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**BERNARDS TOWNSHIP- TOWNSHIP COMMITTEE
MINUTES**

JULY 15, 2010 – SPECIAL MEETING

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CONTRACT FOR LEGAL SERVICES FOR LABOR COUNSEL (EXCLUDING
MATTERS OF LITIGATION AND UNANTICIPATED REIMBURSABLE
DISBURSEMENTS AS REQUIRED) TO SANDRO POLLEDRI AND BRIAN KRONICK
OF THE FIRM OF GENOVA, BURNS & GIANTOMASI, IN THE NOT TO EXCEED
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CALL TO ORDER

The mayor called the special meeting to order at 6:45 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ 07920. Those assembled saluted the flag.

MAYOR'S STATEMENT

The mayor read the following statement:

Adequate notice of this special meeting was posted on the bulletin board in the Municipal Building, Collyer Lane, Basking Ridge, on the township website, and e-mailed to the Bernardsville News, Bernardsville; the Courier News, Bridgewater; Patch.com, and filed with the Township Clerk on July 6, 2010. Any motion to go into closed session will be deemed to include a motion that the matters discussed at such closed session will be disclosed to the public when such matters are finally determined and there is no further reason to prohibit the public disclosure of information relating to such matters.

ROLL CALL

Present: Carpenter, Gaziano, Malay, Pavlini (6:52 PM), Spitzer

Absent:

Also Present: CFO/Administrator McArthur, HR Manager Eula, Clerk/Assist. Admin. Szabo

EXECUTIVE SESSION – [Resolution #2010-0254](#)

Motion by Malay, second by Carpenter, that Resolution #2010-0254 be adopted and the meeting temporarily adjourned to executive session at 6:47 PM.

Roll Call

Aye: Carpenter, Gaziano, Malay, Spitzer

Nay:

Abstain:

Motion carried.

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

WHEREAS, the regular meeting of the Township Committee will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Township Committee will go into closed session for the following reason(s) as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Township Committee hereby declares that the discussion of subject(s) may be made public at a time when the Township Attorney advises the Township Committee that the disclosure of the discussion will not

detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Township Committee, hereby declares that the public is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

Reason for Closed Session

Estimated Time of
Disclosure or Upon
Occurrence Of

- Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.
The employee(s)/appointments and nature of discussion is: **Interviews for Labor Counsel.**

**Upon adoption of resolution
of appointment.**

The meeting resumed in open session at 8:56 PM.

AMEND AGENDA

Motion by Malay, second by Carpenter, to amend the agenda to add Resolution #2010-0254 awarding a professional service contract.

Roll Call

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

PUBLIC COMMENT

None.

Resolution #2010-0259 - Awarding a Professional Services Contract for Legal Services for Labor Counsel (Excluding Matters of Litigation and Unanticipated Reimbursable Disbursements as Required) to Sandro Polledri and Brian Kronick of the firm of Genova, Burns & Giantomasi, in the Not to Exceed Amount of \$17,500

Motion by Malay, second by Carpenter, that Resolution #2010-0259 be approved.

Roll Call

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

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

WHEREAS, the Township Committee interviewed candidates in executive session on July 15, 2010; and

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

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

WHEREAS, the Treasurer has certified funds are available in the 2010 Budget Fees and Compensation Account # 0-01-20-155-204 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 Sandro Polledri and Brian Kronick of the firm of Genova, Burns & Giantomasi, 494 Broad Street, Newark, NJ 07102, as follows:

1. The contract term is from 07/19/2010 through 12/31/2010 for legal services, in the not to exceed an amount of \$17,500, excluding matters of litigation and unanticipated reimbursable disbursements as required at an hourly rate of \$175.
2. Billings must be rendered by the contractor within 30 days of service delivery.
3. **Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.**
4. **No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.**
5. 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.
6. 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.
7. The contractor shall report directly to Bruce McArthur, who will be the chief contact for the Township of Bernards on this contract.
8. This contract shall take effect on 07/19/2010, contingent on receipt of the following documents:
 1. Acceptable Proposal
 2. Business Registration Certificate

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.

We agree to the terms as stated in the Resolution and by signing this document we, Sandro Polledri and Brian Kronick of the firm of Genova, Burns & Giantomasi, are committed to following all terms of this award.

TREASURER'S CERTIFICATION

I, Terri Johnson, Treasurer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced in the 2010 Budget, Legal, Fees and Compensation Line Account # 0-01-20-155-204 in the not to exceed amount of \$ 17,500.00.

Terri Johnson
FOR TREASURY
CERTIFICATION ONLY

Date: 7/15/10

Terri Johnson
Treasurer

ADJOURNMENT

By unanimous consent, the meeting adjourned at 8:59 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Scott Spitzer
Mayor