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BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE
MINUTES
JULY 12, 2016 – COMBINED AGENDA/REGULAR MEETING
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CALL TO ORDER
The mayor called the meeting to order at 7:30 PM in the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

ROLL CALL
Present: Gaziano, Malay, Bianchi
Absent: Carpenter, Russo
Also Present: Administrator McArthur and Municipal Clerk/Assist. Admin. Szabo

AMEND AGENDA
Motion by Malay, second by Gaziano, and unanimously agreed, that Resolution #2016-0301, Authorizing an Extension of Grace Period for Third Quarter 2016 Taxes, be removed from the agenda and no action taken as the Tax Collector has received all information enabling her to issue the Tax Bills on time; and that Resolution #2016-0280, Authorizing an Executive Session, be amended to include a discussion on ISBR - Contract Negotiations and Insurance.

EXECUTIVE SESSION - Resolution #2016-0280
Motion by Malay, second by Gaziano, and unanimously agreed that Resolution #2016-0280 be approved and the meeting temporarily adjourned to Executive Session at 7:33 PM.

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.

The meeting resumed in open session at 7:59 PM and stood in recess until 8:00 PM.

TOWNSHIP COMMITTEE MINUTES
07/12/2016
Page 2 of 10
REPORTS
None.

AGENDA PORTION OF THE MEETING
Nothing listed.

PUBLIC COMMENT
None.

TOWNSHIP COMMITTEE/STAFF COMMENTS
Committee and staff members reported on their activities.

FIRE & RESCUE APPOINTMENT
Resolution #2016-0302 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad, Inc.: Bradley Hutton, Kristen Rusas, and Niusha Sareh - Full Members; Liberty Corner Fire Company, Inc.: Kaitlyn Boyle and Tiernan O’Rourke – Full Members; Basking Ridge Fire Company #1: Bryce Johnson – Junior Member; First Aid Squad of the Basking Ridge Fire Company #1: Adil Patel – Junior Member; Basking Ridge Fire Company #1 and the First Aid Squad of the Basking Ridge Fire Company #1: Owen Van Cleef – Junior Member

Motion by Malay, second by Gaziano, and unanimously agreed that Resolution #2016-0302 be approved.

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 departments for the Township of Bernards; and

WHEREAS, pursuant to § 2-16.1 of the Revised General Ordinances of the Township of Bernards, there shall be a first aid department known as the "Township of Bernards First Aid and Emergency Department" consisting of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad, Inc.; and

WHEREAS, the Liberty Corner First Aid Squad, Inc., the Liberty Corner Fire Company, Inc., Basking Ridge Fire Co. #1 and First Aid Squad of Basking Ridge Fire Company #1 are recommending the following individuals for appointment:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>MEMBERSHIP STATUS</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bradley Hutton</td>
<td>16 Battalion Drive Basking Ridge, NJ 07920</td>
<td>Full Member</td>
<td>Liberty Corner First Aid Squad, Inc</td>
</tr>
<tr>
<td>Kristen Rusas</td>
<td>33 Royal Oak Drive Far Hills, NJ 07931</td>
<td>Full Member</td>
<td>Liberty Corner First Aid Squad, Inc</td>
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<tr>
<td>Niusha Sareh</td>
<td>11 Knox Court Basking Ridge, NJ 07920</td>
<td>Full Member</td>
<td>Liberty Corner First Aid Squad, Inc</td>
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<tr>
<td>Kaitlyn Boyle</td>
<td>16 Carriage Way Basking Ridge, NJ 07920</td>
<td>Full Member</td>
<td>Liberty Corner Fire Company, Inc</td>
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<tr>
<td>Tiernan O’Rourke</td>
<td>66 Woodward Lane Basking Ridge, NJ 07920</td>
<td>Full Member</td>
<td>Liberty Corner Fire Company, Inc</td>
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<tr>
<td>Bryce Johnson</td>
<td>57 Madisonville Road Basking Ridge, NJ 07920</td>
<td>Junior Member</td>
<td>Basking Ridge Fire Company #1</td>
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<tr>
<td>Adil Patel</td>
<td>390 S Maple Avenue Basking Ridge, NJ</td>
<td>Junior Member</td>
<td>First Aid Squad of the Basking Ridge Fire Company #1</td>
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<tr>
<td>Owen Van Cleef</td>
<td>295 Douglas Road Far Hill, NJ 07931</td>
<td>Junior Member</td>
<td>Basking Ridge Fire Company #1 and the First Aid Squad of the Basking Ridge Fire Company #1</td>
</tr>
</tbody>
</table>

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individuals are hereby appointed as members of the respective agencies noted above effective this date.

UNFINISHED BUSINESS
None.
NEW BUSINESS

Consent Agenda

The items listed within the consent agenda portion of the meeting have been referred to the Township Committee for reading and study. Linked to the posted agenda on the website, are considered routine and will be enacted by one motion of the Township Committee with no separate discussion. If separate discussion is required, the item may be removed from the agenda by township committee action and placed on the regular agenda under new business.

Motion by Malay, second by Gaziano, that Resolution #2016-0297 be removed from the Consent Agenda, and that the balance of items be approved.

Roll Call:

Aye: Gaziano, Malay, Bianchi
Nay:
Abstain:

Motion carried.

Approval of Minutes:

06/28/2016 Meeting Open Session

These minutes were approved for content and release.

06/28/2016 Executive Session

These minutes were approved for content only.

Resolution #2016-0295 - Approval of the Bill List Dated 07/12/2016

BE IT RESOLVED, that the bill list dated 07/12/2016 be audited, and if found correct, be paid.
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<th>Description</th>
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<td>HODULIK &amp; MORRISON, P.A.</td>
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</tr>
</tbody>
</table>

**TOWNSHIP COMMITTEE MINUTES**

07/12/2016

Page 5 of 10
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 $40,000.00 requires governing body approval; and

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

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Not to Exceed</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDP Painting Company</td>
<td>$40,000.00</td>
</tr>
</tbody>
</table>

Resolution #2016-0296 - Award of Purchase Orders for Identified Vendor –EDP Painting Company

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

WHEREAS, in anticipation of the listed expenditure, a Business Entity Disclosure Certification has been secured in compliance with N.J.S.A.19:44A 20-4 et seq., and that the principals of the said companies, have not made any reportable contributions to a political or candidate committee in the Township of Bernards in the previous one year, and that the contract will prohibit the principals of said companies from making ANY contributions through the formal bid process from making “any” contribution whatsoever in the prior calendar year.
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, 2016.

**Resolution #2016-0298 - Personnel Appointment Robert Yeager – Equipment Operator - Department of Public Works**

WHEREAS, the full time position of Equipment Operator became available due to a retirement within the Public Works Department; and

WHEREAS, the Director of Public Works, Township Administrator, and CFO/HRO have deemed it necessary to fill this position; and

WHEREAS, Robert Yeager has applied for and is qualified to fill said position; and

WHEREAS, the Director of Public Works, Township Administrator, and CFO/HRO recommend appointment of Robert Yeager to full time Equipment Operator.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that Robert Yeager be appointed full time Equipment Operator effective July 13, 2016 at an hourly rate of $33.17 for a 40-hour workweek.

**Resolution #2016-0299 - Commendation on the Occasion of Your Retirement Stephen Elder**

WHEREAS, the Township Committee of the Township of Bernards desires to convey to you an expression of its appreciation and grateful acknowledgment for the valued services rendered by you as an employee of the Township of Bernards Police Department for the past 25 years; and

WHEREAS, you have given generously of your time and efforts in a dignified, faithful, selfless and professional manner; and

WHEREAS, you have professionally served as a Patrol Officer, Field Training Officer, Detective, Senior Detective, Senior Firearms Instructor, Patrol Sergeant, Detective Lieutenant, Lead Supervising Department Firearms Instructor, Lead NJ ABC Function Supervisor, Administrative/Professional Standards Lieutenant, Internal Affairs Function Officer and Patrol Lieutenant for Bernards Township’s residents, visitors, and fellow Township employees in an exemplary way; and

WHEREAS, you have professionally served as a past US Army Lieutenant (Reserves), a past volunteer Member of the Basking Ridge Fire Company, an Alcohol & Drug Awareness Instructor at Ridge High School, School Security Active Shooter Response Planner and as a member of the Somerset County SCERT/SWAT Team in the capacities of Team Member and Assistant Entry Team Leader representing yourself and this Police Department in an exemplary way on a local, county and regional level; and

WHEREAS, the Township Committee of the Township of Bernards sincerely appreciates the worthwhile contributions you have made towards the material development, communal welfare, safety and quality of life in Bernards Township; and

WHEREAS, on the occasion of your 25 years of service you are retiring to start the next challenging and exciting chapter of your life.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards that its sincere congratulations are expressed on the occasion of your retirement.

Signed and sealed on behalf of the Township Committee on this Twelfth Day of July, Two Thousand and Sixteen.

**Resolution #2016-0300 - Return of Maintenance Surety for Hartridge Manor/Rica Properties LLC Subdivision**

WHEREAS, the Township Engineer of the Township of Bernards, Somerset County, New Jersey, 07920, has received a request for the return of the following Maintenance Surety:
Name of Applicant: Rica Properties LLC
Address: 151 Mount Bethel Road, Warren, NJ 07059
Insurance Company: International Fidelity Insurance Company
Address: One Newark Center, Newark, NJ 07102
Maintenance Surety Amount: $10,860.48

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

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

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

Resolution #2016-0304 - Issuance of Solicitor Licenses 5 Brothers Treats, LLC – James Walsh, Linda Walsh, Elisha Walsh, Jonah Walsh License Period 07/01/2016 - 12/31/2016
WHEREAS, James Walsh, Linda Walsh, Elisha, Walsh and Jonah Walsh of 5 Brothers Treats, LLC, 80 Morristown Road, PMB 344, Bernardsville, NJ 07924 have applied for Solicitor Licenses for the license period 07/01/2016 to 12/31/2016, effective 07/12/2016, for the purposes of selling ice cream from a truck; and

WHEREAS, pursuant to Chapter 4, Section 2 of the Revised General Ordinances of the Township of Bernards, applicants have provided required documentation and paid the applicable fee; and

WHEREAS, the Municipal Clerk, the Chief of Police, the Health Officer, and the Zoning Officer have reviewed said applications and found them complete.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards the applications be approved as submitted.

**End Consent Agenda**

Resolution #2016-0297 - Award of Bid for 2016 Road Improvements to Vision Construction Group, Inc., 10 Liberty Street, Edison, NJ 08837 - In the Amount of $1,270,358.00
Motion by Malay, second by Gaziano, that Resolution #2016-0297 be approved.

Roll Call:
Aye: Gaziano, Malay, Bianchi
Nay:
Abstain:
Motion carried.

WHEREAS, the Township of Bernards received bids on Tuesday, June 28, 2016, at 2:30 PM for 2016 Road Improvements:

<table>
<thead>
<tr>
<th>BIDDER NAME</th>
<th>TOTAL BID AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vision Construction Group, Inc.</td>
<td>$ 1,270,358.00</td>
</tr>
<tr>
<td>AJM Contractors, Inc.</td>
<td>$ 1,366,340.00*</td>
</tr>
<tr>
<td>Reivax Contracting Corp.</td>
<td>$ 1,382,584.81*</td>
</tr>
<tr>
<td>Kyle Conti Construction, LLC</td>
<td>$ 1,498,293.25*</td>
</tr>
<tr>
<td>DeSantis Construction, Inc.</td>
<td>$ 1,447,622.15**</td>
</tr>
<tr>
<td>Top Line Construction Corp.</td>
<td>$ 1,528,342.29</td>
</tr>
</tbody>
</table>

*misrepresented bid total – corrected total based on prevailing unit prices shown

**misrepresented bid total – corrected total based on prevailing unit prices shown; bid disqualified pursuant to N.J.S.A. 40A:11-23.39(f) for withdrawal of bid on the same project
WHEREAS, it is the combined recommendation of the Township Engineer, Administrator and Purchasing Agent to award the contract to Vision Construction Group, Inc., 10 Liberty Street, Edison, NJ 08837 in the amount of $1,270,358.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance # 2312, line account # C-04-55-312-A01 ($175,000.00) and Capital Ordinance # 2337, line account # C-04-55-337-A01 ($1,095,358.00); and

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

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, County of Somerset, State of New Jersey, that the bid be awarded to: Vision Construction Group, Inc., 10 Liberty Street, Edison, NJ 08837, in the amount of $1,270,358.00.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Township Committee of the Township of Bernards that in accordance with the bid specifications, the contract between Bernards Township (“Owner”) and Vision Construction Group, Inc., (“Contractor”) shall contain:

1. Provisions of all labor, material, and equipment necessary to perform all work as indicated on the Drawings and Specified for the 2016 Road Improvements.
2. This contract shall, for all purposes, be deemed a New Jersey Contract and any provision of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
3. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
4. The cost of this contract is not to exceed the total bid amount unless negotiated in advance of service delivery, and the Township Committee approves an amendment revising that figure.
5. Billing must be rendered within 30 days of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to resolution as Exhibit B.
7. The Township may terminate this contract if contractor does not fulfill the services as outlined in the Bid Specification, upon five (5) days written notice via certified mail.
8. The work contemplated under the Contract shall be completed within ninety (90) days of the Notice to Proceed. All work for the Church Street path shall be completed by Friday, August 26, 2016.
9. The Contractor shall commence the work not later than ten (10) calendar days after the owner has given the Notice to Proceed Date to the Contractor in writing.
10. The completion time period shall include, but not be limited to, the time necessary to prepare shop drawings, to order, process, and deliver all equipment and materials, to obtain necessary permits and approvals, to perform the proper installation contemplated under this Contract and all else necessary and incidental in connection with the performance of this Contract.
11. If the Contractor fails to complete the work within the specified time plus extensions, the Contractor shall be responsible to the Township for liquidated damages in the sum of $500.00 per day for every day thereafter until the completion and acceptance of the work. Such liquidated damages shall not be considered as a penalty. The Township shall deduct and retain out of any money due or to become due herein to Contractor the amount of the liquidated damages.
12. In accordance with bid specifications, if the Contractor, upon notification by the Township of Bernards, fails to execute the contract prepared by the Township attorney within ten (10) days of such notification with the Township of Bernards, the Township may rescind the award of the bid to the Contractor and award the contract to another bidder, and shall have the right to proceed against the guaranty accompanying the bid.

I agree to the terms as stated in this Resolution and by signing this document, as I am committed to follow all terms of this award.

____________________________________________________
Gerard Chiusolo, President
CFO CERTIFICATION
I, Terri Johnson, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $1,270,358.00. Monies are available in Capital Ordinance # 2312, line account # C-04-55-312-A01 ($175,000.00) and Capital Ordinance # 2337, line account # C-04-55-337-A01 ($1,095,358.00).

Date: 6/30/2016
Terri Johnson, Chief Financial Officer

Ordinance #2346 - Accepting a Stream Buffer Conservation Easement on Property Located at 35 Old Farm Road, Block 304, Lot 2, from Mary Louise Clarke and Sheldon Clarke to the Township of Bernards - Introduction

The clerk read the ordinance by title. Motion by Malay, second by Gaziano that Ordinance #2346 be introduced on first reading, advertised as required by law and scheduled for a public hearing on 07/26/2016.

Roll Call:
Aye: Gaziano, Malay, Bianchi
Nay: 
Abstain: 
Motion carried

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

1. Pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., Bernards Township hereby accepts from Mary Louise Clarke and Sheldon Clarke, 35 Old Farm Road, Basking Ridge, NJ, 07920, a Stream Buffer Conservation Easement on Block 304, Lot 2, in Bernards Township.
2. The easement is on file with the office of the Township Clerk.
3. This Ordinance shall take effect upon its final passage and publication according to law.

ADJOURNMENT
By unanimous consent, the meeting adjourned at 8:09 PM.

Respectfully submitted,

______________________________
Denise Szabo
Municipal Clerk/Assistant Administrator

Carol Bianchi
Mayor