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MINUTES
DECEMBER 16, 2016 – SPECIAL MEETING
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CALL TO ORDER
The mayor called the special meeting to order at 7:30 AM. The assembled saluted the flag and the Mayor read the Open Public Meetings Statement in accordance with the law.

ROLL CALL
Present: Carpenter (via phone), Gaziano, Russo (via phone), Malay, Bianchi
Absent:
Also Present: Administrator McArthur, Attorney Belardo, Municipal Clerk/Assist. Administrator Szabo

PUBLIC COMMENT
None.

NEW BUSINESS
Motion by Malay, second by Gaziano, that Resolution #2016-0483 be approved.

WHEREAS, the Township of Bernards requires a Professional Non-Neutral Arbitrator; and

WHEREAS, William A. Dreier, Esq. of the firm Norris, McLaughlin & Marcus, P.A., 721 Route 202-206, Suite 200, PO Box 5933, Bridgewater, NJ 08807 has submitted a proposal dated December 13, 2016 outlining professional non-neutral arbitrator for 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; and

WHEREAS, this contract is awarded without public advertisement as defined in N.J.S.A. 19:44A-20-7 and pursuant to the provisions of N.J.S.A. 19:44A-20-4; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2016 Current Fund Budget – Legal Fees and Compensation, line account #6-01-20-155-20A.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to William A. Dreier, Esq. of the firm Norris, McLaughlin & Marcus, P.A., 721 Route 202-206, Suite 200, PO Box 5933, Bridgewater, NJ 08807 as follows:
1. The contract will encompass services as outlined in the submitted proposal dated December 13, 2016.
2. The contract term is from December 16, 2016 through December 15, 2017 at an hourly rate of $590.00 in the not to exceed an amount of $25,000.00
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.
5. No payments in excess of the “not to exceed” contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
6. As required by law, the parties to this contract agree to incorporate into this contract the mandatory affirmative action language promulgated by the Treasurer pursuant to P.L. 1975, c.127, which is attached to this resolution as Exhibit A.
7. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
NOW THEREFORE BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that notice of this contract award be published in the official township newspaper, and a copy of this resolution 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, am committed to follow all terms of this award.

William A. Dreier, Esq. of the firm Norris, McLaughlin & Marcus, P.A.

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $25,000.00. Monies are available in 2016 Current Fund Budget – Legal Fees and Compensation, Litigation, line account #6-01-20-155-20A.

Date: 12/15/16

Terri Johnson, Chief Financial Officer

Resolution #2016-0484 - Change Order #4 – Increase of $67,500.00 Authorizing Continuing Award of Contract for Legal Services, Special Counsel Herold Law, P.A., with Respect to ISBR and M. Chaudry v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”) for a New Not to Exceed Amount of $187,500.00

Motion by Malay, second by Gaziano, that Resolution #2016-0484 be approved.

Roll Call:

Aye: Carpenter, Gaziano, Russo, Malay, Bianchi
Nay:
Abstain:
Motion carried.

WHEREAS, the Bernards Township Committee adopted Resolution #2016-0239 on May 10, 2016 awarded a professional services contract in the amount of $17,500.00 to Special Counsel, Michael Faul, Jr., of the firm Herold Law, with Respect to ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”); and

WHEREAS, the Bernards Township Committee adopted Resolution #2016-0293 on June 28, 2016 awarding change order #1 in the amount of $17,500.00 in the amount not to exceed $35,000.00 to Special Counsel, Michael Faul, Jr., of the firm Herold Law, with Respect to ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”); and

WHEREAS, the Bernards Township Committee adopted Resolution #2016-0330 on July 26, 2016 awarding change order #2 in the amount of $20,000.00 in the amount not to exceed $55,000.00 to Special Counsel, Michael Faul, Jr., of the firm Herold Law, with Respect to ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”); and

WHEREAS, the Bernards Township Committee adopted Resolution #2016-0382 on September 13, 2016 awarding change order #3 in the amount of $65,000.00 in the amount not to exceed $120,000.00 to Special Counsel, Michael Faul, Jr., of the firm Herold Law, with Respect to ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice (“USDOJ”); and

WHEREAS, there exists a continuing need for retention of Special Counsel in connection with the Suburban Municipal JIF and MEL Coverage regard ISBR v. Bernards Township 3:33-AV-0001 and United States Department of Justice Investigation (“USDOJ”); and
WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2016 Current Fund Budget – Legal Fees and Compensation, line account #6-01-20-155-20A.

NOW, THEREFORE BE IT RESOLVED, by the Bernards Township Committee of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a change order to; Herold Law, P.A., in the amount of $67,500.00 for a new not to exceed amount of $187,500.00.

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

____________________________________________________
Craig S. Provorny, President

CFO CERTIFICATION

I, Terri Johnson, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced change order in the amount of $67,500.00. Monies are available in the 2016 Current Fund Budget – Legal Expenses; Litigation, line account #6-01-20-155-20A for a new not to exceed amount of $187,500.00.

Date: 12/15/2016

Terri Johnson, Chief Financial Officer

Resolution #2016-0485 - Awarding a Professional Service Contract for Legal Representation - U.S. District Court, District of New Jersey (Trenton) entitled The Islamic Society of Basking Ridge, et al v. Township of Bernards, et al, 3:16 cv 1369 (the “Subject Litigation”) to Hiram B. Carey III of the Firm Robinson + Cole in the Not to Exceed Amount of $35,000.00

Motion by Malay, second by Gaziano, that Resolution #2016-0485 be approved.

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

WHEREAS, the Township of Bernards requires a legal representation in the matter - U.S. District Court, District of New Jersey (Trenton) entitled The Islamic Society of Basking Ridge, et al v. The Township of Bernards, et al, 3:16 cv 1369 (the “Subject Litigation”); and

WHEREAS, Hiram B. Carey III of the firm Robinson + Cole, One Boston Place, 25th floor, Boston, MA, 02108-4404 has submitted a proposal dated December 14, 2016 outlining legal representation for 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; and

WHEREAS, this contract is awarded without public advertisement as defined in N.J.S.A. 19:44A-20-7 and pursuant to the provisions of N.J.S.A. 19:44A-20-4; and

WHEREAS, the Chief Financial Officer has certified that funds will be made available in the 2016 Current Fund Budget – Legal Fees and Compensation, line account #6-01-20-155-20A.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Hiram B. Carey III of the firm Robinson + Cole, One Boston Place, 25th floor, Boston, MA, 02108 as follows:
1. The contract will encompass services as outlined in the submitted proposal dated December 14, 2016.
2. The contract term is from December 16, 2016 through December 15, 2017 at an hourly rate of
3. $300.00 in the not to exceed amount of $35,000.00
4. Billings must be rendered by the contractor within 30 days of service delivery.
5. 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.
6. 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.
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.

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

NOW THEREFORE BE IT FINALLY RESOLVED, by the Township Committee of the Township of Bernards that notice of this contract award be published in the official township newspaper, and a copy of this resolution 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, am committed to follow all terms of this award.

Hiram B. Carey III of the firm Robinson + Cole

TREASURERS CERTIFICATION
I, Sean McCarthy, Treasurer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $35,000.00. Monies are available in 2016 Current Fund Budget – Legal Fees and Compensation, Litigation, line account #6-01-20-155-20A.

Date: December 15, 2016

Sean McCarthy, Treasurer

EXECUTIVE SESSION - Resolution #2016-0482
Executive Session not required.

ADJOURNMENT
The meeting adjourned at 7:36 AM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Carol Bianchi
Mayor