

TABLE OF CONTENTS

BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE MINUTES APRIL 27, 2010 – COMBINED AGENDA/REGULAR MEETING *(click on the page number to go directly to that page)*

CALL TO ORDER	3
ROLL CALL	3
EXECUTIVE SESSION – RESOLUTION #2010-0172	3
PRESENTATION OF COMMENDATION TO PETER VOGEL – EAGLE SCOUT	4
BOARD OF EDUCATION BUDGET DISCUSSION	4
INTRODUCTION AND OVERVIEW	4
PUBLIC COMMENT ON THE BUDGET DISCUSSION	4
TOWNSHIP COMMITTEE STAFF REMARKS	5
CORRESPONDENCE	5
REPORTS	5
PUBLIC COMMENT	5
TOWNSHIP COMMITTEE/STAFF COMMENTS	5
FIRE & RESCUE APPOINTMENTS	6
RESOLUTION #2010-0179 - APPOINTMENT TO MEMBERSHIP IN TOWNSHIP OF BERNARDS VOLUNTEER , NANCY PAGLIO.....	6
UNFINISHED BUSINESS	6
ORDINANCE #2103 - ACCEPTING AN AMENDED CONSERVATION EASEMENT ON BLOCK 3901, LOT 74 (FORMERLY BLOCK 106, LOT 49), FROM MATTHEW J. AND JANEL EAGER TO THE TOWNSHIP OF BERNARDS – PUBLIC HEARING .	6
NEW BUSINESS	6
CONSENT AGENDA.....	6
APPROVAL OF MINUTES:.....	7
RESOLUTION #2010-0185 - APPROVAL OF THE BILL LIST DATED 04/27/2010	7
RESOLUTION #2010-0167 COMMENDATION ON ATTAINING EAGLE SCOUT DESIGNATION NICHOLAS MAFFEY	9
RESOLUTION #2010-0168 - APPROVAL OF SPECIAL EVENT PERMIT AMERICAN DIABETES ASSOCIATION, NORTHERN NJ TOUR DE CURE BIKE TOUR – 06/13/2010.....	9
RESOLUTION #2010-0169 - APPROVAL OF SPECIAL EVENT PERMIT, 5K RUN SPONSORED BY THE SOMERSET HILLS YMCA – 06/10/2010.....	10
RESOLUTION #2010-0174 - AUTHORIZING THE BERNARDS TOWNSHIP CHIEF FINANCIAL OFFICER TO CONDUCT THE ANNUAL BUDGET EXAMINATION	10
RESOLUTION #2010-0175 - AUTHORIZING ACCEPTANCE OF AN INCREASE TO THE BERNARDS TOWNSHIP GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF HEALTH AND SENIOR SERVICES FOR THE FEDERAL 2010 LOCAL PUBLIC HEALTH EMERGENCY RESPONSE H1N1 GRANT (10-947-BT-L-1)	11
RESOLUTION #2010-0176 - PROCLAMATION FOR BUILDING SAFETY MONTH, MAY 2010.....	11
RESOLUTION #2010-0177 - APPROVING THE DESIGN OF THE 2010 HARRISON BROOK DRIVE STORMWATER IMPROVEMENTS.....	12

RESOLUTION #2010-0178 - RESOLUTION AMENDING EMPLOYEE HANDBOOK OF PERSONNEL POLICES & PROCEDURES SECTION HEALTH INSURANCE SUB-SECTION - MEDICAL INSURANCE PROGRAM	13
RESOLUTION #2010-0180 - ISSUANCE OF SOLICITOR’S LICENSE, JOSEPH MARAZZO, D/B/A DELICIOUS ICE CREAM, LLC, JANUARY 1, 2010 – JUNE 30, 2010 AND JULY 1, 2010 – DECEMBER 31, 2010.....	15
RESOLUTION #2010-0181 - APPROVAL OF REQUEST BLOCK PARTY, 45 – 93 STOCKMAR DRIVE	15
RESOLUTION #2010-0182 - AWARDDING AN EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT FOR SOLAR CONSULTING SERVICES – SOLAR PHOTOVOLTAIC PROJECT TO METRO ENERGY SOLUTIONS IN THE NOT TO EXCEED AMOUNT OF \$7,720	15
RESOLUTION #2010-0183 - AMENDING RESOLUTION #2010-0157 ADOPTED ON APRIL 5, 2010 “RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BERNARDS AUTHORIZING THE TOWNSHIP TO ENTER INTO A DEED RESTRICTION AND AFFORDABLE HOUSING AGREEMENT WITH EA FISH COMPANIES, LLC, FOR THE DEVELOPMENT OF LOW-INCOME RENTAL UNITS ON THE VETERAN’S ADMINISTRATION FEDERAL LANDS”	17
ORDINANCE #2109 - AN ORDINANCE ACCEPTING CLAIRVAUX COURT – INTRODUCTION	18
CONTINUATION OF EXECUTIVE SESSION (IF NEEDED).....	18
ADJOURNMENT	18

CALL TO ORDER

The mayor called the meeting to order at 7:30 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Carpenter, Gaziano, Malay (for a portion of the meeting), Pavlini, Spitzer
Absent:
Also Present: CFO/Administrator McArthur, Attorney Belardo, Municipal Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION – [Resolution #2010-0172](#)

Motion by Carpenter, second by Pavlini, that Resolution #2010-0172 be approved and the meeting temporarily adjourned to executive session at 7:31 PM.

Roll Call

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

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the regular meeting of the Township Committee will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Township Committee will go into closed session for the following reason(s) as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Township Committee hereby declares that the discussion of subject(s) may be made public at a time when the Township Attorney advises the Township Committee that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Township Committee, hereby declares that the public is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

Reason for Closed Session

Estimated Time of Disclosure or Upon Occurrence Of

Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.

B9401/L7

- ☒ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's inters and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.

Board Appointments

The employee(s) and nature of discussion is .

The meeting resumed in open session at 7:50 PM and recessed until 8 PM.

PRESENTATION OF COMMENDATION TO PETER VOGEL – EAGLE SCOUT

Mayor Spitzer presented a Resolution of Commendation to Eagle Scout Peter Vogel for his Tree Planting Project on Haas Road.

BOARD OF EDUCATION BUDGET DISCUSSION

Introduction and Overview

The voters of Bernards Township rejected the proposed School Board Budget on April 20, 2010. The proposed budget would have exceeded the state imposed 4% cap by .82%. The total amount of the proposed budget rejected by the voters was \$73,710,723 which included proposed programs and services in addition to the Core Curriculum Content Standards adopted by the State Board of Education.

The mayor briefly explained how township committee meetings are conducted and the role of the governing body. He advised that Committeewomen Pavlini and Gaziano, and Administrator McArthur have already met in subcommittee with the Board of Education subcommittee to review the budget.

Attorney Belardo further explained the legal responsibility of the governing body with respect to this budget review.

Public Comment on the Budget Discussion

Valerie Goger, Superintendent of Schools made brief remarks.

She highlighted the challenges faced by the Board which included the state imposed 4% cap on budget increases, and loss of state aid (about 5% of their annual budget reduced to 1%) which equals about \$3.9 million loss in revenue.

Additionally the state suspended the balance of state aid payments to the district this year, a loss of \$1.6 million.

The loss of \$5.5 million in state aid shifts more of the burden to local taxpayers. To make up for a least some of that loss, the proposed budget included increases beyond the 2.44% required for operations.

If the budget increase was kept to the 4% cap, the district would have to make \$1 million of additional cuts to the budget for 2010-2011. Additionally, a \$1.5 - \$3.3 million shortfall is expected in 2012.

The district is currently in negotiations with the teachers and have gone to impasse/arbitration. No negotiating sessions are scheduled with them at this time.

The following members of the public commented on the budget.

Michelle Cappola, 44 Vanderveer Drive
Lisa Winter, 507 S. Maple Avenue
Julie Keating, 139 Woods End
Joanne Rasavi, 21 Paisley Lane
Sue Miscia, 480 Lyons Road
David Werner, 141 Berkeley Circle
Shery Nelsen, 195 Smoke Rise
Sharon Hernandez, 36 Linden Drive
Denise Zangara, 7 Wesley Lane
Karen Gray, 15 Independence Drive
Christina Folkalt, 72 Riverside Drive
Bernie Taylor, 3287 Valley Road
Amy Landis, 102 Woodman Lane
Linda Wooldridge, 20 Hillcrest Way
Loreen Lum, 3 Green Mountin Drive

Township Committee Staff Remarks

Committee members expressed their appreciation to the Board for the free exchange of information and productive subcommittee meetings which will resume next week. They recognized the challenges faced by the Board and affirmed their responsibility to the public with regard to the budget defeat. No details of reductions were discussed.

Mr. Malay disconnected from the conference call and did not participate further in the meeting.

The committee will take further public comment and final action on this matter at their meeting of May 10, 2010.

CORRESPONDENCE

None.

REPORTS

None.

PUBLIC COMMENT

None.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

FIRE & RESCUE APPOINTMENTS

[Resolution #2010-0179](#) - *Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc., Nancy Paglio*

Motion by Carpenter, second by Gaziano, that Resolution #2010-0179 be approved.

Roll Call

Aye: Carpenter, Gaziano, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

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, Nancy Paglio, 325 English Place, 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.

UNFINISHED BUSINESS

[Ordinance #2103](#) - *Accepting an Amended Conservation Easement on Block 3901, Lot 74 (formerly Block 106, Lot 49), from Matthew J. and Janel Eager to the Township of Bernards – Public Hearing*

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

Motion by Pavlini, second by Carpenter, that Ordinance #2103 be approved.

Roll Call

Aye: Carpenter, Gaziano, Pavlini, Spitzer

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 Pavlini, second by Carpenter, that the Consent Agenda be approved with the addition of Resolution #2010-0185 inadvertently left off the listing.

Roll Call

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

****Begin Consent Agenda****

Approval of Minutes:

04/13/2010 – Open Session

These minutes were approved for content and release.

04/13/2010 – Executive Session

These minutes were approved for content only.

Resolution #2010-0185 - Approval of the Bill List Dated 04/27/2010

BE IT RESOLVED, that the bill list dated 04/27/2010 be audited, and if found correct, be paid.

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
CASH - CHECKING CURRENT CHECKING					
75379	04/27/10	90018 BYRNES, EDWARD	18.14		990
75380	04/27/10	90071 KRUKOWSKI, RICH	125.00		990
75381	04/27/10	90162 MESSINA, PETER A.	130.00		990
75382	04/27/10	90229 WERNER, HENRY	19.96		990
75383	04/27/10	90239 SCHLEY, DAVID L	909.59		990
75384	04/27/10	90261 KELLY, KEVIN J.	199.99		990
75385	04/27/10	90322 HERNDON, ROBERT	39.99		990
75386	04/27/10	90328 GZIENSKI, RAYMOND M.	200.00		990
75387	04/27/10	90337 MCCLOSKEY, RYAN	35.20		990
75388	04/27/10	90500 ALEXANDER, TRACY	173.50		990
75389	04/27/10	90503 CORBETT, MYRA	21.92		990
75390	04/27/10	A0126 AFLAC NEW YORK	768.60		990
75391	04/27/10	A0163 ABC-CLIO, INC.	179.00		990
75392	04/27/10	A0168 ALLIED OIL COMPANY, LLC	18,890.86		990
75393	04/27/10	A0194 AARDVARK ENTERTAINMENT INC	787.50		990
75394	04/27/10	A0232 ARROW ELEVATOR, INC.	200.00		990
75395	04/27/10	A0327 ACCURINT	96.30		990
75396	04/27/10	A0338 AFLAC	2,142.81		990
75397	04/27/10	A0398 ABSO	347.25		990
75398	04/27/10	A0404 APRUZZESE,MCDERMOTT, ET AL	1,720.03		990
75399	04/27/10	A0486 AIRGAS SAFETY INC	49.14		990
75400	04/27/10	A0487 ABLE MECHANICAL, INC.	8,949.55		990
75401	04/27/10	A0499 ALLSTATE O.R.C.	1,175.75		990
75402	04/27/10	B0015 BRODART COMPANY	98.72		990
75403	04/27/10	B0026 BERNARDS TOWNSHIP CURRENT	0.00	04/27/10 VOID	0
75404	04/27/10	B0026 BERNARDS TOWNSHIP CURRENT	28,721.10		990
75405	04/27/10	B0029 BERNARDS TWP BD OF EDUCATION	5,846,410.50		990
75406	04/27/10	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	544,993.14		990
75407	04/27/10	B0038 BERNARDS TOWNSHIP (COURT)	259.64		990
75408	04/27/10	B0044 BASKING RIDGE ANIMAL HOSPITAL	420.00		990
75409	04/27/10	B0203 DIFRANCESCO, BATEMAN, COLEY,	7,651.24		990
75410	04/27/10	B0209 BRUCE BOCINA BUILDING CORP.	15,514.42		990
75411	04/27/10	B0241 BANISCH ASSOCIATES,INC.	952.30		990
75412	04/27/10	B0386 BOOK WHOLESALERS INC (BWI)	568.99		990
75413	04/27/10	B0519 BBC AUDIOBOOKS AMERICA	356.05		990
75414	04/27/10	B0536 BAYSHORE RECYCLING CORPORATION	225.00		990
75415	04/27/10	B0566 BINSKY & SNYDER SERVICE LLC	794.60		990
75416	04/27/10	B0578 BOYD INSTRUMENT&SUPPLY CO, INC	5,103.34		990
75417	04/27/10	B0579 BRANCHBURG FAMILY GOLF CENTER	200.00		990
75418	04/27/10	B0580 BAKER, STEPHEN	775.00		990
75419	04/27/10	C0024 COURIER NEWS	114.84		990
75420	04/27/10	C0073 CAMPBELL FOUNDRY COMPANY	28,140.00		990
75421	04/27/10	C0083 CDW GOVERNMENT, INC.	1,335.00		990
75422	04/27/10	C0178 CMF BUSINESS SUPPLIES, INC.	633.29		990
75423	04/27/10	C0208 NJCACOA	250.00		990
75424	04/27/10	C0241 COOPER ELECTRIC SUPPLY	279.66		990
75425	04/27/10	C0288 CAMP-OUT, INC.	877.90		990
75426	04/27/10	C0530 CIT FINANCIAL SERVICES	479.60		990
75427	04/27/10	C0559 CARPETCYCLE, LLC	250.00		990
75428	04/27/10	C0597 CLIFFSIDE BODY CORPORATION	421.80		990
75429	04/27/10	C0608 CODOYANNIS MD, VERONICA C.	250.00		990
75430	04/27/10	C0614 CAI, CATHERINE	365.00		990
75431	04/27/10	D0017 DEPOSITORY TRUST COMPANY	24,800.00		990
75432	04/27/10	D0020 DELTA DENTAL OF NJ	14,312.37		990
75433	04/27/10	D0033 DEMCO	140.63		990

75434	04/27/10	D0107	DLT SOLUTIONS, INC.	3,405.90	990
75435	04/27/10	D0309	DAILY RECORD - SUBSCRIPTIONS	187.27	990
75436	04/27/10	D0339	DEER CARCASS REMOVAL SVC, LLC	172.50	990
75437	04/27/10	D0365	DOWNES FORD, INC.	1,408.59	990
75438	04/27/10	D0380	DRIVERS TIRE & SERVICE CENTER	674.93	990
75439	04/27/10	E0185	EDWARDS TIRE COMPANY	721.42	990
75440	04/27/10	E0224	EXCELLENT BUILDING SERVICES	3,600.00	990
75441	04/27/10	E0230	ELM RESEARCH INSTITUTE	205.00	990
75442	04/27/10	E0231	EKA ASSOCIATES, P.A.	2,275.00	990
75443	04/27/10	F0001	FEDEX	28.16	990
75444	04/27/10	F0047	FULLERTON FORD	481.86	990
75445	04/27/10	F0090	FRED PRYOR SEMINARS	199.00	990
75446	04/27/10	F0158	FLEMINGTON DEPARTMENT STORE	1,810.20	990
75447	04/27/10	F0179	FASTSIGNS	188.60	990
75448	04/27/10	F0284	FERRARO, GREGORY	500.00	990
75449	04/27/10	G0005	GANN LAW BOOKS	284.00	990
75450	04/27/10	G0066	GRAINGER INC	233.75	990
75451	04/27/10	G0098	JCP&L	340.84	990
75452	04/27/10	G0333	BEDMINSTER CAR WASH	176.35	990
75453	04/27/10	G0380	GRASSEY EQUIPMENT COMPANY	247.64	990
75454	04/27/10	G0457	GUGLIELMO, FLAVIOUS	400.00	990
75455	04/27/10	G0459	GRABOWSKI, KEITH & ELIZABETH	80.00	990
75456	04/27/10	H0235	HOOVER TRUCK CENTERS	69.72	990
75457	04/27/10	H0246	HOME DEPOT CREDIT SERVICES	186.85	990
75458	04/27/10	H0290	HENDERSON PRODUCTS, INC.	16.89	990
75459	04/27/10	H0291	HIGH PERFORMANCE SYSTEMS	6,160.00	990
75460	04/27/10	I0067	INDUSTRIAL RUBBER COMPANY	39.09	990
75461	04/27/10	I0071	INNOVA DISC GOLF	305.20	990
75462	04/27/10	I0102	INTEGRA REALTY RESOURCES--NNJ	2,500.00	990
75463	04/27/10	I0113	ICON ENGINEERING	3,828.85	990
75464	04/27/10	J0002	JAEGER LUMBER	162.69	990
75465	04/27/10	J0080	JANSEN, BUCCO, DEBONA & SEMRAU	333.50	990
75466	04/27/10	J0123	JERSEY PAPER PLUS (JCP PAPER)	517.10	990
75467	04/27/10	J0144	J R CONTRACTING &	7,000.00	990
75468	04/27/10	K0002	KENNEDY, JUNE	150.00	990
75469	04/27/10	K0036	KONICA MINOLTA BUSINESS	880.77	990
75470	04/27/10	L0109	LA GUARDIA ASSOCIATES	6,000.00	990
75471	04/27/10	L0197	L.P. STATILE, INC.	1,620.00	990
75472	04/27/10	L0317	LAGENBACH CABLE CONSTRUCTION	898.48	990
75473	04/27/10	M0001	MARTINSVILLE AUTO PARTS	169.96	990
75474	04/27/10	M0010	MOBILE LAWNMOWER SERVICE, INC.	280.49	990
75475	04/27/10	M0062	MARSHALL CAVENDISH CORPORATION	176.29	990
75476	04/27/10	M0235	MORRISTOWN MEMORIAL HOSPITAL	78.00	990
75477	04/27/10	M0279	MITZNER, SCOTT C.	1,090.00	990
75478	04/27/10	M0288	M & M WELDING AND STEEL	860.60	990
75479	04/27/10	M0493	MCELROY, DEUTSCH, MULVANEY &	23,659.70	990
75480	04/27/10	M0673	MASSOOD, FARHEEN	475.00	990
75481	04/27/10	M0674	MUENZEN, NEIL	42.35	990
75482	04/27/10	M0675	MALEKIAN, PHYLLIS	75.00	990
75483	04/27/10	N0006	NEW JERSEY AMERICAN WATER CO.	252.50	990
75484	04/27/10	N0017	NJ STATE LEAGUE OF MUNICIPAL.	55.00	990
75485	04/27/10	N0029	NJ SOCIETY/MUNICIPAL ENGINEERS	40.00	990
75486	04/27/10	N0035	NEW JERSEY PLANNING OFFICIALS	538.00	990
75487	04/27/10	N0050	NJ SHADE TREE FEDERATION	145.00	990
75488	04/27/10	N0064	NEW JERSEY LIBRARY ASSOCIATION	530.00	990
75489	04/27/10	N0311	NEW JERSEY EMERG PREP ASSN	150.00	990
75490	04/27/10	N0322	NEXTEL COMMUNICATIONS	103.54	990
75491	04/27/10	N0343	NEWTECH RECYCLING, INC.	735.90	990
75492	04/27/10	N0348	NEW CINGULAR WIRELESS PCS, LLC	3,260.00	990
75493	04/27/10	P0014	PUBLIC SERVICE ELEC. & GAS CO	234.10	990
75494	04/27/10	P0212	PERIMETER PROPERTIES	279.87	990
75495	04/27/10	P0377	PRINCETON HYDRO, LLC	995.25	990
75496	04/27/10	P0380	POWERCO, INC.	138.42	990
75497	04/27/10	P0437	POS PAPER.COM	137.25	990
75498	04/27/10	P0502	PROFESSIONAL PAVEMENT PRODUCTS	11,250.00	990
75499	04/27/10	Q0018	QC LABORATORIES	990.00	990
75500	04/27/10	Q0021	QUIGLEY, SKIP (JAMES)	225.00	990
75501	04/27/10	R0005	RECORDER PUBLISHING COMPANY	163.41	990
75502	04/27/10	R0006	RECREATION PETTY CASH	9.41	990
75503	04/27/10	R0010	REIDER ASSOCIATES	1,945.00	990
75504	04/27/10	R0023	RICHIES TIRE SERVICE, INC.	558.00	990
75505	04/27/10	R0025	RIDGE RESTAURANT	47.25	990
75506	04/27/10	R0096	THE RUG BEATER, INC.	3,380.00	990
75507	04/27/10	R0145	RUTGERS UNIV--CNTR FOR GOV SER	919.00	990
75508	04/27/10	R0227	RICOH CORP.	418.70	990
75509	04/27/10	R0281	RECREATION PETTY CASH CHECKING	422.00	990
75510	04/27/10	R0299	RAY PALMER ASSOCIATES, INC.	7,500.00	990
75511	04/27/10	S0021	S & S WORLDWIDE, INC.	193.52	990
75512	04/27/10	S0066	SOMERSET HILLS FLORIST	59.00	990
75513	04/27/10	S0067	SOMERSET COUNTY TREASURER	4,877,499.86	990
75514	04/27/10	S0068	SOMERSET COUNTY TREASURER	551,193.22	990
75515	04/27/10	S0103	SOMERSET GRAIN FEED & SUPPLY	922.75	990
75516	04/27/10	S0185	SUBURBAN JOINT INSURANCE FUND	188,383.70	990
75517	04/27/10	S0227	SHEARON ENVIROMENTAL DESIGN CO	43,692.44	990
75518	04/27/10	S0478	SCIENTIFIC WATER CONDITIONING	263.68	990
75519	04/27/10	S0485	SOMERSET HILLS REFRIGERATION	202.00	990
75520	04/27/10	S0538	SCANNIELLO, ANNA	90.00	990
75521	04/27/10	S0596	SHERWIN, SAMMI	300.00	990
75522	04/27/10	S0604	SMITH TRACTOR & EQUIPMENT, INC	292.85	990
75523	04/27/10	S0628	STATE OF NEW JERSEY--HB	178,543.88	990
75524	04/27/10	S0744	SAHARA SAM'S OASIS, LLC	265.00	990
75525	04/27/10	T0003	ENVIROTEST LABORATORIES, INC.	4,250.00	990
75526	04/27/10	T0037	TU'S SPORTWIDE TROPHY & AWARDS	314.00	990
75527	04/27/10	T0066	GALE	172.09	990
75528	04/27/10	T0073	TREASURER - STATE OF N.J.	60.00	990
75529	04/27/10	T0101	TRIANGLE COMMUNICATIONS	95.00	990
75530	04/27/10	T0154	TILCON NEW YORK, INC.	1,861.69	990
75531	04/27/10	T0227	T.R.M. TRANSMISSIONS INC.	2,350.00	990

75532	04/27/10	T0327	TRI-STATE MATERIALS, LLC	2,240.00	990
75533	04/27/10	T0337	TORCIVIA, DAVID & MARY ANN	1,012.11	990
75534	04/27/10	V0026	VNA OF SOMERSET HILLS	2,442.00	990
75535	04/27/10	V0037	VILLAGE SUPERMARKET, INC.	81.12	990
75536	04/27/10	V0054	VAL-PAK OF MID-JERSEY, INC.	1,530.00	990
75537	04/27/10	V0056	VERIZON WIRELESS	1,344.87	990
75538	04/27/10	V0058	VERIZON	483.57	990
75539	04/27/10	V0059	VERIZON CABS	200.27	990
75540	04/27/10	V0094	V. ROCHE & SON, LLC	210.00	990
75541	04/27/10	V0120	VITOLO, BARBARA	315.00	990
75542	04/27/10	W0002	WARNOCK DODGE	60.00	990
75543	04/27/10	W0016	WARRENVILLE TRUE VALUE	334.06	990
75544	04/27/10	W0030	WORLD BOOK, INC	995.00	990
75545	04/27/10	W0056	WELDON CONCRETE CO.	4,462.87	990
75546	04/27/10	W0089	TIMMERMAN EQUIPMENT CO.	1,125.60	990
75547	04/27/10	W0187	WASTE MANAGEMENT OF NJ, INC	3,839.94	990
75548	04/27/10	W0210	WILD, ANN	100.00	990
75549	04/27/10	W0259	VENTURA, MIESOWITZ, KEOUGH &	8,200.50	990
75550	04/27/10	Y0011	YORK FENCE CONSTRUCTION CO,INC	207.35	990
75551	04/27/10	Y0194	YAO, DANIEL	365.00	990

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
Checks: 172	1	0.00	12,554,048.29	
Direct Deposit: 0	0	0.00	0.00	0.00
Total: 172	1	0.00	12,554,048.29	

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	0-01	12,354,445.97	0.00
DOG FUND	0-12	758.96	0.00
TRUST FUNDS	0-13	61,740.05	0.00
GOLF COURSE UTILITY	0-26	50,221.63	0.00
Year Total:		12,467,166.61	0.00
CURRENT FUND	9-01	4,991.15	0.00
CAPITAL FUND	C-04	57,032.57	0.00
GRANT FUND	G-02	24,857.96	0.00
Total Of All Funds:		12,554,048.29	0.00

Resolution #2010-0167 Commendation on Attaining Eagle Scout Designation Nicholas Maffey

WHEREAS, the Township Committee is very pleased to recognize the outstanding personal effort of Nicholas Maffey reaching the rank of Eagle Scout, and

WHEREAS, Nicholas Maffey, a member of Troop 555 of Basking Ridge, has been an active scout, demonstrating outstanding leadership within the Troop, and has contributed many service hours to his community during his years in scouting, and

WHEREAS, of the total national enrollment of the scouting program, only a small percentage reach this prestigious rank, which Nicholas will carry as a badge of honor.

NOW THEREFORE BE IT RESOLVED that the Township Committee offers its best wishes for continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout his life.

Resolution #2010-0168 - Approval of Special Event Permit American Diabetes Association, Northern NJ Tour de Cure Bike Tour – 06/13/2010

WHEREAS, Taran Connelly, representing the American Diabetes Association “the applicant,” 1160 Route 22 East, Bridgewater, NJ 08807, has requested a special event permit for 06/13/2010 from 4 AM to 5 PM for the purpose of holding a Bike Tour “special event” originating from Verizon Center in Basking Ridge to raise funds for Diabetes Research; and

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, and Risk Manager have reviewed the application and recommend approval; and

WHEREAS, no police off-duty officers are required for this event.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby approve the special event

[Resolution #2010-0169](#) - *Approval of Special Event Permit, 5K Run Sponsored by the Somerset Hills YMCA – 06/10/2010*

WHEREAS, Sue Diebold, representing the Somerset Hills YMCA, 140 Mt. Airy Road, Basking Ridge, NJ, “the applicant,” has requested a special event permit for 06/10/2010, from 5:00 P.M. to 8:00 P.M. for the purpose of holding a 5K Run to benefit homeless veterans; and

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 and Risk Manager have reviewed the application and recommend approval; and

WHEREAS, the applicant has agreed to hire three off-duty police officers at the cost of \$828.00

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that that the special event permit is hereby approved for the 06/10/2010.

[Resolution #2010-0174](#) - *Authorizing the Bernards Township Chief Financial Officer to Conduct the Annual Budget Examination*

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Bernards has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Bernards that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures

- c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provision relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

[Resolution #2010-0175](#) - *Authorizing Acceptance of an Increase to the Bernards Township Grant from the State of New Jersey Department of Health and Senior Services for the Federal 2010 Local Public Health Emergency Response H1N1 Grant (10-947-BT-L-1)*

WHEREAS, pursuant to Resolution #090374 adopted by the Bernards Township Committee on September 29, 2009, of a grant from the State of New Jersey Department of Health and Senior Services entitled “Local Public Health Emergency Response H1N1 Grant” (10-947-BT-L-1) in the amount of \$138,314. For the purpose of providing funding to the Bernards Township Health Department to respond to the ongoing and emerging outbreaks of H1N1 virus; and

WHEREAS, on 02/22/10 Bernards Township was notified by letter from the State of New Jersey Department of Health and Senior Services that this grant entitled “Local Public Health Emergency Response H1N1 Grant” (10-947-BT-L-1), was modified by an increase in the amount of \$31,575.

NOW, THEREFORE, BE IT RESOLVED, by the Bernards Township Mayor and Council that it hereby authorizes the Mayor and Clerk-Administrator to sign the grant award contract.

[Resolution #2010-0176](#) - *Proclamation for Building Safety Month, May 2010*

WHEREAS, our township’s continuing efforts to address the critical issues of safety, energy efficiency and sustainability in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

WHEREAS, our confidence is achieved through the devotion of vigilant guardians—building, electrical, plumbing and fire protection officials — who work year-round to ensure the safe construction of buildings, and;

WHEREAS, , these guardians—dedicated members of the International Code Council—develop and implement the highest-quality codes to protect our citizens in the buildings where we live, learn, work, worship, play, and;

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by the State of New Jersey, these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes, and;

WHEREAS, Building Safety Month is sponsored by the International Code Council and International Code Council Foundation, to remind the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

WHEREAS, “Building Safety Month: Commemorating a 30-year Legacy of Leadership,” the theme for Building Safety Month 2010, encourages all Americans to raise awareness of the importance of building safety; green and sustainable building; pool, spa and hot tub safety; and new technologies in the construction industry. Building Safety Month 2010, encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and;

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments in protecting lives and property.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that we do hereby proclaim the month of May 2010, as Building Safety Month.

[Resolution #2010-0177](#) - *Approving the Design of the 2010 Harrison Brook Drive Stormwater Improvements*

WHEREAS, Bernards Township proposes to undertake construction of a public improvement within Bernards Township on Harrison Brook Drive and on Block 7903 lots 17 & 18 and Block 7902 lot 14, and commonly referred to as the 2010 Harrison Brook Drive Stormwater Improvements; and

WHEREAS, Bernards Township has caused a plan and design for the aforementioned improvement to be prepared; and

WHEREAS, the governing body has reviewed the aforementioned plan or design and exercised its judgment and/or approved the judgments of others as represented by the plan,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Bernards hereby formally approves the plan entitled “Harrison Brook Drive Stormwater Improvements”, dated March 31, 2010 and prepared by Peter A. Messina, P.E., P.P., CME for a certain public improvement generally described as the 2010 Harrison Brook Drive Stormwater Improvements, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file, together with one copy of the plan referred to above with a notation referring to the Resolution of Approval placed thereon, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to Bernards Township’s Joint Insurance Fund Risk Managers.

[Resolution #2010-0178](#) - *Resolution Amending Employee Handbook of Personnel Polices & Procedures Section Health Insurance Sub-Section - Medical Insurance Program*

WHEREAS, the Township Committee adopted Ordinance #1682 establishing the Employee Handbook of Personnel Policies & Procedures on November 11, 2003; and,

WHEREAS, the Township Committee wishes to amend the Employee Handbook of Personnel Policies and Procedures as it pertains to Health Insurance, Medical Insurance Program; and

NOW THEREFORE BE IT RESVOLED, by the Township Committee of the Township of Bernards that the employee handbook as it pertains to Health Insurance, Medical Insurance Program is hereby amended (new text in double underlined, deleted text in ~~strikethrough~~)

HEALTH INSURANCE

The Township currently offers health insurance programs to its regular full-time employees as follows:

- Medical Plan, including prescription coverage
- Dental Plan
- Vision Coverage

Medical Insurance Program

The Township shall provide each employee with health insurance, including dependent coverage through medical insurance as offered by the *State Health Benefit Program*. The *State Health Benefit Program* is dictated by the State and the Township and its employee’s are required to follow the provisions of the plan.

The *State Health Benefits Program* provides comprehensive hospital and major medical insurance coverage. Under the plan, participants can choose to go in-network or out-of-network at any point in time. The HMO generally requires participants to utilize only in-network providers.

Employees are provided with information packets on the *State Health Benefit Program* during their new hire orientation. It is the employee’s responsibility to complete their ENROLLMENT FORM and return it to the Benefits Administrator within the first week of their employment. If the Benefits Administrator receives the employee’s enrollment form as required, coverage will begin sixty (60) days from the employee’s hire date.

Once made, the benefit election is generally fixed for the remainder of the plan year. At the end of each plan year, during open enrollment, employees are free to change their medical elections for the following calendar year.

~~The base plan is the NJDIRECT15. If any employee elects to enroll in other coverage, then the employee shall pay all the costs above the cost of NJDIRECT15 associated with the coverage elected.~~

~~In March 2010, Chapter 2, P.L. 2010 was signed into law which requires employees to contribute a minimum of 1.5 percent of annual base salary towards the cost of their medical coverage. This contribution shall be effective June 1, 2010. New hires shall be responsible for contributing to their health benefits on the first of the month following their hire date.~~

~~Prior to the effective date of the new legislation, the Township created an annual contribution schedule based on the coverage selected by the enrolled employee. With the new legislation and the Township's adoption of premium contributions, eligible employees shall contribute to their health benefit election of either 1.5 percent or as per the chart below, whichever is greater.~~

~~Effective July 1, 2010, eligible members will be required to contribute to the cost of medical benefits as per the following schedule:~~

Plan	Annual Contribution
Single	\$300.00
Parent/Child	\$420.00
Member/Spouse	\$660.00
Family	\$780.00

~~The above contribution schedule will be subject to an annual review and may change based on the annual benefit increase cost to the township. Beginning July 1, 2010, future premium increases for eligible employee contributions shall be determined by the annual benefit increase cost. These premium increases shall be effective on July 1st of each year.~~

~~The base plan is NJDirect15. If any employee elects to enroll in other coverage, then the employee shall pay all the costs above the cost of NJDirect15 associated with the coverage elected. Effective January 1, 2011, Sewerage Authority employees shall be required to pay the premium difference for coverage selected from the base plan vs. an HMO.~~

~~Payment shall be deducted from an employee's salary on a pro-rated basis for a period of 24 pays for the current year contributions and shall be on a pre-tax basis, as run through the Township's section 125 Cafeteria Plan.~~

~~Employees of the Bernards Township Sewerage Authority also participate in the State Health Benefit Program however, the Sewerage Authority shall provide coverage in the NJDIRECT15, or HMO's at no cost to the employee.~~

NOW, THEREFORE BE IT FURTHER RESOLVED by the Township Committee of the Township of Bernards that the revised policy regarding Medical Insurance Program is hereby adopted and shall take effect immediately; and

NOW, THEREFORE BE IT FINALLY RESOLVED by the Township Committee of the Township of Bernards, that the Health Insurance, sub section Medical Insurance Program will be codified into the Employee Handbook of Personnel Policies and Procedures in April, 2010.

[Resolution #2010-0180](#) - *Issuance of Solicitor's License, Joseph Marazzo, d/b/a Delicious Ice Cream, LLC, January 1, 2010 – June 30, 2010 and July 1, 2010 – December 31, 2010*

WHEREAS, Joseph Marazzo d/b/a Delicious Ice Cream, LLC, 59 Butternut Lane, Basking Ridge, NJ, has applied for a Solicitor's License for the period of January 1, 2010 – June 30, 2010 and July 1, 2010 – December 31, 2010, for the purposes of soliciting ice cream from a mobile truck; and

WHEREAS, pursuant to Chapter 4, Section 2 of the Revised General Ordinances of the Township of Bernards, applicant has provided required documentation and paid the applicable fee; and

WHEREAS, the Municipal Clerk, the Chief of Police and the Zoning Officer have reviewed said application and recommend approval.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards the application be approved as submitted.

[Resolution #2010-0181](#) - *Approval of Request Block Party, 45 – 93 Stockmar Drive*

WHEREAS, Maggie Gould hereinafter “the applicant,” has requested permission to close Stockmar Drive from #45 through #93 on June 12, 2010 (rain date June 13, 2010) from 3:00 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 #2010-0182](#) - *Awarding an Extraordinary Unspecifiable Services Contract for Solar Consulting Services – Solar Photovoltaic Project to Metro Energy Solutions in the Not to Exceed Amount of \$7,720*

WHEREAS, the Township of Bernards requires management consulting services for the solar photovoltaic project; and

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

WHEREAS, this contract has been awarded to Metro Energy Solutions through a process without public advertisement pursuant to N.J.S.A. 19:44A-20.7; and

WHEREAS, the Treasurer has certified funds are available in the Township Committee, Fees and Compensation account #0-01-20-110-204 line item or appropriation; and

WHEREAS, the purchasing agent has filed a Certificate Declaration for this Extraordinary Unspecifiable Service with the Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that an extraordinary unspecifiable service contract be awarded to: Metro Energy Solutions, 1140 Bloomfield Avenue, Suite 200, West Caldwell, New Jersey 07006 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated March 23, 2010, attached as Exhibit A.
2. The contract term is from April 27, 2010 through April 26, 2011 at a not to exceed amount of \$ 7,720.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. 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.
5. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. Either party upon 10 days written notice via certified mail may terminate this contract.
7. 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 this resolution as Exhibit A.
8. This contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
9. The contractor shall report directly to Peter A. Messina P.E. P.P. Township Engineer, who will be the chief contact for the Township of Bernards on this project.

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, Dominick Aiello, President and CEO, am committed to follow all terms of this award.

Dominick Aiello, President and CEO

TREASURER'S CERTIFICATION

I, Terri Johnson,, Treasurer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$ 7,720.00. Monies are available in the Township Committee Operating Account: 0-10-20-110-204.

Date: 4/21/10

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Treasurer

[Resolution #2010-0183](#) - Amending Resolution #2010-0157 adopted on April 5, 2010 "Resolution of the Township Committee of the Township of Bernards Authorizing the Township to Enter into a Deed Restriction and Affordable Housing Agreement with EA Fish Companies, LLC, for the Development of Low-Income Rental Units on the Veteran's Administration Federal Lands"

WHEREAS, on April 5, 2010, the Township Committee of the Township of Bernards Adopted Resolution #2010-0157 entitled ""Resolution of the Township Committee of the Township of Bernards Authorizing the Township to Enter into a Deed Restriction and Affordable Housing Agreement with EA Fish Companies, LLC, for the Development of Low-Income Rental Units on the Veteran's Administration Federal Lands;" and

WHEREAS, the NJHMFA has requested an amendment to the resolution to enable the project to pursue funding to building incremental units up to the 90 apartments and 1 super unit.

NOW THEREFORE BE IT RESVOLED, by the Township Committee of the Township of Bernards that

Resolution #2010-0157 is amended as follows (deleted text in ~~striketrough~~, new text in double underlined):

WHEREAS, EA Fish Companies, LLC, in partnership with Community Hope, Inc. (hereinafter collectively referred to as the "Developer") proposes to construct in two phases: Phase I shall include (74) ~~(90)~~ residential low- or moderate-income restricted rental units and one (1) unrestricted unit to be used as a superintendent's unit; and, Phase II shall include (16) residential low- or moderate-income restricted rental units or the like for United States Veterans, which project is meant and intended to provide permanent supportive housing for Veterans within the Township of Bernards on the site owned by the United States Department of Veterans Affairs and described as Lot 3, Block 8001 as shown on the Official Assessment Map of the Township of Bernards, Somerset County, and commonly known as 151 Knollcroft Road Lyons, New Jersey (hereinafter referred to as the "Project"); and

WHEREAS, in exchange for the Township's assistance and cooperation with the development of the Project, Developer has agreed to comply with the Township's reasonable requests and provide all required documentation and proofs in order for the Township to receive, and continue to receive affordable housing credits from the State for the affordable units in the Project; and

WHEREAS, the Township and Developer negotiated and agreed to a Deed Restriction and Affordable Housing Agreement, which sets forth the terms and conditions of the Township's assistance with the Project, and the Developer's agreement to comply with the Township's requests to received affordable housing credits for the Project; and

WHEREAS, the Deed Restriction and Affordable Housing Agreement, in the form attached hereto, was drafted by the Township Attorney, and reviewed and approved by counsel for Developer; and

WHEREAS, the Township Committee of the Township of Bernards finds it to be in the best interest of the Township to enter into the Deed Restriction and Affordable Housing Agreement with Developer for the development of the Project and the preservation of the affordable housing unit.

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 Deed Restriction and Affordable Housing Agreement is hereby authorized and approved pursuant to the terms and conditions set forth therein.*
2. *The Mayor and Township Clerk are hereby authorized to execute the Deed Restriction and Affordable Housing Agreement in the form attached hereto.*
3. *The Township Clerk and Township Attorney are hereby authorized to take any and all action necessary to finalize and complete the Deed Restriction and Affordable Housing Agreement.*

End Consent Agenda

[Ordinance #2109](#) - *An Ordinance Accepting Clairvaux Court – Introduction*

The clerk read the ordinance by title. Motion by Carpenter, second by Pavlini, that Ordinance #2109 be introduced on first reading, advertised as required by law, with a public hearing on 05/24/2010.

Roll Call

Aye: Carpenter, Gaziano, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

Be It Ordained by the Township Committee of the Township of Bernards that Clairvaux Court, dedicated to public use be hereby accepted by the Township.

Said roadway, being shown on a map entitled “Final Plat for Major subdivision, Block 111 Lots 1, 2 and 3, Bernards Township, Somerset County, NJ.” as prepared by Van Cleef Engineering Associates, dated April 11, 2005 last revised November 30, 2005 and filed in the Somerset County Clerk’s Office on February 23, 2006, Book 2864, Page 390-391.

CONTINUATION OF EXECUTIVE SESSION (if needed)

Not required.

ADJOURNMENT

By unanimous consent the meeting adjourned at 9:28 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Scott Spitzer
Mayor