

[Ordinance #2045](#) - An Ordinance to Amend the General Ordinance of the Township of Bernards, Chapter VII, “Traffic,” Schedule I “No Parking” Regarding Lindbergh Lane – Introduction

The clerk read the ordinance by title. Motion by Kelly, second by Pavlini, that Ordinance #2045 be introduced on first reading, advertised as required by law, with a public hearing on 12/9/08.

Roll Call

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

WHEREAS, in order to promote the betterment of public safety there is a need to restrict parking along Lindbergh Lane.

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

1. Schedule I of Chapter VII, "Traffic" of the Revised General Ordinance of the Township of Bernards is hereby amended by the **deletion** of the following:

Name of Street	Sides	Location
Lindbergh Lane	North	200 Feet East of South Maple Avenue

2. Schedule I of Chapter VII, "Traffic" of the Revised General Ordinance of the Township of Bernards is hereby amended by the **addition** of the following:

Name of Street	Sides	Location
Lindbergh Lane	North	Entire Length

3. Regulatory signs shall be erected and maintained to affect the above restrictions.

[Ordinance #2046](#) - *Accepting an Emergency Access Easement, a Stream Buffer Conservation Easement, and a Detention Basin, Drainage & Access Easement on Block 11301, Lot 1, from Mountainview Corporate Center, LLC, to the Township of Bernards - Introduction*

The clerk read the ordinance by title. Motion by Pavlini, second by Spitzer, that Ordinance #2046 be introduced on first reading, advertised as required by law, with a public hearing on 12/9/08.

Roll Call

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

BE IT ORDAINED, by the Township Committee of the Township of Bernards, in the County of Somerset and State of New Jersey as follows:

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Mountainview Corporate Center, LLC, having an address at

c/o SJP Properties, 379 Interface Parkway, Parsippany, NJ, 07054, an Emergency Access Easement, a Stream Buffer Conservation Easement, and a Detention Basin, Drainage & Access Easement on Block 11301, Lot 1, in Bernards Township.

2. The easements are on file with the office of the township clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

[Ordinance #2042](#) - *An Ordinance of the Township of Bernards Establishing Regulations and Permit Requirements for the Placement and Use of Charitable Clothing Bins throughout the Township - Introduction*

The clerk read the ordinance by title. Motion by Pavlini, second by Kelly, that Ordinance #2042 be introduced on first reading, advertised as required by law, with a public hearing on 12/9/08.

Roll Call

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

WHEREAS, this ordinance is established pursuant to P.L. 2007, c.209 approved by the NJ Legislature on December 20, 2007;

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset as follows:

Section 1. Chapter 4, “General Licensing” of the Revised General Ordinances of the Township of Bernards is hereby supplemented and amended by the creation of new Section 4-13 to be entitled “Charitable Clothing Bins” to read as follows:

SECTION 4-13 CHARITABLE CLOTHING BINS

§4-13.1 Definitions.

For the purposes of this Section only, the terms “solicitation” or “solicit” shall mean the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

§4-13.2 Requirements for placement, use of clothing bins for solicitation purposes.

Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a donation clothing bin within the Township of Bernards, for solicitation purposes, without obtaining a permit from the Municipal Clerk, which is approved by the Township Committee. Permits are renewable on an annual basis during the month of January.

§4-13.3 Permit Fee.

The annual permit fee is \$25 per bin and will be used to offset the costs involved in enforcing this Section.

§4-13.4 Application Requirements.

The application for obtaining a permit shall include:

1. The location where the bin would be situated, as precisely as possible;
2. The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
3. The name and telephone number of the bona fide office of any person or entity which may share or profit from any clothing or other donations collected via the bin, at which such person can be reached during normal business hours. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and
4. Written consent from the property owner to place the bin on his property.

§4-13.5 Renewal Application Requirements.

In addition to the above application requirements, renewal applications must include:

- a. A statement on the manner in which the person has used, sold, or dispersed any clothing or other donation collect via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipate it may make in these process during the period covered by the renewal;
- b. The name and telephone number of the bona fide office of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and
- c. If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible and written consent from the property owner of the new location.

§4-13.6 Placement of Bins.

Bernards Township shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a donation clothing bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

§4-13.7 Display of Permit.

The following information shall be clearly and conspicuously displayed on the exterior of the donation clothing bin:

- a. The permit number and its date of expiration;
- b. The name and address of the registered person who owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;
- c. The telephone number of the owner's bona fide office, and, if applicable, the telephone number of the bona fide office of any other entity which may share or

profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office;

- d. In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and
- e. A statement, consistent with the information provided to the Township in the most recent permit or renewal application, indicating the manner in which the owner anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

§ 4-13.8 Receipt, investigation of complaints relative to donation clothing bin.

a. The Zoning Officer shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer that a person has engaged in, or is engaging in any act or practice in violation of Section, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the appropriate municipal agency is not requested within forty five (45) days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

b. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the posting of the warning, Bernards Township may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the chief financial officer of the Township.

§4-13.9 Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of this Section or the provisions of P.L.2007, c.209 (C.40:48-2.60, *et seq.*) which results in seizure of the donation clothing bin shall be:

- a. Subject to a penalty of up to \$20,000 for each violation. The Township may bring this action in the Bernards Township Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, P.L.1999, c.274 (C.2A:58-10 *et seq.*), and any penalty monies collected shall be paid to the chief financial officer of the Township; and
- b. Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to this Section and P.L.2007, c.209 (C.40:48-2.61). A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of P.L.2007, c.209 (C.40:48-2.60 *et seq.*) may apply to the Township Committee to have that person's eligibility restored. The Township Committee may restore the eligibility of a person who:

- (1) Acts within the public interest; and
- (2) Demonstrates that he made a good faith effort to comply with the provisions of this Section and P.L.2007, c.209 (C.40:48-2.60 *et seq.*), and all other applicable laws and regulations, or had no fraudulent intentions.

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, and to this end the provisions of this ordinance are hereby declared severable.

Section 3. 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 *General and Land Use 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.

[Resolution #080477](#) - 2009 Fee Schedule for Pleasant Valley Pool
 Motion by Pavlini, second by Kelly, that Resolution #080477 be approved.

Roll Call

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

WHEREAS, The Bernards Township Pool Commission has recommended that fees be adopted for the 2009 pool season,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the following will constitute the fees for membership in, and use of, the municipal pool for 2009:

CATEGORY	
MEMBERSHIP APPLICATION ₁	\$25.00
RENEWAL FAMILY MEMBERSHIP	
Early Payment – Due 2/6/09	\$360.00
Regular Payment – Due 3/6/09	\$425.00
RENEWAL OFF-PEAK FAMILY MEMBERSHIP	
<i>Current OP members will be given the option of choosing a full use Family Membership or the new Two Person Household Membership</i>	Category Eliminated
RENEWAL SINGLE MEMBERSHIP	
Early Payment – Due 2/6/09	\$190.00
Regular Payment – Due 3/6/09	\$220.00

SENIOR CITIZEN MEMBERSHIP (60+ years old)	
Early Payment – Due 2/6/09	\$70.00
Regular Payment – Due 3/6/09	\$80.00
NEW FAMILY MEMBERSHIP	
Initiation Fee ₂	\$400.00
Membership Fee	<u>\$425.00</u>
Total	\$825.00
NEW TWO PERSON HOUSEHOLD MEMBERSHIP	
Initiation Fee ₂	\$400.00
Membership Fee	<u>\$340.00</u>
Total	\$740.00
Renewal of Two Person Household Membership or Downgrade from Family Membership or upgrade from Single membership	
Early Payment – Due 2/6/09	\$290.00
Regular Payment – Due 3/6/09	\$340.00
NEW SINGLE MEMBERSHIP	
Initiation Fee ₂	\$200.00
Membership Fee	<u>\$220.00</u>
Total	\$420.00
NEW SENIOR CITIZEN MEMBERSHIP (60+ years old)	
Initiation Fee	\$0.00
Membership Fee	<u>\$80.00</u>
Total	\$80.00
UPGRADE OF SINGLE MEMBERSHIP	
Initiation Fee (<i>Plus appropriate membership fee</i>)	\$200.00
LAPSED MEMBERSHIP RE-INITIATION ₃	
Family Membership Re-initiation	\$200.00
Single Membership Re-initiation	\$100.00
<i>Both in addition to appropriate membership fee</i>	
MEMBERSHIP LATE FEE	
In addition to Renewal fee if received after:	
3/6/09	\$100.00
4/3/09	\$150.00
5/1/09	\$200.00
In addition to appropriate initiation & membership fee if received after new offer deadline, if space is available.	\$100.00
FAMILY SPONSORED BABYSITTER/NANNY PASS	\$150.00
AUGUST ONLY MEMBERSHIP	Category
<i>This was an August 2008 only membership; there are no current AO members.</i>	Eliminated

GUEST RATES	
Weekday (all guests over 2 yrs.)	\$7.00
Weekend (all guests over 2 yrs.)	\$12.00
Senior 60+ Weekday	\$3.00
Senior 60+ Weekend	\$5.00
Guests under 2 years	FREE
PRE-PAID 20 PUNCH GUEST PASS	\$120.00
ACTIVITIES	
Swim Lessons	\$35.00
Swim Team & Pre Team - per child	\$80.00
Swim Team & Pre Team Discount – per child <i>--for families with 3 or more children participating</i>	\$10.00
Swim Team – per pool employee	\$10.00
Swim Team & Pre-Team Late Fee – per child	\$20.00
SWIM DIAPER	\$1.00
PHOTO I.D. REPLACEMENT	\$20.00

Maximum Number of Memberships Allowed	
Family	1,175
Single/Two Person Household	150
Senior Citizen	Unlimited

NOTES REGARDING FEES:
<ol style="list-style-type: none"> 1. Application Fee is deducted from the cost of membership when a new offer is made. 2. Members must maintain membership in good standing or follow lapse of membership procedures to avoid paying another full initiation fee and having to place their name back on the waitlist for membership. 3. Re-Initiation Fees are charged when notification of a temporary move out of the Township of 5 years or less is received and accepted. Upon resumption of residency they must reapply for membership, will be moved to the top of the waitlist and will be charged the appropriate initiation and membership fee. 4. Deadlines and Late Fees: <ul style="list-style-type: none"> o Late fees are in addition to the appropriate membership and initiation fees and charged according to the dates listed in this fee schedule. Deadlines for new offers will be set according to when they were mailed. A minimum of two weeks (including weekends) will be given to return a new offer. Senior Memberships will not be charged late fees. o Membership renewals will be accepted with the appropriate late fee until opening day for the season. Renewals received after opening day will be returned and the family/individual will be placed at the top of the waiting list for the following season. If membership is not renewed the following season, the family/individual will be required to submit a new application to be placed on the waitlist. o Membership offers will be accepted after their deadline with the appropriate late fee only if memberships are available. If there are no available memberships the applicant will be placed at the top of the waiting list for the following season. If a membership offer is not accepted the following season, the family/individual will be

required to submit a new application to be placed on the waitlist.

5. Waving of Fees and Waitlist Procedures:

- Each season Fire Company & First Aid Squad Volunteers will each receive one complimentary punch pass redeemable for up to five family visits to the pool regardless of membership status. Volunteers interested in membership to the pool will be placed at the top of the waitlist.
- The families or individuals recognized by the Township who lost an immediate family member in the September 11th tragedy are eligible for a pool membership with all membership fees, initiation fees and activity fees waived. Children of eligible families may have a free individual membership up to the age of 23. If the surviving spouse re-marries then annual membership fees will be assessed, per type of membership. Free membership to the pool will be extended to the eligible families as long as they meet the requirements for membership to Pleasant Valley Pool, i.e. remain a resident of Bernards Township. Guest fees will be the responsibility of the family.
- Initiation fees, membership fees, guest fees, activity fees and late fees will not be waived under any circumstances for other than those reasons listed above.

EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED)

The committee returned to executive session at 9:23 PM to conclude their discussions authorized under Resolution #080482.

ADJOURNMENT

By unanimous consent, the meeting resumed in open session at 11:30 PM and immediately adjourned.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

John Carpenter
Mayor