

TABLE OF CONTENTS

**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE
MINUTES**

JUNE 29, 2010 – AGENDA/REGULAR MEETING

(click on the page number to go directly to that page)

CALL TO ORDER3

ROLL CALL.....3

EXECUTIVE SESSION – RESOLUTION #2010-0230.....3

PRESENTATION TO DESTINATION IMAGINATION TEAM.....4

AGENDA PORTION OF MEETING4

 PROPOSED ORDINANCE #2119 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERNARDS, CHAPTER 3, "POLICE REGULATIONS," BY ENACTING NEW SECTION 3-19, "NUISANCE PROHIBITED" 4

 SOCIAL HOST VIDEO - "IT'S 21 FOR A REASON" – MUNICIPAL ALLIANCE 5

CORRESPONDENCE5

 LETTER DATED 5/7/10 FROM CROWN COURT ASSOCIATES REQUESTING SIGNAGE FOR CROWN COURT APARTMENTS .. 5

 EMAIL DATED 6/1/10 FROM BOCINA HOMES REQUEST SIGNAGE FOR 100 MARKETPLACE 5

REPORTS.....5

PUBLIC COMMENT.....6

TOWNSHIP COMMITTEE/STAFF COMMENTS.....6

FIRE & RESCUE APPOINTMENTS6

UNFINISHED BUSINESS6

 2010 BUDGET 6

 PRESENTATION 6

 PUBLIC HEARING..... 7

 RESOLUTION #2010-0214 - ADOPTION OF 2010 BUDGET 7

 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 7

NEW BUSINESS8

 CONSENT AGENDA 8

Approval of Minutes:..... 8

Resolution #2010-0231 - Approval of the Bill List Dated 06/29/2010..... 8

Resolution #2010-0235 - Awarding Professional Services Contract for Re-Plastering of the Main Pool at Pleasant Valley Pool to Benjamin T. Hanbicki, P.E. of Integrated Aquatics Engineering Inc., in the Not to Exceed Amount of \$7,500 11

Resolution #2010-0236 - Authorization of Renewal of Liquor Licenses 2010-2011 12

<i>Resolution #2010-0237 - Approval of Special Event Permit, Charles Dourney Memorial 5K Run Sponsored by the Somerset Hills YMCA – 07/29/2010.....</i>	<i>13</i>
<i>Resolution #2010-0238 - Approval of Request for a Block Party, Culberson Road (South Alward to Lake Road) – 9/11/2010.....</i>	<i>13</i>
<i>Resolution #2010-0239 - Approval of Special Event Permit National MS Society, Bike Tour – 9/25 & 26/2010.....</i>	<i>13</i>
<i>Resolution #2010-0240 - Return of Cash Maintenance Surety for 20 Lewis Street - Block 1603 Lot 21.....</i>	<i>14</i>
<i>Resolution #2010-0241 - Authorizing an Extension of Grace Period for the Third Quarter 2010 Taxes.....</i>	<i>14</i>
<i>Resolution #2010-0242 - Increasing the Bid Threshold to \$36,000.00.....</i>	<i>15</i>
<i>Resolution #2010-0243 - Issuance of Solicitor’s License , Christopher J. Marazzo, Delicious Ice Cream, LLC, 7/1/2010 – 12/31/2010.....</i>	<i>15</i>
<i>Resolution #2010-0244 - Authorizing Submission of a Grant Application to the Police Department for a Grant Entitled “Over the Limit Under Arrest 2010 Statewide Crackdown”.....</i>	<i>16</i>
RESOLUTION #2010-0232 - IN RECOGNITION OF OUTSTANDING SERVICE TO BERNARDS TOWNSHIP AND THE MUNICIPAL ALLIANCE AGAINST SUBSTANCE ABUSE - DEREK VOGT	16
RESOLUTION #2010-0233 - RESOLUTION APPROVING THE DESIGN OF THE 2010 SIDEWALK, CURBING, & DRAINAGE IMPROVEMENTS.....	17
RESOLUTION #2010-0234 - RESOLUTION APPROVING THE DESIGN OF THE CEDAR HILL SCHOOL PARKING LOT IMPROVEMENTS.....	18
ORDINANCE #2118 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERNARDS, CHAPTER 2 “ADMINISTRATION,” SECTION 25 “MUNICIPAL ALLIANCE AGAINST SUBSTANCE ABUSE” TO ADD TWO STUDENTS WHO RESIDE IN BERNARDS TOWNSHIP AS ADDITIONAL MEMBERS – INTRODUCTION	18
ORDINANCE #2120 - AN ORDINANCE OF THE TOWNSHIP OF BERNARDS APPROPRIATING \$1,096,180.00 FOR VARIOUS CAPITAL IMPROVEMENTS – INTRODUCTION	19
ORDINANCE #2122 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERNARDS, CHAPTER VII, “TRAFFIC” SCHEDULE II PARKING PROHIBITED CERTAIN HOURS REGARDING TURNER STREET AND WEST CRAIG STREET – DISCUSSION & POSSIBLE INTRODUCTION	20
LETTER DATED 6/15/10 FROM ARTHUR L. RAYNES, 7 TURNER STREET, APPEALING THE DECISION OF THE TOWNSHIP ENGINEER, REGARDING A WAIVER FOR OVERNIGHT PARKING PURSUANT TO ORDINANCE #570	21
ORDINANCE #2119 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BERNARDS, CHAPTER 3, “POLICE REGULATIONS,” BY ENACTING NEW SECTION 3-19, “NUISANCE PROHIBITED” – INTRODUCTION.....	21
ADJOURNMENT	23

CALL TO ORDER

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

ROLL CALL

Present: Carpenter, Gaziano, Malay, Pavlini (7:33 PM), Spitzer
Absent:
Also Present: CFO/Administrator McArthur, Engineer/Planner Messina, Attorney Belardo, Municipal Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION – Resolution #2010-0230

Motion by Carpenter, second by Gaziano, that Resolution #2010-0230 be approved and the meeting temporarily adjourned to executive session at 7:32 PM.

Roll Call

Aye: Carpenter, Gaziano, Malay, 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.*

MQI/Tilcon v. Bernards

- ☒ 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

The meeting resumed in open session at 8:02 PM.

PRESENTATION TO DESTINATION IMAGINATION TEAM

The mayor presented Resolution #2010-0226 to members of the Destination Imagination Team commending them on their recent accomplishment of being a Gold Medal Winning Team in the 2010 Destination ImagiNation Global Finals.

AGENDA PORTION OF MEETING

[Proposed Ordinance #2119](#) - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 3, "Police Regulations," by enacting new Section 3-19, "Nuisance Prohibited"*

Captain Ed Byrnes was present and explained that this ordinance establishes the regulation of nuisances caused by excessive and unreasonable noise within the Township, and removes the existing, unenforceable noise regulations within the Code. The Township previously adopted a noise ordinance in or about 1968, which was held unenforceable in Court since the ordinance had not been submitted to the New Jersey Department of Environmental Protection ("NJDEP") after the NJDEP enacted legislation in 1971 requiring its approval of local noise ordinances. The Township has elected not to replace the existing noise regulations by enacting a formal noise ordinance under the Noise Control Act, N.J.S.A. 13:1G-1, *et seq.*, and corresponding Noise Control Regulations, N.J.A.C. 7:29, adopted by the NJDEP, which would require the Township to follow the model ordinance established by the NJDEP and obtain NJDEP's approval of any modifications thereto. Such adoption would be cost prohibitive in training and enforcement expenses. In lieu of adopting this formal noise ordinance, the Township has elected to address this issue through the adoption of a nuisance ordinance authorized by case law.

The committee endorsed the ordinance for introduction. Motion by Carpenter, second by Pavlini, to add Ordinance #2119 to the agenda under New Business.

Roll Call

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

Social Host Video - "It's 21 for a Reason" – Municipal Alliance

Derek Vogt's, who will be recognized later in the meeting under Resolution #2010-0232, has developed this video to educate and inform Bernards Township citizens about the impact of underage drinking on our youth and community. The committee viewed the video.

CORRESPONDENCE

[Letter dated 5/7/10 from Crown Court Associates Requesting Signage for Crown Court Apartments](#)

The committee reviewed the letter from Joe Korn. He is requesting that the township assist Crown Court in eliminating an on-going problem that has existed for many years at their property. The Crown Court Apartments has no property signage at its entrance, and as a result, prospective tenants are unable to locate the property when entering the Spring Ridge Roadway. The entrance to the property is via the township's road easement which connects Crown Court Apartments to Spring Ridge Boulevard. Their request is to erect a sign within the easement which conforms to signage standards applied to similar locations within the Township.

The committee did not believe there was a demonstrated need for the sign.

Motion by Pavlini, second by Malay, to deny the request.

Roll Call

Aye: Carpenter, Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

[Email dated 6/1/10 from Bocina Homes Request Signage for 100 Marketplace](#)

The committee reviewed an email from Rob Fernandes. He is requesting that Bocina Homes be allowed to increase their signage from 30 square feet, which lacks the visibility needed, to 60 square feet. Approval of this request would require an ordinance by the Township Committee.

Bruce Bocina and Robert Fernandez addressed the committee concerning the request.

Motion by Pavlini, second by Gaziano, to direct staff to draft an ordinance change as requested.

Roll Call

Aye: Gaziano, Pavlini, Spitzer

Nay: Carpenter, Malay

Abstain:

Motion carried.

REPORTS

None.

PUBLIC COMMENT

John Crane, 39 Decker Street, commented in opposition of the proposed Ordinance #2108 regarding swimming pools.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

FIRE & RESCUE APPOINTMENTS

None.

UNFINISHED BUSINESS

2010 Budget

[Presentation](#)

CFO/Administration addressed the budget.

Goal: Keep municipal levy increase to absolute minimum, while maintaining high level of services

- Result: Levy \$130,902 Below 2005 Level
- 2005 Municipal Tax Requirement = \$16,722,978
- 2006 Municipal Tax Requirement = \$16,439,342
- 2007 Municipal Tax Requirement = \$16,008,560
- 2008 Municipal Tax Requirement = \$16,007,539
- 2009 Municipal Tax Requirement = \$16,007,069
- 2010 Municipal Tax Requirement = \$16,592,076

Taxes have been cut \$131,000 from 2005 levels despite budget impacts.

	2010	2009	% Change
Tax Levy	16,592,075.57	16,007,069.34	3.65%
Tax Rate / \$100	0.25813	0.235	9.84%
Total Assessed Valuation	6,427,802,477	6,823,575,000	-5.80%
Avg. Home Value	581,191.78	615,925.54	-5.64%
Avg. Home Muni Svcs Tax	1,500.23	1,447.43	3.65%
Avg. Home Open Space Tax	174.36	184.78	-5.64%
Total Municipal Taxes	1,674.59	1,632.20	2.60%

Future Outlook

- Unprecedented Levy Reductions replaced by stable modest growth
 - Staff and operating efficiencies continue
 - Population and Ratable Growth Continues
 - Municipal Facility Growth Operations
 - Debt Retired
- Maintain Prudent Reserves
- Non-Tax Revenue Downturn Stabilizes
 - Interest on Investments
 - Construction Code Revenue
 - Added Taxes

- Continued Unfunded State Mandates with Decreasing State Aid
- State Tax Levy Law –prepare for 2.5% “hard cap”

Public Hearing

The mayor opened the public hearing and the following members of the public made comment.

Todd Edelstein, Riverside Drive
 Paul Damurjian, 181 Douglas Road
 John Crane, 39 Decker Street

[Resolution #2010-0214](#) - Adoption of 2010 Budget

Motion by Malay, second by Pavlini, that Resolution #2010-0214 be approved.

Roll Call

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

BE IT RESOLVED by the Township Committee of the Township of Bernards, County of Somerset that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

\$16,592,075.56 for municipal purposes, and
 \$ 2,571,120.99 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

SUMMARY OF REVENUES

General Revenues	
Surplus Anticipated	\$ 13,104,000.00
Miscellaneous Revenues Anticipated	\$ 6,029,719.44
Receipts from Delinquent Taxes	\$ 260,000.00
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	<u>\$ 16,592,075.56</u>

Total Revenues \$ 35,985,795.00

SUMMARY OF APPROPRIATIONS

GENERAL APPROPRIATIONS

Within “CAPS”	
Operations Including Contingent	\$23,863,469.00
Deferred Charges and Statutory Expenditures—Municipal	\$ 2,175,388.00
Excluded from “CAPS”	
Operations – Total Operation Excluded from “CAPS”	\$ 4,118,513.44
Capital Improvements	\$ 1,878,000.00
Municipal Debt Service	\$ 449,600.00
Reserve for Uncollected Taxes	<u>\$ 3,500,824.56</u>

Total Appropriations \$35,985,795.00

[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

The committee expressed numerous concerns regarding unintended consequences if this ordinance was enacted. They felt these types of pool applications belong before the Zoning Board.

Motion by Malay, second by Carpenter, that Ordinance #2108 to table indefinitely.

Roll Call

Aye: Carpenter, 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 Malay, second by Pavlini, that Resolution #2010-0233, #2010-0234 and 2010-0232 be removed from the Consent Agenda, and that the balance of items approved.

Roll Call

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

Begin Consent Agenda

Approval of Minutes:

[06/15/2010](#) – Open Session

Approved for content and release.

06/15/2010 – Executive Session

Approved for content only.

[Resolution #2010-0231](#) - Approval of the Bill List Dated 06/29/2010

BE IT RESOLVED, that the bill list dated 06/29/2010 be audited, and if found correct, be paid.

06/29/10
10:12:02

TOWNSHIP OF BERNARDS
Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 06/16/10 to 06/29/10
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			
76231	06/21/10	V0124	VERIZON BUSINESS FIOS	523.62	994
76232	06/29/10	90038	FORGIONE, LUCY A.	39.39	995
76233	06/29/10	90047	GREEN, JONATHAN	80.00	995
76234	06/29/10	90049	HALL, JAMES	51.00	995
76235	06/29/10	90229	WERNER, HENRY	86.27	995
76236	06/29/10	90265	MEANY, ANNE	512.00	995
76237	06/29/10	90279	NEIL, DAWN	200.00	995
76238	06/29/10	90390	HERRMANN, MARK	200.00	995
76239	06/29/10	90403	MARTIN, DAVID	14.99	995
76240	06/29/10	90527	KELLY, KATHY	32.71	995
76241	06/29/10	A0044	APPROVED FIRE PROTECTION SYS	348.55	995
76242	06/29/10	A0126	AFLAC NEW YORK	727.60	995
76243	06/29/10	A0162	ACME DIESEL ELECTRIC, INC.	450.00	995
76244	06/29/10	A0168	ALLIED OIL COMPANY, LLC	13,031.51	995
76245	06/29/10	A0232	ARROW ELEVATOR, INC.	200.00	995
76246	06/29/10	A0258	ACCUMED DIAGNOSTIC LAB	7,242.00	995
76247	06/29/10	A0327	ACCURINT	50.00	995
76248	06/29/10	A0338	AFLAC	2,118.41	995
76249	06/29/10	A0398	ABSO	705.00	995
76250	06/29/10	A0404	APRUZZESE, MCDERMOTT, ET AL	2,648.65	995
76251	06/29/10	A0425	ATLANTIC TACTICAL	583.95	995
76252	06/29/10	A0446	ACTION PLUS SPORTSWEAR	118.66	995
76253	06/29/10	A0470	ASSOCIATION OF NJ RECYCLERS	190.00	995
76254	06/29/10	A0471	APEX AMERICAN ELECTRICAL	300.00	995
76255	06/29/10	A0484	ARISTOCRAT LIMOUSINE & BUS CO	5,000.00	995
76256	06/29/10	A0487	ABLE MECHANICAL, INC.	2,240.72	995
76257	06/29/10	B0014	BREWER ASSOCIATES	195.60	995
76258	06/29/10	B0026	BERNARDS TOWNSHIP CURRENT	993.68	995
76259	06/29/10	B0028	BERNARDS TWP. SEWERAGE AUTH.	2,240.00	995
76260	06/29/10	B0029	BERNARDS TWP BD OF EDUCATION	8,087,516.58	995
76261	06/29/10	B0031	BERNARDSVILLE PRINT CENTER	526.41	995
76262	06/29/10	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	555,815.94	995
76263	06/29/10	B0038	BERNARDS TOWNSHIP (COURT)	324.29	995
76264	06/29/10	B0044	BASKING RIDGE ANIMAL HOSPITAL	28.00	995
76265	06/29/10	B0135	BROWN'S HUNTERDON MACK	579.34	995
76266	06/29/10	B0203	DIFRANCESCO, BATEMAN, COLEY,	6,690.84	995
76267	06/29/10	B0469	BEATLEMANIA AGAIN, LLC	2,000.00	995
76268	06/29/10	B0518	BERNARDSVILLE HARDWARE	31.05	995
76269	06/29/10	B0519	BBC AUDIOBOOKS AMERICA	476.81	995
76270	06/29/10	B0543	BLAUVELT, RICHARD S.	11,206.42	995
76271	06/29/10	B0547	BARON, DOUG	200.00	995
76272	06/29/10	C0003	CASCADE TREE SERVICE	7,525.00	995
76273	06/29/10	C0083	CDW GOVERNMENT, INC.	5,939.00	995
76274	06/29/10	C0241	COOPER ELECTRIC SUPPLY	991.34	995
76275	06/29/10	C0365	CAMBRIA, J JOSEPH & JENNIFER	100.00	995
76276	06/29/10	C0464	CURCIO PLUMBING & HEATING, INC	155.00	995
76277	06/29/10	C0493	COMPUMENTOR	153.00	995
76278	06/29/10	C0506	COMMERCIAL BUSINESS FORMS	900.00	995
76279	06/29/10	C0545	AHS HOSPITAL CORP	762.60	995
76280	06/29/10	C0559	CARPETCYCLE, LLC	250.00	995
76281	06/29/10	C0584	COMBAT SPORTS, LLC	720.00	995
76282	06/29/10	C0608	CODOYANNIS MD, VERONICA C.	250.00	995
76283	06/29/10	C0610	CARE PLUS FOUNDATION	50.00	995
76284	06/29/10	C0627	CARAVIAS, VITA	100.00	995
76285	06/29/10	D0020	DELTA DENTAL OF NJ	14,079.63	995
76286	06/29/10	D0271	DESIGN SQUARED, LLC	3,000.00	995
76287	06/29/10	D0339	DEER CARCASS REMOVAL SVC, LLC	115.00	995
76288	06/29/10	D0380	DRIVERS TIRE & SERVICE CENTER	632.11	995
76289	06/29/10	E0185	EDWARDS TIRE COMPANY	3,983.92	995
76290	06/29/10	E0224	EXCELLENT BUILDING SERVICES	3,600.00	995
76291	06/29/10	F0001	FEDEX	34.72	995
76292	06/29/10	F0024	FISCHER, JOSEPH	2,440.00	995
76293	06/29/10	F0047	FULLERTON FORD	530.60	995
76294	06/29/10	F0150	FRIENDS OF SOMERSET CTY YOUTH	20.00	995
76295	06/29/10	F0279	FNA JERSEY LIEN SERVICES LLC	11,930.59	995
76296	06/29/10	F0285	FLOORCOM, INC	6,118.90	995
76297	06/29/10	G0004	GALLS, INC.	134.00	995
76298	06/29/10	G0066	GRAINGER INC	339.52	995
76299	06/29/10	G0098	JCP&L	33,996.76	995
76300	06/29/10	G0401	G & L TRANSCRIPTIONS OF NJ	247.50	995
76301	06/29/10	H0004	HEALTH DEPARTMENT PETTY CASH	53.83	995
76302	06/29/10	H0008	HEWLETT-PACKARD	2,672.00	995
76303	06/29/10	H0009	HILL PRESS	210.00	995
76304	06/29/10	H0029	HUMPHREYS PEST CONTROL, INC.	175.00	995
76305	06/29/10	H0108	HIGHLANDS REGIONAL LIB COOP	30.00	995
76306	06/29/10	H0181	HOUSER WELDING SUPPLY	27.50	995
76307	06/29/10	H0206	MITCHELL HUMPHREY & CO.	2,700.00	995
76308	06/29/10	H0246	HOME DEPOT CREDIT SERVICES	139.14	995
76309	06/29/10	I0018	INST./TRANSPORTATION ENGINEERS	52.00	995
76310	06/29/10	J0023	JOHN H. STAMLER POLICE ACADEMY	300.00	995

TOWNSHIP COMMITTEE MINUTES

06/29/2010

Page 9 of 23

76311	06/29/10	J0113	JOHNSON, MARCIA	550.00		995
76312	06/29/10	J0123	JERSEY PAPER PLUS (JCP PAPER)	263.20		995
76313	06/29/10	K0039	KOBESKY, GREGG S.	880.80		995
76314	06/29/10	L0038	LIN-GATE EQUIPMENT SALES & SVC	10.86		995
76315	06/29/10	L0067	LIBERTY SCIENCE CENTER	140.00		995
76316	06/29/10	L0123	LESCO, INC.	223.45		995
76317	06/29/10	L0306	THE LIFE GUARD STORE	3,590.50		995
76318	06/29/10	L0314	LAFLAMME, JOHN	605.44		995
76319	06/29/10	M0006	MGL PRINTING SOLUTIONS	3,694.83		995
76320	06/29/10	M0142	MORRIS COUNTY AREA SWIM LEAGUE	550.00		995
76321	06/29/10	M0190	MCLAUGHLIN, ROSEMARIE	70.00		995
76322	06/29/10	M0279	MITZNER, SCOTT C.	1,090.00		995
76323	06/29/10	M0301	MEDIAVAL TIMES USA, INC.	975.75		995
76324	06/29/10	M0342	MORTON'S MARKETING RESOURCES	76.00		995
76325	06/29/10	M0409	MAD SCIENCE OF WEST NEW JERSEY	975.00		995
76326	06/29/10	M0441	MAIN LINE COMMERCIAL POOLS, INC	550.00		995
76327	06/29/10	M0493	MCELROY, DEUTSCH, MULVANEY &	18,897.88		995
76328	06/29/10	M0518	KONICA MINOLTA BUSINESS SOL.	633.81		995
76329	06/29/10	M0682	MED-TECH RESOURCE INC.	92.84		995
76330	06/29/10	M0684	MALLACH, ELLEN & JERRY	162.50		995
76331	06/29/10	M0685	MAFFEY, PATTY	182.50		995
76332	06/29/10	N0006	NEW JERSEY AMERICAN WATER CO.	0.00	06/29/10 VOID	0
76333	06/29/10	N0006	NEW JERSEY AMERICAN WATER CO.	39,396.34		995
76334	06/29/10	N0064	NEW JERSEY LIBRARY ASSOCIATION	130.00		995
76335	06/29/10	N0139	NORTHEAST FLUID POWER CO, INC	2,390.00		995
76336	06/29/10	N0322	NEXTEL COMMUNICATIONS	89.63		995
76337	06/29/10	N0323	NATIONAL SMALL FLOWS	99.42		995
76338	06/29/10	N0389	NJ MOTOR VEHICLE COMMISSION	180.00		995
76339	06/29/10	N0391	NESTLE WATERS	76.59		995
76340	06/29/10	N0401	NORMAN & LUBA LLC	28,232.08		995
76341	06/29/10	O0021	OFFICE DEPOT	1,009.63		995
76342	06/29/10	O0046	OCS PRINTING	149.00		995
76343	06/29/10	O0078	OAKTREE FINANCIAL PLANNING	432.00		995
76344	06/29/10	P0005	PITNEY BOWES, INC.	180.00		995
76345	06/29/10	P0014	PUBLIC SERVICE ELEC. & GAS CO	288.54		995
76346	06/29/10	P0505	PALUMBO, JOHN	1,012.85		995
76347	06/29/10	R0004	RECORDED BOOKS INC.	617.80		995
76348	06/29/10	R0031	ROCKWOOD CORPORATION	245.50		995
76349	06/29/10	R0309	ROYAL COMMUNICATIONS, INC.	2,540.00		995
76350	06/29/10	R0402	RELIABLE WOOD PRODUCTS	1,795.20		995
76351	06/29/10	R0418	REALE, STEPHEN	2,600.00		995
76352	06/29/10	S0021	S & S WORLDWIDE, INC.	24.57		995
76353	06/29/10	S0174	SOMERSET COUNTY	80.00		995
76354	06/29/10	S0202	SUBURBAN PROPANE	184.40		995
76355	06/29/10	S0401	SOMERSET COUNTY PARK COMM	56.00		995
76356	06/29/10	S0441	STEWART INDUSTRIES	244.00		995
76357	06/29/10	S0443	STAPLES ADVANTAGE	2,163.80		995
76358	06/29/10	S0628	STATE OF NEW JERSEY-HB	178,034.10		995
76359	06/29/10	S0719	SOMERSET HILLS TOWING	9.00		995
76360	06/29/10	S0744	SAHARA SAM'S OASIS, LLC	378.75		995
76361	06/29/10	T0003	ENVIROTEST LABORATORIES, INC.	2,375.00		995
76362	06/29/10	T0019	TRAP ROCK INDUSTRIES, INC.	1,122.80		995
76363	06/29/10	T0037	TJ'S SPORTWIDE TROPHY & AWARDS	229.92		995
76364	06/29/10	T0066	GALE	170.84		995
76365	06/29/10	T0142	TODD HARRIS CO., INC.	126.00		995
76366	06/29/10	T0154	TILCON NEW YORK, INC.	1,239.00		995
76367	06/29/10	T0167	TREASURER, STATE OF NEW JERSEY	25.00		995
76368	06/29/10	T0312	THOMAS, GRETCHEN	200.00		995
76369	06/29/10	T0340	TOTOWA CONCRETE PRODUCTS	2,500.00		995
76370	06/29/10	T0341	TECH-TERRA ORGANICS, LLC	289.67		995
76371	06/29/10	V0037	VILLAGE SUPERMARKET, INC.	297.45		995
76372	06/29/10	V0056	VERIZON WIRELESS	1,414.65		995
76373	06/29/10	V0058	VERIZON	120.35		995
76374	06/29/10	V0124	VERIZON BUSINESS FIOS	319.99		995
76375	06/29/10	W0016	WARRENVILLE TRUE VALUE	228.29		995
76376	06/29/10	W0228	WINDING PATH YOGA	1,260.00		995
76377	06/29/10	W0275	WINNING TEAMS BY NISSEL LLC	1,120.00		995
76378	06/29/10	W0280	WEST, ELISE	80.00		995
76379	06/29/10	X0003	XEROX CORPORATION	357.00		995
76380	06/29/10	Y0191	YORKGITIS, DAVID	70.00		995
76381	06/29/10	Z0041	ZERO WASTE USA, INC.	590.00		995

Checking Account Totals	Paid	Void	Amount Void	Amount Paid
	----	----	-----	-----
Checks:	150	1	0.00	9,122,969.17
	=====	=====	=====	=====

Fund Description	Fund	Budget Total	Revenue Total
CURRENT FUND	0-01	9,062,363.63	0.00
DOG FUND	0-12	451.27	0.00
TRUST FUNDS	0-13	26,345.44	0.00

GOLF COURSE UTILITY	0-26	7,580.61	0.00
	Year Total:	9,096,740.95	0.00
CURRENT FUND	9-01	3.00	0.00
CAPITAL FUND	C-04	16,524.07	0.00
GRANT FUND	G-02	9,701.15	0.00
	Total Of All Funds:	9,122,969.17	0.00

[Resolution #2010-0235](#) - Awarding Professional Services Contract for Re-Plastering of the Main Pool at Pleasant Valley Pool to Benjamin T. Hanbicki, P.E. of Integrated Aquatics Engineering Inc., in the Not to Exceed Amount of \$7,500

WHEREAS, the Township of Bernards requires Professional Engineering Services; and

WHEREAS, Benjamin T. Hanbicki, P.E., NJPE License # 24GA28129400 of Integrated Aquatics Engineering Inc., has submitted a proposal dated May 2010 outlining services to the township; and

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

WHEREAS, this professional services contract is not subject to the requirements of N.J.S.A. 19:44A-20.4, *et seq* and Section 2-34 of the "Township Ordinances" as the Contract is under the threshold for the ordinance as well; and

WHEREAS, the Treasurer has certified funds are available in the Pool Improvements Capital Account #C-04-55-082-A01 line item appropriation or ordinance.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Benjamin T. Hanbicki, P.E., NJPE License # 24GA28129400 of Integrated Aquatics Engineering Inc., 75 Shewell Ave, Doylestown, PA, 18901, as follows:

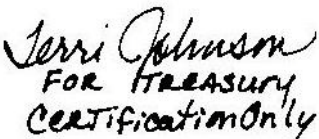
1. The contract will encompass services as outlined in the submitted proposal dated May 2010.
2. The contract term is from June 29, 2010 through December 31, 2010 for professional engineering services not to exceed an amount of \$7,500.00.
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. **Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.**
5. **No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.**
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
8. The contractor shall report directly to Jennifer Gander, Director of Parks & Recreation, who will be the chief contact for the Township of Bernards on this project.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that a copy of this resolution be published in the official township

newspaper, and be placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent.

I agree to the terms as stated in the Resolution and by signing this document I, Benjamin T. Hanbicki, P.E., NJPE License # 24GA28129400 of Integrated Aquatics Engineering Inc., I am committed to follow all terms of this award.

Benjamin T. Hanbicki, P.E., NJPE License # 24GA28129400

TREASURER'S CERTIFICATION	
I, Terri Johnson , Treasurer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$7,500.00. The Capital account to be charged is C-04-55-082-A01	
Date: 6-14-2010	 FOR TREASURY CERTIFICATION ONLY
	Terri Johnson Treasurer

[Resolution #2010-0236](#) - 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:

Hotel Licenses		
1802-36-009-002	New Generation Management LLC t/a Hotel Indigo	80 Allen Road Basking Ridge, NJ 07920
Plenary Retail Distribution Licenses		
1802-44-013-001	Ridge Fine Wines LLC c/o Ridge Fine Wines	411-3 King George Road Basking Ridge, NJ 07920

[Resolution #2010-0237](#) - Approval of Special Event Permit, Charles Dourney Memorial 5K Run Sponsored by the Somerset Hills YMCA – 07/29/2010

WHEREAS, Donna Dourney, representing the Somerset Hills YMCA, 140 Mt. Airy Road, Basking Ridge, NJ, “the applicant,” has requested a special event permit for 07/29/2010, from 5:00 P.M. to 8:30 P.M. for the purpose of holding a the Charles Dourney Memorial 5K Run; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that that the special event permit is hereby approved for the 07/29/2010.

[Resolution #2010-0238](#) - Approval of Request for a Block Party, Culberson Road (South Alward to Lake Road) – 9/11/2010

WHEREAS, Eric Davidson hereinafter “the applicant,” has requested permission to close Culberson Road from South Alward to Lake Road on September 11, 2010 (rain date N/A) from 1:00 to 5:00 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 #2010-0239](#) - Approval of Special Event Permit National MS Society, Bike Tour – 9/25 & 26/2010

WHEREAS, Brian Hurwitz, representing the National MS Society “the applicant,” 1 Kausa Way, Suite 205, Paramus, NJ 07652, has requested a special event permit for September 25 & 26, 2010 from 9 AM to 5 PM for the purpose of holding a Bike Tour “special event” passing through certain streets Bernards Township; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

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

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

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

[Resolution #2010-0240](#) - Return of Cash Maintenance Surety for 20 Lewis Street - Block 1603 Lot 21

WHEREAS, the Development Control Officer of the Township of Bernards, Somerset County, New Jersey, 07920, has received a request for the return of the following Cash Maintenance Surety:

Name of Applicant: Richard S. Blauvelt
Address: 1 Clarken Drive, West Orange, NJ 07052
Cash Maintenance Surety: \$10,357.37

WHEREAS, the aforesaid applicant is requesting return of their Cash Maintenance Surety, and

WHEREAS, the Township Engineer, after inspection, advises that the site has now been completed in compliance with Township regulations and recommends return of the Cash Maintenance Surety to the applicant.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the aforesaid Cash Maintenance Surety be released to the above named applicant.

[Resolution #2010-0241](#) - Authorizing an Extension of Grace Period for the Third Quarter 2010 Taxes

WHEREAS, the State of New Jersey has not released all information needed for striking a rate, and

WHEREAS, this information is needed to produce the Final 2010/Preliminary 2011 tax bills, and

WHEREAS, as a result, the County of Somerset could not release the tax rate, and

WHEREAS, the Tax Collector must allow 25 calendar days for payment from the date of mailing pursuant to NJSA 54:4-66.3,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Tax Collector be authorized to extend the grace period for the third quarter 2010 up to and including the 25th day after the actual bills are mailed; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that any payments received after that date, for the third quarter 2010 will be charged interest from the original due date of August 1, 2010 by the guidelines set by NJSA 54:4-67 and Resolution # 100017 passed by the Bernards Township Committee on January 4, 2010.

[Resolution #2010-0242](#) - Increasing the Bid Threshold to \$36,000.00

WHEREAS, effective July 1, 2010, Governor Chris Christie has exercised his authority to adjust the bid thresholds for awarding contracts by various contracting units; and

WHEREAS, N.J.S.A. 40A: 11-9 (b) provides that a government unit which employs a Qualified Purchasing Agent can take advantage of the higher bid threshold of \$ 36,000.00 pursuant to N.J.S.A. 40A: 11-3a and grants the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C.5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Francis J. Decibus, Purchasing Agent possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, the Township of Bernards desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Bernards, County of Somerset, in the State of New Jersey, hereby increases the bid threshold from \$29,000.00 to \$36,000.00; and

BE IT FURTHER RESOLVED, that the governing body hereby recognizes Francis J. Decibus as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A: 11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit.

[Resolution #2010-0243](#) - Issuance of Solicitor's License , Christopher J. Marazzo, Delicious Ice Cream, LLC, 7/1/2010 – 12/31/2010

WHEREAS, Christopher Marazzo, Delicious Ice Cream, LLC, 39 Butternut Lane, Basking Ridge, NJ, has applied for a Solicitor's License for the period of July 1, 2010 through 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 #2010-0244](#) - Authorizing Submission of a Grant Application to the Police Department for a Grant Entitled "Over the Limit Under Arrest 2010 Statewide Crackdown"

WHEREAS, the Police Department is recommending the Township Committee approve a grant application to NJ Division of Highway Safety for a grant entitled "Over the Limit Under Arrest 2010 Statewide Crackdown" for the purpose of funding the township program of Drunk Driving Enforcement between the dates of August 20 and September 6, 2010; and

WHEREAS, the grant application has been reviewed by the Department Head, and Administrator.

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 NJ Division of Highway Safety for a grant entitled "Over the Limit Under Arrest 2010 Statewide Crackdown" for the purpose of funding the township program of Drunk Driving Enforcement; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that Captain Edward Byrnes of the Police Department serve as the project manager for this grant application.

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

End Consent Agenda

[Resolution #2010-0232](#) - In Recognition of Outstanding Service to Bernards Township and the Municipal Alliance against Substance Abuse - Derek Vogt
Motion by Carpenter, second by Pavlini, that Resolution #2010-0232 be approved.

Roll Call

Aye: Carpenter, Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

WHEREAS, the Township of Bernards desires to convey to you, Derek Vogt, an expression of its appreciation and grateful acknowledgment for the fine efforts rendered by you to the Township of Bernards, the Bernards Township Municipal Alliance Against Substance Abuse, and the Bernards Township Health Department through the production of the Social Host Laws video; and

WHEREAS, the Bernards Township Municipal Alliance Against Substance Abuse was established in 1991 and has provided substance abuse prevention and education to Bernards Township residents for over 19 years; and in 2010, with the hard work and dedication of Derek Vogt in spreading the mission of the Alliance; and

WHEREAS, under Derek Vogt’s creativity and video production expertise, the Municipal Alliance is able to educate and inform Bernards Township citizens about the impact of underage drinking on our youth and community; and

WHEREAS, the Bernards Township Health Department has contracted with Derek in previous years to create a public health video intended to educate the public about preventing the spread of pandemic flu and the importance of hand washing; and

WHEREAS, the Township of Bernards, Health Department, and Municipal Alliance sincerely appreciates the valuable contributions you have made towards the prevention of substance abuse and underage drinking, thus protecting the public’s health and improving the quality of life in Bernards Township.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Bernards recognizes the outstanding work of Derek Vogt in the creation of the Social Host Video.

[Resolution #2010-0233](#) - *Resolution Approving the Design of the 2010 Sidewalk, Curbing, & Drainage Improvements*

Motion by Carpenter, second by Gaziano, that Resolution #2010-0233 be approved.

Roll Call

Aye: Carpenter, Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

WHEREAS, Bernards Township proposes to undertake construction of a public improvement within Bernards Township at various locations, and commonly referred to as the 2010 SIDEWALK, CURBING, & DRAINAGE IMPROVEMENTS; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Bernards hereby formally approves the plan entitled “2010 SIDEWALK, CURBING, & DRAINAGE IMPROVEMENTS”, dated June 3, 2010 and prepared by Peter A. Messina, P.E., P.P., CME for a certain public improvement generally described as the 2010 SIDEWALK, CURBING, & DRAINAGE IMPROVEMENTS, and

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

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

[Resolution #2010-0234](#) - *Resolution Approving the Design of the Cedar Hill School Parking Lot Improvements*

Motion by Carpenter, second by Gaziano, that Resolution #2010-0234 be approved.

Roll Call

Aye: Carpenter, Gaziano, Malay, Pavlini, Spitzer

Nay:

Abstain:

Motion carried.

WHEREAS, Bernards Township proposes to undertake construction of a public improvement within Bernards Township on behalf of the Bernards Township Board of Education at Cedar Hill School, and commonly referred to as the Cedar Hill School Parking Lot Improvements; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Bernards hereby formally approves the plan entitled "Cedar Hill School Parking Lot Improvements", dated June 3, 2010 and prepared by Peter A. Messina, P.E., P.P., CME for a certain public improvement generally described as the Cedar Hill School Parking Lot Improvements, and

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

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

[Ordinance #2118](#) - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 2 "Administration," Section 25 "Municipal Alliance Against Substance Abuse" to Add Two Students Who Reside in Bernards Township as Additional Members – Introduction*

The clerk read the ordinance by title. Motion by Carpenter, second by Gaziano, that Ordinance #2118 be introduced on first reading, advertised as required by law, with a public hearing on 7/27/2010.

Roll Call

Aye: Carpenter, 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 that Chapter 2, “Administration,” Section 25 “Municipal Alliance Against Substance Abuse” of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in double underline; deletions are ~~stricken~~):

§2-35.1 through §2-35.2 – (No Change in Text)

§ 2-35.3. Membership.

a. Membership to the Alliance shall consist of ~~13-15~~ members, which shall formally meet on a monthly basis. Members shall be selected by the Township Committee and shall serve for a period of one year commencing at the Township Committee's annual reorganization meeting and ending on December 31 of that calendar year. The Township Committee shall annually designate one of the members to serve as Chairman and presiding officer.

~~6.b.~~ Membership to the Alliance shall include the following:

~~14.1.~~ A representative from the Township Committee.

~~15.2.~~ A representative or an employee of the Board of Health.

~~16.3.~~ A member of the Township's Board of Education or a designated Board of Education staff person.

~~17.4.~~ A representative of the Township Police Department. An alternate Police Department representative shall also be appointed to act in the absence or temporary disability of the regular representative.

~~18.5.~~ A representative of each Parent-Teacher Organization on a rotating basis so that only one representative is a voting member at any given time.

~~19.6.~~ A Student Assistance Counselor (SAC).

~~20.7.~~ A representative of a local civic association.

~~21.8.~~ A representative of local religious groups.

~~22.9.~~ A representative of the senior citizen community.

~~23.10.~~ A representative of a substance abuse treatment organization.

~~24.11.~~ Three private citizens who reside in the Township.

12. Two students who reside in Bernards Township.

§ 2-35.4. Responsibilities/Powers. – (No Change in Text)

Ordinance #2120 - *An Ordinance of the Township of Bernards Appropriating \$1,096,180.00 for Various Capital Improvements – Introduction*

The clerk read the ordinance by title. Motion by Pavlini, second by Malay, that Ordinance #2120 be introduced on first reading, advertised as required by law, with a public hearing on 7/27/2010.

Roll Call

Aye: Carpenter, 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, New Jersey that the sum of \$1,096,180.00 is hereby appropriated from the Capital Improvement Fund for the following purposes:

A	\$20,000.00	Engineering Department GIS System upgrade including but not limited to an Aerial Photography Update
B	\$101,000.00	Purchase of Motor Vehicle Fleet Replacements
C	\$157,000.00	Facility Improvements including but not limited to following structures: Engineering Services Building, Health Department, Police HQ, Various Parks and Recreation Facilities and Municipal Building
D	\$50,000.00	Pleasant Valley Park Platform Tennis Court Renovations; and Infrastructure Improvements to Various Parks and Recreation Facilities
E	\$425,000.00	Purchase of DPW Equipment including a Replacement Street Sweeper; Various Small Equipment; Inlet Reconstruction and Retrofitting; Bituminous Concrete Replacement Plans
F	\$79,680.00	Purchase of Various Police Equipment including, but not limited to Bullet Proof Vest Replacements, Digital Video Cameras, Digital License Plate Reader, Defibrillators, and UHF Radio Equipment
G	\$38,500.00	Various Systems Improvements including Various Hardware/Software Upgrades; Police Mobile Data Terminals
H	\$10,000.00	Purchase of Various Emergency Equipment for the Basking Ridge First Aid Squad
I	\$50,000.00	Purchase of Various Emergency Equipment for the Basking Ridge Fire Company
J	\$30,000.00	Purchase of Various Emergency Equipment for the Liberty Corner Fire Company
K	\$135,000.00	Purchase of Various Grounds Maintenance Equipment

Any grant moneys received for the purposes described above hereof shall be applied to direct payment of the cost of the improvements and shall reduce the amount authorized from the capital improvement fund to the extent that such funds are so used.

The period of usefulness is five years or more. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services is on file with the Township Clerk and are available for public inspection.

BE IT FURTHER ORDAINED, this ordinance shall take effect immediately upon final passage and publication in accordance with law.

[Ordinance #2122](#) - *An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter VII, "Traffic" Schedule II Parking Prohibited Certain Hours Regarding Turner Street and West Craig Street – Discussion & Possible Introduction*

By unanimous consent the committee agreed to suspend the rules to accept public comment on the ordinance and discuss new business after 10:30 PM.

Public Comment

Cam Witt, Ridge Street

Jim DeCoste, 8 Turner Street

Motion by Malay, second by Pavlini, that Ordinance #2122 be tabled to 7/13/10 with a decision to restrict parking on Turner and W. Craig to 4 hour parking.

Roll Call

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

[Letter dated 6/15/10 from Arthur L. Raynes, 7 Turner Street, Appealing the Decision of the Township Engineer, Regarding a Waiver for Overnight Parking Pursuant to Ordinance #570](#)

Under Ordinance #570 a waiver was requested of Pete Messina. Messina denied the request. His basis for denial was that waivers are granted only in the event that “there is no way that a person can legally park on this property. Messina suggested reconfiguration of his drive. However, in Raynes’ case, he shares a driveway with another property owner, thus preventing him from parking in the drive. The property next to Mr. Raynes’ residence is owned by the railroad company and therefore cannot be used to extend the parking area.

Motion by Malay, second by Pavlini, to table the matter to 7/13/10

[Ordinance #2119 - An Ordinance to Amend the Revised General Ordinances of the Township of Bernards, Chapter 3, “Police Regulations,” by enacting new Section 3-19, “Nuisance Prohibited” – Introduction](#)

The clerk read the ordinance by title. Motion by Carpenter, second by Pavlini, that Ordinance #2119 be introduced on first reading, advertised as required by law, with a public hearing on 7/27/10.

Roll Call

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

WHEREAS, the Township has received complaints regarding excessive and unreasonable noises, which have become a nuisance to the residents of the Township; and

WHEREAS, the Township currently has no mechanism to regulate such nuisances; and

WHEREAS, New Jersey Courts have reviewed and approved municipal ordinances which regulate noise as a nuisance within a municipality; and

WHEREAS, to address these concerns, the Township desires to adopt an ordinance to regulate noise which rise to the level of a nuisance, specifically following the ordinance reviewed and found enforceable by the New Jersey Appellate Division in State v. Clarksburg Inn, 275 N.J.Super. 624 (App.Div.2005); and

WHEREAS, the Township Committee of the Township of Bernards finds it to be in the best interest of the Township and its citizens to adopt an ordinance to establish regulations of noise as a nuisance to prevent excessive sound that may jeopardize the health, welfare and safety of its citizens or degrade the quality of life within the Township.

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

Section 1. Chapter 3 entitled “Police Regulations” of the Revised General and Land Use Ordinances of the Township of Bernards is hereby amended and revised to add and create new Section 3-19 entitled “Nuisance Prohibited” to read as follows:

SECTION 3-19 Nuisance Prohibited

§ 3-19.1. Nuisance Prohibited.

It shall be unlawful for a person or entity to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. Specifically exempted hereunder is noise presumed not to be a nuisance pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. This ordinance mirrors the municipal nuisance ordinance which was reviewed and found to be enforceable by the New Jersey Superior Court, Appellate Division, in State v. Clarksburg Inn, 275 N.J.Super. 624 (App.Div.2005).

§ 3-19.2. Definition of Nuisance in the Form of Noise.

Without intending to limit the generality of subsection 3-19.1, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this Section:

- a. *Radios; Televisions; Phonographs.* The playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100') feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- b. *Yelling; Shouting.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
- c. *Animals; Birds.* The keeping of animals or birds which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity; but nothing herein contained is intended to apply to a dog pound or kennel licensed in accordance with Chapter V of this Code.
- d. *Horns.* The sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law, or when necessary to give timely warning of the

approach of the vehicle, or as a warning of impending danger to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound, or for an unnecessary or unreasonable period of time.

§ 3-19.3. Penalty.

Any person or entity violating any provision of this Section shall, upon conviction thereof, be subject to the penalties set forth in Section 3-1 herein.

Section 2. Section 3-9 entitled “Noise Regulations” of Chapter 3 entitled “Police Regulations” of the Revised General and Land Use Ordinances of the Township of Bernards is hereby amended and revised by the deletion of Section 3-9.1 entitled “Definitions”, Section 3-9.2 entitled “General Noise Regulation”, Section 3-9.3 entitled “Motor Vehicle Noise Emission Regulation”, and 3-9.4 entitled “Exceptions”. Section 3-9.2.1 entitled “Construction Noise”, Section 3-9.3.1 entitled “Loading and Unloading”, and Section 3-9.5 entitled “Enforcement; Penalties” are to remain in full force and effect, to be re-numbered Sections 3-9.1, 3-9.2 and 3-9.3, respectively.

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

Section 4. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Bernards, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the *General and Land Use Ordinances of the Township of Bernards* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

ADJOURNMENT

By unanimous consent, the meeting adjourned at 10:48 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Scott Spitzer
Mayor