

R-11-133

#7
Finance
Planning
Law

RESOLUTION AUTHORIZING AGREEMENT WITH GLEN RIDGE FOR CONSTRUCTION OFFICIAL SERVICES

August 16, 2011

WHEREAS, the Township of Glen Ridge and the Township of Montclair desire to enter into an Inter-Local Service Agreement wherein the Township of Glen Ridge will provide construction official services of a technical and professional nature to the Township of Montclair, pursuant to N.J.S.A. 26:3A2-1 et seq. and N.J.S.A. 40:8A-1 et seq.; and


WHEREAS, it is in the best interest of the Township of Montclair to obtain the services of the Township of Glen Ridge for the provision of construction official services; now therefore

BE IT RESOLVED by the Township Council of the Township of Montclair, in the County of Essex, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute an agreement with the Township of Glen Ridge for providing construction official services, in substantially the same form as the agreement attached hereto.

RECORD OF COUNCIL VOTE											
	YES	NO	ABS	N.V.	AB		YES	NO	ABS	N.V.	AB
Councilor Africk	✓					Councilor Murnick	✓				
Councilor Baskerville					✓	Councilor Terry	✓				
Mayor Fried	✓					Deputy Mayor Weller-Demming	✓				
Councilor Lewis	✓										

X - Indicate Vote ABS - Abstain N.V. - Not Voting AB - Absent

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Council of the Township of Montclair, in the County of Essex, at its meeting held on Aug 16, 2011.


Linda S. Wanat
Municipal Clerk of the Township of Montclair, N.J.

DRAFT UNIFORM CONSTRUCTION CODE INTERLOCAL

AUTHORITY

The Provider and the Recipient enter into this Shared Services Agreement under the authority of the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq.

SCOPE OF SERVICES

A. Designation as the Construction Official - Chief Administrator of the local enforcing agency

1. The Provider is hereby designated as the agent of the Recipient to furnish the services of the Chief Administrator of the Uniform Construction Code N. J. A. C. 5:23-1 et seq.
2. The Provider shall also hereby be designated to enforce any local ordinances in which the Construction Official is designated the enforcing agent

B. Responsibility

1. The Provider shall furnish to the Recipient the services of a Licensed Construction Official who shall perform the duties of the Construction Official, pursuant to the Uniform Construction Code Act within the recipient's jurisdiction.
2. The Construction Official provided by the Provider, shall be responsible for the operation and supervision of the Construction Code Enforcement Office and shall direct and supervise all activities and employees of the office.
3. The staff will be provided by the Recipient. The Construction Official shall, on an annual basis, make recommendations to the Recipient's Township Manager on the necessary staffing patterns.
4. The Construction Official shall conduct investigations and inspections, or supervise personnel making same, and inform the Recipient regarding any violation of statutes or local ordinances.
5. The Construction Official shall coordinate and assist the Recipient's Municipal Attorney in obtaining compliance and enforcement of applicable laws.
6. The Construction Official shall provide periodic reporting of activities upon request by the Township Manager of the Recipient or Borough Administrator of the Provider.

C. Hours of Operations

The Provider's Construction Official shall be required to be available for consultation during the normal business hours of the Recipient, at times agreed upon by both parties. These hours shall be set in such a manner as to provide the public with reasonable access to the Construction Official. Such hours, mutually agreed upon, shall be reduced to writing and may be modified, from time to time, with the consent of both parties.

With the close proximity of both parties, the Provider and Recipient shall provide as much flexibility as possible to the Construction Official to respond to service calls requiring immediate attention from either community.

D. Amendment

This agreement may be amended at any time, by mutual agreement of the parties, provided that such amendment is reduced to writing, executed by the Chief Administrative Official of each municipality or designated representative and specifies the date the provisions become effective.

E. Payment and Compensation

In consideration for the services performed, the Recipient will pay an annual service charge in the amount of \$75,000.00. The annual service charge shall be paid in quarterly installments of \$18,750.00

F. Duration

Duration of the agreement shall be for a period of four (4) consecutive years, as provided for by N.J.A.C. 5:23-4.6, beginning on or about September 1, 2011 and terminating on August 31, 2015.

G. Termination of the Agreement

This agreement may not be terminated prior to its first anniversary. Thereafter, either party may terminate participation in this agreement with six months' advance notice. Notice of termination shall be in the form of a Resolution of the governing body and shall be served on the Municipal Clerk of the other party.



Block Party Application

Street locations of Block Party including cross streets:

High Street between Wildwood Terr + Belleville

Applicant's Name, Address, Telephone, and E-mail:

Betsy Emerson, 22 WILDWOOD, betsy.emerson@gmail.com

Date of Block Party: 9-17-11

Time of Block Party: 2~~4~~pm - 10pm (2-10)

Closed Block: _____

During all Block Parties please keep one (1) lane passable for emergency vehicles.

Please submit Application a week prior to any council meeting to:

Michael J. Rohal, Borough Administrator/Clerk
PO Box 66
Glen Ridge, NJ 07028

Council meeting dates for remaining year 2011:

- 03/28/11
- 04/11/11
- 04/25/11
- 05/09/11
- 05/23/11
- 06/13/11
- 06/27/11
- 07/11/11
- 08/08/11
- 09/12/11
- 09/26/11
- 10/11/11
- 10/24/11
- 11/14/11
- 11/28/11
- 12/12/11
- 12/27/11



Block Party Application

Street locations of Block Party including cross streets:

Douglas Rd.

Applicant's Name, Address, Telephone, and E-mail:

Beth Ege 83 Douglas Rd. 973-743-2920

Date of Block Party: Sat. Sept. 24th (Rain Date Sun Sept. 25th)

Time of Block Party: 2pm - ~~until dark~~ 9pm

Closed Block: Douglas Rd. between Lincoln / Hillcrest Rd. (intersection)

During all Block Parties please keep one (1) lane passable for emergency vehicles.

Please submit Application a week prior to any council meeting to:

Michael J. Rohal, Borough Administrator/Clerk
PO Box 66
Glen Ridge, NJ 07028

Council meeting dates for remaining year 2011:

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- 09/12/11
- 09/26/11
- 10/11/11
- 10/24/11
- 11/14/11
- 11/28/11
- 12/12/11
- 12/27/11



Block Party Application

Street locations of Block Party including cross streets:

Columbus Ave; Grove & Redgewood Aves

Applicant's Name, Address, Telephone, and E-mail:

Robin Klein-Barbero 20 Columbus Ave. h) 973-783-7379
Kleinbarbero@GTLAW.com o) 212-801-6531

Date of Block Party:

Sept 24, 2011

Time of Block Party:

3 pm

Closed Block:

Columbus Ave

During all Block Parties please keep one (1) lane passable for emergency vehicles.

Please submit Application a week prior to any council meeting to:

Michael J. Rohal, Borough Administrator/Clerk
PO Box 66
Glen Ridge, NJ 07028

Council meeting dates for remaining year 2011:

- 03/28/11
- 04/11/11
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- 07/11/11
- 08/08/11
- 09/12/11
- 09/26/11
- 10/11/11
- 10/24/11
- 11/14/11
- 11/28/11
- 12/12/11
- 12/27/11

fax 973-748-3926

Michael J. Rohal

From: timmcgr@earthlink.net
Sent: Wednesday, September 07, 2011 4:46 PM
To: mjrohal@glenridgenj.org
Cc: asd
Subject: 2011 Stephen Street Block Party

Dear Mr. Rohal,

On behalf of the residents and neighbors of Stephen St. in Glen Ridge and Montclair, I request your permission to hold our annual Block Party on the borough street. We would like to hold this year's party on Sunday, September 25. The rain date for our longstanding neighborhood tradition is Sunday, October 2. I will be hosting the party outside my house, #14, and we would like the entire street closed from 3:00 to 5:30 PM. As done in the past, we would like the Glen Ridge end of Stephen St. barricaded to auto traffic. I have requested the same accommodation from the Township of Montclair regarding the west end of Stephen.

Please let me know if our plans are permitted. Thank you for your attention.

Tim McGreevy
14 Stephen St.
Montclair, NJ 07042

August 24, 2011

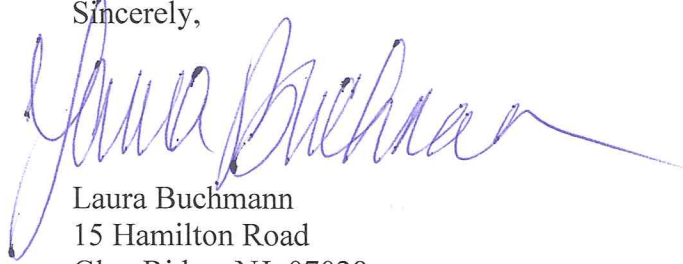
Michael Rohal, Borough Administrator
Borough of Glen Ridge
825 Bloomfield Avenue
PO Box 66
Glen Ridge, NJ 07028

Re: Block Party, Hamilton Road

I would like to request the closing of Hamilton Road for our annual block party on October 1, 2011 from 1:00 pm until dark. In case of inclement weather we would like to have the block party on October 2nd at the same time.

Thank you for your consideration of my request. Please contact me at 973.259.0030 should you have any questions.

Sincerely,



Laura Buchmann
15 Hamilton Road
Glen Ridge, NJ 07028

56 Gordonhurst Avenue
Montclair, NJ 07043
September 5, 2011

Manager, Glen Ridge Country Club
Ridgewood Avenue
Glen Ridge, NJ 07028

Dear Sir or Madam:

This beautiful afternoon in my yard was marred by a *very* loud amplified sound. It seemed so close that my husband thought one of our neighbors must be amazingly inconsiderate. He walked out to locate the source. We live on the other side of Watchung Avenue near Grove Street. He walked and walked and finally tracked it down to your Club. Your near neighbors must have had a terrible afternoon!

I don't know whether Glen Ridge has a noise ordinance, but in the interests of either maintaining a decent reputation or of basic ethics in a densely populated area, I strongly believe you should tone down your amplification greatly. Your patrons' needs can be accommodated without disturbing people a mile away.

Sincerely yours,

A handwritten signature in cursive script that reads "Patricia C. Kenschaft".

Patricia C. Kenschaft, Ph.D.

cc. Glen Ridge Police Department
Glen Ridge Township Council

Richard and Edna Moriarty
Benson Street Train Station
Glen Ridge, NJ 07028

August 25, 2011

Mayor Peter A Hughes and Borough Council
Borough of Glen Ridge
Municipal Building
825 Bloomfield Ave
Glen Ridge, NJ 07028

Subject: Zoning Compliance Certification

Dear Mayor and Council;

Edna and I recently concluded the sale of our award winning historic home at 49 Woodland Ave. As some may remember, this property was purchased from the Borough of Glen Ridge over 12 years ago in what many described as a "tear down". Edna lovingly and painstakingly renovated this house for over 2 years, with the completion resulting in the historic preservation award by the Glen Ridge Historic Society. All required permits were obtained and a certificate of occupancy was issued over 10 years ago.

We decided to remain in Glen Ridge and purchased the Benson Street Train Station over 2 years ago. Edna has been doing the same outstanding effort in renovating this historically significant property and we are nearing completion.

The purpose of this letter is to call to your attention the practice of Mr. Robert O'Connor, your building inspector, to knowingly and repeatedly violate the Borough ordinance regarding Zoning Compliance Certification. Over the past several weeks, Mr. O'Connor's actions in violating this law have caused tremendous stress on both Edna and me. The delays in obtaining the Certificate came close to having the buyer's mortgage approval expire, with the possible loss of the sale of our home.

With this background, let me be specific as to the violation of the town ordinance by Mr. O'Connor. Chapter 15 of the Glen Ridge ordinances requires a homeowner to obtain a Certificate of Zoning Compliance as a condition for a change in ownership of property in Glen Ridge. As a resident of Glen Ridge for over 40 years, I am familiar with the background and purpose of this ordinance when it was adopted by the Borough in 1985.

So there is no mistake as to the wording, I am quoting Section 15.12.020 of the Glen Ridge ordinance verbatim, as follows:

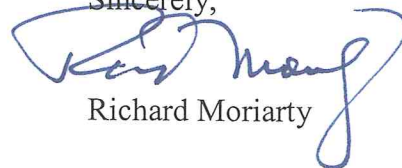
“Every application for a certificate of zoning compliance shall be made, in writing, in the form of a letter, by the owner or his or her authorized agent or a prospective purchaser of a property under contract or a prospective tenant and shall include a statement of the present use and the intended use of the structure or vacant land and, in the case of new construction, shall be accompanied by a plan drawn to lot and street lines. The building inspector shall inspect the premises for which a certificate of zoning compliance is sought within seven business days after his or her receipt of the application and shall issue or refuse to issue a certificate of zoning compliance within seven business days after such inspection, except when site plan approval is required, in which case the building inspector shall issue or refuse to issue the certificate upon receipt of notice of final action on the site plan by the planning board. If the building inspector refuses to issue a certificate hereunder, he or she shall state, in writing, the grounds for such refusal. **Refusal shall be based solely upon existing use of a building or land which is in violation of applicable zoning ordinances or an intended use of a building or land which is in violation of zoning ordinances.**”

Thus, the ordinance is clear that the Certificate of Zoning Compliance must be issued unless there is a violation of the zoning ordinances. Mr. O’Connor denied the issuance of the Certificate of Zoning Compliance, not due to a zoning ordinance violation, but rather on his finding that, among other items, there were permits taken out in 1998 at the time of the complete renovation of the house which had not received a “final inspection”. These “permit” findings by Mr. O’Connor are themselves an issue of concern as to his overreach, however, it is a separate issue from the topic of letter.

I have previously emailed Mike Rohal and Mike Zichelli regarding Mr. O’Connor’s abuse of his authority as the official in charge of the issuing a Certificate of Zoning Compliance. By way of this letter I am now informing the Mayor and Council of the situation and request that they take appropriate action to correct this problem and require our Borough officials comply with Borough ordinances.

If you have any questions, I would be happy to attend the next council meeting to review this situation in more detail.

Sincerely,



Richard Moriarty



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

MAIL CODE 401-02B
DIVISION OF WATER QUALITY
BUREAU OF CONSTRUCTION MANAGEMENT AND TWA/CSO PERMITTING
401 EAST STATE STREET
P.O. BOX 420
Trenton, NJ 08625-0420
TEL: # (609) 633-1180
FAX # (609) 292-1381
www.state.nj.us/dep/dwq

AUG 15 2011

Michael J. Rohal, Administrator
Borough of Glen Ridge
825 Bloomfield Avenue
P.O. Box 66
Glen Ridge New Jersey 07028-0066

Subject: New Jersey Environmental Infrastructure Financing Program
Project No. S340861-01
Borough of Glen Ridge
Rehabilitation of Sanitary Sewers on Chestnut Hill Place and Glen Park Road
Authorization to Award

Dear Mr. Rohal:

After reviewing the material submitted, we wish to inform you that, provided there are no outstanding bid protests, you are hereby authorized to award the following contract:

Rehabilitation of Sanitary Sewers on Chestnut Hill Place and Glen Park Road to Allstate Power Vac, Inc. for their combined low bid of \$221,161.00, all of which is allowable for loan participation.

After this contract has been signed, we will require a certified copy for our files. Forward only the contract pages that show the contract amount, the dates, and the signatures of both parties, exclusive of the accompanying specifications. Certification that the appropriate bonds (performance and payment) and all required insurance have been obtained must be provided to this office prior to the issuance of the notice to proceed. Please note that in accordance with N.J.A.C. 7:22-3.17 (a) 19 and 7:22-4.17 (a) 19, evidence must be provided which verifies that the State and its agencies, employees and officers as additional "named issuers" on any certificate of liability insurance.

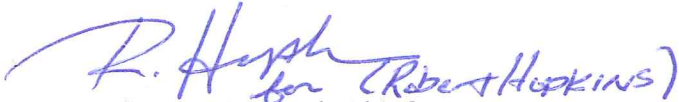
In addition, within 10 days of the award of construction contracts over \$10,000, we require you to submit a separate letter for our files listing:

- a. Loanee name, project and contract number, and site location of the contract.
- b. Name, address, telephone number, and employee ID number (tax number) of the contractor who is awarded the contract.
- c. Amount of award.
- d. Estimated starting and completion dates.

You are to contact this department by telephone to schedule a preconstruction conference for this contract in accordance with the enclosed Form G-2-E.

If you have any questions regarding this correspondence, please contact Paul T. Hauch, of this office, at (609) 633-1180.

Very truly yours,



Gautam R. Patel, Chief
Bureau of Construction Management & TWA/CSO Permitting
Municipal Finance and Construction Element

Enclosure: Preconstruction Conference Form G-2-E

cc: David E. Zimmer, Executive Director, NJEIT
Pam Lyons, Director, Office of Equal Opportunity & Public Contract Assistance
Deirdre Webster Cobb, Department of Treasury, Division of Contract Compliance
Magan Kanzaria, BEER, MFCE
William Datz, PDPC&P, MFCE
Sabine Watson, PE, CME, Suburban Consulting Engineers, Inc.

PRECONSTRUCTION CONFERENCE FORM G-2-E

Project Name: Glen Ridge Borough

Project No. S340861-01

Rehabilitation of Sanitary Sewers on Chestnut Hill Place and Glen Park Road

As per requirements of the New Jersey Environmental Infrastructure Financing Program, it is necessary for a Preconstruction Conference to be held prior to the start of construction. This conference must be attended by the contractor, loanee, his engineer, the chief construction inspector representing the applicant, the applicant's environmental inspector, the contractor and a representative from this office.

The following guidelines are suggested:

1. Call the N.J. Department of Environmental Protection, Bureau of Administration and Management to establish a date.
2. Invite only the above listed attendees to this part of the meeting.
3. Schedule this part of the preconstruction conference in two segments--
 - a. A quick tour of the site (WWTP or PS) or route (pipeline).
 - b. A meeting immediately following to discuss applicable construction and environmental requirements.
4. Call the N.J. Department of Treasury, Division of Contract Compliance to determine if their attendance is necessary.

This part of the conference will be limited to items primarily concerned with the New Jersey Environmental Infrastructure Financing Program assisted projects. It is not necessary to have representatives of the police, fire department, utilities, etc., at this part of the conference.

If you have any questions, please contact this office at (609) 633-1180.

cc: David E. Zimmer, Executive Director, NJEIT
Pam Lyons, Director, Office of Equal Opportunity & Public Contract Assistance
Deirdre Webster Cobb, Department of Treasury, Division of Contract Compliance
Magan Kanzaria, BEER, MFCE
William Datz, PDPC&P, MFCE
Sabine Watson, PE, CME, Suburban Consulting Engineers, Inc.



UNION TOWNSHIP
ENVIRONMENTAL COMMISSION
HUNTERDON COUNTY, STATE OF NEW JERSEY
MUNICIPAL BLDG. 140 PERRYVILLE ROAD HAMPTON, NJ 08827
TEL: (908) 735-0932 ext 21 FAX: (908) 735-0591

William H. Harclerode
Chair

Dear Mayor,

This letter is to ask for your support to help reduce noise from diesel truck mufflers. Please ask your municipality to adopt the attached resolution.

Our specific concern is the noise from unmuffled engine braking. This noise is caused by the use of illegally modified mufflers combined with the common practice of "engine braking". The noise level has reached the point where we all need to join together to take action to protect the public's right to peace and quiet. Other states have done this, and we can too.

Here is a brief background on this issue: Virtually all trucks today are equipped with engine brakes, which serve to enhance the truck's ability to stop. New trucks are required by federal law to be equipped with effective mufflers, which reduce the noise from engine braking down to acceptable levels. However, approximately 5% of truck owners have purposely modified these effective mufflers. The jackhammer-like noise from unmuffled engine brakes is extremely loud, travels for several miles, at all hours of the day and night, and penetrates even through closed windows. Unfortunately, there is virtually zero enforcement of laws and regulations against this illegal practice in NJ, and the fines are too low to be an effective deterrent.

We are asking that every municipality in NJ take two specific actions:

1. Adopt this resolution that: (1) supports the adoption of state legislation that increases fines; (2) encourages active, targeted enforcement of anti-noise laws by the NJ State Police; (3) encourages the funding and staffing of truck inspection and weigh stations to enforce these laws.
2. Send copies of the resolution to their elected state Senate and Assembly representatives, to Senate Transportation Chair Sacco, Assembly Transportation Chair Wisniewski, and to New Jersey State Police Col. Fuentes.

Please see our web site for more information (<http://roadnoisenj.org>).

Sincerely,


William Harclerode

For: The Road Noise Group

Copy: Union Township Mayor Bischoff

NEW JERSEY UNMUFFLED ENGINE BRAKING RESOLUTION

WHEREAS, unmuffled engine braking noise from diesel trucks is extremely loud and travels for long distances throughout the day and night, disturbing the repose and well being of taxpayers, and adversely affects the quality of life of many New Jersey residents; and

WHEREAS, New Jersey is the most densely populated state in the USA and therefore has many residents living within close proximity to highways; and

WHEREAS, truck traffic (and resulting noise) on highways in NJ has greatly increased over the past 10 years and is expected to continue to increase; and

WHEREAS, new trucks are required to be equipped with effective mufflers when first sold, but many truck owners have purposefully and illegally modified or removed them resulting in increased noise; and

WHEREAS, truck, engine and equipment manufacturer studies have consistently proven that improperly muffled vehicles are the root cause of the loud noise, and that about 5% of all trucks have illegal mufflers; and

WHEREAS, unmuffled truck engine braking is illegal in New Jersey where State law forbids the use of ineffective muffler systems on any motor vehicle, including trucks; and

WHEREAS, the law has in many instances not been enforced for trucks in New Jersey; and

WHEREAS, Federal (EPA) regulations specifically prohibit tampering with, removing or rendering inoperative any truck noise control device, and allows states to enforce their own antitampering (effective muffler) laws on trucks engaged in interstate commerce; and

WHEREAS, Federal noise regulations require trucks to meet specific noise emission standards; and

WHEREAS, the New Jersey Effective Muffler Law, N.J.S.A. §39:3-70 has recently been updated to clarify the language and make it easier to enforce violations; and

WHEREAS, New Jersey State Police have recently promised to purchase sound meters and begin an unspecified level of enforcement this summer at only two locations; and

WHEREAS, the NJ Effective Muffler Law carries only a \$25 fine and therefore does not create an effective deterrent; and

WHEREAS, many states have passed laws banning unmuffled engine braking with an increased fine of \$500 (*see*, e.g., Colorado Rev. Stat. 42-4-255); and

WHEREAS, Trucks are “self-inspected” and such inspections do not specifically include noise testing or the presence of and effectiveness of the muffler; and

WHEREAS, the New Jersey State Police-staffed truck weigh/inspection stations on Interstate Highways such as Route 295 and Route 78 are often closed, especially in the middle of the night when the noise is most disturbing to residents trying to sleep; and

WHEREAS, New Jersey has a very active truck lobby that contributes substantial amounts of money to the campaigns of elected officials, (including the Transportation Committee chairs) that support their interests; and

WHEREAS, New Jersey taxpayers must rely on their elected representatives to also represent the public interest including their right to undisturbed repose; and

WHEREAS, the New Jersey League of Municipalities adopted Conference Resolution 2008-04 “Unmuffled Engine Braking” specifically calling for actions similar to those called for in this Resolution;

NOW THEREFORE, be it:

RESOLVED, that the New Jersey Assembly and Senate Transportation Committees shall bring out of committee a bill that will raise the fines for unmuffled engine braking to \$500 (see Bill Number A3341 and other similar bills that have been introduced over the past four years); and it is further

RESOLVED, that the New Jersey State Police shall be encouraged to more aggressively enforce the noise and muffler laws for trucks in New Jersey, incorporating creative approaches such as state-wide “zero tolerance” days, conducted at random, as an effective deterrent at an economical cost to taxpayers during these times of budgetary constraints; and it is further

RESOLVED, that truck weigh and inspection stations on New Jersey interstate highways shall be funded, opened and staffed at times that are most appropriate to enforce these laws for the benefit of the public; and it is further

RESOLVED, that copies of this Resolution shall be sent to <municipality> elected state Senate and Assembly representatives, to Senate Transportation Chair Nicholas J. Sacco and Assembly Transportation Chair John S. Wisniewski, and to New Jersey State Police Col. Fuentes.

For questions or comments, please contact Road Noise Group representatives Bill Harclerode, Union Township (908-894-8300) and/or Amy Switlyk, Clinton Township (908-268-0051)

NOTICE TO PUBLIC SERVICE ELECTRIC AND GAS COMPANY CUSTOMERS

Notice of Filing and Public Hearings for Basic Generation Service Charges (BGS) Procured by PSE&G on behalf of its Basic Generation Service Customers and Notice of Proposed Recovery through its BGS Charges of Costs Resulting from Statewide Auction for Basic Generation Service

TAKE NOTICE that, on July 1, 2011, Public Service Electric and Gas Company ("Public Service", "PSE&G", "the Company") filed a proposal (Annual Proposal for Basic Generation Service ["BGS"] Requirements to be Procured Effective June 1, 2012) with the New Jersey Board of Public Utilities ("Board", "BPU") requesting that the Board approve the procurement of BGS through a statewide competitive auction process with new BGS charges to become effective June 1, 2012. BGS is provided to all PSE&G customers who do not procure their electricity from a third party supplier.

The New Jersey Electric Distribution Companies ("EDCs"), such as PSE&G, are mandated to provide BGS in accordance with the requirements of the Electric Discount and Energy Competition Act ("the Act"). BGS is currently procured through a statewide competitive auction process in which all of the EDCs seek offers for BGS supply from electric generation suppliers. In this auction process, electric generation suppliers bid in a descending-clock auction on specified portions of the electric requirements for BGS customers for each of the EDCs. The Board has approved this type of auction for each year since 2001, and has found that this auction process meets the statutory requirements of the Act.

On September 26, 2011 beginning at 10:00 am, a hearing will be held at the Board's Trenton office on the BGS proposals. The Board is expected to rule on the EDCs' BGS proposal shortly thereafter. The Board's Agenda Meeting schedules can be found at www.bpu.state.nj.us.

The final price for BGS-FP supply resulting from the BGS-FP auction conducted in 2011 was \$0.09430 per kilowatt-hour for a 36-month supply period. For the BGS-CIEP auction conducted in 2011, the Generation Capacity Charge cleared at \$116.47 per MW-day.

The final auction clearing prices for the BGS supply procured in the 2012 BGS-FP and BGS-CIEP auctions may be higher than or lower than the prices obtained in the 2011 auctions. Auction prices are converted to customer charges, which may be higher than or lower than current charges, depending on the outcome of the auction, consistent with market conditions. BGS rates also include applicable transmission charges set by the Federal Energy Regulatory

Commission (FERC). BGS-FP and BGS-CIEP rates may change to reflect any increases or decreases in these FERC-approved transmission charges.

Under the EDCs' July 1, 2011 proposal, the criteria for BGS-CIEP eligibility would remain at a peak load share of 750 kW. Customer classes eligible to be served under the BGS-FP rate would include customers served under PSE&G's distribution Rate Schedules RS, RHS, RLM, WH, WHS, HS, BPL, BPL-POF, PSAL, GLP and LPL-Secondary with a peak load share of less than 750 kW. Customers served on Rate Schedules HS, GLP and LPL-Secondary may elect to be served at BGS-CIEP as their default supply option. Additionally, PSE&G customers served under distribution Rate Schedules LPL-Primary, HTS-Subtransmission, HTS-High Voltage, and those LPL-Secondary customers with a peak load share of 750 kW or greater are only eligible to be served under BGS-CIEP. These criteria for BGS-CIEP service are subject to change for this year's procurement at the discretion of the Board.

PLEASE TAKE NOTICE that the Board has scheduled the following date, time and location for a public hearing on the above filing so that members of the public may present their views. The hearing will continue until all public witnesses are heard.

Thursday, September 22, 2011
1:00 P.M.
Middlesex County
Administration Building
Freeholder's Meeting Room
1st Floor
J.F. Kennedy Square
New Brunswick, New Jersey 08901

In order to encourage full participation in this opportunity for public comment, please submit any requests for needed accommodations, including interpreters, listening devices or mobility assistance, no less than 48 hours prior to the above hearing. Customers may file written comments with the Secretary of the Board of Public Utilities by September 15, 2011, at 44 South Clinton Avenue, Ninth Floor, P.O. Box 350, Trenton, New Jersey 08625-0350 ATTN: Secretary Kristi Izzo, regardless of whether or not they attend the public hearing.



PUBLIC SERVICE ELECTRIC AND GAS COMPANY