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

## EXECUTIVE SESSION – [Resolution #2010-0211](#)

Motion by Pavlini, second by Gaziano, that Resolution #2010-0211 be adopted and the meeting temporarily adjourned to executive session at 7:31 PM.

### Roll Call

Aye: Gaziano, Malay, 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 pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer.

*Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.*

**Litigation: NJDivision of Pensions/Mott Matter.**

- 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.

**Various Board Appointments, Assistant Historian, Labor Counsel**

The meeting resumed in open session at 8:00 PM.

### **PRESENTATION OF GIFT CARDS TO VA NJ HEALTH CARE SYSTEM LYONS FOR OPERATION ENDURING FREEDOM/OPERATION IRAQI FREEDOM CARE MANAGEMENT PROGRAM**

Pavlini commented that Bernards Township is proud of the men and women who serve our country, and have a special place in our hearts for those who pass through the VA New Jersey Health Care System, Lyons Campus. As a symbol of deep appreciation to them, as well as a token of appreciation to the Navy Band Northeast for their performance in Bernards Township of 5/24/10 in honor of the township's 250th Anniversary, gift cards were collected at the door of the concert.

Pavlini presented those gift cards in the amount of \$2823 to Michelle Stefanelli, Operation Enduring Freedom/Operation Iraqi Freedom (OEF/OIF) Program Manager at the Lyons VA.

### **AGENDA PORTION OF MEETING**

#### [Request from Ridge Oak to Vacate Paper Street Great Swamp Road](#)

Ridge Oak has purchased 95 Manchester Drive (Block 1611/Lot 40) and now the only property separating this parcel from their senior housing facility is the paper street known as Great Swamp Road. They there are requesting the township vacate the paper street.

Messina also requested that a "nuisance lot" belonging to the township on E. Oak Street also be vacated.

There was no objection to the vacation of Great Swamp Road, but the committee wanted input from BRFC on the East Oak Street vacation.

Belardo indicated there are some title and legal issues which need to be investigated.

The committee will revisit the matter when these issues are resolved.

#### [Proposed Resolution #2010-0067 - Beautification Task Force](#)

The committee discussed the resolution and agreed to add it to the agenda for adoption later in the meeting.

Motion by Pavlini, second by Gaziano, to place Resolution #2010-0067 as New Business, Item G.

Roll Call

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

## **CORRESPONDENCE**

None.

## **REPORTS**

None.

## **PUBLIC COMMENT**

None.

## **TOWNSHIP COMMITTEE/STAFF COMMENTS**

Committee and staff members reported on their recent activities.

## **FIRE & RESCUE APPOINTMENTS**

[Resolution #2010-0223](#) - *Appointment to Membership in Township of Bernards Volunteer Liberty Corner Fire Company, Robert M. Scanniello*

Motion by Malay, second by Pavlini, that Resolution #2010-0223 be approved.

Roll Call

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

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

**WHEREAS**, the **Liberty Corner Fire Company** is recommending Robert M. Scanniello, 17 Newell Drive, Basking Ridge, NJ, for appointment as a Full member;

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

[Resolution #2010-0228](#) - *Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc., Matt McMaster*

Motion by Malay, second by Pavlini, that Resolution #2010-0228 be approved.

Roll Call

Aye: Gaziano, Malay, 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, The First Aid Squad of the Basking Ridge Fire Company No. 1 and the Liberty Corner First Aid Squad, Inc.,

**WHEREAS**, Matt McMaster, 34 Jeffrey Court, Basking Ridge, NJ. has been recommended by the Liberty Corner First Aid Squad, Inc.

**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**

[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 – Discussion and Possible Introduction*

Motion by Pavlini, second by Gaziano, to table to 6/29/10, Gaziano

Roll Call

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

[Ordinance #2106](#) - *An Ordinance Authorizing the Township of Bernards to Enter Into the Amendment to Lease Agreement with The Friends of The Kennedy-Martin-Stelle Farmstead, Inc., to Extend the Term of the Lease – Public Hearing*

Malay recused himself and left the dais.

The clerk read the ordinance by title and the mayor opened the public hearing.

John Campbell, 20 Wedgewood Drive, spoke in support of the ordinance.

Motion by Gaziano, second by Pavlini, that Ordinance #2106 be adopted and advertised as required by law.

Roll Call

Aye: Gaziano, Pavlini, Spitzer  
Nay:

Abstain:  
Motion carried.

[Ordinance #2110](#) - *Accepting a Wetlands Conservation Easement on Block 9501, Lot 52 (formerly Block 174, Lot 11), from Carol Vorderer Falcone 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 Gaziano, that Ordinance #2110 be adopted and advertised as required by law.

Roll Call

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

Malay was out of the room at the time of the vote

[Ordinance #2111](#) - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 3, "Police Regulations," by enacting new Section 3-18, "Vehicle Towing Regulations" – 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 Gaziano, that Ordinance #2111 be adopted and advertised as required by law.

Roll Call

Aye: Gaziano, Malay, 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 Malay, that the Consent Agenda be approved.

Roll Call

Aye: Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

**\*\*Begin Consent Agenda\*\***

**Approval of Minutes:**

**05/24/2010 – Open Session**

Minutes were approved for content and release.

**05/24/2010 – Executive Session**

Minutes were approved for content only.

**Resolution #2010-0212 - Approval of the Bill List Dated 06/15/2010**

**BE IT RESOLVED**, that the bill list dated 06/15/2010 be audited, and if found correct, be paid.

06/15/10  
11:02:25

TOWNSHIP OF BERNARDS  
Check Register By Check Date

-----  
Range of Checking Accts: CASH - CHECKING to CASH - CHECKING      Range of Check Dates: 06/15/10 to 06/15/10  
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 |            |   |              |                 |            |
| 75990                               | 06/15/10   | 90128    SZABO, DENISE                  | 67.58        |                 | 993        |
| 75991                               | 06/15/10   | 90142    SUDANO, MARCIA                 | 62.50        |                 | 993        |
| 75992                               | 06/15/10   | 90227    SHIMSKY, MICHAEL               | 270.19       |                 | 993        |
| 75993                               | 06/15/10   | 90279    NEIL, DAWN                     | 20.00        |                 | 993        |
| 75994                               | 06/15/10   | 90286    BURGER, JON                    | 1,436.50     |                 | 993        |
| 75995                               | 06/15/10   | 90333    KING, TIMOTHY D                | 293.60       |                 | 993        |
| 75996                               | 06/15/10   | 90363    FEINBERG, NATE                 | 42.00        |                 | 993        |
| 75997                               | 06/15/10   | 90366    OLIVARI, KAREN                 | 41.60        |                 | 993        |
| 75998                               | 06/15/10   | 90383    LEO, KAREN                     | 185.00       |                 | 993        |
| 75999                               | 06/15/10   | 90527    KELLY, KATHY                   | 19.70        |                 | 993        |
| 76000                               | 06/15/10   | 90534    KOMLINE, CHERYL                | 45.49        |                 | 993        |
| 76001                               | 06/15/10   | A0044    APPROVED FIRE PROTECTION SYS   | 1,080.00     |                 | 993        |
| 76002                               | 06/15/10   | A0168    ALLIED OIL COMPANY, LLC        | 24,960.40    |                 | 993        |
| 76003                               | 06/15/10   | A0171    AUTOMATED WASTE EQUIPMENT CO.  | 25.79        |                 | 993        |
| 76004                               | 06/15/10   | A0193    AMERICAN MARKETING CO, INC     | 415.88       |                 | 993        |
| 76005                               | 06/15/10   | A0250    AMBASSADOR MEDICAL SERVICES    | 392.00       |                 | 993        |
| 76006                               | 06/15/10   | A0279    ATLANTIC EMS TRAINING          | 720.00       |                 | 993        |
| 76007                               | 06/15/10   | A0295    AUDIO EDITIONS                 | 30.76        |                 | 993        |
| 76008                               | 06/15/10   | A0327    ACCURINT                       | 61.95        |                 | 993        |
| 76009                               | 06/15/10   | A0413    AMERICAN MUSEUM OF NAT HISTORY | 195.00       |                 | 993        |
| 76010                               | 06/15/10   | A0425    ATLANTIC TACTICAL              | 507.85       |                 | 993        |
| 76011                               | 06/15/10   | A0438    AQUARIUS IRRIGATION SUPPLY INC | 11.65        |                 | 993        |
| 76012                               | 06/15/10   | A0440    AMANJ EDUCATION FUND           | 525.00       |                 | 993        |
| 76013                               | 06/15/10   | A0486    AIRGAS SAFETY INC              | 90.00        |                 | 993        |
| 76014                               | 06/15/10   | A0487    ABLE MECHANICAL, INC.          | 3,208.72     |                 | 993        |
| 76015                               | 06/15/10   | A0501    ALLEN, CYNTHIA                 | 290.00       |                 | 993        |
| 76016                               | 06/15/10   | A0503    AMERICAN FOLK ART MUSEUM       | 90.00        |                 | 993        |
| 76017                               | 06/15/10   | B0001    BAKER & TAYLOR, INC.           | 4,680.60     |                 | 993        |
| 76018                               | 06/15/10   | B0003    BAKERS AUTO PARTS, INC.        | 35.66        |                 | 993        |
| 76019                               | 06/15/10   | B0004    BARKER BUS COMPANY, INC.       | 1,160.00     |                 | 993        |
| 76020                               | 06/15/10   | B0014    BREWER ASSOCIATES              | 42.10        |                 | 993        |
| 76021                               | 06/15/10   | B0015    BRODART COMPANY                | 80.19        |                 | 993        |
| 76022                               | 06/15/10   | B0020    BASKING RIDGE ELECTRIC CO.,INC | 2,120.00     |                 | 993        |
| 76023                               | 06/15/10   | B0026    BERNARDS TOWNSHIP CURRENT      | 0.00         | 06/15/10 VOID   | 0          |
| 76024                               | 06/15/10   | B0026    BERNARDS TOWNSHIP CURRENT      | 0.00         | 06/15/10 VOID   | 0          |
| 76025                               | 06/15/10   | B0026    BERNARDS TOWNSHIP CURRENT      | 0.00         | 06/15/10 VOID   | 0          |
| 76026                               | 06/15/10   | B0026    BERNARDS TOWNSHIP CURRENT      | 24,473.92    |                 | 993        |
| 76027                               | 06/15/10   | B0031    BERNARDSVILLE PRINT CENTER     | 166.75       |                 | 993        |
| 76028                               | 06/15/10   | B0034    BERNARDS TOWNSHIP PAYROLL ACCT | 1,131,437.83 |                 | 993        |
| 76029                               | 06/15/10   | B0040    H. K. BUZBY & SONS             | 1,536.24     |                 | 993        |
| 76030                               | 06/15/10   | B0044    BASKING RIDGE ANIMAL HOSPITAL  | 337.00       |                 | 993        |
| 76031                               | 06/15/10   | B0126    BOYCE ASSOCIATES               | 3,431.32     |                 | 993        |

|       |          |       |                                |           |               |     |
|-------|----------|-------|--------------------------------|-----------|---------------|-----|
| 76032 | 06/15/10 | B0203 | DIFRANCESCO, BATEMAN, COLEY,   | 214.50    |               | 993 |
| 76033 | 06/15/10 | B0241 | BANISCH ASSOCIATES, INC.       | 34,815.40 |               | 993 |
| 76034 | 06/15/10 | B0296 | BATTERY ZONE                   | 90.24     |               | 993 |
| 76035 | 06/15/10 | B0386 | BOOK WHOLESALEERS INC (BWI)    | 35.68     |               | 993 |
| 76036 | 06/15/10 | B0527 | B&H                            | 2,162.89  |               | 993 |
| 76037 | 06/15/10 | B0566 | BINSKY & SNYDER SERVICE LLC    | 641.54    |               | 993 |
| 76038 | 06/15/10 | B0576 | BROTHERS MANAGMENT ASSOCIATES  | 1,500.00  |               | 993 |
| 76039 | 06/15/10 | B0581 | BUY WISE AUTO PARTS            | 1,101.01  |               | 993 |
| 76040 | 06/15/10 | B0582 | BRIAN'S HARLEY DAVIDSON        | 88.00     |               | 993 |
| 76041 | 06/15/10 | B0583 | BLACK RIVER VETERINARY HOSP    | 185.00    |               | 993 |
| 76042 | 06/15/10 | C0024 | COURIER NEWS                   | 1,054.84  |               | 993 |
| 76043 | 06/15/10 | C0035 | CERTIFIED SPEEDOMETER SERVICE  | 391.00    |               | 993 |
| 76044 | 06/15/10 | C0037 | CLERK'S PETTY CASH             | 15.00     |               | 993 |
| 76045 | 06/15/10 | C0083 | CDW GOVERNMENT, INC.           | 40.30     |               | 993 |
| 76046 | 06/15/10 | C0131 | CREATIVE ENTERTAINMENT ASSOC.  | 550.00    |               | 993 |
| 76047 | 06/15/10 | C0178 | CMF BUSINESS SUPPLIES, INC.    | 594.80    |               | 993 |
| 76048 | 06/15/10 | C0228 | CHERRY VALLEY TRACTOR SALES    | 3,857.55  |               | 993 |
| 76049 | 06/15/10 | C0241 | COOPER ELECTRIC SUPPLY         | 3,606.87  |               | 993 |
| 76050 | 06/15/10 | C0287 | COMPUSCORE COMPUTER SVCS       | 800.00    |               | 993 |
| 76051 | 06/15/10 | C0325 | CONRAD PRODUCTIONS             | 485.00    |               | 993 |
| 76052 | 06/15/10 | C0346 | CROWN TROPHY OF GREEN BROOK    | 391.84    |               | 993 |
| 76053 | 06/15/10 | C0353 | CUSTOM BANDAG, INC.            | 1,817.38  |               | 993 |
| 76054 | 06/15/10 | C0408 | CHAMPION UNIFORM SUPPLY        | 1,170.50  |               | 993 |
| 76055 | 06/15/10 | C0443 | 57 WEST DEER PROCESSING        | 2,450.00  |               | 993 |
| 76056 | 06/15/10 | C0454 | COMMUNICATIONS ADVANTAGE       | 703.50    |               | 993 |
| 76057 | 06/15/10 | C0492 | CALEA                          | 200.00    |               | 993 |
| 76058 | 06/15/10 | C0530 | CIT FINANCIAL SERVICES         | 479.60    |               | 993 |
| 76059 | 06/15/10 | C0613 | CIGNA GROUP INSURANCE          | 2,112.21  |               | 993 |
| 76060 | 06/15/10 | C0618 | CERAMIC SUPPLY INC.            | 195.30    |               | 993 |
| 76061 | 06/15/10 | C0619 | CAO, QIN                       | 365.00    |               | 993 |
| 76062 | 06/15/10 | C0621 | COOPERMAN, AMY                 | 365.00    |               | 993 |
| 76063 | 06/15/10 | C0622 | CRAFTSMAN FARMS FOUNDATION     | 50.00     |               | 993 |
| 76064 | 06/15/10 | C0623 | CHILDREN'S MUSEUM OF MANHATTAN | 250.00    |               | 993 |
| 76065 | 06/15/10 | C0625 | CAMPIONE, CAROLYN              | 680.00    |               | 993 |
| 76066 | 06/15/10 | C0626 | CALHMAN, MARCELO               | 365.00    |               | 993 |
| 76067 | 06/15/10 | D0020 | DELTA DENTAL OF NJ             | 14,335.84 |               | 993 |
| 76068 | 06/15/10 | D0063 | DELUXE INTERNATIONAL TRUCKS    | 300.79    |               | 993 |
| 76069 | 06/15/10 | D0083 | DAILY RECORD                   | 49.56     |               | 993 |
| 76070 | 06/15/10 | D0150 | DEEP RUN AQUATIC SERVICES, INC | 2,665.00  |               | 993 |
| 76071 | 06/15/10 | D0215 | D LOVENBERG'S PORTABLE TOILETS | 720.00    |               | 993 |
| 76072 | 06/15/10 | D0322 | DELL MARKETING, L.P.           | 3,283.28  |               | 993 |
| 76073 | 06/15/10 | D0348 | DENSON, TONI                   | 300.00    |               | 993 |
| 76074 | 06/15/10 | D0365 | DOWNES FORD, INC.              | 668.68    |               | 993 |
| 76075 | 06/15/10 | D0380 | DRIVERS TIRE & SERVICE CENTER  | 1,107.95  |               | 993 |
| 76076 | 06/15/10 | D0608 | DICESARE, ELIZABETH            | 365.00    |               | 993 |
| 76077 | 06/15/10 | D0609 | DOMENICK, NADIA                | 25.00     |               | 993 |
| 76078 | 06/15/10 | E0185 | EDWARDS TIRE COMPANY           | 970.00    |               | 993 |
| 76079 | 06/15/10 | E0211 | EAGER, MATT & JANEL            | 365.00    |               | 993 |
| 76080 | 06/15/10 | E0224 | EXCELLENT BUILDING SERVICES    | 1,205.00  |               | 993 |
| 76081 | 06/15/10 | E0231 | EKA ASSOCIATES, P.A.           | 1,162.50  |               | 993 |
| 76082 | 06/15/10 | E0238 | ELECTRIC CITY PRINTING COMPANY | 171.00    |               | 993 |
| 76083 | 06/15/10 | F0024 | FISCHER, JOSEPH                | 1,140.00  |               | 993 |
| 76084 | 06/15/10 | F0047 | FULLERTON FORD                 | 2,380.91  |               | 993 |
| 76085 | 06/15/10 | F0098 | FERTL-SOIL TURF SUPPLY, INC    | 756.57    |               | 993 |
| 76086 | 06/15/10 | F0150 | FRIENDS OF SOMERSET CTY YOUTH  | 15.00     |               | 993 |
| 76087 | 06/15/10 | F0158 | FLEMINGTON DEPARTMENT STORE    | 1,106.52  |               | 993 |
| 76088 | 06/15/10 | F0241 | FARRAR, PHYLLIS                | 50.00     |               | 993 |
| 76089 | 06/15/10 | F0271 | FOXHOLE CAFE                   | 540.00    |               | 993 |
| 76090 | 06/15/10 | F0273 | FLOWERS ON THE RIDGE           | 260.00    |               | 993 |
| 76091 | 06/15/10 | F0287 | FRICK COLLECTION               | 90.00     |               | 993 |
| 76092 | 06/15/10 | G0004 | GALLS, INC.                    | 26.00     |               | 993 |
| 76093 | 06/15/10 | G0098 | JCP&L                          | 0.00      | 06/15/10 VOID | 0   |
| 76094 | 06/15/10 | G0098 | JCP&L                          | 25,761.81 |               | 993 |
| 76095 | 06/15/10 | G0133 | GARDEN STATE LABORATORIES, INC | 135.00    |               | 993 |
| 76096 | 06/15/10 | G0138 | GENERAL PLUMBING SUPPLY        | 126.03    |               | 993 |
| 76097 | 06/15/10 | G0326 | GARDEN STATE MESSENGER INC.    | 620.00    |               | 993 |
| 76098 | 06/15/10 | G0462 | GARDEN STATE DISCOVERY MUSEUM  | 200.00    |               | 993 |
| 76099 | 06/15/10 | H0008 | HEWLETT-PACKARD                | 1,331.00  |               | 993 |
| 76100 | 06/15/10 | H0029 | HUMPHREYS PEST CONTROL, INC.   | 1,180.00  |               | 993 |
| 76101 | 06/15/10 | H0181 | HOUSER WELDING SUPPLY          | 257.15    |               | 993 |
| 76102 | 06/15/10 | H0241 | HASTY AWARDS INC.              | 238.82    |               | 993 |
| 76103 | 06/15/10 | H0246 | HOME DEPOT CREDIT SERVICES     | 57.26     |               | 993 |
| 76104 | 06/15/10 | H0283 | HANNA'S MECHANICAL CONTRACTORS | 6,571.00  |               | 993 |
| 76105 | 06/15/10 | H0284 | HARDY, ED & SUZANNE            | 365.00    |               | 993 |
| 76106 | 06/15/10 | H0295 | HILLS HIGHLAND MASTER ASSOC.   | 385.00    |               | 993 |
| 76107 | 06/15/10 | H0296 | HUANG, JING                    | 680.00    |               | 993 |
| 76108 | 06/15/10 | I0067 | INDUSTRIAL RUBBER COMPANY      | 106.83    |               | 993 |
| 76109 | 06/15/10 | I0111 | INTEGRITY PROTECTION SERVICE   | 1,513.32  |               | 993 |
| 76110 | 06/15/10 | I0113 | ICON ENGINEERING               | 2,387.00  |               | 993 |
| 76111 | 06/15/10 | J0001 | JK OFFICE MACHINES, INC.       | 396.00    |               | 993 |
| 76112 | 06/15/10 | J0002 | JAEGER LUMBER                  | 273.02    |               | 993 |
| 76113 | 06/15/10 | J0052 | J.H. REID ON-SITE RECYCLING    | 300.00    |               | 993 |

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| 76114 | 06/15/10 | J0080 | JANSEN, BUCCO, DEBONA & SEMRAU  | 362.65    | 993 |
| 76115 | 06/15/10 | J0122 | JAFFA, LLC                      | 743.00    | 993 |
| 76116 | 06/15/10 | J0123 | JERSEY PAPER PLUS (JCP PAPER)   | 534.60    | 993 |
| 76117 | 06/15/10 | K0026 | KEN RENT                        | 112.50    | 993 |
| 76118 | 06/15/10 | K0069 | KEENAN, LISA                    | 1,000.00  | 993 |
| 76119 | 06/15/10 | K0200 | KRAMER, TARA                    | 675.00    | 993 |
| 76120 | 06/15/10 | L0067 | LIBERTY SCIENCE CENTER          | 767.62    | 993 |
| 76121 | 06/15/10 | L0181 | LAND'S END, INC.                | 572.00    | 993 |
| 76122 | 06/15/10 | L0197 | L.P. STATILE, INC.              | 955.00    | 993 |
| 76123 | 06/15/10 | M0001 | MARTINSVILLE AUTO PARTS         | 179.73    | 993 |
| 76124 | 06/15/10 | M0006 | MGL PRINTING SOLUTIONS          | 3,383.00  | 993 |
| 76125 | 06/15/10 | M0010 | MOBILE LAWNMOWER SERVICE, INC.  | 830.54    | 993 |
| 76126 | 06/15/10 | M0015 | MOORE MEDICAL, LLC              | 104.43    | 993 |
| 76127 | 06/15/10 | M0036 | MORNINGSTAR                     | 900.00    | 993 |
| 76128 | 06/15/10 | M0062 | MARSHALL CAVENDISH CORPORATION  | 176.29    | 993 |
| 76129 | 06/15/10 | M0294 | MONTCLAIR ART MUSEUM            | 165.00    | 993 |
| 76130 | 06/15/10 | M0409 | MAD SCIENCE OF WEST NEW JERSEY  | 570.00    | 993 |
| 76131 | 06/15/10 | M0441 | MAIN LINE COMMERCIAL POOLS, INC | 4,376.01  | 993 |
| 76132 | 06/15/10 | M0452 | MORRIS REGIONAL PUBLIC HEALTH   | 3,000.00  | 993 |
| 76133 | 06/15/10 | M0460 | MAVERIC GREENHOUSE              | 265.00    | 993 |
| 76134 | 06/15/10 | M0497 | MORRIS MUSEUM                   | 100.00    | 993 |
| 76135 | 06/15/10 | M0518 | KONICA MINOLTA BUSINESS SOL.    | 379.74    | 993 |
| 76136 | 06/15/10 | M0537 | MAPLEWOOD AWNING & SHADE CO.    | 440.00    | 993 |
| 76137 | 06/15/10 | M0662 | MERRI-MAKERS CATERERS           | 267.50    | 993 |
| 76138 | 06/15/10 | M0669 | MUSEUM OF EARLY TRADES&CRAFTS   | 50.00     | 993 |
| 76139 | 06/15/10 | M0677 | MITCHELL LANE PUBLISHERS, INC   | 322.50    | 993 |
| 76140 | 06/15/10 | M0678 | MC CAULEY, ALYSON               | 315.00    | 993 |
| 76141 | 06/15/10 | M0679 | MUSEUM OF CITY OF NEW YORK      | 75.00     | 993 |
| 76142 | 06/15/10 | M0681 | MACCULLOCH HALL HISTORICAL      | 100.00    | 993 |
| 76143 | 06/15/10 | N0006 | NEW JERSEY AMERICAN WATER CO.   | 403.86    | 993 |
| 76144 | 06/15/10 | N0032 | NJ STATE DEPT HEALTH/SR SVCS    | 256.80    | 993 |
| 76145 | 06/15/10 | N0035 | NEW JERSEY PLANNING OFFICIALS   | 548.00    | 993 |
| 76146 | 06/15/10 | N0065 | NATIONAL ASSOCIATION OF REAL    | 295.00    | 993 |
| 76147 | 06/15/10 | N0124 | NJ HEALTH OFFICERS ASSOCIATION  | 75.00     | 993 |
| 76148 | 06/15/10 | N0339 | NJWLE                           | 330.00    | 993 |
| 76149 | 06/15/10 | N0391 | NESTLE WATERS                   | 275.31    | 993 |
| 76150 | 06/15/10 | N0399 | NIZOLEK, WILLIAM J.             | 500.00    | 993 |
| 76151 | 06/15/10 | N0400 | NWOKONKO, HENRY                 | 115.00    | 993 |
| 76152 | 06/15/10 | O0021 | OFFICE DEPOT                    | 2,539.40  | 993 |
| 76153 | 06/15/10 | O0046 | OCS PRINTING                    | 247.00    | 993 |
| 76154 | 06/15/10 | O0061 | O2 SPORTS                       | 1,114.06  | 993 |
| 76155 | 06/15/10 | O0081 | OAKLEY GOVT SALES               | 199.81    | 993 |
| 76156 | 06/15/10 | O0091 | ORGANIC APPROACH, LLC           | 8,744.00  | 993 |
| 76157 | 06/15/10 | P0009 | POSTMASTER - BASKING RIDGE      | 3,620.02  | 993 |
| 76158 | 06/15/10 | P0014 | PUBLIC SERVICE ELEC. & GAS CO   | 842.09    | 993 |
| 76159 | 06/15/10 | P0035 | PIZZA MILL, THE                 | 96.00     | 993 |
| 76160 | 06/15/10 | P0046 | RESERVE ACCOUNT                 | 2,056.85  | 993 |
| 76161 | 06/15/10 | P0241 | PROQUEST CSA                    | 659.00    | 993 |
| 76162 | 06/15/10 | P0380 | POWERCO, INC.                   | 228.12    | 993 |
| 76163 | 06/15/10 | P0425 | PARK FINANCE LLC                | 153.54    | 993 |
| 76164 | 06/15/10 | P0499 | PARISEK, ROBERT & JEANNE        | 850.00    | 993 |
| 76165 | 06/15/10 | Q0001 | QUALITY BOOKS INC.              | 60.69     | 993 |
| 76166 | 06/15/10 | Q0002 | CINTAS CORP. - #062             | 177.00    | 993 |
| 76167 | 06/15/10 | R0004 | RECORDED BOOKS INC.             | 1,479.55  | 993 |
| 76168 | 06/15/10 | R0005 | RECORDER PUBLISHING COMPANY     | 1,254.97  | 993 |
| 76169 | 06/15/10 | R0006 | RECREATION PETTY CASH           | 36.66     | 993 |
| 76170 | 06/15/10 | R0019 | RECREONICS, INC.                | 157.71    | 993 |
| 76171 | 06/15/10 | R0050 | ROTO-ROOTER                     | 170.00    | 993 |
| 76172 | 06/15/10 | R0058 | R & R IRRIGATION CO., INC.      | 990.00    | 993 |
| 76173 | 06/15/10 | R0271 | RESETAR, MICHAEL                | 200.00    | 993 |
| 76174 | 06/15/10 | R0281 | RECREATION PETTY CASH CHECKING  | 210.00    | 993 |
| 76175 | 06/15/10 | R0299 | RAY PALMER ASSOCIATES, INC.     | 6,205.00  | 993 |
| 76176 | 06/15/10 | R0304 | RANDOM HOUSE, INC.              | 327.76    | 993 |
| 76177 | 06/15/10 | R0357 | ROYAL CHEVROLET                 | 138.46    | 993 |
| 76178 | 06/15/10 | R0368 | RPTC, LLC                       | 25,210.00 | 993 |
| 76179 | 06/15/10 | R0369 | RUTGERS - NJAES - OFFICE OF     | 20.00     | 993 |
| 76180 | 06/15/10 | R0395 | R & R PUMP & CONTROL SVC, LLC   | 3,000.00  | 993 |
| 76181 | 06/15/10 | R0402 | RELIABLE WOOD PRODUCTS          | 902.44    | 993 |
| 76182 | 06/15/10 | R0411 | ROOF MANAGEMENT, INC.           | 1,680.00  | 993 |
| 76183 | 06/15/10 | R0413 | RARITAN VALLEY SYMPHONIC BAND   | 500.00    | 993 |
| 76184 | 06/15/10 | R0417 | REDLING, TRACY                  | 100.00    | 993 |
| 76185 | 06/15/10 | S0016 | STORR TRACTOR COMPANY           | 310.76    | 993 |
| 76186 | 06/15/10 | S0062 | STAR LEDGER                     | 135.72    | 993 |
| 76187 | 06/15/10 | S0135 | SOMERSET COUNTY COALITION       | 4,300.00  | 993 |
| 76188 | 06/15/10 | S0174 | SOMERSET COUNTY                 | 50.00     | 993 |
| 76189 | 06/15/10 | S0202 | SUBURBAN PROPANE                | 105.14    | 993 |
| 76190 | 06/15/10 | S0227 | SHEARON ENVIROMENTAL DESIGN CO  | 21,846.22 | 993 |
| 76191 | 06/15/10 | S0415 | SPORTWORLD                      | 4,485.55  | 993 |
| 76192 | 06/15/10 | S0604 | SMITH TRACTOR & EQUIPMENT, INC  | 719.66    | 993 |
| 76193 | 06/15/10 | S0691 | SUPERIOR DISTRIBUTORS           | 301.31    | 993 |
| 76194 | 06/15/10 | S0775 | SANT FOSTER, NICHOLAS           | 10.00     | 993 |
| 76195 | 06/15/10 | S0778 | SOLOMON R GUGGENHEIM            | 250.00    | 993 |

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| 76196 | 06/15/10 | T0004 | TRANSTAR TRUCK BODY INC        | 2,000.00 | 993             |
| 76197 | 06/15/10 | T0051 | TRI-COUNTY COURT ADMIN. ASSOC. | 60.00    | 993             |
| 76198 | 06/15/10 | T0066 | GALE                           | 93.48    | 993             |
| 76199 | 06/15/10 | T0071 | THE WORKS                      | 1,270.00 | 993             |
| 76200 | 06/15/10 | T0142 | TODD HARRIS CO., INC.          | 375.00   | 993             |
| 76201 | 06/15/10 | T0154 | TILCON NEW YORK, INC.          | 1,139.88 | 993             |
| 76202 | 06/15/10 | T0164 | THE TEACHING COMPANY           | 5.00     | 993             |
| 76203 | 06/15/10 | T0221 | THOMSON WEST                   | 230.00   | 993             |
| 76204 | 06/15/10 | T0227 | T.R.M. TRANSMISSIONS INC.      | 153.00   | 993             |
| 76205 | 06/15/10 | T0338 | TMDE CALIBRATION LABS, INC.    | 1,355.20 | 993             |
| 76206 | 06/15/10 | U0081 | US BANK CUST/CCTS CAPITAL LLC  | 875.28   | 993             |
| 76207 | 06/15/10 | V0008 | VITAL COMMUNICATIONS, INC.     | 59.50    | 993             |
| 76208 | 06/15/10 | V0020 | VILLAGE OFFICE SUPPLY          | 850.64   | 993             |
| 76209 | 06/15/10 | V0026 | VNA OF SOMERSET HILLS          | 728.50   | 993             |
| 76210 | 06/15/10 | V0037 | VILLAGE SUPERMARKET, INC.      | 383.93   | 993             |
| 76211 | 06/15/10 | V0056 | VERIZON WIRELESS               | 2,645.23 | 993             |
| 76212 | 06/15/10 | V0058 | VERIZON                        | 3,101.64 | 993             |
| 76213 | 06/15/10 | V0059 | VERIZON CABS                   | 202.37   | 993             |
| 76214 | 06/15/10 | V0124 | VERIZON BUSINESS FIOS          | 119.99   | 993             |
| 76215 | 06/15/10 | V0126 | VOIP SUPPLY, LLC               | 116.95   | 993             |
| 76216 | 06/15/10 | V0135 | VESPUCCI, DEBORAH              | 680.00   | 993             |
| 76217 | 06/15/10 | V0137 | VOGEL CHAIT COLLINS&SCHNEIDER  | 3,068.89 | 993             |
| 76218 | 06/15/10 | W0002 | WARNOCK DODGE                  | 265.60   | 993             |
| 76219 | 06/15/10 | W0016 | WARRENVILLE TRUE VALUE         | 0.00     | 06/15/10 VOID 0 |
| 76220 | 06/15/10 | W0016 | WARRENVILLE TRUE VALUE         | 3,937.66 | 993             |
| 76221 | 06/15/10 | W0056 | WELDON CONCRETE CO.            | 2,684.89 | 993             |
| 76222 | 06/15/10 | W0187 | WASTE MANAGEMENT OF NJ, INC    | 6,215.55 | 993             |
| 76223 | 06/15/10 | W0210 | WILD, ANN                      | 200.00   | 993             |
| 76224 | 06/15/10 | W0232 | WAVELENGTH STUDIOS, LLC        | 950.00   | 993             |
| 76225 | 06/15/10 | W0259 | VENTURA, MIESOWITZ, KEOUGH &   | 3,976.50 | 993             |
| 76226 | 06/15/10 | W0264 | WOODRUFF ENERGY                | 2,487.18 | 993             |
| 76227 | 06/15/10 | W0274 | WHARTON, COLLEEN MCKAY         | 1,000.00 | 993             |
| 76228 | 06/15/10 | X0005 | XTEL COMMUNICATION             | 2,675.03 | 993             |
| 76229 | 06/15/10 | Y0003 | YORK, GERALD A. - OPTICIAN     | 200.00   | 993             |
| 76230 | 06/15/10 | Y0018 | YEAMON MUSIC INC.              | 1,750.00 | 993             |

| Checking Account Totals | Paid       | Void     | Amount Void | Amount Paid         |
|-------------------------|------------|----------|-------------|---------------------|
| Checks:                 | 236        | 5        | 0.00        | 1,512,422.02        |
| Direct Deposit:         | 0          | 0        | 0.00        | 0.00                |
| <b>Total:</b>           | <b>236</b> | <b>5</b> | <b>0.00</b> | <b>1,512,422.02</b> |

| Fund Description           | Fund | Budget Total        | Revenue Total |
|----------------------------|------|---------------------|---------------|
| CURRENT FUND               | 0-01 | 1,357,022.24        | 0.00          |
| DOG FUND                   | 0-12 | 1,726.93            | 0.00          |
| TRUST FUNDS                | 0-13 | 55,977.87           | 0.00          |
| GOLF COURSE UTILITY        | 0-26 | 34,041.48           | 0.00          |
| Year Total:                |      | 1,448,768.52        | 0.00          |
| CURRENT FUND               | 9-01 | 8,726.39            | 0.00          |
| CAPITAL FUND               | C-04 | 37,262.34           | 0.00          |
| GRANT FUND                 | G-02 | 17,664.77           | 0.00          |
| <b>Total Of All Funds:</b> |      | <b>1,512,422.02</b> | <b>0.00</b>   |

**Resolution #2010-0213 - Commendation on Achievement in Historic Preservation: The Kennedy-Martin-Stelle Farmstead**

**WHEREAS**, in 1740 Nathaniel Rolfe purchased from the East Jersey Proprietors eighty-three acres at the confluence of the Passaic and Dead Rivers in what would become Bernards Township; and

**WHEREAS**, Moses Doty purchased the property from Nathaniel Rolfe in 1747; and

**WHEREAS**, Rev. Dr. Samuel Kennedy purchased the property from Moses Doty in 1762, and established a classical school there, which was later moved to Basking Ridge; and

**WHEREAS**, the patriot Ephraim Martin acquired the property and lived there during the Revolutionary War, in which he served with distinction as a Colonel under Lord Stirling; was

elected to the upper house of the New Jersey legislature in 1779, where he guided New Jersey's early ratification of the Bill of Rights in 1789, and where he continued to serve until his death in 1806; and

**WHEREAS**, Oliver and John Stelle, step-sons of Colonel Martin, acquired the property; and they and their descendants farmed the property for more than a century; and,

**WHEREAS**, in 1945, the property was purchased by Gerald Pearson, who was a key participant in the research effort at the Bell Telephone Laboratories that brought the transistor and related semiconductor devices into being; and

**WHEREAS**, in 1960 George and Ingrid Geier purchased the property, operated it as a Christmas tree farm, and continued to preserve the land and buildings; and

**WHEREAS**, Bernards Township acquired the property with municipal open space funds in 1999; in 2001 appointed a task force to preserve the Farmstead; and undertook successful preservation grant requests totaling \$839,657; and

**WHEREAS**, both Bernards Township officials and members of the community desired to restore, renovate and preserve the Farmstead, on March 29, 2005 the Township leased the Farmstead to the Friends of the Kennedy-Martin-Stelle Farmstead, a non-profit entity created to preserve and operate the Farmstead; and

**WHEREAS**, the Friends of the Kennedy-Martin-Stelle Farmstead undertook successful preservation grant requests totaling \$323,851; and

**WHEREAS**, the English Barn and the Farmhouse at the Farmstead have been preserved and restored with generous assistance from Bernards Township, Somerset County, The Historical Society of the Somerset Hills, the New Jersey Historic Trust, and members of the Friends of the Kennedy-Martin-Stelle Farmstead; and

**WHEREAS**, the Friends of the Kennedy-Martin-Stelle Farmstead have identified a compatible community use for the Farmstead as a home to cultural arts that will assure its continued preservation; and

**WHEREAS**, the Kennedy-Martin-Stelle Farmstead was determined to have great local significance and was listed on the New Jersey and National Registers of Historic Places in 2002; and

**WHEREAS**, the Kennedy-Martin-Stelle Farmstead is a community landmark that reflects the rich heritage of Bernards Township, which is celebrating its 250<sup>th</sup> anniversary in 2010;

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards does hereby commend the preservation and restoration of the Kennedy-Martin-Stelle Farmstead; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards, that we do hereby publicly acknowledge and applaud the generous support from Somerset County, and the New Jersey Trust, and the efforts and hard labor of many, and especially the volunteers of the Friends of the Kennedy-Martin-Stelle Farmstead, to preserve the Farmstead and prepare it for a new community use; and

**NOW THEREFORE BE IT FINALLY RESOLVED**, by the Township Committee of the Township of Bernards, that this resolution be spread in full in the permanent minutes book of the Township of Bernards as a testament to the significant historic preservation achievement embodied in the Kennedy-Martin-Stelle Farmstead.

[Resolution #2010-0215](#) - *Authorization of Renewal of Liquor Licenses 2010-2011*

**WHEREAS**, application has been made to the Township Committee of the Township of Bernards, County of Somerset, for renewals of 2010-2011 Liquor Licenses; and

**WHEREAS**, the Municipal Clerk reports the following applications are complete in all respects, and is in receipt of the necessary fees and tax clearance certificates; and

**WHEREAS**, there were no objections to the applications either written or in person; and

**WHEREAS**, the applicants are qualified to be licensed, and the Police Department has reviewed the source of all funds, or any additional financing obtained in the previous license term for use in the licensed business. The Police Department has thoroughly investigated the applicants and has submitted a memorandum of approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Bernards approves renewal of the following liquor licenses for the license year 2010-2011 as follows:

| <b>Plenary Retail Consumption Licenses</b> |   |   |
|--|---|---|
| 1802-33-001-005                            | Olde Mill Inn at Bernards Inc.<br>t/a Olde Mill Inn Grain House Restaurant        | 225 Route 202<br>Basking Ridge, NJ 07920          |
| 1802-33-002-004                            | Growth Restaurants Inc.<br>t/a The Store Restaurant                               | 55 South Finley Avenue<br>Basking Ridge, NJ 07920 |
| 1802-33-004-006                            | 3B LLC<br>t/a Vine Restaurant   | 95 Morristown Road<br>Basking Ridge, NJ 07920     |
| 1802-33-005-009                            | Basking Ridge Restaurants, LLC<br>t/a Fair Winds Catering, Bamboo Grill           | 185 Madisonville Road<br>Basking Ridge, NJ 07920  |
| 1802-33-007-003                            | Dello Russo Enterprises Inc.<br>t/a Café Rustica Inc.                             | 3188 Valley Road<br>Basking Ridge, NJ 07920       |
| 1802-33-011-002                            | New Jersey National Golf Club, LLC<br>t/a Red Oak Grille At NJ National Golf Club | 579 Allen Road<br>Basking Ridge, NJ 07920         |
| 1802-33-012-001                            | Chester Moores, L.L.C.<br>t/a 3West Restaurant, Ciao Restaurant                   | 665 Martinsville Road<br>Basking Ridge, NJ 07920  |
| 1802-33-014-002                            | F&H Gjakova LLC<br>t/a Figaro 3 Pizzeria  | 403 King George Road<br>Basking Ridge, NJ 07920   |
| <b>Hotel Licenses</b>                      |   |   |

|   |   |   |
|---|---|---|
| 1802-36-008-002                             | NMI Beverage LLC<br>t/a Dolce Basking Ridge                     | 300 N. Maple Avenue<br>Basking Ridge, NJ 07920        |
| 1802-36-010-001                             | Courtyard Management Corporation<br>t/a Basking Ridge Courtyard | 595 Martinsville Road<br>Basking Ridge, NJ 07920      |
| <b>Plenary Retail Distribution Licenses</b> |   |   |
| 1802-44-006-006                             | ADA Liquors Inc.<br>t/a The Wine Rack                           | 572A Allen Road<br>Basking Ridge, NJ 07920            |
| 1802-44-003-005                             | AEK Enterprises LLC<br>t/a Select Vintage Wines                 | 25 Mountainview Blvd.#110,<br>Basking Ridge, NJ 07920 |

[Resolution #2010-0216](#) - Award of Purchase Orders for Identified Vendor Warnock Motor Sales Inc., d/b/a/Warnock Ford-Fleet

**WHEREAS**, The Township Committee of Bernards has adopted Ordinance # 1854 “Known as Pay to Play” and P. L. 2004, Chapter 19; and

**WHEREAS**, pursuant to the ordinance window contracts determined to exceed \$ 17,500.00 and within the bid threshold of \$ 29,000.00 requires governing body approval; and

**WHEREAS**, the purchasing agent has determined that the value of the vendor listed below will exceed \$ 17,500.00 in purchases; and

**WHEREAS**, The Township solicited price quotes for One (1) 2010 Ford Transit Connect XLT Wagon. The quotes bid summary as follows:

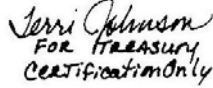
|             |   | <b>WARNOCK<br/>FLEET</b> |                    | <b>MAPLECREST<br/>FORD</b> |                    |
|-------------|---|--------------------------|--------------------|----------------------------|--------------------|
| <b>Qty.</b> | <b>Vehicle Type</b>   | <b>Unit Cost</b>         | <b>Total Cost</b>  | <b>Unit Cost</b>           | <b>Total Cost</b>  |
| 1           | 2010 Ford Transit Connect XLT Wagon<br>Exterior: Silver Metallic<br>Interior: Dark Gray Cloth | \$21,997.00              | \$21,997.00        | \$22,682.50                | \$22,682.50        |
|             | <b>Net Delivered Lump Sum</b>   |                          | <b>\$21,997.00</b> |                            | <b>\$22,682.50</b> |

and

**WHEREAS**, the Supervisor of Treasury Services has certified that funds are available in the budget; the line item appropriations to be charged is Capital Ordinance #2010 line account #C-04-55-010-B01; and

**WHEREAS**, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the term of the contract pursuant to Bernards Township Ordinance # 1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without the formal bid process from making “any” contribution whatsoever in the prior calendar year; and

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue purchase order to Warnock Motor Sales Inc., d/b/a Warnock Ford-Fleet, 175 Route 10, East Hanover, NJ 07936 in the amount of \$ 21,997.00.

|   |  |
|---|--|
| <b>TREASURER'S CERTIFICATION</b>  |  |
| 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 \$21,997.00. Monies are available in Capital Ordinance #2010 line account #C-04-55-010-B01. |  |
| Date: 5/28/2010   | <br>FOR TREASURY<br>CERTIFICATION ONLY<br>Terri Johnson<br>Treasurer |

[Resolution #2010-0217](#) - Award of Bid for Whitenack Road Improvements Awarded to Owl Contracting in the Amount of \$389,390.00

**WHEREAS**, the Township of Bernards received bids on Wednesday, May 26, 2010 for the Whitenack Road Improvements. The bid summary is as follows:

| BIDDER NAME                     | TOTAL BID    |
|---------------------------------|--------------|
| OWL CONTRACTING                 | \$389,390.00 |
| TOP LINE CONSTRUCTION           | \$401,508.78 |
| INTERCOUNTY PAVING              | \$411,550.00 |
| DE SANTIS CONSTRUCTION          | \$415,294.95 |
| VOLLERS EXCAVATING              | \$423,606.31 |
| RENDA ROADS                     | \$426,667.09 |
| TILCON NY                       | \$435,296.01 |
| AMC INDUSTRIES, LLC             | \$437,734.43 |
| Z BROTHERS CONCRETE             | \$439,857.84 |
| ENGLISH PAVING                  | \$448,289.63 |
| S. BROTHERS GENERAL CONTRACTORS | \$464,400.85 |
| SCHIFANO CONSTRUCTION CORP.     | \$473,339.69 |

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, Kenvil, NJ 07847 in the amount of \$389,390.00; and

**WHEREAS**, the treasurer has certified that funds are available in the budget; the line item appropriation or ordinance to be charged is C-04-55-102-A02

**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, Kenvil, NJ 07847 in the amount of \$389,390.00; 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 Whitenack 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 August 2 and August 31, 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 \$389,390.00. Monies are available in Capital account # C-04-55-102-A02

*Terri Johnson*  
FOR TREASURY  
CERTIFICATION ONLY

Terri Johnson, Treasurer

Date: 5/28/2010

[Resolution #2010-0218](#) - *Commendation on Attaining Eagle Scout Designation, Brennan McCormick*

**WHEREAS**, the Township Committee is very pleased to recognize the outstanding personal effort of Brennan McCormick reaching the rank of Eagle Scout, and

**WHEREAS**, Brennan McCormick, 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 Brennan 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 #2010-0219](#) - *Commendation on Attaining Eagle Scout Designation, Nicholas Buley*

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

**WHEREAS**, Nicholas Buley, 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 #2010-0220](#) - *Emergency Temporary Appropriations – Golf Utility Fund Appropriations*

**WHEREAS**, an emergent condition has arisen with respect to inadequate funds provided in the temporary budget for the funding of the Golf Utility Fund, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned, and

**WHEREAS**, the total emergency temporary resolutions for Golf Purposes adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$478,200.38

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for the Golf Utility Fund in the total amount of \$478,200.38 and are detailed as follows:
 

|                    |              |
|--------------------|--------------|
| Salaries and Wages | \$139,710.65 |
| Operating Expenses | \$338,489.73 |
2. That said emergency temporary appropriation will be provided for in the 2010 budget.
3. That one certified copy of this resolution be filed with Director of the Division of Local Government Services.

[Resolution #2010-0221](#) - *Release of Executive Session Minutes*

**WHEREAS**, the topics discussed in the minutes below no longer need to be kept private.

**NOW THEREFORE BE IT RESVOLED**, by the Township Committee of the Township of Bernards that the following minutes, previously approved for content, now be approved for release.

| Date     | Session | Topic   |
|----------|---------|---|
| 5/18/00  | II      | Land Acquisition -English Property                        |
| 9/7/00   | I       | Land Acquisition - English                                |
| 12/21/00 | I       | Land Acquisition – English                                |
| 1/23/01  | I       | Land -Acquisition English                                 |
| 01/17/07 | I       | Litigation – RG Associates                                |
| 12/11/07 |         | Land Acquisition – Craig St, B-76/Lots 5.01 & 6           |
| 12/11/07 |         | Personnel – 2008 Appointments                             |
| 2/12/08  |         | Land Acquisition – English Woodlot Block 177, Lot 17      |
| 7/28/09  |         | Board Vacancy – Environmental Commission                  |
| 11/24/09 |         | Personnel – 2010 Appointments                             |
| 12/15/09 |         | Personnel – 2010 Appointments                             |
| 12/29/09 |         | Personnel – 2010 Appointments                             |
| 01/12/10 |         | Personnel - Board Appointments                            |
| 01/26/10 |         | Personnel - Board Appointments                            |
| 02/09/10 |         | Personnel – Board Appointments                            |
| 03/09/10 |         | Contract Negotiations – YMCA/COAH                         |
| 03/23/10 |         | Contract Negotiations – VA request for Resolution of Need |

[Resolution #2010-0222](#) - *Approval of Request for a Block Party Thackeray Drive*

**WHEREAS**, Nancy Kuhn hereinafter “the applicant,” has requested permission to close Thackeray Drive on August 7, 2010 (rain date August 8th) from 1:00 to 10:00 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 #2010-0224](#) - *Issuance of Solicitor's License, Rachid Aboujaoude, Alice's Crew, Inc., DBA: Bridgeville Ice Cream, July 1, 2010 – December 31, 2010*

**WHEREAS**, Rachid Aboujaoude, Alice's Crew, Inc., d/b/a Bridgeville Ice Cream, 54-C Somerset Court, Bound Brook, NJ, has applied for a Solicitor's License for the period of 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 #2010-0225](#) - *Authorization for a Fireworks Display New Jersey National Golf Club – July 11, 2010 (Raindate July 25, 2010)*

**WHEREAS**, pursuant to § 3-5.31. of the Revised General Ordinances of the Township of Bernards, no person shall set off any fireworks within the township without written permission of the Township Committee; and

**WHEREAS**, Pierre Bohemond, General Manager of NJ National Golf Club, 579 Allen Road, Basking Ridge, NJ 07920, (the "applicant) has requested permission to hold a private fireworks display on July 11, 2010 (Raindate July 25, 2010), at their site on Allen Road; and

**WHEREAS**, staff has reviewed the application and finds it complete.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby grant permission for the requested fireworks display on July 11, 2010 (Raindate July 25, 2010)

[Resolution #2010-0226](#) - *Resolution of Commendation, Gold Medal Winners of Destination ImagiNation 2010*

**WHEREAS**, Destination ImagiNation is an after school activity in which students work in teams to resolve mind-bending challenges and present their solutions at tournaments; and

**WHEREAS**, Destination ImagiNation is a program that builds participants' creativity, teamwork and problem solving in enjoyable and meaningful ways; and

**WHEREAS**, this specific team of Fifth Graders from Cedar Hill School and Mt. Prospect School consisting of Abby Farina, Reed Handabaka, Lindsay Hultman, Jack Kendall, Kristen Rusas, Abby Tulenko and Maddie Winter, was invited to attend the Global Championships, held in Knoxville, TN, as a direct result of winning the NJ State Championship in April; and

**WHEREAS**, under the supervision of Team Manager Nicole Rusas and Assistant Team Manager Karen Wexler, they participated in a specific challenge called DI-Bot, which included the construction of a working robot that was entirely student designed and built. They competed against 72 teams from the US and around the world; and

**WHEREAS**, in addition to their first place prize, the team also won a separate Renaissance Award for the robot itself, which employed an innovative drum-based program (similar to a player piano) to make the robot actually move and function within their challenge; and

**NOW, THEREFORE, BE IT RESOLVED BE IT RESOLVED**, by the Township Committee of the Township of Bernards, that we do hereby recognize and congratulate the Gold Medal Winning Team in the 2010 Destination ImagiNation Global Finals.

[Resolution #2010-0227](#) - *Authorizing Submission of a Grant Application to the Somerset County Board of Chosen Freeholders for a Grant Entitled 2010 Annual Grant Application: \$5000 for the Municipal Youth Services Commission*

**WHEREAS**, the Youth Services Coordinator is recommending the Township Committee approve a grant application to Bernards Township for a Grant Entitled 2010 Annual Grant Application for the Municipal Youth Services Commission which would provide \$5000 for funding the township sponsored Annual Youth Summit; and

**WHEREAS**, the Township has received notification of the availability of grant funds that have been awarded to Bernards Township since 2000 for the purpose of conducting the Annual Youth Summit, one full school day at William Annin Middle School devoted to “Choices and Decisions”, for 8<sup>th</sup> grade students. Topics explore issues that affect young people and help guide them to healthy choices and decisions.

**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 entitled 2010 Annual Grant Application: \$5000 for the Municipal Youth Services Commission;

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that Danielle D. Cooper of the Bernards Township Health Department serves as the project manager for this grant application which is due on June 10, 2010.

[Resolution #2010-0229](#) - *Authorizing Submission of a Grant Application to the Somerset County Board of Chosen Freeholders for a Grant Entitled 2010 Competitive Grant Application: \$10,000 for the Municipal Youth Services Commission*

**WHEREAS**, the Vice Chair of the Youth Services Commission / Municipal Alliance is recommending the Township Committee approve a grant application to Bernards Township for a Grant Entitled 2010 Competitive Grant Application for the Municipal Youth Services Commission which would provide \$10,000 for funding the township sponsored Project Adventure Peer Leaders (PAPL); and

**WHEREAS**, the Township has received notification of the availability of grant funds for the purpose of creating Project Adventure Peer Leaders, a program dedicated to helping students

transition between 8<sup>th</sup> and 9<sup>th</sup> grades. Student leaders will guide peers through challenges that help them problem solve and work cooperatively within a group, as well as guide freshmen towards healthy choices such as: avoiding substance abuse, resisting peer pressure, and reducing incidents of bullying or harassment.

**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 entitled 2010 Competitive Grant Application: \$10,000 for the Municipal Youth Services Commission;

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Township Committee of the Township of Bernards that Kathy E. Kelly, Vice Chair of the Youth Services Commission / Municipal Alliance, of the Bernards Township Health Department serves as the project manager for this grant application which is due on June 10, 2010.

*\*\*End Consent Agenda\*\**

[Ordinance #2112](#) - *Accepting a Drainage Easement on Block 7903, Lot 17, from James F. Cirra and Dolores E. Cirra to the Township of Bernards – Introduction*

The clerk read the ordinance by title. Motion by Malay, second by Gaziano, that Ordinance #2112 be introduced on first reading, advertised as required by law, with a public hearing on 7/13/2010.

Roll Call

Aye: Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from James F. Cirra and Dolores E. Cirra, 97 Harrison Brook Drive, Basking Ridge, New Jersey 07920, a drainage easement on Block 7903, Lot 17 in Bernards Township.
2. The easement is on file with the office of the township clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

[Ordinance #2113](#) - *Accepting a Drainage Easement on Block 7903, Lot 18, from John K. DelGiorno and Christina Lang DelGiorno to the Township of Bernards – Introduction*

The clerk read the ordinance by title. Motion by Malay, second by Gaziano, that Ordinance #2113 be introduced on first reading, advertised as required by law, with a public hearing on 7/13/2010.

Roll Call

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

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from John K. DelGiorno and Christina Lang DelGiorno, 103 Harrison Brook Drive, Basking Ridge, New Jersey 07920, a drainage easement on Block 7903, Lot 18 in Bernards Township.
2. The easement is on file with the office of the township clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

[Ordinance #2114](#) - *Accepting a Drainage Easement on Block 7902, Lot 14, from James P. Van Hook to the Township of Bernards – Introduction*

The clerk read the ordinance by title. Motion by Malay, second by Pavlini, that Ordinance #2114 be introduced on first reading, advertised as required by law, with a public hearing on 7/13/2010.

Roll Call

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

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from James P. Van Hook, 102 Harrison Brook Drive, Basking Ridge, New Jersey 07920, a drainage easement on Block 7902, Lot 14 in Bernards Township.
2. The easement is on file with the office of the township clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

[Ordinance #2116](#) - An Ordinance to Amend the General Ordinance of the Township of Bernards, Chapter VII, "Traffic," Schedule IX "Stop Intersections" Various Locations – Introduction

The clerk read the ordinance by title. Motion by Pavlini, second by Malay, that Ordinance #2116 be introduced on first reading, advertised as required by law, with a public hearing on 7/13/2010.

Roll Call

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

**WHEREAS**, in order to promote the betterment of public safety there is a need to provide Stop Signs at various intersections throughout Bernards Township; and

**WHEREAS**, the stop intersections listed herein are existing stop controlled intersections that require ordinance adoption; and

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

- Schedule IX of Chapter VII, "Traffic" of the Revised General Ordinance of the Township of Bernards is hereby amended by the addition of the following:

| Intersection                            | Stop Sign Installed On        |
|---|-------------------------------|
| Aberdeen Place and Vanderveer Drive     | Aberdeen Place                |
| Addison Road and Archgate Road          | Addison Road, westbound       |
| Addison Road and Warwick Lane           | Addison Road, eastbound       |
| Alder Lane and Huntington Road          | Alder Lane                    |
| Allegheny Drive and Ramapo Drive        | Allegheny Drive, northbound   |
| Allegheny Drive and Ramapo Drive        | Allegheny Drive, southbound   |
| Allegheny Drive and Raritan Place       | Allegheny Drive, southbound   |
| Allegheny Drive and Watchung Drive      | Allegheny Drive, northbound   |
| Allen Street and Hillside Terrace       | Hillside Terrace, southbound  |
| Apple Tree Lane and Cherry Lane         | Apple Tree Lane, southbound   |
| Argyle Way and Tuxford Terrace          | Argyle Way, eastbound         |
| Ash Street and South Alward Ave.        | Ash Street, eastbound         |
| Atlas Road and Wharton Way              | Wharton Way, northbound       |
| Beacon Crest Drive and High Meadow Lane | Beacon Crest Drive, eastbound |
| Bedford Drive and Queenberry Way        | Queenberry Way, southbound    |
| Bedford Drive and Queenberry Way        | Queenberry Way, northbound    |
| Bedford Drive and Wellington Drive      | Bedford Drive, eastbound      |
| Beechwood Road and William Street       | Beechwood Road, southbound    |

|   |                                     |
|---|-------------------------------------|
| Berkeley Circle and Berkeley Circle     | Berkeley Circle Entrance, eastbound |
| Bernard Drive and Blackburn Road        | Blackburn Road, northbound          |
| Bernard Drive and Governor Drive        | Bernard Drive, eastbound            |
| Berta Place and East Craig Street       | Berta Place, southbound             |
| Berta Place and Walnut Circle           | Berta Place, northbound             |
| Birch Drive and Walnut Circle           | Birch Drive, westbound              |
| Blackburn Road and Governor Drive       | Governor Drive, westbound           |
| Blackburn Road and Hickory Drive        | Blackburn Road, northbound          |
| Brandeis Court and Manchester Drive     | Brandeis Court                      |
| Briar Lane and Hill Top Road            | Briar Lane                          |
| Briar Lane and Hill Top Road            | Hill Top Road, northbound           |
| Bridalwood Lane and Huntington Road     | Bridalwood Lane                     |
| Brookside Ave. and Tysley Street        | Tysley Street, westbound            |
| Bullion Road and Grist Mill Drive       | Bullion Road, eastbound             |
| Bullion Road and Grist Mill Drive       | Bullion Road, westbound             |
| Butternut Lane and Hardscrabble Road    | Butternut Lane, eastbound           |
| Caldwell Court and Independence Drive   | Caldwell Court                      |
| Cameron Court and Stone Hedge Drive     | Cameron Court                       |
| Canoe Brook Lane and Baltusrol Way      | Canoe Brook Lane, westbound         |
| Canter Drive and Galloping Hill Road    | Canter Drive, southbound            |
| Carlisle Road and Landau Road           | Carlisle Road, westbound            |
| Carlisle Road and Smoke Rise Road       | Carlisle Road, northbound           |
| Carnegie Place and Vanderveer Drive     | Carnegie Place                      |
| Carriage Way and Old Coach Road         | Carriage Way                        |
| Castle Way and Riverside Drive          | Castle Way, southbound              |
| Cayuga Way and Blackburn Road           | Cayuga Way                          |
| Cedar Creek Drive and Stone Hedge Drive | Cedar Creek Drive, eastbound        |
| Chapin Lane and Emily Road              | Chapin Lane, northbound             |
| Charter Court and Blackburn Road        | Charter Court                       |
| Cherry Lane and Wildwood Drive          | Cherry Lane, northbound             |
| Clive Lane and Tuxford Terrace          | Clive Lane                          |
| Conkling Extension and Conkling Street  | Conkling Extension, southbound      |
| Conkling Extension and Washington Ave.  | Conkling Extension, northbound      |
| Cooper Lane and Spring House Lane       | Cooper Lane                         |
| Courter Street and Oakley Street        | Courter Street, northbound          |
| Courter Street and William Street       | William Street, westbound           |
| Culberson Road and South Alward Ave.    | Culberson Road, eastbound           |
| Culberson Road and South Alward Ave.    | Culberson Road, westbound           |
| Culberson Road and Spencer Road         | Culberson Road, eastbound           |
| Dawn Drive and Autumn Drive             | Dawn Drive, southbound              |

|   |                                  |
|---|----------------------------------|
| Debra Lane and Gerard Ave.                | Debra Lane, southbound           |
| Deer Creek Drive and Deer Creek Drive     | Deer Creek Drive, eastbound      |
| Deer Creek Drive and Pheasant Run Drive   | Deer Creek Drive, southbound     |
| Depot Place and Washington Ave.           | Depot Place, westbound           |
| Devon Court and Independence Drive        | Devon Court                      |
| Doggett Court and Woodman Lane            | Doggett Court                    |
| Dogwood Way and Culberson Road            | Dogwood Way, westbound           |
| Dogwood Way and South Alward Ave.         | Dogwood Way, eastbound           |
| Dryden Road and Linden Drive              | Dryden Road, eastbound           |
| East Ash Street and South Alward Ave.     | East Ash Street, westbound       |
| Edward Court and Heath Drive              | Heath Drive                      |
| Edward Court and Osborne Place            | Osborne Place                    |
| Ellis Drive and East Craig Street         | Ellis Drive, southbound          |
| Eton Place and Fairview Drive South       | Eton Place                       |
| Evergreen Place and Washington Ave.       | Evergreen Place, eastbound       |
| Fairview Drive South and Queen Anne Drive | Fairview Drive South, northbound |
| Fieldview Drive and Cherry Lane           | Fieldview Drive, southbound      |
| Gordon Place and Vanderveer Drive         | Gordon Place                     |
| Granville Way and Kensington Road         | Granville Way, northbound        |
| Granville Way and Stockmar Drive          | Granville Way, southbound        |
| Grist Mill Drive and Wexford Way          | Wexford Way, northbound          |
| Grist Mill Drive and Wexford Way          | Wexford Way, westbound           |
| Grove Road and Woodstone Road             | Grove Road, eastbound            |
| Hamilton Road and Cobble Lane             | Hamilton Road, eastbound         |
| Hamilton Road and Cobble Lane             | Hamilton Road, westbound         |
| Hansom Road and Liberty Ridge Drive       | Hansom Road, southbound          |
| Hardscrabble Road and Childs Road         | Hardscrabble Road, southbound    |
| Harrison Brook Drive and Goltra Drive     | Harrison Brook Drive, southbound |
| Harrison Brook Drive and Goltra Drive     | Harrison Brook Drive, northbound |
| Hartley Lane and Huntington Road          | Hartley Lane                     |
| Hessian Street and Lurline Drive          | Hessian Street, eastbound        |
| High Meadow Lane and Woodman Lane         | High Meadow Lane, northbound     |
| Highland Ave. and Keats Road              | Highland Ave., eastbound         |
| Highland Ave. and Keats Road              | Highland Ave., westbound         |
| Highland Ave. and Pond Hill Road          | Highland Ave., eastbound         |
| Hill Top Road and Riverside Drive         | Hill Top Road, southbound        |
| Hillcrest Way and Linden Drive            | Hillcrest Way, southbound        |
| Hillcrest Way and Summit Drive            | Hillcrest Way, northbound        |
| Homeland Ave. and East Oak Street         | Homeland Ave., northbound        |
| Homeland Ave. and Lindbergh Lane          | Homeland Ave., southbound        |

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| Homestead Road and Peach Tree Road    | Homestead Road, eastbound     |
| Honeyman Road and Liberty Ridge Drive | Honeyman Road, eastbound      |
| Honeyman Road and Liberty Ridge Drive | Honeyman Road, westbound      |
| Hunters Lane and Deer Creek Drive     | Hunters Lane, eastbound       |
| Hunters Lane and Overlook Ave.        | Hunters Lane, westbound       |
| Huntington Road and Bridalwood Lane   | Huntington Road, eastbound    |
| Huntington Road and Cobble Lane       | Huntington Road, northbound   |
| Ivy Lane and Chimney Ash Farm         | Ivy Lane, southbound          |
| Ivy Lane and Oak Ridge Road           | Ivy Lane, northbound          |
| Jeffrey Court and Gerard Ave.         | Jeffrey Court, eastbound      |
| Joanna Court and Regent Circle        | Joanna Court                  |
| Johnston Circle and Tartan Drive      | Johnston Circle               |
| Juniper Way and Manchester Drive      | Juniper Way, eastbound        |
| Juniper Way and Tanglewood Lane       | Tanglewood Lane, eastbound    |
| Keats Road and Pond Hill Road         | Keats Road, eastbound         |
| Kensington Road and Victoria Drive    | Kensington Road, westbound    |
| Landau Road and Smoke Rise Road       | Landau Road, northbound       |
| Launcelot Lane and Kensington Road    | Launcelot Lane, northbound    |
| Launcelot Lane and Stockmar Drive     | Launcelot Lane, southbound    |
| Lee Place and Hillside Terrace        | Lee Place, eastbound          |
| Lenape Court and Hickory Drive        | Lenape Court                  |
| Liberty Ridge Road and Hansom Road    | Liberty Ridge Road, eastbound |
| Linden Drive and Hickory Drive        | Hickory Drive, westbound      |
| Lone Oak Road and Parkview Ave.       | Lone Oak Road, eastbound      |
| Manchester Drive and Juniper Way      | Juniper Way, westbound        |
| Manchester Drive and Tanglewood Lane  | Tanglewood Lane, westbound    |
| Manor Drive and Knollcroft Road       | Manor Drive, eastbound        |
| Manor Drive and Penwood Road          | Manor Drive, northbound       |
| Marilyn Street and Debra Lane         | Marilyn Street, eastbound     |
| Marilyn Street and Gerard Ave.        | Marilyn Street, westbound     |
| Morrison Street and Washington Ave.   | Morrison Street, eastbound    |
| North Alward Ave. and Evergreen Place | North Alward Ave., northbound |
| North Brook Ave. and Beechwood Road   | North Brook Ave., northbound  |
| Oakley Street and Beechwood Road      | Oakley Street, eastbound      |
| Old Army Road and Hardscrabble Road   | Old Army Road, eastbound      |
| Old Farm Road and Childs Road         | Old Farm Road, southbound     |
| Old Farm Road and Old Army Way        | Old Farm Road, northbound     |
| Overlook Ave. and Highland Ave.       | Overlook Ave., southbound     |
| Ox Bow Lane and Archgate Road         | Ox Bow Lane, westbound        |
| Ox Bow Lane and Penwood Road          | Ox Bow Lane, eastbound        |

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| Pacer Court and Rickey Lane               | Pacer Court                   |
| Paisley Lane and Vanderveer Drive         | Paisley Lane, southbound      |
| Paisley Lane and Vanderveer Drive         | Paisley Lane, northbound      |
| Palmerston Place and Granville Way        | Palmerston Place, eastbound   |
| Peach Tree Road and Peach Tree Road       | Peach Tree Road, westbound    |
| Peach Tree Road and Woodstone Road        | Peach Tree Road, eastbound    |
| Peach Tree Road and Woodstone Road        | Woodstone Road, northbound    |
| Pennington Street and Conkling Street     | Pennington Street, southbound |
| Penwood Road and Archgate Road            | Penwood Road, westbound       |
| Penwood Road and Knollcroft Road          | Penwood Road, eastbound       |
| Pin Oak Court and Hunters Lane            | Pin Oak Court                 |
| Pine Street and South Alward Ave.         | Pine Street, eastbound        |
| Pine Valley Court and Canoe Brook Lane    | Pine Valley Court             |
| Pitney Court and Spring House Lane        | Pitney Court                  |
| Post Terrace and Canter Drive             | Post Terrace, northbound      |
| Post Terrace and Galloping Hill Road      | Post Terrace, southbound      |
| Quail Court and Pheasant Run Drive        | Quail Court                   |
| Queenberry Way and Wellington Drive       | Wellington Drive, westbound   |
| Raritan Place and Ramapo Drive            | Raritan Place, eastbound      |
| Regent Circle and Hickory Drive           | Regent Circle, westbound      |
| Regent Circle and Hickory Drive           | Regent Circle, eastbound      |
| Revere Drive and Liberty Ridge Drive      | Revere Drive                  |
| Ridge Drive and Darren Drive              | Darren Drive, westbound       |
| Ridge Street and Washington Ave.          | Ridge Street, westbound       |
| Riverside Drive and Lord Stirling Road    | Riverside Drive, northbound   |
| Roe Lane and Hamilton Road                | Roe Lane                      |
| Rosemont Court and Sentinel Drive         | Rosemont Court                |
| Ross Lane and Vanderveer Drive            | Ross Lane                     |
| Royal Oak Drive and Mount Prospect Road   | Royal Oak Drive               |
| Runyon Drive and Spring House Lane        | Runyon Drive                  |
| Savannah Court and Ramapo Drive           | Savannah Court                |
| Schindler Court and Washington Ave.       | Schindler Court, southbound   |
| Scotsman's Way and Vanderveer Drive       | Scotsman's Way                |
| Sentinel Drive and Ramapo Drive           | Sentinel Drive, southbound    |
| Sentry Court and Kings Ridge Road         | Sentry Court, eastbound       |
| Shadowbrook Lane and Green Mountain Drive | Shadowbrook Lane              |
| Shawnee Court and Raritan Place           | Shawnee Court                 |
| Sherwood Drive and Lord Stirling Road     | Sherwood Drive, northbound    |
| Signal Point Road and Hansom Road         | Signal Point Road, eastbound  |
| Signal Point Road and Landau Road         | Landau Road, southbound       |

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| Signal Point Road and Landau Road      | Signal Point Road, westbound  |
| Smoke Rise Road and Huntington Road    | Smoke Rise Road, northbound   |
| Spruce Street and South Alward Ave.    | Spruce Street                 |
| Stafford Lane and Whittingham Road     | Stafford Lane                 |
| Stirling Lane and Hill Top Road        | Stirling Lane                 |
| Stockmar Drive and Tuxford Terrace     | Stockmar Drive, westbound     |
| Stone Hedge Drive and Argyle Way       | Stone Hedge Drive, northbound |
| Sullivan Drive and Sentinel Drive      | Sullivan Drive, northbound    |
| Sullivan Drive and Watchung Drive      | Sullivan Drive, southbound    |
| Summit Drive and Knollcroft Road       | Summit Drive, westbound       |
| Summit Drive and Linden Drive          | Summit Drive, eastbound       |
| Sunnybrook Road and Berta Place        | Sunnybrook Road, westbound    |
| Surrey Lane and Carlisle Road          | Surrey Lane                   |
| Talmadge Lane and Green Mountain Drive | Talmadge Lane, eastbound      |
| Talmadge Lane and Green Mountain Drive | Talmadge Lane, westbound      |
| Tartan Drive and Vanderveer Drive      | Tartan Drive, eastbound       |
| Thackeray Drive and Keats Road         | Thackeray Drive, westbound    |
| Thackeray Drive and Pond Hill Road     | Thackeray Drive, eastbound    |
| Trinity Drive and Fairview Drive South | Trinity Drive, northbound     |
| Trinity Drive and Kensington Road      | Trinity Drive, southbound     |
| Turner Street and Ridge Street         | Turner Street, southbound     |
| Tuxford Terrace and Palmerston Place   | Palmerston Place, westbound   |
| Tuxford Terrace and Victoria Drive     | Tuxford Terrace, northbound   |
| Tysley Street and Cottage Ave.         | Tysley Street, eastbound      |
| Van Cortland Way and Old Army Road     | Van Cortland Way, southbound  |
| Van Holten Road and Primrose Lane      | Primrose Lane                 |
| Victoria Drive and Palmerston Place    | Victoria Drive, southbound    |
| Warwick Lane and Penwood Road          | Warwick Lane, southbound      |
| Washington Ave. and Turner Street      | Washington Ave., southbound   |
| Watchung Drive and Liberty Ridge Drive | Watchung Drive, westbound     |
| Watchung Drive and Sentinel Drive      | Watchung Drive, eastbound     |
| West Craig Street and Ridge Street     | West Craig Street, westbound  |
| Wildwood Drive and Walnut Circle       | Wildwood Drive, eastbound     |
| William Street and North Brook Ave.    | William Street, eastbound     |
| Willow Street and South Alward Ave.    | Willow Street, westbound      |
| Willow Street and Speencer Road        | Willow Street, eastbound      |
| Winding Lane and Peach Tree Road       | Peach Tree Road, southbound   |
| Winding Lane and Woodstone Road        | Winding Lane, eastbound       |
| Windsor Way and Tuxford Terrace        | Windsor Way, westbound        |
| Windsor Way and Victoria Drive         | Windsor Way, eastbound        |

The remainder of Schedule IX remains unchanged.

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

[Ordinance #2117](#) - *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, "Land Development" to Add and Create new Article XIII, "Affordable Housing" Establishing Provisions Governing the Development and Administration of Affordable Housing within the Township – Introduction*

The clerk read the ordinance by title. Motion by Pavlini, second by Gaziano, that Ordinance #2117 be introduced on first reading, advertised as required by law referred to the Planning Board, and scheduled for a public hearing on 7/13/2010.

Roll Call

Aye: Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

**WHEREAS**, to address the requirements of the New Jersey Council on Affordable Housing ("COAH") regarding the compliance with the Township's prior round and Third Round affordable housing obligations, the Township Committee of the Township of Bernards finds it to be in the best interest of the Township to establish provisions governing the development administration of affordable housing units within the Township.

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

**Section 1.** Chapter 21 entitled "Land Development" of *The Revised General and Land Ordinances of the Township of Bernards*, is hereby supplemented and amended to create new Article XIII entitled "Affordable Housing" to read as follows:

**ARTICLE XIII      AFFORDABLE HOUSING.**  
**SECTION 21-85      Affordable Housing Obligation.**

**§ 21-85.1      Purpose.**

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income individuals and households shall occupy these units.
- (b) The Township of Bernards Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the Township Committee. The Fair Share Plan describes the ways the Township of Bernards shall address its fair

share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.

- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of Bernards shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of Bernards Municipal Building, Municipal Clerk's Office, One Collyer Lane, Basking Ridge, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, [www.nj.gov/dca/affiliates/coah](http://www.nj.gov/dca/affiliates/coah).

**§ 21-85.2 Definitions.** The following terms when used in this Ordinance shall have the meanings given in this Section:

“Accessory apartment” means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

**§ 21-85.3** Affordable Housing Programs. The Township of Bernards has determined that it will use the following mechanisms to satisfy its affordable housing obligations: Permanent Supportive Housing; Group Homes; 100% Affordable New Development; Extension of Expiring Controls; Market to Affordable programs; and Rehabilitation programs.

(a) A Rehabilitation program.

1. The Township of Bernards’ rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
3. All rehabilitated units shall remain affordable to low- and moderate-income households for a minimum period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
4. The Township of Bernards shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The Township of Bernards shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Township of Bernards.
6. The Township of Bernards shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
  - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.

- iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
  - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.
- (b) A Market to Affordable program.
- 1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii below, the market to affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units as per the Fair Share Plan).
  - 2. The following provisions shall apply to market to affordable programs:
    - i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.
    - ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.
    - iii. The municipality will provide a minimum of \$25,000 per unit to subsidize each moderate-income unit and/or \$30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.
    - iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10 percent of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market to affordable program.)
  - 3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:
    - i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));
    - ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and
    - iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however:
      - A. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and
      - B. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.
- (c) Extension of Controls.

1. NJAC 5:97-6.14(a) permits a municipality to address a portion of its growth share obligation through the extension of affordability controls in accordance with N.J.A.C. 5:97-9 and UHAC, subject to the following:
  - i. The unit meets the criteria for prior-cycle or post-1986 credits set forth in N.J.A.C. 5:97-4.2 or 4.3;
  - ii. The affordability controls for the unit are scheduled to expire during the 1999 through 2018 period;
  - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards; and
  - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work. A municipality may utilize its affordable housing trust fund to purchase the unit and/or complete the necessary repair and/or rehabilitation work.
2. The effect of expiring controls on the affordable housing stock is a serious concern for Bernards Township, and Bernards plans to make every effort to extend these controls and retain this affordability within the existing housing stock.
3. Bernards Township intends to expend funds from its Housing Trust program to secure a written commitment from the owner to extend controls.

**§ 21-85.4      Reserved.**

**§ 21-85.5      Reserved.**

**§ 21-85.6      Reserved.**

**§ 21-85.7      New Construction.** The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
  - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;

- iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
  - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (b) Accessibility Requirements:
- 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
  - 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
    - i. An adaptable toilet and bathing facility on the first floor;
    - ii. An adaptable kitchen on the first floor;
    - iii. An interior accessible route of travel on the first floor;
    - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
    - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
    - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of Bernards has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
      - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
      - B. To this end, the builder of restricted units shall deposit funds within the Township of Bernards' affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
      - C. The funds deposited under paragraph B. above shall be used by the Township of Bernards for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so

by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of Bernards.
- E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of Bernards' affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
  - i. At least 10 percent of the Township's low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
- 4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- 5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:

- i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
  - iii. A two-bedroom unit shall be affordable to a three-person household;
  - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
- i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**§ 21-85.8 Affirmative Marketing Requirements.** The following general guidelines apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) The Township of Bernards shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affection or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 3 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 3 comprised of Somerset, Middlesex and Hunterdon counties.
- (d) The Administrative Agent designated by the Township of Bernards shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Bernards.

**§ 21-85.9 Occupancy Standards.**

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
  - 1. Provide an occupant for each bedroom;
  - 2. Provide children of different sex with separate bedrooms; and
  - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards, if any, shall be provided in the municipal Operating Manual.

**§ 21-85.10 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.**

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Section until the Township of Bernards elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Section, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**§ 21-85.11 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.** Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom and only if the appropriate permits are granted

by the Township of Bernards and the Administrative Agent with pertinent information supplied so as to compute the adjusted price.

**§ 21-85.12 Buyer Income Eligibility.**

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

**§ 21-85.13 Limitations on indebtedness secured by ownership unit; subordination.**

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed eighty (80%) percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

**§ 21-85.14 Control Periods for Restricted Rental Units.**

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of Bernards elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Somerset. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  - 1. Sublease or assignment of the lease of the unit;
  - 2. Sale or other voluntary transfer of the ownership of the unit; or

3. The entry and enforcement of any judgment of foreclosure.

**§ 21-85.15 Price Restrictions for Rental Units; Leases.**

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

**§ 21-85.16 Tenant Income Eligibility.**

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  1. The household currently pays more than 35 percent of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than 35 percent of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b) 1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

**§ 21-85.17 Administration.**

- (a) The position of Municipal Housing Liaison (MHL) for the Township of Bernards is established by this ordinance. The Township Committee shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the Township of Bernards
  2. The person appointed as the MHL must be reported to COAH for approval.
  3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
  4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Bernards, including the following responsibilities which may not be contracted out to the Administrative Agent:
    - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
    - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
    - iii. When applicable, supervising any contracting Administrative Agent.
    - iv. Monitoring the status of all restricted units in the Township of Bernards' Fair Share Plan;
    - v. Compiling, verifying and submitting annual reports as required by COAH;
    - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
    - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Township of Bernards shall designate by resolution of the Township Committee, subject to the approval of COAH, to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC. The Township reserves the right to contract, from time to time, subject to the approval of COAH, with an Administrative Agent, other than the Administrative Agent named herein. Any such contract shall be authorized by Resolution of the Township Committee, and shall not require amendment of this Section.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the Township Committee and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  2. Affirmative Marketing;
  3. Household Certification;
  4. Affordability Controls;
  5. Records retention;
  6. Resale and re-rental;
  7. Processing requests from unit owners; and
  8. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
  9. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**§ 21-85.18 Enforcement of Affordable Housing Regulations.**

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - i. A fine of not more than \$2,000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

- ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Bernards' Affordable Housing Trust Fund of the gross amount of rent illegally collected;
  - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
  - (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the Township.
  - (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
  - (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to

the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

**§ 21-85.19 Appeals.** Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

**Section 2.** Section 21-68 entitled "Regulations Applicable to the R-5 Zone as Part of the PRD-2 Option" of Article XI entitled "Regulations Applicable to the R-5 Zoning District to Provide Low and Moderate Income Housing" of Chapter 21 entitled "Land Development" of *The Revised General and Land Ordinances of the Township of Bernards*, is hereby supplemented and amended to add new Subsection 21-68.2 entitled "Other Regulations" to read as follows:

**§21-68.2 Other Regulations.** The provisions of Article XIII entitled "Affordable Housing" shall apply to any development under this Article XI.

**Section 3.** Subsection 21-76.16 entitled "Affordable Housing Development Fees" of Section 21-76 entitled "Lower Income Housing Requirements" of Article XI entitled "Regulations Applicable to the R-5 Zoning District to Provide Low and Moderate Income Housing" of Chapter 21 entitled "Land Development" of *The Revised General and Land Ordinances of the Township of Bernards*, as further amended by Ordinance #2056, adopted on March 10, 2009, is hereby relocated and renumbered in its entirety to new **Section 21-86** entitled "Affordable Housing Development Fees".

**Section 4.** Section 21-75, Subsection 21-76.1 entitled "Number of Lower Income Dwelling Units Required," Subsection 21-76.2 entitled "Affordability and Controls on Affordability," Subsection 21-76.3 entitled "Phasing of Lower Income Housing," Subsection 21-76.4 entitled "Municipal Housing Liaison," Subsection 21-76.5 entitled "Selection of Occupants for Initial Occupancy," Subsection 21-76.6 entitled "Procedures of Resale," Subsection 21-76.7 entitled "Procedures for Leasing," Subsection 21-76.8 entitled "Reporting Requirements for Rental Units," Subsection 21-76.9 entitled "Violation of Rules," Subsection 21-76.10 entitled "Affirmative Marketing," Subsection 21-76.11 entitled "Conversion of Rental Units," Subsection 21-76.12 entitled "Compliance with COAH Regulations," Subsection 21-76.13 entitled "Housing Fees," Subsection 21-76.14 entitled "Certificate of Occupancy," and Subsection 21-76.15

entitled “Deposits by Purchasers” of Section 21-76 entitled “Lower Income Housing Requirements” of Article XI entitled “Regulations Applicable to the R-5 Zoning District to Provide Low and Moderate Income Housing” of Chapter 21 entitled “Land Development” of *The Revised General and Land Ordinances of the Township of Bernards*, are all hereby deleted in its entirety and replaced as follows:

Sections 21-76.4 and 21-76.5 remain valid and in full force and effect.

**Section 5.** Section 21-81 entitled “Applicability of Other Regulations” of Article XII entitled “Regulations Applicable to PUD-Mt. Laurel Option” of Chapter 21 entitled “Land Development” of *The Revised General and Land Ordinances of the Township of Bernards*, is hereby supplemented and amended to read as follows: [New text in underlined, deleted text in ~~strikethrough~~]

**21-81 Applicability of Other Regulations.**

The provisions of Code Section 21-31, 21-32, 21-33, 21-54.2 and 16.3.1 through 16.5 shall not apply to a PUD-Mt. Laurel Option development. This article XII supersedes Article XI with respect to a PUD-Mt. Laurel Option development. The provisions of Article XIII entitled “Affordable Housing” shall apply to developments under this Article XII. The provisions of any other ordinance or article which conflicts with this article XII shall not be applicable.

**Section 6.** Section 21-83A entitled “Development Fee” of Article XII entitled “Regulations Applicable to PUD-Mt. Laurel Option” of Chapter 21 entitled “Land Development” of *The Revised General and Land Ordinances of the Township of Bernards*, is hereby deleted in its entirety and replaced as follows:

**21-83A Development Fee.** Any and all development under this Article XII shall be subject to the Affordable Housing Development Fees as set forth in Section 21-86. Notwithstanding the foregoing, development pursuant to the terms of the Settlement Agreement and Supplemental Agreement within the zoning district and eligible for the PUD-Mt. Laurel Option under Article XII may pay a fee of twenty nine thousand, two hundred sixty nine (\$29,269.00) dollars per lower income unit, in lieu of construction the 205 affordable housing units which comprise the developer’s lower income housing requirement thereunder.

**Section 7.** Sections 21-84.8, 21-84.13, 21-84.14, and 21-84.15 are deleted in their entirety.

**Section 8.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 9.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bernards, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General and Land Use Ordinances of the Township of Bernards are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 10.** The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15.

**Section 11.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Bernards for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 12.** This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; (3) filing of the final form of adopted ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16; and (4) approval from COAH pursuant to N.J.A.C. 5:96-5.1.

Roll Call

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

[Resolution #2010-0067](#) - *Establishment of the Bernards Township Beautification Task Force*

Motion by Pavlini, second by Malay, that Resolution #2010-0067 be approved.

Roll Call

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

**WHEREAS**, the Bernards Township Committee wishes to improve public awareness and civic pride, and promote involvement and coordination of services, in the pursuit of further beautification of the scenic and historic community of Bernards Township to enhance the quality of life and property values for all residents.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Bernards that we do hereby establish the Bernards Township Beautification Task Force whose Mission and Objectives shall be as follows:

**MISSION**

Improve public awareness and civic pride, promote involvement and coordination of services, in the pursuit of further beautification of the scenic and historic community of Bernards Township to enhance the quality of life and property values for all residents.

## OBJECTIVES

1. To design, sponsor and conduct beautification projects.
2. Work in conjunction with other Municipal groups, most specifically the Green Team, Shade Tree Commission, Parks, Recreation & Pathways Committee, Community Service and the Department of Public Works to accomplish the common goal of further beautifying the township and creating a pleasant environment in which to live and work.
3. Collaborate with existing service groups, such as the Garden Club, to share resources and ideas while maintaining autonomy.

**NOW THEREFORE BE IT FINALLY RESVOLED**, by the Township Committee of the Township of Bernards that appointments to this Task Force shall be made subsequent to adoption of this resolution.

## CONTINUATION OF EARLIER EXECUTIVE SESSION (IF REQUIRED)

At 8:45 PM the committee returned to executive session authorized under Resolution #2010-0211.

## ADJOURNMENT

The meeting resumed in open session at 9:14 PM and by unanimous consent, immediately adjourned.

Respectfully submitted,

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Denise Szabo  
Municipal Clerk/Assistant Administrator

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Scott Spitzer  
Mayor