

TABLE OF CONTENTS

BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE MINUTES MAY 24, 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 #2010-0199 | 3 |
| AGENDA PORTION OF MEETING | 4 |
| PROPOSED ORDINANCE #2108 - AN ORDINANCE OF THE TOWNSHIP OF BERNARDS, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF BERNARDS, CHAPTER 21, “REVISED LAND USE ORDINANCES”, REGARDING PRIVATE SWIMMING POOLS..... | 4 |
| REQUEST FOR SIGNAGE – CROWN COURT ASSOCIATES, LLC | 4 |
| CORRESPONDENCE | 5 |
| REPORTS | 5 |
| PUBLIC COMMENT | 5 |
| TOWNSHIP COMMITTEE/STAFF COMMENTS | 5 |
| FIRE & RESCUE APPOINTMENTS | 5 |
| RESOLUTION #2010-0201 - APPOINTMENT TO MEMBERSHIP IN TOWNSHIP OF BERNARDS VOLUNTEER, , TRESSILIANE PARKER..... | 5 |
| UNFINISHED BUSINESS | 6 |
| ORDINANCE #2109 - AN ORDINANCE ACCEPTING CLAIRVAUX COURT – PUBLIC HEARING | 6 |
| NEW BUSINESS | 6 |
| 2010 BUDGET PRESENTATION – BRUCE MCARTHUR..... | 6 |
| RESOLUTION #2010-0173 - INTRODUCTION OF 2010 BUDGET AND MUNICIPAL BUDGET NOTICE OF THE TOWNSHIP OF BERNARDS, COUNTY OF SOMERSET, FOR FISCAL YEAR 2010 | 8 |
| CONSENT AGENDA..... | 8 |
| APPROVAL OF MINUTES:..... | 9 |
| RESOLUTION #2010-0198 - APPROVAL OF SPECIAL EVENT PERMIT, MORRIS HABITAT FOR HUMANITY – 06/05/2010 | 9 |
| RESOLUTION #2010-0200 - APPROVAL OF THE BILL LIST DATED 05/24/2010..... | 9 |
| RESOLUTION #2010-0202 - AUTHORIZING THE RENEWAL OF A CLOTHING BIN LICENSE TO ART (AMERICAN RECYCLING TECHNOLOGIES, INC.) | 12 |
| RESOLUTION #2010-0203 - APPROVAL OF REQUEST BLOCK PARTY, #26 TO #34 WILLOW STREET – 06/12/2010 | 12 |
| RESOLUTION #2010-0204 - APPROVAL OF SPECIAL EVENT PERMIT, BASKING RIDGE FIRE CO. #1 – FIREMATICS COMPETITION – 06/12/2010 | 12 |
| RESOLUTION #2010-0205 - AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE SOMERSET COUNTY BOARD OF CHOSEN FREEHOLDERS FOR A GRANT ENTITLED 2011 APPLICATION FOR FUNDING MUNICIPAL ALLIANCES. FOR THE PURPOSE OF PROVIDING FUNDING FOR THE BERNARDS TOWNSHIP MUNICIPAL ALLIANCE AGAINST SUBSTANCE ABUSE | 13 |
| RESOLUTION #2010-0206 - AWARD OF BID FOR HARRISON BROOK DRIVE STORMWATER IMPROVEMENTS AWARDED TO KALOGRIDIS CONTRACTING LLC, IN THE AMOUNT OF \$175,510.00 | 14 |
| RESOLUTION #2010-0207 - AWARD OF BID FOR 2010 ROAD IMPROVEMENTS AWARDED TO OWL CONTRACTING IN THE AMOUNT OF \$509,510.00 | 15 |

RESOLUTION #2010-0208 - AUTHORIZING EXECUTION OF AN AFFORDABLE HOUSING TRUST FUND AGREEMENT AND DEED
RESTRICTION FOR AN AFFORDABLE HOUSING PROJECT WITH THE SOMERSET HILLS YMCA.....17

RESOLUTION #2010-0209 - APPROVAL OF SPECIAL EVENT PERMIT FOR BERNARDS TOWNSHIP MEMORIAL DAY PARADE –
05/31/201019

RESOLUTION #2010-0210 - APPROVAL OF REQUEST BLOCK PARTY, 30 – 37 ST. NICHOLAS WAY, 06/12/201020

CONTINUATION OF EARLIER EXECUTIVE SESSION (IF REQUIRED)..... 20

ADJOURNMENT 20

CALL TO ORDER

The mayor called the meeting to order at 7:37 PM. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Carpenter, Gaziano, Spitzer
Absent: Malay, Pavlini
Also Present: CFO/Administrator McArthur, Engineer/Planner Messina, Acting Attorney Melanie D. Lipomanis, Municipal Clerk/Assist. Adm. Szabo

EXECUTIVE SESSION – [Resolution #2010-0199](#)

Motion by Carpenter, second by Gaziano, that Resolution #2010-0199 be approved, and the meeting temporarily adjourned to executive session at 7:38 PM.

Roll Call

Aye: Carpenter, Gaziano, 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 collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.

Benefits

The meeting resumed in open session at 8:01 PM.

AGENDA PORTION OF MEETING

[Proposed Ordinance #2108](#) - *An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, "Revised Land Use Ordinances", Regarding Private Swimming Pools*

David Schley, Township Assistant Planner, explained the proposed ordinance.

This ordinance amends current ordinance §21-18.1, which requires that a private swimming pool be located behind the rear building line of any dwelling on an adjoining lot. This amendment is in response to recommendations made by the Bernards Township Board of Adjustment in its 2008 and 2009 annual reports, which commented on the frequent occurrence of applications for variances from §21-18.1.

The Board of Adjustment acknowledged in their reports that a primary purpose of §21-18.1 is to maintain compatibility among structures and uses on adjoining lots, meaning typical rear yard structures/uses such as swimming pools should be situated adjacent to the rear yard areas on adjoining lots. However, the Board found that in many cases it was impossible, or at least impractical, for a property owner to comply with §21-18.1. The Board specifically concluded that locating pools on cul-de-sac lots required variances due to the varying dwelling orientations typically found along a cul-de-sac, even when the actual pool location satisfied the purpose of §21-18.1. The Board of Adjustment also suggested providing an exemption to §21-18.1 that could apply to any lot when it is clearly the purpose of §21-18.1 would be satisfied.

This ordinance amendment responds to the Board of Adjustment's recommendations by providing a more appropriate pool location requirement specifically for lots located along a cul-de-sac, and by providing an exemption to the pool location requirement on any lot when, based upon the distance between the pool and the adjoining properties, the purpose of §21-18.1 would be satisfied.

The committee agreed to table the ordinance to 6/15/10 when a full committee is scheduled to be present.

[Request for Signage – Crown Court Associates, LLC](#)

The committee reviewed a letter of May 7, 2010, from Joe Korn of Crown Court Associates, LLC. Korn reported on an on-going problem that existed for many years at their property off Valley Road. The Crown Court Apartments have no property signage at its entrance, and as a result, prospective tenants are unable to locate the property when entering the Spring Ridge Roadway. They have discussed the issue with Township Engineer, Pete Messina, and have reached consensus on specifications and locations.

Korn is requesting that the township allow them to erect a sign within the easement that conforms to signage standards applied to similar locations within the Township.

The committee agreed to revisit the request on 6/29/10 to give the public an opportunity to review the proposal and comment.

CORRESPONDENCE

None.

REPORTS

None.

PUBLIC COMMENT

Todd Edelstein, Riverside Drive, commented on meeting schedules.

Catherine Cianciara, 11 Ridge Street, Basking Ridge, presented a petition to the committee requesting an ordinance to prohibit commercial/commuter parking on Turner Street, with a no parking restriction from 2 AM to 7 PM.

James DeCoster, 8 Turner Street, Basking Ridge, supported Ms. Cianciara's statements.

John Crane, Decker Street, commented on proposed Ordinance #2108.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

FIRE & RESCUE APPOINTMENTS

[Resolution #2010-0201](#) - *Appointment to Membership in Township of Bernards Volunteer, Liberty Corner First Aid Squad, Inc., Tressiliane Parker*

Motion by Carpenter, second by Gaziano, that Resolution #2010-0201 be approved.

Roll Call

Aye: Carpenter, Gaziano, 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, Tressiliane Parker, 25 Blazier Road, Warren, 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 #2109 - An Ordinance Accepting Clairvaux Court – 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 Carpenter, second by Gaziano, that Ordinance #2109 be adopted and advertised as required by law.

Roll Call

Aye: Carpenter, Gaziano, Spitzer

Nay:

Abstain:

Motion carried.

NEW BUSINESS

2010 Budget Presentation – Bruce McArthur

McArthur reported to the committee on the budget.

We are pleased to introduce the Township of Bernards 2010 budget. The public hearing for the budget will be held June 29, 2010 at 8:00pm at the Municipal Building at 1 Collyer Lane, Basking Ridge.

The 2010 Tax Levy will increase 3.65% from 2009, an amount of \$585,006. Despite the current year increase, since 2005 no New Jersey municipality can match Bernards Township's property tax record. Bernards Township has **reduced** municipal services taxes while the rest of the state has seen massive increases. From 2005 to 2009, statewide municipal services taxes increased 34.5, and are projected to grow to 40% increases for 2010 for the five year period. Bernards Township taxpayers enjoy the lowest equalized municipal services tax rate in Somerset County, yet can count on extraordinary public safety and health services, an excellent and expanded park system, diverse recreational opportunities, well maintained infrastructure, a great library, and a dedicated customer focused municipal services staff.

The tax levy stabilization is all the more remarkable considering \$205M in new ratables were added to the tax rolls from 2005-2009, the general debt principal balance was reduced by \$5.135M from 05 to 10, four appropriation items increased by \$3.182M, and four revenue items have decreased by -\$2.937M including a 33.1% decreased in state aid. State aid to Bernards Township is supposed to constitute energy and utility taxes paid by Bernards' residences and businesses, but the bulk of those funds have been diverted by the state – in fact you'd have to go back 17 years to 1993 to when we were last at the 2010 allocation. Bernards Township receives only \$63 per capita of state aid compared to the NJ average of \$150 per capita.

| | <u>2010</u> | <u>2009</u> | <u>2005</u> | <u>+/- 05 to 10</u> |
|--------------------|---------------|---------------|---------------|---------------------|
| Tax Levy | 16,592,075.57 | 16,007,069.34 | 16,722,977.59 | (130,902.02) |
| Tax Rate / \$100 | 0.258 | 0.235 | 0.260 | (0.002) |
| Assessed Valuation | 6,427,802,477 | 6,823,575,000 | 6,406,611,095 | 21,191,382 |
| Avg. Home Value | 581,191.78 | 615,925.54 | 593,943.55 | (12,751.77) |

| | | | | |
|--------------------------|----------|----------|----------|---------|
| Avg. Home Muni Svcs Tax | 1,499.47 | 1,447.43 | 1,544.25 | (44.78) |
| Avg. Home Open Space Tax | 174.36 | 184.78 | 178.18 | (3.83) |
| Total Municipal Taxes | 1,673.83 | 1,632.20 | 1,722.44 | (48.60) |

| | | | | |
|-----------------------------|---------------|---------------|---------------|------------|
| Total Budget Appropriations | 35,985,795.00 | 36,047,825.37 | 35,749,530.82 | 236,264.18 |
|-----------------------------|---------------|---------------|---------------|------------|

Budget Components:

Appropriations

| | | | | |
|-------------------------------|---------------|---------------|--------------|--------------|
| Library | 2,385,761.51 | 2,432,284.08 | 1,948,827.00 | 436,934.51 |
| Police Budget | 4,974,440.00 | 4,654,124.28 | 4,118,795.64 | 855,644.36 |
| Pension | 1,579,719.00 | 1,421,498.00 | 175,954.00 | 1,403,765.00 |
| Reserve for Uncollected Taxes | 3,500,824.56 | 3,406,170.84 | 3,014,492.39 | 486,332.17 |
| | 12,440,745.07 | 11,914,077.20 | 9,258,069.03 | 3,182,676.04 |

Revenues *

| | | | | |
|--------------------------------|--------------|--------------|--------------|----------------|
| Interest Earnings | 135,000.00 | 157,967.63 | 1,001,369.30 | (866,369.30) |
| Construction Code Fees | 450,000.00 | 470,588.50 | 1,342,240.00 | (892,240.00) |
| Added Taxes - New Construction | 350,000.00 | 369,783.53 | 637,972.28 | (287,972.28) |
| State Aid Cuts | 1,798,308.00 | 2,289,718.00 | 2,688,854.00 | (890,546.00) |
| | 2,733,308.00 | 3,288,057.66 | 5,670,435.58 | (2,937,127.58) |

* 2005,2009 revenues shown as amounts realized, 2010 amounts projected

| | | | | |
|----------------------------------|--|--|--|--------------|
| Sum of Eight Budgetary Pressures | | | | 6,119,803.62 |
|----------------------------------|--|--|--|--------------|

| | | | | |
|----------------------|------------|--------------|--------------|----------------|
| General Debt Balance | 800,000.00 | 1,200,000.00 | 5,935,000.00 | (5,135,000.00) |
|----------------------|------------|--------------|--------------|----------------|

Bernards Township has remained true to its “pay as you go” philosophy, and has not bonded for general needs since 1991. Bernards has never deferred any of its pension obligations. It practices conservative budgeting techniques, attempts to establish and maintain prudent reserves, and will be general fund debt free in 2011. Bernards Township’s “consistently strong financial performance and position, supported by good and well-embedded financial management policies and practices, and manageable debt burden” resulted in Standard and Poor’s affirming the Township’s ‘AAA’ bond rating in 2009. This rating allowed the Township to cheaply borrow the funds that made the preservation of the English Farm, the purchase of the Sons of Liberty, and Whitenack Woods properties possible.

Township management, staff, and elected officials continue to be forward thinking. The Township does not offer any post-retirement benefits to its employees. Management has quietly shrunk an already lean municipal workforce by 5%, removed 12 enrollees from the health benefit roles, required contributions for healthcare, and reduced the costs of other benefits. We will not stand still in these tough times. Bernards is proud to be recently honored as one of the first municipalities to become “Sustainable Jersey Certified”. Before it was fashionable, Bernards conducted an extensive energy audit and immediately began to focus on energy efficiencies throughout its operations and facilities. Bernards has recently opened new open-space properties to the public, protected properties and sensitive areas with easements, gone “pesticide and chemical” free in its parks, provided state of the art equipment to our all-volunteer emergency service squads, conducted the only municipally run H1N1 vaccination clinics in the area,

explored and bid for solar energy generation on its facilities, planned and are conducting a yearlong 250th anniversary celebration, and initiated a community wide wellness campaign.

Annual tax reductions could not continue indefinitely in the face of declining non-tax revenues, a slowdown of new construction, and the rise of mandated expenses and programs. For FY2010, we have held our tax levy well below the state tax levy cap. Our taxes are below the level they were five years ago while delivering enhanced services, and working hard to maintain our significant infrastructure. It took great effort, teamwork, and creativity from staff and our elected officials to draft a budget that provides first class services at a measurably low cost, and keeps our vision of the future intact.

[Resolution #2010-0173](#) - Introduction of 2010 Budget and Municipal Budget Notice of the Township of Bernards, County of Somerset, for Fiscal Year 2010

Motion by Carpenter, second by Gaziano, that Resolution #2010-0173 be approved.

Roll Call

Aye: Carpenter, Gaziano, Spitzer

Nay:

Abstain:

Motion carried.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2010; and

BE IT FURTHER RESOLVED, that said Budget be published in the Bernardsville News in the issue of May 27, 2010; with a public hearing to be held on June 29, 2010; and

BE IT FINALLY RESOLVED, that the Township Committee of the Township of Bernards, does hereby approve the following as the Budget for the Year 2010.

GENERAL APPROPRIATIONS FOR:

| | |
|-------------------------------------|-----------------|
| Appropriations within the "CAPS" | \$26,038,857.00 |
| Appropriations excluded from "CAPS" | 6,446,113.44 |
| Reserve for Uncollected Taxes | 3,500,824.56 |
| Total General Appropriations | \$35,985,795.00 |

Less Anticipated Revenues Other Than Current Property Tax 19,393,719.44

Difference:

Amounts to be Raised by Taxes for Support of Budget \$16,592,075.56

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 Carpenter, second by Gaziano, that the consent agenda be approved.

Roll Call

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

****Begin Consent Agenda****

Approval of Minutes:

05/10/2010 – Open Session

Approved for content and release.

04/27/2010 – Executive Session

Approved for content only.

Resolution #2010-0198 - Approval of Special Event Permit, Morris Habitat for Humanity – 06/05/2010

WHEREAS, Kathy Haake, representing Morris Habitat for Humanity, 102 Iron Mountain Road, Mine Hill, NJ 07803, “the applicant,” has requested a special event permit for 06/05/2010, from 9 AM. to 11 AM for the purpose of holding a Bike Ride; 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

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

Resolution #2010-0200 - Approval of the Bill List Dated 05/24/2010

BE IT RESOLVED, that the bill list dated 05/24/2010 be audited, and if found correct, be paid.

05/24/10
11:39:26

TOWNSHIP OF BERNARDS
Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 05/24/10 to 05/24/10
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 | | | | | |
| 75825 | 05/24/10 | 72074 NAJARIAN ASSOCIATES, INC. | 7,661.76 | | 992 |
| 75826 | 05/24/10 | 72103 CHABAK, ANDREW & MARY | 10.00 | | 992 |
| 75827 | 05/24/10 | 90040 FOWLER, JOSHUA | 200.00 | | 992 |
| 75828 | 05/24/10 | 90159 VOORHEES, MICHAEL | 27.28 | | 992 |
| 75829 | 05/24/10 | 90162 MESSINA, PETER A. | 48.00 | | 992 |
| 75830 | 05/24/10 | 90219 PISANO, RHONDA | 34.80 | | 992 |
| 75831 | 05/24/10 | 90240 STORK, ELLEN C. | 24.00 | | 992 |
| 75832 | 05/24/10 | 90333 KING, TIMOTHY D | 50.00 | | 992 |
| 75833 | 05/24/10 | 90533 LAMAIRE, MARIE | 13.20 | | 992 |
| 75834 | 05/24/10 | A0028 AMERICAN PUBLIC WORKS ASSN. | 550.00 | | 992 |
| 75835 | 05/24/10 | A0063 APPRAISAL CONSULTANTS CORP | 6,500.00 | | 992 |
| 75836 | 05/24/10 | A0126 AFLAC NEW YORK | 768.60 | | 992 |
| 75837 | 05/24/10 | A0168 ALLIED OIL COMPANY, LLC | 22,951.28 | | 992 |
| 75838 | 05/24/10 | A0295 AUDIO EDITIONS | 158.36 | | 992 |
| 75839 | 05/24/10 | A0311 AMERA-CHEM, INC. | 38.45 | | 992 |
| 75840 | 05/24/10 | A0338 AFLAC | 2,142.81 | | 992 |
| 75841 | 05/24/10 | A0398 ABSO | 15.75 | | 992 |
| 75842 | 05/24/10 | A0399 ABSOLUTE AUTO TRUCK SALVAGE CO | 350.00 | | 992 |
| 75843 | 05/24/10 | A0404 APRUZZESE, MCDERMOTT, ET AL | 931.60 | | 992 |

| | | | | | |
|-------|----------|-------|--------------------------------|--------------|-----------------|
| 75844 | 05/24/10 | A0425 | ATLANTIC TACTICAL | 979.59 | 992 |
| 75845 | 05/24/10 | A0447 | ATLANTIC HEARTSMART AED | 45.00 | 992 |
| 75846 | 05/24/10 | A0471 | APEX AMERICAN ELECTRICAL | 510.00 | 992 |
| 75847 | 05/24/10 | A0487 | ABLE MECHANICAL, INC. | 7,496.04 | 992 |
| 75848 | 05/24/10 | A0490 | AG CHOICE LLC | 3,575.00 | 992 |
| 75849 | 05/24/10 | A0499 | ALLSTATE O.R.C. | 777.71 | 992 |
| 75850 | 05/24/10 | B0001 | BAKER & TAYLOR, INC. | 3,114.85 | 992 |
| 75851 | 05/24/10 | B0014 | BREWER ASSOCIATES | 187.20 | 992 |
| 75852 | 05/24/10 | B0026 | BERNARDS TOWNSHIP CURRENT | 1,774.95 | 992 |
| 75853 | 05/24/10 | B0029 | BERNARDS TWP BD OF EDUCATION | 5,846,410.50 | 992 |
| 75854 | 05/24/10 | B0031 | BERNARDSVILLE PRINT CENTER | 229.85 | 992 |
| 75855 | 05/24/10 | B0034 | BERNARDS TOWNSHIP PAYROLL ACCT | 554,190.38 | 992 |
| 75856 | 05/24/10 | B0038 | BERNARDS TOWNSHIP (COURT) | 216.86 | 992 |
| 75857 | 05/24/10 | B0077 | BERNARDS TOWNSHIP | 2,500.00 | 992 |
| 75858 | 05/24/10 | B0203 | DIFRANCESCO, BATEMAN, COLEY, | 7,877.61 | 992 |
| 75859 | 05/24/10 | B0366 | BRISTOL ID TECHNOLOGIES | 638.00 | 992 |
| 75860 | 05/24/10 | B0386 | BOOK WHOLESALERS INC (BWI) | 12.96 | 992 |
| 75861 | 05/24/10 | B0519 | BBC AUDIOBOOKS AMERICA | 449.81 | 992 |
| 75862 | 05/24/10 | B0536 | BAYSHORE RECYCLING CORPORATION | 425.00 | 992 |
| 75863 | 05/24/10 | B0577 | BRIDGEWATER TWP POLICE DEPT | 110.00 | 992 |
| 75864 | 05/24/10 | C0024 | COURIER NEWS | 20.24 | 992 |
| 75865 | 05/24/10 | C0083 | CDW GOVERNMENT, INC. | 3,058.08 | 992 |
| 75866 | 05/24/10 | C0330 | CIVIL SOLUTIONS | 1,275.00 | 992 |
| 75867 | 05/24/10 | C0456 | CARPENTER, MARY | 460.00 | 992 |
| 75868 | 05/24/10 | C0476 | CIT-E-NET LLC | 1,500.00 | 992 |
| 75869 | 05/24/10 | C0587 | CRAFT OIL CORPORATION | 580.50 | 992 |
| 75870 | 05/24/10 | C0608 | CODOYANNIS MD, VERONICA C. | 375.00 | 992 |
| 75871 | 05/24/10 | C0613 | CIGNA GROUP INSURANCE | 2,112.21 | 992 |
| 75872 | 05/24/10 | C0616 | CLOWES, CHRISTY | 41.25 | 992 |
| 75873 | 05/24/10 | C0617 | CONNOLLY, MATTHEW | 10.00 | 992 |
| 75874 | 05/24/10 | C0620 | CAHN, LINDA JAN | 110.20 | 992 |
| 75875 | 05/24/10 | C0624 | CAHILL, DENNIS W. | 1,053.45 | 992 |
| 75876 | 05/24/10 | D0004 | DELTA PRODUCTS CO. | 71.11 | 992 |
| 75877 | 05/24/10 | D0017 | DEPOSITORY TRUST COMPANY | 139,481.25 | 992 |
| 75878 | 05/24/10 | D0033 | DEMCO | 186.29 | 992 |
| 75879 | 05/24/10 | D0053 | NJ DIVISION OF ALCOHOLIC | 42.00 | 992 |
| 75880 | 05/24/10 | D0063 | DELUXE INTERNATIONAL TRUCKS | 13.90 | 992 |
| 75881 | 05/24/10 | D0116 | DUBIN GLASS | 275.00 | 992 |
| 75882 | 05/24/10 | D0215 | D LOVENBERG'S PORTABLE TOILETS | 655.00 | 992 |
| 75883 | 05/24/10 | D0380 | DRIVERS TIRE & SERVICE CENTER | 89.95 | 992 |
| 75884 | 05/24/10 | E0144 | E-Z PASS | 60.00 | 992 |
| 75885 | 05/24/10 | E0186 | EQUIFAX INFORMATION SVCS, LLC | 7.31 | 992 |
| 75886 | 05/24/10 | E0224 | EXCELLENT BUILDING SERVICES | 3,600.00 | 992 |
| 75887 | 05/24/10 | F0003 | FOLEY, INCORPORATED | 956.35 | 992 |
| 75888 | 05/24/10 | F0005 | UNION SECURITY INSURANCE CO. | 259.80 | 992 |
| 75889 | 05/24/10 | F0047 | FULLERTON FORD | 1,017.87 | 992 |
| 75890 | 05/24/10 | F0148 | FAIRFIELD MAINTENANCE INC | 314.50 | 992 |
| 75891 | 05/24/10 | F0158 | FLEMINGTON DEPARTMENT STORE | 213.60 | 992 |
| 75892 | 05/24/10 | F0281 | FESTA JR, FRANK J | 1,203.60 | 992 |
| 75893 | 05/24/10 | G0066 | GRAINGER INC | 342.40 | 992 |
| 75894 | 05/24/10 | G0098 | JCP&L | 934.86 | 992 |
| 75895 | 05/24/10 | G0132 | GOLF CARS, INC | 305.96 | 992 |
| 75896 | 05/24/10 | G0451 | GEARY, KIM | 315.00 | 992 |
| 75897 | 05/24/10 | G0460 | GARNER, SIMON | 10.00 | 992 |
| 75898 | 05/24/10 | G0461 | GLOBAL AUTO MALL | 34,999.50 | 992 |
| 75899 | 05/24/10 | H0008 | HEWLETT-PACKARD | 2,085.00 | 992 |
| 75900 | 05/24/10 | H0029 | HUMPHREYS PEST CONTROL, INC. | 551.80 | 992 |
| 75901 | 05/24/10 | H0181 | HOUSER WELDING SUPPLY | 633.65 | 992 |
| 75902 | 05/24/10 | H0246 | HOME DEPOT CREDIT SERVICES | 77.89 | 992 |
| 75903 | 05/24/10 | H0294 | HALL, JOSEPH | 108.00 | 992 |
| 75904 | 05/24/10 | I0024 | INSTITUTE FOR CAREER RESEARCH | 248.75 | 992 |
| 75905 | 05/24/10 | I0111 | INTEGRITY PROTECTION SERVICE | 3,570.02 | 992 |
| 75906 | 05/24/10 | I0113 | ICON ENGINEERING | 946.84 | 992 |
| 75907 | 05/24/10 | J0052 | J.H. REID ON-SITE RECYCLING | 150.00 | 992 |
| 75908 | 05/24/10 | J0080 | JANSEN, BUCCO, DEBONA & SEMRAU | 595.47 | 992 |
| 75909 | 05/24/10 | J0123 | JERSEY PAPER PLUS (JCP PAPER) | 129.50 | 992 |
| 75910 | 05/24/10 | K0026 | KEN RENT | 3,449.71 | 992 |
| 75911 | 05/24/10 | K0039 | KOBESKY, GREGG S. | 49.80 | 992 |
| 75912 | 05/24/10 | K0226 | KELLY PLUMBING & HEATING, LLC | 1,176.67 | 992 |
| 75913 | 05/24/10 | L0181 | LAND'S END, INC. | 598.60 | 992 |
| 75914 | 05/24/10 | L0236 | LOWY-DANNENBERG, NOMI | 365.00 | 992 |
| 75915 | 05/24/10 | M0235 | MORRISTOWN MEMORIAL HOSPITAL | 65.00 | 992 |
| 75916 | 05/24/10 | M0279 | MITZNER, SCOTT C. | 1,090.00 | 992 |
| 75917 | 05/24/10 | M0342 | MORTON'S MARKETING RESOURCES | 1,501.73 | 992 |
| 75918 | 05/24/10 | M0493 | MCELROY, DEUTSCH, MULVANEY & | 25,264.96 | 992 |
| 75919 | 05/24/10 | M0518 | KONICA MINOLTA BUSINESS SOL. | 263.35 | 992 |
| 75920 | 05/24/10 | M0676 | MAHDAVIAN, SHARIF | 315.00 | 992 |
| 75921 | 05/24/10 | N0006 | NEW JERSEY AMERICAN WATER CO. | 0.00 | 05/24/10 VOID 0 |
| 75922 | 05/24/10 | N0006 | NEW JERSEY AMERICAN WATER CO. | 3,913.02 | 992 |
| 75923 | 05/24/10 | N0029 | NJ SOCIETY/MUNICIPAL ENGINEERS | 40.00 | 992 |
| 75924 | 05/24/10 | N0030 | NJ STATE ASSN.-CHIEFS/POLICE | 565.00 | 992 |
| 75925 | 05/24/10 | N0032 | NJ STATE DEPT HEALTH/SR SVCS | 338.40 | 992 |
| 75926 | 05/24/10 | N0131 | NJ POLICE TRAFFIC OFFICER ASSN | 35.00 | 992 |
| 75927 | 05/24/10 | N0279 | NJDOT CENTRAL REGION PERMITS | 400.00 | 992 |

TOWNSHIP COMMITTEE MINUTES

MAY 24, 2010

Page 10 of 20

| | | | | | |
|-------|----------|-------|--------------------------------|------------|-----|
| 75928 | 05/24/10 | N0285 | NJPMA | 99.00 | 992 |
| 75929 | 05/24/10 | N0322 | NEXTEL COMMUNICATIONS | 89.47 | 992 |
| 75930 | 05/24/10 | N0398 | NORTH AMERICA RESCUE, LLC | 97.56 | 992 |
| 75931 | 05/24/10 | O0021 | OFFICE DEPOT | 1,190.89 | 992 |
| 75932 | 05/24/10 | O0046 | OCS PRINTING | 275.00 | 992 |
| 75933 | 05/24/10 | P0377 | PRINCETON HYDRO, LLC | 950.50 | 992 |
| 75934 | 05/24/10 | P0500 | PACE COLLISION SERVICES INC. | 1,180.87 | 992 |
| 75935 | 05/24/10 | P0504 | PRINCE, ROBIN | 315.00 | 992 |
| 75936 | 05/24/10 | Q0001 | QUALITY BOOKS INC. | 170.19 | 992 |
| 75937 | 05/24/10 | R0004 | RECORDED BOOKS INC. | 59.55 | 992 |
| 75938 | 05/24/10 | R0005 | RECORDER PUBLISHING COMPANY | 788.08 | 992 |
| 75939 | 05/24/10 | R0006 | RECREATION PETTY CASH | 29.41 | 992 |
| 75940 | 05/24/10 | R0009 | REGENT BOOK COMPANY INC. | 24.98 | 992 |
| 75941 | 05/24/10 | R0017 | RARITAN VALLEY COMMUNITY COLL. | 594.00 | 992 |
| 75942 | 05/24/10 | R0019 | RECREONICS, INC. | 23.58 | 992 |
| 75943 | 05/24/10 | R0046 | R & J CONTROL, INC. | 1,001.71 | 992 |
| 75944 | 05/24/10 | R0086 | ROBERTS, ARTURO | 100.00 | 992 |
| 75945 | 05/24/10 | R0109 | RUTGERS UNIVERSITY | 845.00 | 992 |
| 75946 | 05/24/10 | R0281 | RECREATION PETTY CASH CHECKING | 332.00 | 992 |
| 75947 | 05/24/10 | R0304 | RANDOM HOUSE, INC. | 157.50 | 992 |
| 75948 | 05/24/10 | R0306 | RIKER,DANZIG,SCHERER,HYLAND | 125.00 | 992 |
| 75949 | 05/24/10 | R0368 | RPTC, LLC | 5,790.00 | 992 |
| 75950 | 05/24/10 | R0402 | RELIABLE WOOD PRODUCTS | 2,655.84 | 992 |
| 75951 | 05/24/10 | S0013 | SNAP-ON TOOLS CORPORATION | 1,699.00 | 992 |
| 75952 | 05/24/10 | S0062 | STAR LEDGER | 613.24 | 992 |
| 75953 | 05/24/10 | S0227 | SHEARON ENVIROMENTAL DESIGN CO | 21,846.22 | 992 |
| 75954 | 05/24/10 | S0415 | SPORTSWORLD | 206.15 | 992 |
| 75955 | 05/24/10 | S0443 | STAPLES ADVANTAGE | 226.29 | 992 |
| 75956 | 05/24/10 | S0595 | SOMERSET CTY HEALTH OFFICER'S | 175.00 | 992 |
| 75957 | 05/24/10 | S0600 | ST. NICK POOL MANAGEMENT, INC. | 6,900.00 | 992 |
| 75958 | 05/24/10 | S0628 | STATE OF NEW JERSEY-HB | 180,879.40 | 992 |
| 75959 | 05/24/10 | S0681 | SEALMASTER | 595.94 | 992 |
| 75960 | 05/24/10 | S0691 | SUPERIOR DISTRIBUTORS | 816.63 | 992 |
| 75961 | 05/24/10 | S0734 | SORRELLS, GINA | 75.00 | 992 |
| 75962 | 05/24/10 | S0776 | SPEAKMAN, SALLY | 10.00 | 992 |
| 75963 | 05/24/10 | S0777 | SHARP, KEN | 815.00 | 992 |
| 75964 | 05/24/10 | T0010 | TAYLOR RENTAL | 35.00 | 992 |
| 75965 | 05/24/10 | T0025 | TRUKMANN'S REPROGRAPHICS | 61.50 | 992 |
| 75966 | 05/24/10 | T0037 | TJ'S SPORTWIDE TROPHY & AWARDS | 259.25 | 992 |
| 75967 | 05/24/10 | T0049 | TROPICANA CASINO & RESORT | 380.00 | 992 |
| 75968 | 05/24/10 | T0066 | GALE | 74.73 | 992 |
| 75969 | 05/24/10 | T0071 | THE WORKS | 209.00 | 992 |
| 75970 | 05/24/10 | T0101 | TRIANGLE COMMUNICATIONS | 285.00 | 992 |
| 75971 | 05/24/10 | T0109 | TREASURER, STATE OF NEW JERSEY | 368.00 | 992 |
| 75972 | 05/24/10 | T0142 | TODD HARRIS CO., INC. | 542.00 | 992 |
| 75973 | 05/24/10 | T0154 | TILCON NEW YORK, INC. | 311.85 | 992 |
| 75974 | 05/24/10 | T0327 | TRI-STATE MATERIALS, LLC | 1,669.74 | 992 |
| 75975 | 05/24/10 | T0339 | TWILL, LINDA | 140.00 | 992 |
| 75976 | 05/24/10 | U0010 | UPSTART | 470.75 | 992 |
| 75977 | 05/24/10 | U0022 | UNIVERSAL COMPUTING SERVICES | 342.00 | 992 |
| 75978 | 05/24/10 | V0026 | VNA OF SOMERSET HILLS | 517.00 | 992 |
| 75979 | 05/24/10 | V0037 | VILLAGE SUPERMARKET, INC. | 36.67 | 992 |
| 75980 | 05/24/10 | V0056 | VERIZON WIRELESS | 1,072.92 | 992 |
| 75981 | 05/24/10 | V0058 | VERIZON | 263.07 | 992 |
| 75982 | 05/24/10 | V0124 | VERIZON BUSINESS FIOS | 639.98 | 992 |
| 75983 | 05/24/10 | V0136 | VERIZON CENTRALIZED PAYMENT | 115.54 | 992 |
| 75984 | 05/24/10 | W0016 | WARRENVILLE TRUE VALUE | 8.05 | 992 |
| 75985 | 05/24/10 | W0089 | TIMMERMAN EQUIPMENT CO. | 726.08 | 992 |
| 75986 | 05/24/10 | W0092 | WEST GROUP | 253.00 | 992 |
| 75987 | 05/24/10 | W0187 | WASTE MANAGEMENT OF NJ, INC | 8,249.60 | 992 |
| 75988 | 05/24/10 | W0279 | WHITE, KAREN | 995.00 | 992 |
| 75989 | 05/24/10 | Y0195 | YAN, HONGJUN | 365.00 | 992 |

| Checking Account Totals | Paid | Void | Amount Void | Amount Paid |
|-------------------------|-------|-------|-------------|--------------|
| | ---- | ---- | ----- | ----- |
| Checks: | 164 | 1 | 0.00 | 6,968,620.27 |
| | ===== | ===== | ===== | ===== |
| Total: | 164 | 1 | 0.00 | 6,968,620.27 |

| Report Totals | Paid | Void | Amount Void | Amount Paid |
|---------------|-------|-------|-------------|--------------|
| | ---- | ---- | ----- | ----- |
| Checks: | 164 | 1 | 0.00 | 6,968,620.27 |
| | ===== | ===== | ===== | ===== |
| Total: | 164 | 1 | 0.00 | 6,968,620.27 |

| | | | |
|---------------------|------|--------------|------|
| CURRENT FUND | 0-01 | 6,704,012.41 | 0.00 |
| DOG FUND | 0-12 | 389.40 | 0.00 |
| TRUST FUNDS | 0-13 | 156,342.17 | 0.00 |
| GOLF COURSE UTILITY | 0-26 | 29,206.69 | 0.00 |

Year Total: 6,889,950.67 0.00

| | | | |
|--------------|------|----------|------|
| CURRENT FUND | 9-01 | 1,581.04 | 0.00 |
|--------------|------|----------|------|

| | | | |
|---------------------|------|--------------|-------|
| CAPITAL FUND | C-04 | 64,837.72 | 0.00 |
| GRANT FUND | G-02 | 12,250.84 | 0.00 |
| | | ===== | ===== |
| Total Of All Funds: | | 6,968,620.27 | 0.00 |

Resolution #2010-0202 - Authorizing the Renewal of a Clothing Bin License to ART (American Recycling Technologies, Inc.)

WHEREAS, ART (American Recycling Technologies, Inc.), has applied for a renewal license to place twelve recycling clothing bins on township property at the following locations:

- 1) 445 S. Finley Avenue; township’s parking lot at Lyons Train Station; 6 bins
- 2) 31 Stonehouse Road; township’s parking lot at Community Service; 4 bins
- 3) Pill Hill Recycling Center; 2 bins

WHEREAS, pursuant to Resolution #090206 the Bernards Township Committee has authorized a five year contract with ART for the placement of these recycling clothing bins; and

WHEREAS, ART has submitted an application for licensing of these recycling clothing bins which is in compliance with Chapter 4, Section 13 of the Revised General Ordinances of the Township of Bernards; and

WHEREAS, the Municipal Clerk, Zoning Officer and Administrator have reviewed said application and recommend approval.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that a license be issued to ART for twelve recycling clothing bins at the locations described above for a license term to expire 01/31/2011.

Resolution #2010-0203 - Approval of Request Block Party, #26 to #34 Willow Street – 06/12/2010

WHEREAS, Christi McCarthy hereinafter “the applicant,” has requested permission to close Willow Street from #26 through #34 on June 12, 2010 (rain date N/A) from 3:00 to 11:00 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 #2010-0204 - Approval of Special Event Permit, Basking Ridge Fire Co. #1 – Firematics Competition – 06/12/2010

WHEREAS, Lindsay Kruger, representing Basking Ridge Fire Co. #1, POB 326, Basking Ridge, NJ, “the applicant,” has requested a special event permit for 06/12/2010, from 8 AM. to 2 PM for the purpose of holding a Firematics Competition at Oak Street School, including a temporary street closure for Henry Street (from Brownlee South to School Entrance) and Rankin Avenue (closed to Henry Street); 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.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the special event permit and temporary street closure be approved.

[Resolution #2010-0205](#) - *Authorizing Submission of a Grant Application to the Somerset County Board of Chosen Freeholders for a Grant Entitled 2011 Application for Funding Municipal Alliances. For the Purpose of Providing Funding for the Bernards Township Municipal Alliance Against Substance Abuse*

WHEREAS, the Municipal Alliance Coordinator is recommending the Township Committee approve a grant application to Bernards Township for a grant entitled “2011 Application for Funding Municipal Alliances,” which would provide \$20,628.00 for the purpose of funding the township program, project or facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

WHEREAS, the grant application requires a 75% match of \$15,471.00 in in-kind services and a 25% cash match of \$5,157.00 to be provided by Bernards Township with funds being available in Account: 2011 Budget Request – Outside CAP Township Grant Match as certified below by the treasurer; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that it does hereby authorize submission of a grant application to the Somerset County Board of Chosen Freeholds for a grant entitled 2011 Application for Funding Municipal Alliances for the purpose of funding the township program, project of facility known as the Bernards Township Municipal Alliance Against Substance Abuse; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that Danielle Cooper of the Bernards Township Health Department will serve as the project manager for this grant application.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards, that the Mayor, Project Manager, and Clerk are hereby authorized to sign the grant on behalf of the township.

TREASURER’S CERTIFICATION

I, Terri Johnson, Treasurer of the Township of Bernards, hereby certify that adequate funds will be made available for the above referenced grant match in the amount of \$5,157.00. Monies will be available in: 2011 Budget Request – Outside CAP Township Grant Match.

Date: 5/18/2010

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Treasurer

[Resolution #2010-0206](#) - Award of Bid for Harrison Brook Drive Stormwater Improvements Awarded to Kalogridis Contracting LLC, in the Amount of \$175,510.00

WHEREAS, the Township of Bernards received bids on Wednesday, May 5, 2010 for the Harrison Brook Drive Stormwater Improvements. The bid summary is as follows:

| BIDDER NAME | TOTAL BID |
|------------------------------|---------------------|
| KALOGRIDIS CONTRACTING LLC | \$175,510.00 |
| FREDCO LANDSCAPING | \$186,618.00 |
| MONTANA CONSTRUCTION | \$225,951.00 |
| UNDERGROUND UTILITIES | \$237,995.00 |
| NAVKA CONSTRUCTION | \$246,700.00 |
| LAKESIDE CONSTRUCTION | \$278,880.00 |
| JOHN GARCIA CONSTRUCTION CO. | \$296,280.00 |
| JOGI CONSTRUCTION | \$296,587.00 |
| TOP LINE CONSTRUCTION | \$297,138.15 |
| T. FIOTAKIS CONSTRUCTION | \$333,670.00 |

WHEREAS, it is the combined recommendation of the Township Engineer, Administrator and Purchasing Agent to award this contract to Kalogridis Contracting LLC., 1315 Jackson Drive, North Brunswick, NJ in the amount of \$175,510.00; and

WHEREAS, the Treasurer has certified that funds are available in the budget; the line item appropriations or Capital ordinances to be charged are: C-04-55-640-A06 (10,750), C-04-55-711-A05 (33,496.26), C-04-55-873-A03 (105,429.60), C-04-55-951-A04 (25,695.70), and C-04-55-010-A03 (138.44).

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Kalogridis Contracting LLC., 1315 Jackson Drive, North Brunswick, in the amount of \$175,510.00; and

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

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the Harrison Brook Drive Stormwater Improvements Project.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.

6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed as follows: Milestone #1 as defined in the bid documents between June 30, 2010 and August 31, 2010 and live stake plantings between October 15, 2010 and November 15, 2010 for a total contract time of 60 calendar days.
9. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

I agree to the terms as stated in this Resolution and by signing this document, as President of Kalogridis Contracting LLC, I am committed to follow all terms of this award.

John Kalogridis, President

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 \$175,510.00. Monies are available in the following Capital Accounts: C-04-55-640-A06 (10,750), C-04-55-711-A05 (33,496.26), C-04-55-873-A03 (105,429.60), C-04-55-951-A04 (25,695.70), and C-04-55-010-A03 (138.44)

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 5/18/2010

Terri Johnson, Treasurer

[Resolution #2010-0207](#) - Award of Bid for 2010 Road Improvements Awarded to Owl Contracting in the Amount of \$509,510.00

WHEREAS, the Township of Bernards received bids on Wednesday, May 5, 2010 for the 2010 Road Improvements. The bid summary is as follows:

| BIDDER NAME | TOTAL BID |
|-----------------------|---------------------|
| OWL CONTRACTING | \$509,510.00 |
| TOP LINE CONSTRUCTION | \$527,165.83 |
| TILCON NY, INC. | \$564,961.11 |

| | |
|---------------------------------|---------------------|
| ENGLISH PAVING | \$567,407.35 |
| INTERCOUNTY PAVING | \$574,920.00 |
| RENDA ROADS | \$575,855.73 |
| Z BROTHERS CONCRETE CONTRACTORS | \$579,975.31 |
| SCHIFANO CONSTRUCTION | \$595,434.04 |
| S. BROTHERS GENERAL CONTRACTING | \$612,293.10 |
| MARK PAVING | \$693,089.38 |

And;

WHEREAS, it is the combined recommendation of the Township Engineer, Administrator and Purchasing Agent to award this contract to Owl Contracting, 36 Berkshire Valley Road, Kenil, NJ 07847 in the amount of \$509,510.00; and

WHEREAS, the Treasurer has certified that funds are available in the budget; the line item appropriations or ordinances to be charged are: C-04-55-786-A01 (2,178.29); C-04-55-010-A02 (129,885.84); C-04-55-062-A01 (85,265.51); C-04-55-102-A01 (292,180.36).

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Owl Contracting, 36 Berkshire Valley Road, Kenil, NJ 07847 in the amount of \$509,510.00; and

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

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the 2010 Road Improvements Project.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon 10 days written notice via certified mail.
8. The work contemplated under the Contract shall be completed between July 1 and July 30, 2010.
9. The Contractor shall commence the work not later than 10 calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary

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

11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of \$500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contract the amount of the liquidated damages
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within 10 days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

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

Doug Kelly, President

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 \$509,510.00. Monies are available in the following Capital Accounts: C-04-55-786-A01 (2,178.29); C-04-55-010-A02 (129,885.84); C-04-55-062-A01 (85,265.51); C-04-55-102-A01 (292,180.36).

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, CMFO, Treasurer

Date: 5/10/2010

Resolution #2010-0208 - Authorizing Execution of an Affordable Housing Trust Fund Agreement and Deed Restriction for an Affordable Housing Project with the Somerset Hills YMCA

WHEREAS, the Somerset Hills Y.M.C.A. ("YMCA") owns and operates the property identified as Lot 56 in Block 2101 (*previously identified as Lots 53, 54 & 55 in Block 94*) on the official tax map of the Township of Bernards, consisting of approximately 5.121± acres, located at 130 Mount Airy Road (the "Property"); and

WHEREAS, YMCA, a not-for-profit 501(c)(3) charitable organization, is to construct and develop a new handicap accessible residence on the Property to be operated as a group home for individuals with developmental disabilities, consisting of six (6) bedroom units, to be known as the Melissa Riggio Residence (the "Group Home") and upon completion, the YMCA shall lease the residence to, and enter into Agreement for Services with, a licensed provider of developmental disabilities services (the "Service Provider"); and

WHEREAS, the Group Home shall be an approximate three thousand six hundred (3,600 sq.ft.) square foot ranch-style residence, consisting of, but not limited to, six (6) bedrooms, three and one-half (3½) bathrooms (which may be increased), kitchen, kitchenette, living room, family room, dining room, deck and basement, with staff offices (the "Project"), and which may be further modified, as required, to fully meet all Division of Developmental Disabilities of the Department of Human Services of the State of New Jersey facility requirements; and

WHEREAS, the Group Home, by and through the Service Provider, shall provide residential, vocational, educational, recreational and support services to low income adults with developmental disabilities, which shall be licensed by the Division of Developmental Disabilities of the Department of Human Services of the State of New Jersey (“DDD”); and

WHEREAS, the six (6) units are affirmatively marketed based upon the DDD waiting list, which requires the residents to meet the qualifications to be Medicaid eligible, however, no affordability control deed restrictions are in place for the Property; and

WHEREAS, YMCA has requested a contribution from the Township in the amount of Five Hundred Thousand and 00/100 (\$500,000.00) Dollars from the Township’s Affordable Housing Trust Fund for the development and construction of the Group Home; and

WHEREAS, in exchange for said contribution by the Township, YMCA agrees to the placement of affordable housing deed restrictions on the Property, pursuant to the terms of the Council on Affordable Housing (“COAH”) regulations, N.J.A.C. 5:97, and the Uniform Housing Affordability Controls (“UHAC”) regulations, N.J.A.C. 5:80-26.1, *et seq.*; and

WHEREAS, the YMCA has reviewed and voluntarily executed and entered the Deed Restriction placing affordability controls on the COAH units, which is attached hereto and made a part hereof; and

WHEREAS, the YMCA further agrees to comply with all of the terms and requirements of COAH and UHAC regulations in order to qualify all six (6) units as COAH rental units for supportive and special needs housing under N.J.A.C. 5:97-6.10, thereby permitting the Township to receive COAH credit for said units; and

WHEREAS, the YMCA and the Township negotiated and agreed to an Affordable Housing Trust Fund Agreement, setting forth the YMCA’s agreement to comply with all of the terms and requirements of COAH and UHAC regulations in order to qualify all six (6) units as COAH rental units for supportive and special needs housing under N.J.A.C. 5:97-6.10, thereby permitting the Township to receive COAH credit for said units in exchange for the Township’s contribution in the not-to-exceed amount of \$500,000.00 from the Affordable Housing Trust Fund for improvements to the Group Home, which Agreement has been reviewed and voluntarily executed and entered by the YMCA, and is attached hereto and made a part hereof; and

WHEREAS, the Township will benefit from the Group Home as it will assist in fulfilling the Township’s affordable housing fair share obligations, as the Township will be able to include the Group Home in its proposed Spending Plan for expenditure of funds from the Affordable Housing Trust Fund to be submitted to COAH, and the Township will receive credit from COAH for six (6) affordable housing units towards the Township’s fair share obligations; and

WHEREAS, the Township Committee of the Township of Bernards finds that the proposed contribution towards improvements to the Group Home is in the best interests of the Township and its citizenry, as it will provide additional affordable housing opportunities within the

Township and help address fair share housing obligations imposed on the Township by COAH; and

WHEREAS, the Township Committee of the Township of Bernards has determined that it is in the best interests of the Township and the public for the Township of Bernards to enter into the attached Affordable Housing Trust Fund Agreement, and accordingly, accepting the Deed Restrictions being granted to the Township in connection thereof.

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

1. The Mayor and Township Clerk are hereby authorized to execute the attached Affordable Housing Trust Fund Agreement with the YMCA.
2. The Mayor and Township Clerk are hereby authorized to execute the attached Deed Restriction for the Property, being granted to the Township from the YMCA.
3. Subject to the terms and conditions of the Affordable Housing Trust Fund Agreement, and expressly conditioned upon the YMCA's agreement to utilize the funds and credits from the Township's COAH Trust Account for specified improvements to the Group Home, and further expressly conditioned upon the YMCA's agreement to place a thirty (30) year COAH deed restriction on the affordable housing rental units within the Group Home, as set forth in the Deed Restriction, the following payments and credits in the total not-to-exceed amount of \$500,000.00 shall be made by the Township, only in the manner and in accordance with the terms and conditions outlined in the Affordable Housing Trust Fund Agreement.
4. The Township's contributions toward the Group Home, including the making of payments from the Housing Trust Fund is expressly contingent upon the items indicated in Section 3.2 "Conditions to Disbursements" of the Affordable Housing Trust Fund Agreement.
5. Township officials, professionals and staff are authorized and directed to take any and all actions necessary to implement and effectuate the terms of the Affordable Housing Trust Fund Agreement.

[Resolution #2010-0209](#) - *Approval of Special Event Permit for Bernards Township Memorial Day Parade – 05/31/2010*

WHEREAS, Jim DeCoste and Mike Barth of the Liberty Corner Fire Company, acting in the capacity of the Bernards Township Memorial Day Parade Coordinators have submitted a special event application for the Memorial Day Parade to be held on May 31, 2010 from 9:30 AM to 11 AM on Finley Avenue from Collyer Lane to the Township Green; and

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

WHEREAS, Somerset County has authorized the temporary closure of Finley Avenue for this event.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the special event permit be issued including a temporarily street closure on Church Street to accommodate the parade.

[Resolution #2010-0210](#) - Approval of Request Block Party, 30 – 37 St. Nicholas Way, 06/12/2010

WHEREAS, Ani Kruger hereinafter “the applicant,” has requested permission to close 30 – 37 Birch Drive on June 12, 2010 from 4:00 PM to 9:00 PM 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.

End Consent Agenda

CONTINUATION OF EARLIER EXECUTIVE SESSION (IF REQUIRED)

Not required.

ADJOURNMENT

By unanimous consent, the meeting adjourned at 9:08 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Scott Spitzer
Mayor