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BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE MINUTES

December 17, 2008 – Agenda Meeting
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CALL TO ORDER

The mayor called the meeting to order at 7:34 PM in the Bernards Township 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, Malay, Pavlini, Spitzer, Carpenter

Absent:

Also Present: CFO/Administrator McArthur, Engineer/Planner Messina, Attorney Belardo (7:41 PM), Municipal Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION - [Resolution #080506](#)

Motion by Malay, second by Pavlini, and unanimously agreed that Resolution #080506 be adopted 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 MQI/Tilcon v. Bernards Township
 - Land Acquisition Block 9301, Lot 91, Block 7703, Lot 22 – English
Block 9601, Lots 8, 9, 11, 12 - Pyne
 - Contract Negotiations Solar Panels Cap LLC
 - Personnel Police Chief Review
 - Personnel 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 8:03 PM.

EASEMENT RESTRICTIONS

Messina reported on progress made regarding stewardship of easements.

In 2006 his department prepared packets of information to property owners who have conservation easements. In January of 2007, 235 packets were mailed out. In 2007, 41 new

conservation easements were established. In 2008, only 8 new conservation easements were recorded.

As a matter of policy his department sends out packets of information to all re-sales of property containing conservation easements. To this end, 8 and 2 packets were mailed out in 2007 and 2008, respectively.

OLD ARMY ROAD DRAINAGE

Messina updated the committee on progress made with drainage concerns of Old Army Road.

A scour hole has been constructed at the outlet of the pipe in the wall on Old Army Road. This is a stone pad that will dissipate the stormwater flowing out of the pipe. There haven't been any complaints since the work has been completed. In addition all the drainage pipe crossings on Old Farm Road have been replaced by DPW so the drainage is now well distributed. The ditch that comes through the private property from Old Army Road out to Old Farm Road has been connected to a pipe to an inlet and to one of the new drainage crossings.

HARRISON BROOK DRAINAGE

Messina reported that a meeting was held at the NJDEP last month concerning the permits required to go forward with this drainage project. Messina indicated he's found a solution to save over \$100,000 in construction costs by changing the 4' x 7' concrete box culvert to two 48" concrete pipes. The NJDEP was reluctant to approve twin pipes but he was able to convince them it would work.

Najarian will need to change the plans and calculations to reflect the twin pipe change and prepare the NJDEP permits. He received a proposal from Najarian Associates to prepare the necessary plans for the new NJDEP "Individual" wetlands and flood hazard permits. The proposal is for \$30,000; Messina had projected in his earlier memo a fee of at least \$25,000. This was before the need to re-do the hydraulic calculations for the twin pipes. The additional \$5,000 is well spent to save \$100,000. He recommended the township proceed with the permitting aspect of this project while the NJDEP has softened to our project and before they change the regulations again.

PUBLIC COMMENT

None.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED)

At 8:16 PM the committee adjourned to Executive Session to conclude their discussions authorized under Resolution #080506 adopted earlier in the meeting.

ADJOURNMENT

At 9:08 PM the meeting resumed in open session and immediately adjourned.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

John Carpenter
Mayor