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OCTOBER 14, 2008 – REGULAR MEETING

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CALL TO ORDER

The mayor called the meeting to order at 7:30 PM in the Bernards Township Municipal Building. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL

Present: Kelly, Malay, Pavlini, Spitzer (7:34 PM), Carpenter
Absent:
Also Present: CFO/Administrator McArthur, Engineer/Planner Messina, Attorney Belardo, Municipal Clerk/Assist Administrator Szabo

EXECUTIVE SESSION – [Resolution #080412](#)

Motion by Malay, second by Pavlini, and unanimously agreed to adopt Resolution #080412 and the meeting temporarily adjourned to executive session at 7:31 PM.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of an action upon the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - ☒ Litigation Millington Quarry/Tilcon v. Bernards Township
 - ☒ Land Acquisition English Farm, Block 9301, Lot 19 and Block 7703, Lot 22
Pyne, Block 9601, Lots 8, 9, 11, 12, 13 & 14
Silva, Block 9301, Lot 54
 - ☒ Contract Negotiations John Belardo, Esq.
Dennis Krumholz, Esq.
 - ☒ Personnel Evaluation, Police Chief
Board Appointments
Sick Leave Advance, Debbie Mahon
3. It is anticipated that the minutes on the subject matters of the closed session will be made public upon conclusion, dismissal or settlement of litigation; or final resolution of agreements on personnel matters; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The committee will come back into open session and may take further action.
5. This resolution shall take effect immediately.

At 8:00 PM the meeting resumed in open session.

MINUTES

09-23-2008 – Combined Agenda/Regular Meeting – Open Session

By unanimous consent, these minutes were approved for content and release.

09-23-2008 – Combined Agenda/Regular Meeting – Executive Session

By unanimous consent, these minutes were approved for content only.

FIRE & RESCUE APPOINTMENTS

Resolution #080419 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner Fire Company, Alex Leybovich

Motion by Pavlini, second by Malay, and unanimously agreed to approve Resolution #080419.

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 Alex Leybovich, 8 Carnegie Place, Basking Ridge, NJ, for appointment as a Full member;

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

CORRESPONDENCE

None.

REPORTS

Report of the Deer Management Advisory Committee, Recommendation for TC Action for 2008-2009 Season

Dr. Bill Darrow was present and gave the following report:

The 2007-2008 Bernards Township municipal deer management program was conducted from October 1, 2007 through February 16, 2008 under regular State sport hunting rules and regulations, and thereafter to its conclusion March 31, 2008 under a CBDM Permit approved by the NJ Fish and Game Council.

Bernards Township's request for a deer check station within the Township for use by the deer management program was again granted by DFW. This permitted local check-in of all deer from the 2007-2008 program and greatly expedited the culling efforts.

Similar to the preceding four seasons, the program comprised the following elements: 1) controlled hunting via archery by qualified members of two Township-authorized and based private hunting groups, Whitetail Solution and Bernards Township Protective Association, on designated municipal or Somerset County owned tracts from October 1, 2007 through March 31, 2008, and 2) controlled hunting via firearm by the latter group on a limited number of the above tracts during the same time frame as permitted by State sport hunting regulations for firearms use. The Township Committee-approved program and the State permit authorized extensions of the Winter archery and firearms deer hunting seasons beyond February 16, 2008 for the Bernards Township deer

management program. Thirty-two tracts were originally approved for use and two additional tracts were later added, for a total of 34 tracts. There were no incidents or accidents involving the program, and no shot deer went unretrieved.

The two authorized hunting groups took a total of 269 deer from Township and Somerset County lands during the 2007-2008 season, compared with 247 during the 2006-2007 season.

Of the 269 total, 54 deer, or 20%, were taken during the CBDM Permit's authorized extension of the regular sport hunting season. As the Township's deer population is reduced, extending the culling season via CBDM Permit therefore is an important part of the Township's deer management program.

The 269 deer harvested under the program this past season represented 66% of the total number of deer taken (407) within the Township. The remaining third (138 deer) were taken by sport hunters on private lands during the regular 2007-2008 whitetail deer seasons.

The Township again agreed to cover the cost of butchering and transport to New Jersey food banks of the venison from surplus deer taken under the program. Venison from a total of 76 deer was donated to community food banks. Assuming an average dressed weight of 85 pounds per deer, this represents three and a quarter tons of venison.

Although not part of the Bernards Township deer management program, both hunting groups also operated on private lands within the Township in 2007-2008, by owner invitation and during the State sport hunting season only. WS and the BTPA took an additional 78 deer on private lands in the Township, and other sport hunters took 60, or 43% of the 138 total taken from private lands.

After the last six seasons it is evident that the Township's deer population has been significantly reduced. Estimates based on the last full aerial census, done in 2002, and an assumed 35% reproduction rate indicated that the population should be down to slightly over 21 per square mile as of a year ago, i.e., after the 2006-2007 season. It is clearly down further after this past season's results, but we now believe the reproduction rate assumption used in past years should have been several percentage points higher, i.e., perhaps 36 or 37%, since doing the math using a 35% assumed reproduction rate and this season's road kill and hunting totals yields an impossibly low number. We note that a state study of actual reproduction rates in the two Wildlife Management Zones that traverse Bernards Township, Zones 9 and 13, showed a reproductive rate range of 35% to 40%.

A full aerial census is planned in the next year or two, which should provide the actual deer population count. Right now, and pending such census, our best estimate is that the population is at or somewhat under 20 per square mile, but is not yet at or close to the desired figure of no more than 10 deer per square mile. It is, however, a major improvement over the estimated 118 deer per square mile in 2002.

A partial aerial survey done this past January to evaluate methodology, and which overflew an area that has not been accessible to our deer management program thus far, showed approximately 30 deer per square mile in the strip surveyed, which jibes with the above estimate.

The results thus continue to be encouraging, but the goal of reaching a balance between societal needs and a resident deer population has not yet been achieved. Wildlife biologists generally recommend a Biological Carrying Capacity (i.e., deer population) of no more than 20/square mile, and a maximum Cultural Carrying Capacity of no more than 10 deer/square mile. The former refers to the impact on the biosystem (the woodlands' "understory") and the latter to the effect of the deer population on vehicular accidents, property damage, and disease (most notably Lyme disease).

Moreover, whitetail deer are not migratory, and the Township still contains significant over-concentrations of deer in some areas that have not as yet been accessible to the program or other hunting.

The Deer Management Advisory Committee continues to use a Deer Biological Year standard, comprising 12-month periods from April 1 to March 31. Each DBY or bioyear thus commences just prior to the annual spring fawning season and concludes after the hunting season. We have police-logged (by date and location) road kill data from the fall of 1999 through the present.

For DBY 2008 (ending March 31, 2008) the roadkill total by actual Police Department count on municipal and county roads within the Township was 131 deer, which is an increase over the previous DBY's total of 94, albeit still a major reduction from DBY 2001's total of 289. This increase was unexpected, given the continued reduction in the estimated deer population, and largely occurred during the months of December and January. This raises the possibility that the extremely mild winter weather last year may have played a role, since deer become less active and less mobile in cold and snowy winter conditions. We are further evaluating the pattern of roadkills to see if increased traffic volume could also have played a role.

Cost of the 2007-2008 Bernards Township deer management program was \$30,323.38, or \$112.73 per deer harvested. The previous year's final cost was \$17,354.57, and the cost per deer was \$70.26. The 2007-2008 total cost, however, includes \$8,020.00 for the partial aerial survey and \$1,499.84 for training and tuition, as well as \$7,155.80 for personnel costs (Deer Management Administrator, secretarial services). It also includes \$5,320.00 for the 76 surplus deer donated to community food banks (at \$70 per deer for butchering and transport). Bait cost was \$3,859.70. The remainder went for tract signs, legal ads and printing and mailing of notices, \$779.59; disposal costs, 1312.34; hunter cost defrayments, \$2,000.00, and miscellaneous supplies, \$298.11.

He also presented the 2008-2009 application for committee approval. The application would extend the 2008-2009 program beyond the mid-February 2009 conclusion of the sport hunting season, through March 31, 2009. The committee agreed to add Resolution #080420 to the agenda for formal action.

AMEND AGENDA

By unanimous consent, the committee agreed to amend the agenda to include Resolutions #080435 and #080420.

PUBLIC COMMENT

None.

TOWNSHIP COMMITTEE/STAFF COMMENTS

Committee and staff members reported on their recent activities.

UNFINISHED BUSINESS

[Ordinance #2029](#) - An Ordinance to Amend Section 4-1, "Alarm Systems" of Chapter IV, "General Licensing", of the Revised General Ordinances of 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 Malay, that Ordinance #2029 be adopted and advertised as required by law.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2034](#) - *An Ordinance to Amend Ordinance #2002 Which Fixes the Compensation of Certain Officers and Employees of the Township of Bernards on and After January 1, 2008 – 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 Malay, second by Kelly, that Ordinance #2034 be adopted and advertised as required by law.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2037](#) - *Accepting a Roadway Dedication on Block 7201, Lot 4 (to be known as Block 7201, Lot 4.01 after subdivision) [formerly known as Block 132.01, Lot 12], from Daniel and Michelle Izzo 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 Kelly, second by Malay, that Ordinance #2037 be adopted and advertised as required by law.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2039](#) - *An Ordinance Authorizing the Township of Bernards to Purchase Properties Identified as Lots 11 and 11 Q0044 in Block 9401 on the Tax Map of Bernards Township, Located at 233 Allen Road, Comprised of 23.08± Acres, Known as The Sons Of Liberty Farm, for Open Space and Related Purposes, as Authorized by Chapter XXVII of the Bernards Township General Ordinance for Open Space and by N.J.S.A. 40:12-15, Et Seq., and Authorizing an Appropriation in the Amount of*

\$3,150,000.00 from the Open Space Recreation and Farmland and Historic Preservation Trust Fund and in Accordance with a Bond Ordinance Prepared by Bond Counsel – 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 Malay, second by Pavlini, that Ordinance #2039 be adopted and advertised as required by law.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

[Ordinance #2040](#) - *Bond Ordinance Providing for Acquisition of Land as Use for Open Space in and by the Township of Bernards, in the County of Somerset, New Jersey, Consisting of 23.081± acres located on Lots 11 and 11-Q0044 in Block 9401 (formerly Lots 36.01 and 36.01-Q0044 in Block 175) Appropriating \$3,150,000 Therefore and Authorizing the Issuance of \$2,950,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof – 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 Malay, that Ordinance #2040 be adopted and advertised as required by law.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

NEW BUSINESS

[Resolution #080434](#) - *Award of Bid Aerial Platform Fire Apparatus for Liberty Corner Fire Company Awarded to Pierce Manufacturing Inc., in the amount of \$892,337*

Motion by Pavlini, second by Malay, that Resolution #080434 be approved.

Kenneth White of the LCFC addressed the committee on the prepayment option.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, the Township of Bernards received bids on Wednesday, September 3, 2008 for the Aerial Platform Fire Apparatus. The bid summary is as follows:

Bidder	Base Bid
Smeal Fire Apparatus Co.	\$ 795,046.00
Pierce Manufacturing, Inc.	\$ 892,337.00

WHEREAS, during the detailed analysis of the two bid proposals received by the Township, it was determined that Smeal Fire Apparatus Co. did not comply with material provisions of the specifications, while Pierce Manufacturing, Inc. did comply with all provisions of the specifications; 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-I07; and

WHEREAS, accordingly, it is the recommendation of the Ladder Committee of the Liberty Corner Fire Company to award the contract to the lowest responsible bidder, Pierce Manufacturing, Inc.; and

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

WHEREAS, it is the combined recommendation of the Liberty Corner Fire Ladder Truck Committee Chairman Kenneth White, Purchasing Agent and Administrator to award this contract to; Pierce Manufacturing Inc., 2600 American Drive, Appleton, WI 54914; 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 a purchase order to: Pierce Manufacturing, Inc., 2600 American Drive, Appleton, WI 54914 in the amount of \$ 892,337.00.

TREASURER'S CERTIFICATION

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase. Monies are available in Capital Account # 2010, line account # C-04-55-010-I07.

Date: 10/9/08

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson, Supervisor of Treasury Services

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 Spitzer, second by Pavlini, that the consent agenda be approved.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

Begin Consent Agenda

[Resolution #080413](#) - Authorizing Submission of a Grant Application to the Somerset County Cultural and Heritage Commission for the 2009 NJ State Council on the Arts State/County Partnership Local Arts Program Grant: \$10,000 for the Department of Parks & Recreation

WHEREAS, the Director of Parks and Recreation is recommending the Township Committee approve a grant application to the Somerset County Cultural and Heritage Commission for the NJ State Council on the Arts State/County Partnership Local Arts Program Grant, which would provide \$10,000 towards the Plays in the Park program; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that it does hereby authorize submission of a grant application to the Somerset County Cultural and Heritage Commission for the NJ State Council on the Arts State/County Partnership Local Arts Program Grant; and

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that Jennifer Gander of the Bernards Township Parks and Recreation Department will serve as the project manager for this grant application.

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

[Resolution #080414](#) - Approval of the Bill List Dated 10/14/2008

BE IT RESOLVED, that the bill list dated 10/14/2008 be audited, and if found correct, be paid.

10/14/08

Page No: 1

10:17:12

TOWNSHIP OF BERNARDS

Check Register By Check Date

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 10/14/08 to 10/14/08
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					
69008	10/14/08	Alignment Check		VOID	
69009	10/14/08	72053 UNITED STATES GOLF ASSOCIATION	2,793.68		921

TOWNSHIP COMMITTEE MINUTES

10/14/2008

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69010	10/14/08	90095	SNYDER, DANIEL	196.33		921
69011	10/14/08	90108	MIMLITSCH, SHARON	69.99		921
69012	10/14/08	90128	SZABO, DENISE	155.01		921
69013	10/14/08	90142	SUDANO, MARCIA	158.00		921
69014	10/14/08	90145	ANTHONY, JAMES	107.00		921
69015	10/14/08	90227	SHIMSKY, MICHAEL	146.51		921
69016	10/14/08	90279	NEIL, DAWN	18.00		921
69017	10/14/08	90292	CORSENTINO, MARGARET	170.49		921
69018	10/14/08	90339	RUPP, CYNTHIA	18.00		921
69019	10/14/08	90373	STEELE, LAURA	12.59		921
69020	10/14/08	90393	SICLARE, ANN MARIE	36.27		921
69021	10/14/08	90400	ALBANESE, CHRISTOPHER	350.64		921
69022	10/14/08	A0162	ACME DIESEL ELECTRIC, INC.	115.00		921
69023	10/14/08	A0168	ALLIED OIL COMPANY, LLC	67,675.69		921
69024	10/14/08	A0174	ALL SPORTS	918.56		921
69025	10/14/08	A0199	ALLIED PRINTING & GRAPHICS CO.	577.50		921
69026	10/14/08	A0232	ARROW ELEVATOR, INC.	200.00		921
69027	10/14/08	A0256	AMHERST MEWS HOMEOWNERS ASSOC	4,207.25		921
69028	10/14/08	A0398	ABSO	108.00		921
69029	10/14/08	A0399	ABSOLUTE AUTO TRUCK SALVAGE CO	589.50		921
69030	10/14/08	A0425	ATLANTIC TACTICAL	98.40		921
69031	10/14/08	A0471	APEX AMERICAN ELECTRICAL	280.00		921
69032	10/14/08	A0472	ATLANTIS AERIAL SURVEY CO, INC	3,964.00		921
69033	10/14/08	B0001	BAKER & TAYLOR, INC.	0.00	10/14/08 VOID	0
69034	10/14/08	B0001	BAKER & TAYLOR, INC.	9,355.59		921
69035	10/14/08	B0003	BAKERS AUTO PARTS, INC.	843.75		921
69036	10/14/08	B0014	BREWER ASSOCIATES	205.00		921
69037	10/14/08	B0015	BRODART COMPANY	130.02		921
69038	10/14/08	B0020	BASKING RIDGE ELECTRIC CO., INC	1,305.20		921
69039	10/14/08	B0026	BERNARDS TOWNSHIP CURRENT	0.00	10/14/08 VOID	0
69040	10/14/08	B0026	BERNARDS TOWNSHIP CURRENT	0.00	10/14/08 VOID	0
69041	10/14/08	B0026	BERNARDS TOWNSHIP CURRENT	0.00	10/14/08 VOID	0
69042	10/14/08	B0026	BERNARDS TOWNSHIP CURRENT	0.00	10/14/08 VOID	0
69043	10/14/08	B0026	BERNARDS TOWNSHIP CURRENT	0.00	10/14/08 VOID	0
69044	10/14/08	B0026	BERNARDS TOWNSHIP CURRENT	0.00	10/14/08 VOID	0
69045	10/14/08	B0026	BERNARDS TOWNSHIP CURRENT	31,384.37		921
69046	10/14/08	B0031	BERNARDSVILLE PRINT CENTER	5,937.61		921
69047	10/14/08	B0034	BERNARDS TOWNSHIP PAYROLL ACCT	534,398.93		921
69048	10/14/08	B0044	BASKING RIDGE ANIMAL HOSPITAL	729.50		921
69049	10/14/08	B0058	BALLY'S ATLANTIC CITY	3,816.00		921
69050	10/14/08	B0105	BARONS AT BASKING RIDGE	4,471.40		921
69051	10/14/08	B0282	BARA, CLAIRE	30.00		921
69052	10/14/08	B0386	BWI	138.60		921
69053	10/14/08	B0480	BRISTOL-DONALD CO, INC	1,458.70		921
69054	10/14/08	B0519	BBC AUDIOBOOKS AMERICA	78.71		921
69055	10/14/08	B0536	BAYSHORE RECYCLING CORPORATION	260.00		921
69056	10/14/08	B0547	BARON, DOUG	175.00		921
69057	10/14/08	C0003	CASCADE TREE SERVICE	3,220.00		921
69058	10/14/08	C0028	CY DRAKE LOCKSMITHS, INC.	36.65		921
69059	10/14/08	C0035	CERTIFIED SPEEDOMETER SERVICE	322.00		921
69060	10/14/08	C0037	CLERK'S PETTY CASH	66.10		921
69061	10/14/08	C0178	CMF BUSINESS SUPPLIES, INC.	76.98		921
69062	10/14/08	C0228	CHERRY VALLEY TRACTOR SALES	23.19		921
69063	10/14/08	C0316	CHILDCRAFT EDUCATION CORP.	199.90		921
69064	10/14/08	C0325	CONRAD PRODUCTIONS	300.00		921
69065	10/14/08	C0346	CROWN TROPHY OF GREEN BROOK	240.00		921
69066	10/14/08	C0353	CUSTOM BANDAG, INC.	1,464.66		921
69067	10/14/08	C0408	CHAMPION UNIFORM SUPPLY	1,268.90		921
69068	10/14/08	C0422	CENTRALPACK SERVICE CORP.	994.50		921
69069	10/14/08	C0454	COMMUNICATIONS ADVANTAGE	804.00		921
69070	10/14/08	C0479	COLORBLEND FLOWERBULBS	105.60		921
69071	10/14/08	C0482	CABLEVISION OF RARITAN VALLEY	183.90		921
69072	10/14/08	C0530	CIT FINANCIAL SERVICES	1,985.54		921
69073	10/14/08	C0576	COUNTY ARCHIVES RECORDS MGMT	60.00		921
69074	10/14/08	C0577	CENTRAL JERSEY REGIONAL	20.00		921
69075	10/14/08	D0009	DOMB LIGHTING & ELECTRICAL	256.59		921
69076	10/14/08	D0017	DEPOSITORY TRUST COMPANY	910,530.30		921
69077	10/14/08	D0020	DELTA DENTAL PLAN OF NJ	13,892.01		921
69078	10/14/08	D0033	DEMCO	381.57		921
69079	10/14/08	D0038	DEPTCOR	790.00		921
69080	10/14/08	D0040	DORELL & SONS, INC.	355.00		921
69081	10/14/08	D0052	DINN BROS.	369.35		921
69082	10/14/08	D0215	D LOVENBERG'S PORTABLE TOILETS	655.00		921
69083	10/14/08	D0323	DED USA, LLC	1,905.50		921

TOWNSHIP COMMITTEE MINUTES

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69084	10/14/08	D0339	DEER CARCASS REMOVAL SVC, LLC	714.45	921
69085	10/14/08	D0349	DEERY AMERICAN CORPORATION	10,293.33	921
69086	10/14/08	D0350	DOWN 2 EARTH FARMS, LLC	700.00	921
69087	10/14/08	D0365	DOWNS FORD, INC.	342.87	921
69088	10/14/08	D0378	DEFFENBAUGH, EVA	120.00	921
69089	10/14/08	D0379	DEIRDRE'S HOUSE	25.00	921
69090	10/14/08	D0380	DRIVERS TIRE & SERVICE CENTER	1,604.55	921
69091	10/14/08	E0002	EDMUNDS & ASSOCIATES	2,524.50	921
69092	10/14/08	E0005	CULLIGAN	856.90	921
69093	10/14/08	E0152	EASTERN CONCRETE MATERIALS INC	240.00	921
69094	10/14/08	E0185	EDWARDS TIRE COMPANY	2,241.60	921
69095	10/14/08	E0205	EAGLE POINT GUN SHOP	1,464.00	921
69096	10/14/08	F0003	FOLEY, INCORPORATED	428.40	921
69097	10/14/08	F0005	UNION SECURITY INSURANCE CO.	7,546.15	921
69098	10/14/08	F0098	FERTL-SOIL TURF SUPPLY, INC	171.20	921
69099	10/14/08	F0125	FURMAN FEINER ADVERTISING	499.80	921
69100	10/14/08	F0179	FASTSIGNS	192.00	921
69101	10/14/08	F0196	GANDER, JENNIFER	200.00	921
69102	10/14/08	F0205	4 IMPRINT	453.22	921
69103	10/14/08	G0004	GALLS, INC.	31.98	921
69104	10/14/08	G0025	GARDEN STATE HIGHWAY PRODUCTS	2,150.00	921
69105	10/14/08	G0066	GRAINGER INC	523.59	921
69106	10/14/08	G0098	JCP&L	36,277.68	921
69107	10/14/08	G0138	GENERAL PLUMBING SUPPLY	6,147.86	921
69108	10/14/08	G0148	GARDEN STATE BASKETBALL LEAGUE	1,050.00	921
69109	10/14/08	G0267	GARDEN STATE VINYL DESIGNS	1,170.00	921
69110	10/14/08	G0278	GRAMCO	214.50	921
69111	10/14/08	G0281	GSC SHRM STATE CONFERENCE	375.00	921
69112	10/14/08	G0300	GOLD TYPE BUSINESS MACHINES	19,076.00	921
69113	10/14/08	G0326	GARDEN STATE MESSENGER INC.	614.00	921
69114	10/14/08	G0351	G.H. SERVICE, INC.	272.53	921
69115	10/14/08	G0356	GREENSCAPES	3,609.00	921
69116	10/14/08	G0409	GARDEN STATE BASKETBALL LEAGUE	450.00	921
69117	10/14/08	G0426	GENERAL SUPPLY & SERVICES INC	80.05	921
69118	10/14/08	G0427	GET MO GIZMOS	3,413.65	921
69119	10/14/08	G0428	GRACE FELLOWSHIP CHAPEL	654.34	921
69120	10/14/08	G0429	GALESI, ETHIEL	30.00	921
69121	10/14/08	H0009	HILL PRESS	238.00	921
69122	10/14/08	H0029	HUMPHREYS PEST CONTROL, INC.	1,275.00	921
69123	10/14/08	H0181	HOUSER WELDING SUPPLY	151.80	921
69124	10/14/08	H0201	CROWNE PLAZA CHERRY HILL	99.00	921
69125	10/14/08	H0238	HAYES INSTRUMENT CO., INC.	747.40	921
69126	10/14/08	H0255	HAWORTH FURNITURE	370.24	921
69127	10/14/08	I0051	INDEPENDENT DIESEL SERVICE	1,533.95	921
69128	10/14/08	I0067	INDUSTRIAL RUBBER COMPANY	293.32	921
69129	10/14/08	J0002	JAEGER LUMBER	344.38	921
69130	10/14/08	J0015	JESCO, INC.	441.25	921
69131	10/14/08	J0052	J.H. REID ON-SITE RECYCLING	1,645.00	921
69132	10/14/08	K0026	KEN RENT	481.34	921
69133	10/14/08	K0033	KEY-TECH	2,320.00	921
69134	10/14/08	K0124	KELLY, CAROLYN	120.00	921
69135	10/14/08	K0193	KELCO PLUMBING & HEATING, INC.	698.00	921
69136	10/14/08	K0216	KIL, HEESUN	185.00	921
69137	10/14/08	K1065	K & J LANDSCAPE MANAGEMENT, INC	2,730.00	921
69138	10/14/08	L0181	LAND'S END, INC.	299.95	921
69139	10/14/08	L0197	L.P. STATILE, INC.	3,601.40	921
69140	10/14/08	L0201	LEXISNEXIS	2,049.05	921
69141	10/14/08	L0293	LEINAWEAVER, CHAD E.	100.00	921
69142	10/14/08	L0294	LARKIN, BARBARA	60.00	921
69143	10/14/08	M0001	MARTINSVILLE AUTO PARTS	534.46	921
69144	10/14/08	M0010	MOBILE LAWNMOWER SERVICE, INC.	3,440.50	921
69145	10/14/08	M0053	MORRIS COUNTY POLICE ACADEMY	100.00	921
69146	10/14/08	M0165	METRO HYDRAULIC JACK CO.	145.00	921
69147	10/14/08	M0235	MORRISTOWN MEMORIAL HOSPITAL	160.00	921
69148	10/14/08	M0261	M.A.I.N., INC.	431.48	921
69149	10/14/08	M0285	MAACO	1,170.00	921
69150	10/14/08	M0342	MORTON'S MARKETING RESOURCES	1,484.65	921
69151	10/14/08	M0359	MONMOUTH TRUCK EQUIP CO., INC.	70.00	921
69152	10/14/08	M0460	MAVERIC GREENHOUSE	1,995.00	921
69153	10/14/08	M0553	MORELLO, JOHN R.	1,500.00	921
69154	10/14/08	M0582	MARCUS, DEBBIE	185.00	921
69155	10/14/08	M0617	MIDDLESEX POWER EQUIPMENT	8,699.00	921
69156	10/14/08	M0631	MILLIGAN, LARISSA	100.00	921
69157	10/14/08	N0006	NEW JERSEY AMERICAN WATER CO.	75,549.96	921

69158	10/14/08	N0011	NORTHEASTERN HARDWARE CO.	73.00	921
69159	10/14/08	N0017	NJ STATE LEAGUE OF MUNICIPAL.	225.00	921
69160	10/14/08	N0023	TREASURER, STATE OF NEW JERSEY	9,598.00	921
69161	10/14/08	N0032	NJ STATE DEPT HEALTH/SR SVCS	15.00	921
69162	10/14/08	N0050	NJ SHADE TREE FEDERATION	470.00	921
69163	10/14/08	N0083	NJRPA	50.00	921
69164	10/14/08	N0118	NATURE'S CHOICE CORPORATION	900.00	921
69165	10/14/08	N0125	EMERGENCY MGMT ASSOCIATION	75.00	921
69166	10/14/08	N0207	NEXTEL COMMUNICATIONS	287.27	921
69167	10/14/08	N0244	NORTHERN TOOL & EQUIPMENT CO.	76.43	921
69168	10/14/08	N0312	NFPA INTERNATIONAL	2,176.36	921
69169	10/14/08	N0322	NEXTEL COMMUNICATIONS	97.44	921
69170	10/14/08	N0329	NJAPA	360.00	921
69171	10/14/08	N0377	NJ BUSINESS & INDUSTRY ASSN	169.00	921
69172	10/14/08	O0021	OFFICE DEPOT	2,336.43	921
69173	10/14/08	O0087	OEHLBERG, KURT	6,150.00	921
69174	10/14/08	P0009	POSTMASTER - BASKING RIDGE	106.08	921
69175	10/14/08	P0014	PUBLIC SERVICE ELEC. & GAS CO	231.02	921
69176	10/14/08	P0035	PIZZA MILL,THE	55.00	921
69177	10/14/08	P0046	RESERVE ACCOUNT	2,421.54	921
69178	10/14/08	P0051	POSTMASTER, BASKING RIDGE	252.00	921
69179	10/14/08	P0182	PSE&G ENERGY TECHNOLOGIES	267.40	921
69180	10/14/08	P0241	PROQUEST CSA	2,350.00	921
69181	10/14/08	P0377	PRINCETON HYDRO, LLC	55,926.71	921
69182	10/14/08	P0463	PAVING MATERIALS &	799,898.96	921
69183	10/14/08	P0474	PANKUCH, JOHN & EVELYN	60.00	921
69184	10/14/08	P0475	PRATT, ROGER & CLAIRE	625.00	921
69185	10/14/08	Q0002	CINTAS CORP. - #101	221.25	921
69186	10/14/08	R0003	RAY'S SPORT SHOP, INC.	893.31	921
69187	10/14/08	R0005	RECORDER PUBLISHING COMPANY	178.71	921
69188	10/14/08	R0006	RECREATION PETTY CASH	5.00	921
69189	10/14/08	R0009	REGENT BOOK COMPANY INC.	25.07	921
69190	10/14/08	R0017	RARITAN VALLEY COMMUNITY COLL.	160.00	921
69191	10/14/08	R0023	RICHIES TIRE SERVICE, INC.	879.50	921
69192	10/14/08	R0025	RIDGE RESTAURANT	552.00	921
69193	10/14/08	R0046	R & J CONTROL, INC.	525.33	921
69194	10/14/08	R0077	RAY, KALYAN	300.00	921
69195	10/14/08	R0081	RIDGE CONDOMINIUM ASSOCIATION	2,930.33	921
69196	10/14/08	R0134	RICCIARDI BROTHERS, INC.	2,134.68	921
69197	10/14/08	R0136	BRIAN COOKE	1,350.00	921
69198	10/14/08	R0227	RICOH CORP.	507.00	921
69199	10/14/08	R0257	RARITAN VALLEY DISPOSAL SER CO	1,085.00	921
69200	10/14/08	R0281	RECREATION PETTY CASH CHECKING	68.00	921
69201	10/14/08	R0304	RANDOM HOUSE, INC.	224.00	921
69202	10/14/08	R0306	RIKER,DANZIG,SCHERER,HYLAND	34,997.50	921
69203	10/14/08	R0379	ROUTE ONE CORP	20,349.00	921
69204	10/14/08	R0389	REEVES, LINDA	168.75	921
69205	10/14/08	R0391	ROCHE, ADELINE	30.00	921
69206	10/14/08	R0392	RONCO, LUCILLE	30.00	921
69207	10/14/08	S0016	STORR TRACTOR COMPANY	888.00	921
69208	10/14/08	S0048	STANDARD ROOFINGS INC.	45.00	921
69209	10/14/08	S0069	SAL'S AUTO BODY INC.	1,500.00	921
69210	10/14/08	S0072	SOMERSET COUNTY GOVERNING OFF.	175.00	921
69211	10/14/08	S0091	SOMERSET COUNTY	12,662.67	921
69212	10/14/08	S0093	SOMERSET COUNTY POLICE ACADEMY	200.00	921
69213	10/14/08	S0103	SOMERSET GRAIN FEED & SUPPLY	718.50	921
69214	10/14/08	S0135	SOMERSET COUNTY COALITION	4,045.74	921
69215	10/14/08	S0191	SOMERSET COUNTY RECYCLING PROG	57,478.50	921
69216	10/14/08	S0202	SUBURBAN PROPANE	9.05	921
69217	10/14/08	S0327	SYSTEMS SALES CORP.	206.00	921
69218	10/14/08	S0329	SNIDOW, LINDA G	23.99	921
69219	10/14/08	S0367	SOMERSET CTY HUMAN RESOURCES	25.00	921
69220	10/14/08	S0401	SOMERSET COUNTY PARK COMM	460.00	921
69221	10/14/08	S0443	STAPLES BUSINESS ADVANTAGE	1,297.98	921
69222	10/14/08	S0478	SCIENTIFIC WATER CONDITIONING	131.84	921
69223	10/14/08	S0480	STADTMUELLER, CHRISTINE	30.00	921
69224	10/14/08	S0508	SOUTH JERSEY ENERGY	1,191.73	921
69225	10/14/08	S0559	SWEENEY, MICHAEL	26.05	921
69226	10/14/08	S0600	ST. NICK POOL MANAGEMENT, INC.	450.00	921
69227	10/14/08	S0628	STATE OF NEW JERSEY-HB	143,822.29	921
69228	10/14/08	S0656	STADIUM AUTO MALL SALES, INC	1,441.71	921
69229	10/14/08	S0691	SUPERIOR DISTRIBUTORS	538.39	921
69230	10/14/08	S0697	RE:SOURCE NEW JERSEY, INC.	1,350.00	921
69231	10/14/08	S0729	SMITH, WILLIAM W.	150.00	921

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69232	10/14/08	S0730	SOMERSET COUNTY LIBRARY SYSTEM	120.00		921
69233	10/14/08	S0732	SCHMIDT, LOIS	10.00		921
69234	10/14/08	S0733	SMITH, FRANCES M.	60.00		921
69235	10/14/08	S0734	SORRELLS, GINA	100.00		921
69236	10/14/08	T0010	TAYLOR RENTAL	118.00		921
69237	10/14/08	T0090	TREASURER, STATE OF NEW JERSEY	80.00		921
69238	10/14/08	T0154	TILCON NEW YORK, INC.	7,801.58		921
69239	10/14/08	T0231	TOTAL LUBRICATION SVCS&SUPPLY	747.00		921
69240	10/14/08	T0289	TECHDEPOT	3,117.60		921
69241	10/14/08	T0318	THOMPSON MATERIALS	432.00		921
69242	10/14/08	T0319	THE COOL PLANET, LLC	50.00		921
69243	10/14/08	T0320	TSAKIRIS, ANGELA	105.00		921
69244	10/14/08	U0040	URUCORP MAINTENANCE CONTRACTOR	5,109.10		921
69245	10/14/08	V0008	VITAL COMMUNICATIONS, INC.	94.20		921
69246	10/14/08	V0020	VILLAGE OFFICE SUPPLY	30.27		921
69247	10/14/08	V0028	MPS	217.74		921
69248	10/14/08	V0037	VILLAGE SUPERMARKET, INC.	598.23		921
69249	10/14/08	V0056	VERIZON WIRELESS	1,834.56		921
69250	10/14/08	V0058	VERIZON	0.00	10/14/08 VOID	0
69251	10/14/08	V0058	VERIZON	5,743.38		921
69252	10/14/08	V0059	VERIZON CABS	195.53		921
69253	10/14/08	V0125	VAN BAALEN, ANN & KEN	154.00		921
69254	10/14/08	W0014	WARNOCK FLEET	837.09		921
69255	10/14/08	W0016	WARRENVILLE TRUE VALUE	557.87		921
69256	10/14/08	W0056	WELDON CONCRETE CO.	425.00		921
69257	10/14/08	W0089	TIMMERMAN EQUIPMENT CO.	216.00		921
69258	10/14/08	W0122	WILLIAMS HARLEY-DAVIDSON	801.89		921
69259	10/14/08	W0187	WASTE MANAGEMENT OF NJ, INC	6,056.29		921
69260	10/14/08	W0210	WILD, ANN	95.00		921
69261	10/14/08	W0261	WOODLOCH PINES	365.50		921
69262	10/14/08	X0003	XEROX CORPORATION	1,333.33		921
69263	10/14/08	X0005	XTEL COMMUNICATION	828.44		921

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Number
<hr/>					
Checks:	247	9	0.00	3,060,268.42	
Direct Deposit:	0	0	0.00	0.00	
	=====	=====	=====	=====	
Total:	247	9	0.00	3,060,268.42	
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Fund	Budget Total	Revenue Total			
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CURRENT FUND	7-01	561.84		0.00	
CURRENT FUND	8-01	1,144,431.97		0.00	
DOG FUND	8-12	2,169.81		0.00	
TRUST FUNDS	8-13	1,024,168.43		0.00	
GOLF COURSE UTILITY	8-26	5,662.89		0.00	
Year Total:		2,176,433.10		0.00	
CAPITAL FUND	C-04	874,261.80		0.00	
GRANT FUND	G-02	9,011.68		0.00	
<hr/>					
Total Of All Funds:		3,060,268.42		0.00	

[Resolution #080415](#) - Personnel Appointment, Adam Kocsis, Truck Driver, Department of Public Works

WHEREAS, the Truck Driver position became available due to a series of promotions within the Department of Public Works, and

WHEREAS, the Township Administrator/CFO, Director of Public Works and Manager of Human Resources deem it necessary to fill this position; and,

WHEREAS, Adam Kocsis has applied for and is qualified to fill said position; and

NOW THEREFORE be it RESOLVED, by the Township Committee of the Township of Bernards that Adam Kocsis be appointed Truck Driver in the Department of Public Works effective October 15, 2008 at an hourly rate of \$26.90 for a 40 hour workweek.

[Resolution #080416](#) - Personnel Appointment, Rich Bahlman, Truck Driver, Department of Public Works

WHEREAS, the Truck Driver position became available due to promotion effective April 29, 2008; and

WHEREAS, the Township Administrator/CFO, Director of Public Works and Manager of Human Resources deem it necessary to fill this position; and,

WHEREAS, Rich Bahlman has applied for and is qualified to fill said position; and

NOW THEREFORE be it RESOLVED, by the Township Committee of the Township of Bernards that Rich Bahlman be appointed Truck Driver in the Department of Public Works effective October 15, 2008 at an hourly rate of \$26.90 for a 40 hour workweek.

[Resolution #080417](#) - Personnel Appointment, Dennis Bettler, Fire Subcode Official

WHEREAS, the position of Fire Subcode Official is currently vacant due to a workforce reduction; and

WHEREAS, Dennis Bettler holds Fire Subcode Official certifications required by subchapter N.J.S. 52:27D-126.8b and is qualified to hold said position.

WHEREAS, the Township Engineer, Manager of Human Resources and CFO/Administrator recommended Dennis Bettler be appointed Fire Subcode Official.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Dennis Bettler is here appointed Fire Subcode Official from October 15, 2008 through December 31, 2008.

[Resolution #080418](#) - Appointment of Stephen Mahoney, Acting Construction Official

WHEREAS, N.J.A.C. 5:23-4.4 (a) 6. requires the appointment of acting Construction Officials in the absence of the regularly appointed Construction Official.

WHEREAS, Dennis Bettler, Construction Official recommends the appointment of Stephen Mahoney to the position of Acting Construction Official as appropriate.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Stephen Mahoney serve as Acting Construction Official in the absence of Dennis Bettler, Construction Official.

[Resolution #080421](#) - Awarding a Professional Services Contract for Performing Real Estate Appraisal Services Open Space Preservation- Pyne Properties, Block 9601/Lots 8, 9, 11, 12, 13, & 14 (formally referred to as Block 171, Lots 7, 13, 5.02, 5.01 , 4.01 and 4.02) to Norman J. Goldberg, Inc., in the Not to Exceed Amount of \$4,000

WHEREAS, the Township of Bernards requires services for professional real estate appraisal services; and

WHEREAS, Norman J. Goldberg, Inc., has submitted a proposal dated September 25, 2008 outlining the professional real estate appraisal services it will provide 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* as the contract amount is under the threshold; and

WHEREAS, additional reimbursable disbursements may be required and associated with this award in the additional amount of \$ 250.00; and

WHEREAS, the Supervisor of Treasury Services has certified funds are available in the Open Space Trust Fund account # 8-13-56-056-OST 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 Norman J. Goldberg, SRA,CRE,GAA,IFAS of Norman J. Goldberg Inc., 44 Leigh Street, Clinton, NJ 08809 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated September 25, 2008.
2. The contract term is from October 14, 2008 through November 30, 2008 at a not to exceed amount of \$3,750.00 for the appraisal and \$250.00 for reimbursables.
3. The contract issued by Bernards Township supersedes any and all terms and conditions submitted in the proposal dated September 25, 2008.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. **Any modification to this contract shall be requested in writing, approved by the Township Committee, and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.**

6. **No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated, agreed upon, and approved by the Township Committee in advance of service delivery.**
7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
8. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
9. The contractor shall report directly to Bruce McArthur, Township Administrator/CFO 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, Norman J. Goldberg, SRA,CRE,GAA,IFAS, NJ License # RG-00279, for Norman J. Goldberg Inc., am committed to follow all terms of this award.

Norman J. Goldberg, SRA,CRE,GAA,IFAS, NJ License # RG-00279

TREASURER'S CERTIFICATION

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$4,000.00. Monies are available in: 8-13-56-056-OST (Open Space Trust)

Date: 10/1/08

Terri Johnson
**FOR TREASURY
CERTIFICATION ONLY**

Terri Johnson , Treasurer

[Resolution #080422](#) - Appointment of Stephen Mahoney, Assistant Plumbing & Fire Subcode Inspector

WHEREAS, N.J.A.C. 5:23-4.4 (a) 4. establishes the position of assistant and requires the appointment of assistants in the absence of the regularly appointed Subcode Inspector.

WHEREAS, Dennis Bettler, Construction Official recommends the appointment of Stephen Mahoney to the position of Assistant Plumbing & Fire Subcode Inspector as appropriate.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Stephen Mahoney serve as Assistant Plumbing & Fire Subcode Inspector as directed by Dennis Bettler, Construction Official.

[Resolution #080423](#) - Authorizing the Township Special Tax Attorney to Enter Into a Stipulation of Settlement Relative to the Tax Appeals Captioned Thomas Kriek vs. Bernards Township, Tax Court of New Jersey, Docket No: 007211-2008

WHEREAS, Thomas Kriek, the owner of Block 2904, Lot 28 on the Township of Bernards Tax Assessment Maps, 25 Grove Street, filed an appeal of his 2008 tax assessment in the Tax Court of New Jersey, Docket No: 007211-2008; and

WHEREAS, the Township Committee of the Township of Bernards met and discussed the aforesaid tax appeal and the recommendations of its Township Tax Assessor and Special Tax Attorney; and

WHEREAS, the Township Tax Assessor's office inspected the property and determined that a reduction in the assessment was warranted; and

WHEREAS, an offer of settlement was made by the assessor's office, which was accepted by Thomas Kriek, which reduces the total tax assessment on Thomas Kriek's property at Block 2904, Lot 28 from a total tax assessment of \$806,400 to a reduced total tax assessment of \$753,100 for the 2008 tax year; and

WHEREAS, pursuant to the aforesaid settlement, Thomas Kriek waives interest on any refunds; and

WHEREAS, the Freeze Act shall not be applicable; and

WHEREAS, the Township Committee leaves the allocation between land and improvements of the aforesaid 2008 tax assessment on Block 2904, Lot 28 to the Township of Bernards Tax Assessor's discretion with the direction that same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Bernards as a result of the aforesaid specific facts situation; and

WHEREAS, the Township Committee will make this settlement with Thomas Kriek without prejudice to its dealing with any other Bernards Township Tax Assessor's request for tax assessment reduction.

WHEREAS, a copy of the form of Stipulation of Settlement to be filed with the Tax Court, having been reviewed by the Bernards Township Committee, is attached hereto and made a part hereof; and

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

1. The Township of Bernards Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$53,300 total tax assessment reduction for the 2008

for Block 2904, Lot 28, which most beneficial to the Township of Bernards and advised the Special Tax Attorney of that allocation.

2. The Special Tax Attorney is hereby authorized to execute a stipulation of settlement relative to the tax appeal of Thomas Kriek, Docket No.: 007211-2008, which settlement reduces the total tax assessment on Block 2904, Lot 28 from a total tax assessment of \$806,400 to a reduced total tax assessment of \$753,100 for the 2008; which further provides that the Freeze Act shall not apply; which further provides that the taxpayer will waive interest on any refunds that may be due to the taxpayer; all at allocations made by the Tax Assessor.
3. The settlement outlined above shall be without prejudice to the Township's dealings with any Township's taxpayers' request for tax assessment reductions.

[Resolution #080424](#) - Authorize purchasing from the Morris County CO-OP Contract # 7 at a Cost Not to Exceed \$35,000

WHEREAS, the Township of Bernards wishes to purchase road materials from the lowest responsible bidder under the Morris County CO-OP; and

WHEREAS, the purchasing agent has determined that the value of the below listed vendor will exceed \$ 29,000.00 in provided commodities;

Vendor	Not to Exceed
Brent Material Company	\$ 35,000.00

and;

WHEREAS, Morris County CO-OP awarded a contract to Brent Material Company, 741 Northfield Ave, West Orange, NJ 07052 for drainage pipe; and

WHEREAS, the township is authorized to make purchases through cooperative and state contracts pursuant to N.J.S.A. 40A:11-10 and 12; and

WHEREAS, it is the recommendation of the Director of Public Works and the Purchasing Agent to purchase drainage pipe through the Morris County CO-OP.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to Brent Material Company, 741 Northfield Ave, West Orange, NJ 07052 through December 31, 2008.

[Resolution #080425](#) - Authorize Purchasing from the Somerset County CO-OP Contract # CC-09-07 and Morris County Contract #5 for Road Materials at a Cost Not to Exceed \$50,000

WHEREAS, the Township of Bernards wishes to purchase road materials from the lowest responsible bidder under the Somerset County CO-OP Contract # CC-09-07 and Morris County Contract # 5; and

WHEREAS, the purchasing agent has determined that the value of the below listed vendor will exceed \$29,000.00 in provided commodities;

Vendor	Not to Exceed
Tilcon New York, Inc	\$ 50,000.00

and;

WHEREAS, Somerset County CO-OP # CC-09-07 and Morris County Contract # 5 awarded a contract to Tilcon New York Inc., 625 Mt. Hope Road, Wharton, NJ 07855 for road materials; and

WHEREAS, the township is authorized to make purchases through cooperative and state contracts pursuant to N.J.S.A. 40A:11-10 and -12; and

WHEREAS, it is the recommendation of the Director of Public Works and the Purchasing Agent to purchase road materials through the Somerset County CO- OP Contract # CC-09-07 and Morris County Contract # 5.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to Tilcon New York Inc., 625 Mt. Hope Road, Wharton, NJ 07855 through December 31, 2008.

[Resolution #080426](#) - Authorize purchasing from the Morris County CO-OP Contract #7 at a Cost Not to Exceed \$35,000

WHEREAS, the Township of Bernards wishes to purchase road materials from the lowest responsible bidder under the Morris County CO-OP; and

WHEREAS, the purchasing agent has determined that the value of the below listed vendor will exceed \$29,000 in provided commodities;

Vendor	Not to Exceed
Brent Material Company	\$ 35,000.00

and;

WHEREAS, Morris County CO-OP awarded a contract to Brent Material Company, 741 Northfield Ave, West Orange, NJ 07052 for drainage pipe; and

WHEREAS, the township is authorized to make purchases through cooperative and state contracts pursuant to N.J.S.A. 40A:11-10 and 12; and

WHEREAS, it is the recommendation of the Director of Public Works and the Purchasing Agent to purchase drainage pipe through the Morris County CO-OP.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to Brent Material Company, 741 Northfield Ave, West Orange, NJ 07052 through 12/31/08.

[Resolution #080427](#) - Award of Change Order #1, 2007 Pleasant Valley Park Tennis Courts – Phase III, Halecon, Inc. Decrease of \$8,547 (-3.62%)

WHEREAS, the Engineering Department requests a change order to be approved by the Township Committee at its regular meeting on October 14, 2008. This change order is listed below for your review and approval; and

Vendor	CO	Original Award	Decrease	New Total
Halecon, Inc.	Number 1	\$236,000.000	-\$8,547.00 (-3.62%)	\$227,453.00
TOTAL CO	CO #1		-\$8,547.00 (-3.62%)	\$227,453.00

WHEREAS, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to Halecon , Inc., and

WHEREAS, the Supervisory of Treasury Services is directed to credit Capital Ordinance # 1951, account #C-04-55-951-A02;

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 a change order to Halecon, Inc., 136 Billian Street, Bridgewater, New Jersey, 08807.

[Resolution #080428](#) - Authorizing and Approving Purchasing from NJ State Contract # T- 0109 Radio Communications Equipment and Accessories, in the Not to Exceed Amount of \$35,000

WHEREAS, the Township of Bernards wishes to communications equipment and accessories from the lowest responsible bidder under the NJ State Contract T-0109; and

WHEREAS, the purchasing agent has determined that the value of the below listed vendor will exceed \$ 29,000.00 in provided commodities;

WHEREAS, The NJ State Contract #T-0109 was awarded to Motorola Communications, POB 305, Bordenton, NJ 08505 for radio communications equipment and accessories; and

WHEREAS, the Township is authorized to make purchases through state cooperative agreements pursuant to N.J.S.A. 40A:11–12c; and

WHEREAS, the Township finds that goods provided by Motorola Communications under N.J. State Contract #T-0109 best meets the Township's requirements for the purchase of radio communications equipment and accessories; and

WHEREAS, it is the recommendation of the Police Chief and Purchasing Agent to purchase these commodities through the State Contract #T-0109 authorized vendor.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards that the Purchasing Agent be authorized to issue purchase orders to the state contract

vendor; Motorola Communications, POB 305, Bordenton, NJ 08505 through December 31, 2007.

[Resolution #080429](#) - Award of Purchase Orders for Various Identified Vendors (Pumping Services, Inc., and Soladesign Systems LLC)

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

Vendor	Not to Exceed
Pumping Services. Inc	\$ 29,000.00
Soladesign Systems LLC	\$ 29,000.00

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 orders to the vendor listed above to maintain continuity and facilitate the ordering process through December 31, 2008.

[Resolution #080430](#) - Award of Change Order #1, 2008 Professional Services Contract for Labor Counsel Arthur R. Thibault Jr., Esq., Labor Counsel of the Apruzzese, McDermott, Mastro & Murphy for an additional \$12,000 in the Not to Exceed Amount of \$37,000

WHEREAS, the Bernards Township Committee on January 2, 2008, passed resolution #080008 to hire Arthur R. Thibault Jr., Esq., to provide legal services to represent Bernards Township at an hourly rate of \$ 160.00 not to exceed the amount of \$ 25,000.00 ; and

WHEREAS, due to increased legal consultation regarding union contract negotiations which occurred during the course of the year, additional funds are required to support future consultative fees,

WHEREAS, the Supervisor of Treasury Services has certified funds are available in the 2008 Current Fund Budget – Legal Fees and Compensation 8-01-20-155-204.

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 a change order to; Arthur R. Thibault Jr., Esq., Labor Counsel of the Apruzzese, McDermott, Mastro & Murphy Apgar Associates, at an hourly rate of \$ 160.00 in the change order amount of \$ 12,000.00, not to exceed \$37,000.00.

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.

TREASURER'S CERTIFICATION

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced change order of \$12,000.00 in the amount not to exceed \$37,000.00. Monies are available in the 2008 Current Fund Budget –Legal Fees and Compensation 8-01-20-155-204.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 10/03/08

Terri Johnson
Supervisor of Treasury Services

[Resolution #080431](#) - Awarding a Professional Services Contract for Performing Phase I Environmental Site Assessment for Sons of Liberty Farm on Block 9401, Lot 11 (formerly referred to as Block 175, Lot 36.01) to James D. Heeren P.E., NJ Lic # 40310 of the firm Dewberry, 600 Parsippany Road, 3rd Floor, Parsippany, NJ 07054-3715 - in the Not to Exceed Amount of \$2,200

WHEREAS, the Township of Bernards requires services for professional environmental site assessment services; and

WHEREAS, James D. Heeren P.E., NJ Lic # 40310 of the firm Dewberry, 600 Parsippany Road, 3rd Floor, Parsippany, NJ 07054-3715, has submitted a proposal dated September 22, 2008 outlining the professional services it will provide 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 contract has been awarded to Dewberry through a process without public advertisement pursuant to N.J.S.A. 19:44A-20.7; and

WHEREAS, the Supervisor of Treasury Services has certified funds are available in the open Space Trust Fund account # 8-13-56-056-OST 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 James D. Heeren P.E., NJ Lic # 40310 of the firm Dewberry, 600 Parsippany Road, 3rd Floor, Parsippany, NJ 07054-3715 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated September 22, 2008.
2. The contract term is from October 14, 2008 through April 21, 2009 at a not to exceed amount of \$ 2,200.00.
3. The contract issued by Bernards Township supersedes any and all terms and conditions submitted in the proposal dated September 22, 2008.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be requested in writing, approved by the Township Committee, and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated, agreed upon, and approved by the Township Committee in advance of service delivery.
7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
8. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
9. The contractor shall hand deliver his written report on or before November 6, 2008 to Peter Messina, P.E., P.P., Bernards Township Engineer and Mr. John Belardo, Township Attorney, of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, 1300 Mt. Kemble Avenue, PO Box 2075, Morristown, NJ 07962-2075.

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, James D. Heeren P.E., NJ Lic # 40310, am committed to follow all terms of this award.

James D. Heeren P.E., NJ Lic # 40310

TREASURER'S CERTIFICATION

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$2,200.00. Monies are available in the Open Space Trust Fund: 8-13-56-056-OST.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Terri Johnson
Supervisor of Treasury Services

Date: October 3, 2008

[Resolution #080432](#) - Authorizing the Discharge of the Mortgage made as part of the Bernards Township Housing Rehabilitation Program by Sharon Clarke (n/k/a Sharon Mancuso)

WHEREAS, Sandra Clarke is the owner of property designated as Lot 41.02 in Block 9001 (*previously identified as Lot 41.02 in Block 178.03*) on the Tax Map of the Township of Bernards, in the County of Somerset, State of New Jersey, commonly known as 4102 Hackleberry Square (the “Property”); and

WHEREAS, Sandra Clarke received monetary assistance in the form of a forgivable loan through the Bernards Township Housing Rehabilitation Program for the purpose of correcting housing defects and bringing them up to the housing code standards; and

WHEREAS, as part of the terms of such monetary assistance Sandra Clarke entered a Mortgage on September 27, 2002, in the amount of Twelve Thousand, One Hundred Eighty (\$12,180.00) Dollars for the Property to The Township of Bernards, which Mortgage was recorded or registered in the office of the Somerset County Clerk on October 8, 2002, in Mortgage Book 5219, Page 3750, Instrument No. 2002093690; and

WHEREAS, the terms of the forgivable loan, consisting of the requirement to own and occupy the Property as a primary residence for a six (6) year period, have been met by Sandra Clark; and

WHEREAS, Susan Long, Township Affordable Housing Liaison, has confirmed that the six (6) year housing affordability control period has expired and there are no further monies owed by Sandra Clarke in connection with the Mortgage of the Property to the Township of Bernards; and

WHEREAS, based on the above, Sandra Clarke (now known as Sandra Mancuso) has met the obligations for and is entitled to a Discharge of the Mortgage;

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the execution of the attached Discharge of Mortgage and recording of the same with the Somerset County Clerk.

[Resolution #080433](#) - Authorizing the Discharge of the Mortgage made as part of the Bernards Township Housing Rehabilitation Program by David and Robin Storms

WHEREAS, David and Robin Storms are the owner of property designated as Lot 2 in Block 7501 (*previously Lot 4 in Block 138.04*) on the Tax Map of the Township of Bernards, in the County of Somerset, State of New Jersey, commonly known as 29 Mine Brook Road (the “Property”); and

WHEREAS, David and Robin Storms received monetary assistance in the form of a forgivable loan through the Bernards Township Housing Rehabilitation Program for the purpose of correcting housing defects and bringing them up to the housing code standards; and

WHEREAS, as part of the terms of such monetary assistance David and Robin Storms entered a Mortgage on October 2, 2002, in the amount of Eleven Thousand Eight Hundred (\$11,800.00) Dollars for the Property to The Township of Bernards; and

WHEREAS, the terms of the forgivable loan, consisting of the requirement to own and occupy the Property as a primary residence for a six (6) year period, have been met by David and Robin Storms; and

WHEREAS, Susan Long, Township Affordable Housing Liaison, has confirmed that the six (6) year housing affordability control period has expired and there are no further monies owed by David and Robin Storms in connection with the Mortgage of the Property to the Township of Bernards; and

WHEREAS, based on the above, David and Robin Storms have met the obligations for and is entitled to a Discharge of the Mortgage;

NOW, THEREFORE, BE IT RESOLVED THAT the Township Committee of Bernards Township, County of Somerset, hereby authorizes the execution of the attached Discharge of Mortgage and recording of the same with the Somerset County Clerk.

End Consent Agenda

[Ordinance #2036](#) - *An Ordinance Authorizing the Township of Bernards' Release of Its Rights and Interests in and to the Potter's Field Located on the Property Identified as Lot 3 in Block 1510 on the Tax Map of Bernards Township, Commonly Known as Evergreen Cemetery, and Further Authorizes the Township's Acceptance of a Tree Preservation & Conservation Easement and a Deed Covenants & Restrictions on the Property – Introduction*

The clerk read the ordinance by title. Motion by Malay, second by Pavlini, that Ordinance #2036 be introduced on first reading, advertised as required by law, with a public hearing on 10/28/08.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, Bishop Janes United Methodist Church (the "Church") is the fee simple title owner of that certain tract of land identified as Block 1510, Lot 3 on the Tax Map of the Township of Bernards, in the County of Somerset and State of New Jersey, commonly known as Evergreen Cemetery (hereinafter the "Property"); and

WHEREAS, by Agreement dated October 7, 1936, the Township of Bernards agreed to provide equipment, material and monies to the Church in order to repair and improve a certain private road on the Property known as Central Avenue; and

WHEREAS, in exchange for such assistance, the Agreement provided for the Church to the grant the Township a right-of-way and easement to construction and maintain a storm sewer pipe line on, in and through a portion of the Property; and

WHEREAS, in addition the Agreement provided for the Church to grant the Township the right and privilege of burial and interment in and on a portion of the Property, identified as the tract of land bounded by lots numbers 69 and 70, Fairview Avenue, Pine Street and Central Avenue on the Property, as shown on the map entitled: "Cemetery of the Methodist Episcopal Church at Basking Ridge, N.J." dated September 1904, by George W. Drumheller (the "Potter's Field"), for the purpose of the burial of paupers and indigent persons; and

WHEREAS, the Church has now requested that the Township release its rights and interests in and to the Potter's Field located on the Property; and

WHEREAS, in exchange for the Township's release of all of its rights and interests in and to the Potter's Field, the Church agreed to grant the Township a Tree Preservation & Conservation Easement over, on and in a portion of the Property, and to forever restrict the construction of any new mausoleums on the Property; and

WHEREAS, it is the intention of the Township and the Church that the Easement and the Deed of Covenants & Restrictions be recorded in the chain of title for the Property; and

WHEREAS, the Township no longer needs to retain its rights and interests in the Potter's Field located on the Property, as the Township is no longer obligated by law to bury paupers and indigent persons, same now being the responsibility of the County of Somerset; and

WHEREAS, the Tree Preservation & Conservation Easement and the Deed of Covenants & Restrictions have been drafted by the Township Attorney, and reviewed and approved by the Township Engineer, Township Committee, and the Church; and

WHEREAS, the Township Committee desires hereby to authorize, approve and ratify the release of its rights and interests in and to the Potter's Field on the Property, subject to and conditioned upon the acceptance and recording of the Tree Preservation & Conservation Easement and Deed of Covenants & Restrictions, therein forever restricting the construction of new mausoleums on the Property; and

WHEREAS, the Township Committee desires hereby to authorize the acceptance of the Tree Preservation & Conservation Easement and Deed of Covenants & Restrictions; and

WHEREAS, the Township is authorized to release its rights and interest in and to the Potter's Field, and to accept the Tree Preservation & Conservation Easement and Deed Covenants & Restrictions pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*; and

WHEREAS, the Township Committee finds it in the best interest of the Township to release its rights and interests in and to the Potter's Field and to accept the Tree Preservation & Conservation Easement and Deed of Covenants & Restrictions on the Property.

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:

1. This Ordinance shall, upon final adoption, and conditioned upon the acceptance, execution and recording of the Tree Preservation & Conservation Easement and Deed Covenants & Restrictions, hereby release the Township of Bernards' rights and interests in and to the right and privilege of burial and interment in and on a portion of the property identified as Block 1510, Lot 3 on the Tax Map of the Township of Bernards, in the County of Somerset and State of New Jersey, commonly known as Evergreen Cemetery (hereinafter the "Property"), which is identified as the tract of land bounded by lots numbers 69 and 70, Fairview Avenue, Pine Street and Central Avenue on the Property, as shown on the map entitled: "Cemetery of the Methodist Episcopal Church at Basking Ridge, N.J." dated September 1904, by George W. Drumheller (the "Potter's Field"), for the purpose of the burial of paupers and indigent persons, same to revert back to the Bishop Janes United Methodist Church (the "Church").
2. The Township of Bernards hereby accepts the grant of the Tree Preservation & Conservation Easement and Deed of Covenants & Restrictions from the Church.
3. The Mayor and Township Clerk of the Township of Bernards are hereby authorized and directed to sign and execute the Tree Preservation & Conservation Easement and Deed of Covenants & Restrictions.
4. This Ordinance shall take effect immediately upon final passage and publication according to law.

[Recommendation for TC Action](#)

[Ordinance #2041](#)- *An Ordinance Amending the Revised General Ordinances of the Township of Bernards Chapter 8 "Municipal Parking Lots" Section 7 "Bus and Railroad Station Commuter Parking Lots" To Require Decals for All Township-Owned Spaces at the Basking Ridge Train Lot –Introduction*

The clerk read the ordinance by title. Motion by Pavlini, second by Malay, that Ordinance #2041 be introduced on first reading, advertised as required by law, with a public hearing on 10/28/08.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

BE IT ORDAINED, by the Township Committee of the Township of Bernards in the County of Somerset that Chapter 8, "Municipal Parking Lots," Section 7 "Bus and Railroad Station Commuter Parking Lots" of the Revised General Ordinances of the Township of Bernards is hereby amended: (new text is in double underline; deletions are ~~stricken~~):

Subsections 8-7.1 through 8-7.8, inclusive, are particularly for the purpose of promoting the orderly and safe parking of motor vehicles and the minimizing of traffic congestion in and around the Bus and Railroad Station Commuter parking lots ("communter lots") individually

known as: 1) Lyons Train Station Lot; 2) Stonehouse Road Bus Lot; and 3) Basking Ridge Train Station Lot.

~~bus stop parking lot (referred to in these sections as the "bus lot") on Stonehouse Road and the Basking Ridge and Lyons Railroad Station parking lots (referred to collectively in these sections as "railroad station lots"). [Ord. #853; Ord. #1270, 7-15-1997, amended; Ord. #1655, 7-29-2003, amended]—~~

§ 8-7.1 Decal required, Resident and Non Resident Parking.

Vehicles parked in township owned spaces in Bus and Railroad Station Commuter lots must have a valid township-issued decal affixed to the lower rear corner of the left rear side window at all times, except as specified in 8-7.2.a.

~~Vehicles parked in areas of Bernards Township bus and railroad station parking lots specifically designated for permit parking only must have a valid Township issued decal except for times and days specified in § 8-7.2.b. Decals shall be issued by the Township Clerk on an annual basis.~~

The Lyons Train Station Lot is for resident only parking with a township-issued decal required for all spaces.

The Stonehouse Road Bus Lot is for resident and non-resident parking with a township-issued decal required for all spaces.

The Basking Ridge Train Station Lot is for resident and non-resident parking with a township-issued decal required in township-owned spaces along the west side of the lower lot, and in all upper lot spaces.

A total maximum of up to 40 nonresident parking decals will be township-issued on an annual basis for Stonehouse Road Bus Lot and Basking Ridge Train Station Lot. Nonresident parking decals will be issued on a first-come-first-served basis.

§ 8-7.2 ~~Overnight and Weekend Parking~~ Weekday and Overnight Parking

Weekday and overnight parking is permitted in township-owned spaces at in all commuter lots between 5 a.m. Monday and 7 p.m. Friday. the bus and railroad station parking lots is permitted between 5:00 a.m. Monday and 9:00 p.m. Friday with a valid Township-issued decal.

~~6. —~~ §8-7.2.a. Weekend and Overnight Parking

~~7. Weekend and overnight parking is permitted from 9:00 p.m. Friday through 5:00 a.m. the following Monday in township-owned spaces in the bus and railroad station parking all commuter lots with or~~ without a decal.

§ 8-7.3 Manner of Affixing Decals.

The Township-issued decal must be affixed to the lower rear corner of the left rear side window of the vehicle for which it was issued. Before issuing any decal, the ~~Township~~ Municipal Clerk shall type or write in ink on the decal the license plate number of the vehicle for which it is being issued. No decal shall be affixed to any vehicle other than the one which bears the license plate number shown on the decal.

§ 8-7.4 Issuance of ~~Resident~~ Decals.

~~Resident~~ Parking decals for ~~use use at bus and railroad station parking at all commuter~~ lots shall be issued on an annual basis by the Municipal Clerk.

~~§ 8-7.5 Issuance of nonresident decals. [Ord. #1655, 7-29-2003, added]~~

~~Nonresident parking decals will be issued only for the bus lot. A maximum of 25 nonresident parking decals may be issued on an annual basis. Nonresident parking decals will be issued on a first-come-first-served basis, and will be made available no sooner than 15 calendar days prior to expiration.~~

§ 8-7.6 Fees.

- a. The annual fee for ~~resident and nonresident~~ parking decals will be set by resolution of Township Committee and will reflect the current operating and maintenance costs of the commuter lots.
- b. The annual fees shall not be prorated.
- c. If a decal holder obtains a new vehicle, or license plate number during the license year, he shall be required to obtain a replacement decal. ~~There shall be no replacement fee for a if the decal holder presents a copy of the new vehicle registration along with the old decal to the Municipal Clerk. who obtains a new vehicle or whose license plate number has changed upon proof of the destruction of the original decal.~~

§ 8-7.7 No Guarantee.

The issuance of a decal is not a guarantee that a sufficient number of parking spaces will be available to serve all those to whom decals have been issued.

§ 8-7.8 Misuse of Decals. EN

- a. No person shall furnish a decal or request or obtain a decal for the purpose of furnishing it to a nonresident of the Township (except as provided in Section 8-7.5-1 above).
- b. No person shall request or obtain a decal for use on a vehicle which has previously received a decal for the same year (except as provided in Section 8-7.6.c above).
- c. In addition to any other penalties for violation of this Chapter VIII, any person who violates this section shall be permanently barred from receiving or using a parking decal.

Resolution #080435 - Awarding a Professional Services Contract for Surveying Services – Sons of Liberty Farm, Block 9401/Lot 11 (formerly refereed to as Block 175, Lot 136.01) to Wayne F. Holman, P.L.S. , P.P., NJ Lic # 19945 of the firm Apgar Associates, 13 Demun Place, P.O. Box 310, Far Hills, New Jersey 07931, in the Not to Exceed Amount of \$ 8,150.00

Motion by Malay, second by Kelly to approve Resolution #080435.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, the Township of Bernards requires services for professional survey services; and

WHEREAS, Wayne F. Holman, P.L.S. , P.P., NJ Lic # 19945 of the firm Apgar Associates, 13 Demun Place, P.O. Box,310, Far Hills, New Jersey 07931 has submitted a proposal dated September 26, 2008 outlining the professional services it will provide 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 Supervisor of Treasury Services has certified funds are available in the open Space Trust Fund account # 8-13-56-056-OST 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 Wayne F. Holman, P.L.S. , P.P., NJ Lic # 19945 of the firm Apgar Associates, 13 Demun Place, P.O. Box 310, Far Hills, New Jersey 07931 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated September 26, 2008.
2. The contract term is from October 14, 2008 through November 30, 2008 at a not to exceed amount of \$ 8,150.00, which includes \$ 6,900.00 for the survey, \$750.00 for setting six iron pins and \$500.00 for reimbursables.
3. The contract issued by Bernards Township supersedes any and all terms and conditions submitted in the proposal dated September 26, 2008.
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. Any modification to this contract shall be requested in writing, approved by the Township Committee, and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
6. No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated, agreed upon, and approved by the Township Committee in advance of service delivery.
7. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
8. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
9. The contractor shall hand deliver his survey on or before October 31, 2008 to Peter Messina, P.E., P.P., Bernards Township Engineer and Mr. John Belardo, Township Attorney, of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP,1300 Mt. Kemble Avenue, PO Box 2075, Morristown, NJ 07962-2075.

10. If there are any inconsistencies between the proposal, the Professional Services Contract and the Resolution of the Contracting Unit awarding same, the Resolution and Professional Services Contract shall control.

BE IT RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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, Wayne F. Holman, P.L.S., P.P., NJ Lic # 19945 , am committed to follow all terms of this award.

Wayne F. Holman, P.L.S., P.P., NJ Lic # 19945

TREASURER'S CERTIFICATION

I, Terri Johnson, Supervisor of Treasury Services of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$8,150.00. Monies are available in the Open Space Trust Fund: 8-13-56-056-OST.

Date: October 14 , 2008

Terri Johnson
**FOR TREASURY
CERTIFICATION ONLY**

Terri Johnson
Supervisor of Treasury Services

Resolution #080420 - Authorizing Submission of the Bernards Township 2008-2009 Application for Approval of a Community Based Deer Management Permit and Submission of the Final Report on Results of the 2007-2008 Bernards Township deer management program to the New Jersey Division of Fish and Wildlife
Motion by Malay, second by Pavlini, that Resolution #080420 be approved.

Roll Call

Aye: Kelly, Malay, Pavlini, Spitzer, Carpenter

Nay:

Abstain:

Motion carried.

WHEREAS, the Bernards Township Deer Management Advisory Committee has submitted to the Township Committee, Township of Bernards, a proposed Application for a Community Based Deer Management Permit for the 2008-2009 Season, and therewith a Final Report on the 2007-2008 Bernards Township deer management program, a portion of which was conducted under a Community Based Deer Management Permit, and

WHEREAS, the Township Committee, Township of Bernards, has reviewed and hereby endorses and approves said Application and Final Report.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the Application for a Community Based Deer Management Permit for the 2008-2009 Season, and the Final Report for the 2007-2008 Bernards Township deer management program, are hereby authorized for submission to the New Jersey Division of Fish and Wildlife.

PUBLIC COMMENT

Todd Edelstein, Riverside Road, commented on Haas Road bridge reconstruction and the recycling center.

EXECUTIVE SESSION (CONTINUATION OF EARLIER SESSION, IF REQUIRED)

By unanimous consent, the committee returned to executive session authorized under Resolution #080412 to conclude their discussions.

ADJOURNMENT

The meeting resumed in open session at 9:41 PM and immediately adjourned.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

John Carpenter
Mayor