TOWNSHIP COMMITTEE MINUTES
OCTOBER 10, 2017 – COMBINED AGENDA/REGULAR MEETING

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KATHLEEN COLE, FULL MEMBER LIBERTY CORNER FIRE COMPANY – TOMAS TANCREDI, JUNIOR MEMBER ..... 3

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LIABILITY JOINT INSURANCE FUND ARISING OUT OF THE FOLLOWING MATTERS: ISLAMIC SOCIETY OF BASKING
RIDGE, ET AL. V. TOWNSHIP OF BERNARDS, ET AL., DOCKET NO. 16-CV-01369-MAS-LHG; US DISTRICT
COURT, DISTRICT OF NEW JERSEY (INCLUDING ALL INTERVENORS); SMITH V. TOWNSHIP OF BERNARDS, ET AL.,
DOCKET NO. 17-CV-04551-MAS-LHG; US DISTRICT COURT, DISTRICT OF NEW JERSEY; QUICK, ET AL. V.
TOWNSHIP OF BERNARDS, ET AL., DOCKET NO. 17-CV-05595-MAS-LHG; US DISTRICT COURT, DISTRICT OF
NEW JERSEY; TOWNSHIP OF BERNARDS V. QBE SPECIALTY INSURANCE COMPANY/SUMMIT RISK SERVICES,
ET AL., ARBITRATION CASE NO. 01-16-0003-5508; AAA; AND U.S. V. TOWNSHIP OF BERNARDS, ET AL.,
DOCKET NO. 16-CV-08700-MAS-LHG; US DISTRICT COURT, DISTRICT OF NEW JERSEY “THE ACTION” ........ 9
RESOLUTION #2017-0371 - APPROVAL OF THE OPEN SPACE BILL LIST DATED 10/10/2017

EXECUTIVE SESSION – RESOLUTION #2017-0360

ADJOURNMENT
CALL TO ORDER
The mayor called the meeting to order at 8:02 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: Bianchi, Carpenter, Malay, Russo, Gaziano
Absent:
Also Present: Attorney Belardo, Engineer Timko, CFO/HR Officer Johnson, and Municipal Clerk/Assist. Admin. Szabo

PUBLIC COMMENT
Todd Edelstein, Riverside Drive, commented on the Consent Agenda.
Chris McManemin commented on the Lafayette Road Bridge.
Sally Booth, Bullion Road, commented on the redevelopment of the Quarry, insurance premiums, and health benefits for public officials.

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

FIRE & RESCUE APPOINTMENT
Resolution #2017-0369 - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1 & First Aid Squad of the Basking Ridge Fire Company #1 – Kathleen Cole, Full Member Liberty Corner Fire Company – Tomas Tancredi, Junior Member
Motion by Bianchi, second by Malay, and unanimously agreed that Resolution 2017-0369 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 Basking Ridge Fire Co. #1 and Liberty Corner First Aid Squad respectively are recommending the following individuals for appointment:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>MEMBER STATUS</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathleen Cole</td>
<td>38 Stevens Street</td>
<td>Full</td>
<td>Basking Ridge Fire Company #1 &amp; First Aid Squad of Basking Ridge Fire Company #1</td>
</tr>
<tr>
<td></td>
<td>Bernardsville NJ 07924</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas Tancredi</td>
<td>125 Church Street</td>
<td>Junior</td>
<td>Liberty Corner Fire Company</td>
</tr>
<tr>
<td></td>
<td>Basking Ridge NJ 07920</td>
<td></td>
<td></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 to the agency and membership status as stated above effective this date.

UNFINISHED BUSINESS
Ordinance #2373 - An Ordinance of the Township of Bernards Appropriating $65,000.00 for Pool Improvements – 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 Carpenter, second by Bianchi, that Ordinance #2373 be adopted and advertised as required by law.

Roll Call:

Aye:  Bianchi, Carpenter, Malay, Russo, Gaziano
Nay:                                           
Abstain:                                         

Motion carried

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.

Roll Call:

Aye:  Bianchi, Carpenter, Malay, Russo, Gaziano
Nay:                                           
Abstain:                                         

Motion carried.

** Begin Consent Agenda **

Approval of Minutes:

09/12/2017 Open Session

These minutes were approved for content and release.

09/12/2017 Closed Session

These minutes were approved for content only.

Resolution #2017-0361- Approval of the Bill List Dated 10/10/2017

BE IT RESOLVED, that the bill list dated 10/10/2017 be audited, and if found correct, be paid.

---

<table>
<thead>
<tr>
<th>Check Date</th>
<th>Vendor Name</th>
<th>Amount Paid</th>
<th>Reconciled/Void Ref Num</th>
</tr>
</thead>
<tbody>
<tr>
<td>113396</td>
<td>PENWORTHY/AMERICAN MEDIA</td>
<td>284.79</td>
<td>1324</td>
</tr>
<tr>
<td>113397</td>
<td>ACME DIESEL ELECTRIC, INC.</td>
<td>415.00</td>
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<tr>
<td>113398</td>
<td>ALL SPORTS STADIUM, LLC</td>
<td>332.00</td>
<td>1324</td>
</tr>
<tr>
<td>113399</td>
<td>ABSOLUTE AUTO TRUCK SALVAGE CO</td>
<td>544.00</td>
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<tr>
<td>113400</td>
<td>ATLANTIC TACTICAL</td>
<td>488.05</td>
<td>1324</td>
</tr>
<tr>
<td>113401</td>
<td>AMERICAN ACADEMY OF PEDIATRICS</td>
<td>175.00</td>
<td>1324</td>
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<tr>
<td>113402</td>
<td>AMERICAN WEAR, INC</td>
<td>874.88</td>
<td>1324</td>
</tr>
<tr>
<td>113403</td>
<td>ASUBBAR, RIKHSANA</td>
<td>362.50</td>
<td>1324</td>
</tr>
<tr>
<td>113404</td>
<td>ALUR, SHEETAL &amp; HEMANT</td>
<td>145.00</td>
<td>1324</td>
</tr>
<tr>
<td>113405</td>
<td>BAKER &amp; TAYLOR, INC.</td>
<td>4,363.97</td>
<td>1324</td>
</tr>
<tr>
<td>113406</td>
<td>BASKING RIDGE FIRE CO.</td>
<td>900.00</td>
<td>1324</td>
</tr>
<tr>
<td>113407</td>
<td>BERNARDS TOWNSHIP CURRENT</td>
<td>0.00</td>
<td>10/10/17 VOID</td>
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<tr>
<td>113408</td>
<td>BERNARDS TOWNSHIP CURRENT</td>
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<tr>
<td>113409</td>
<td>BERNARDS TOWNSHIP PAYROLL ACCT</td>
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<tr>
<td>113410</td>
<td>BERNARDS TOWNSHIP PAYROLL ACCT</td>
<td>8,716.32</td>
<td>1324</td>
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<tr>
<td>113411</td>
<td>B&amp;H PHOTO-VIDEO</td>
<td>392.33</td>
<td>1324</td>
</tr>
<tr>
<td>113412</td>
<td>BUY WISE AUTO PARTS</td>
<td>691.24</td>
<td>1324</td>
</tr>
<tr>
<td>113413</td>
<td>BERNARDS CAFE</td>
<td>1,527.90</td>
<td>1324</td>
</tr>
<tr>
<td>113414</td>
<td>BERNARDS CAFE</td>
<td>25.00</td>
<td>1324</td>
</tr>
<tr>
<td>113415</td>
<td>CHILDREN'S PRESS</td>
<td>1,610.05</td>
<td>1324</td>
</tr>
<tr>
<td>113416</td>
<td>CDW GOVERNMENT, INC.</td>
<td>11,666.09</td>
<td>1324</td>
</tr>
<tr>
<td>113417</td>
<td>COURIER NEWS SUBSCRIPTIONS</td>
<td>22.79</td>
<td>1324</td>
</tr>
<tr>
<td>113418</td>
<td>COURIER NEWS SUBSCRIPTIONS</td>
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<tr>
<td>113419</td>
<td>CLIFFSIDE BODY CORPORATION</td>
<td>392.33</td>
<td>1324</td>
</tr>
<tr>
<td>113420</td>
<td>CONNELLY EMERGENCY INC</td>
<td>1,527.90</td>
<td>1324</td>
</tr>
<tr>
<td>113421</td>
<td>BB&amp;T/CPS</td>
<td>7.37</td>
<td>1324</td>
</tr>
</tbody>
</table>
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WHEREAS, the full time position of Patrol Officer became vacant due to a resignation; and

WHEREAS, Harrison Kirby has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Chief Financial Officer/Human Resources Officer recommend appointment of Harrison Kirby to full time Patrol Officer.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Harrison Kirby be appointed full time Patrol Officer 1 with a hire date of Wednesday, October 11, 2017 at a salary in accordance with the Policemen’s Benevolent Association, Local No. 357 Contract, for a 40 hour work week.

Resolution #2017-0366 - Dedication by Rider – Public Donations Amending Resolution #2017-0346 Requesting Permission for a Dedication by Rider For the Acceptance of Bequests and Gifts

WHEREAS, the Bernards Township Committee adopted Resolution #2017-0346 on September 12, 2017 requesting permission of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides for receipt of Public Donations by the municipality to be expended for a specific purpose; and

WHEREAS, the expenditure of Public Donations will be an exact offset to the receipt of Public Donations; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider; and

**TOWNSHIP COMMITTEE MINUTES**

10/10/2017

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

1. The Township Committee does hereby request permission of the Director of the Division of Local Government Services to establish a Dedication by Rider for Public Donations as per N.J.S.A.40A:5-29, for the exclusive purpose of depositing and expending funds donated by individuals for the following purposes:

<table>
<thead>
<tr>
<th>Animal Control Expenses</th>
<th>Library Bequests-Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Recognition Programs</td>
<td>Recreation Equipment</td>
</tr>
<tr>
<td>Green Initiatives</td>
<td>Recreation Fields Maintenance</td>
</tr>
<tr>
<td>Health Prevention Programs</td>
<td>Recreation Programs</td>
</tr>
<tr>
<td>Police Equipment</td>
<td>Recreation-Memorial Trees and Benches</td>
</tr>
<tr>
<td>Police Programs</td>
<td>Street Signage-Hills</td>
</tr>
<tr>
<td>DARE Programs</td>
<td>Tree Arboretum</td>
</tr>
<tr>
<td>Community Policing Programs</td>
<td>Tree Replacements</td>
</tr>
</tbody>
</table>

2. The Municipal Clerk is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Resolution #2017-0366 - Approval of Street Closing Permit for a Block Party on N Brook Ave (from William St to Beechwood Rd), 10/21/2017 (Rain date 10/22/2017)
WHEREAS, Garth Davidson hereinafter “the applicant,” has applied for a street closing permit for a block party on N Brook Ave on October 21, 2017 (rain date October 22, 2017) from 12:00 PM to 5:00 PM; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 7-16.1. et. seq.; and

WHEREAS, the Municipal Clerk and Police Chief have reviewed the application and recommend approval.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the street closing permit for a Block Party be approved.

Resolution #2017-0367 - Awarding Professional Services Contract for the Superstructure Replacement for the Pedestrian Bridge at Lyons Road to Kelly-Ann Kimiecik, PE, Lic. No. 24GE03964900 of the firm Keller & Kirkpatrick, Inc. in the Not to Exceed Amount of $58,050
WHEREAS, the Township of Bernards requires Professional Structural and Environmental Engineering Services for the replacement of the Lyons Road Bridge to prepare required DEP permit applications, bid documents, and construction management services; and

WHEREAS, Kelly-Ann Kimiecik, PE, Lic. No. 24GE03964900, of the firm Keller & Kirkpatrick, Inc., 301 Gibraltar Dr, Suite 2A, Morris Plains, NJ, 07950 has submitted a proposal dated September 12, 2017, outlining Superstructure Replacement Engineering services 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; 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 funds are available the budget; the line item appropriations or Capital Ordinance #2366 line account #C-04-55-366-A02.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that a professional service contract be awarded to Kelly-Ann Kimiecik, PE, of the firm Keller & Kirkpatrick, Inc., 301 Gibraltar Dr, Suite 2A, Morris Plains, NJ, 07950, as follows:
1. The contract will encompass services as outlined in the submitted proposal dated September 12, 2017.
2. The contract term is from October 10, 2017, through October 9, 2018, for professional Structural Engineering not to exceed an amount of $58,050.00.
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.

8. The contractor shall report directly to Thomas Timko, PE, Township Engineer, who will be the chief contact for the Township of Bernards on this project.

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 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.

Kelly-Ann Kimiecik, PE, Director of Structural Engineering
Lic. No. 24GE03964900

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 $58,050.00. Monies are available in Capital Ordinance #2366 line account #C-04-55-366-A02.

Date: 10/02/2017

Terri Johnson, Chief Financial Officer

Resolution #2017-0368 - Approval of Special Event Permit and Temporary Street Closure Lord Stirling School – Annual Great Swamp Devil Run 15K and 5K Races – 11/19/2017

WHEREAS, Wendi Smith representing the Lord Stirling School, PO Box 369, 99 Lord Stirling Road, Basking Ridge, NJ 07920 “the applicant,” has requested a special event permit for 11/19/2017, from 8:00A.M. to 3:00P.M. for the purpose of holding the Great Swamp Devil Run 15K and 5K Races; and

WHEREAS, in connection with the special event, the applicant has requested that Lord Stirling Road for the entire length be temporarily closed; and

WHEREAS, the applicant has satisfied the requirements of the Revised General Ordinances of the Township of Bernards § 4-4. et. seq.; and

WHEREAS, the Municipal Clerk, Police Chief, Recreation Director, and have reviewed the application and recommend approval with the following conditions:

1. The applicant will hire two off-duty police officers to be billed directly by the police department.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the request for the temporary street closure and special event permit is hereby approved.

Resolution #2017-0370 - Commendation on Attaining Eagle Scout Designation Jack William Vorsheim

WHEREAS, the Township Committee is very pleased to recognize the outstanding personal
effort of Jack William Vorsheim reaching the rank of Eagle Scout; and

WHEREAS, Jack, a member of Troop 351 of Patriots’ Path Council, has been an active scout, demonstrating outstanding leadership within the Troop, and has contributed many service hours to his community during his years in scouting; and

WHEREAS, of the total national enrollment of the scouting program, only a small percentage reach this prestigious rank, which Jack will carry as a badge of honor.

NOW THEREFORE BE IT RESOLVED that the Township Committee offers its best wishes to Jack William Vorsheim for continued success, and congratulations for a personal achievement that will serve as a reminder of the importance of the pursuit of excellence throughout his life.

Resolution #2017-0362 - Acknowledgement of Responses to the NJ Division of Local Government Services CY2017/SFY2018 Best Practices Inventory Questionnaire

WHEREAS, the State’s Fiscal Year 2018 Appropriations Act (P.L. 2016, c.10) requires the Division of Local Government Services (Division) to determine how much of each municipality’s final 5% allocation of its CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory (the Inventory) to be completed by each municipality; and

WHEREAS, Theresa Johnson, the Bernards Township CFO, has completed the Inventory after consultation with the Administrator and other Township Department Heads and has submitted her certification of the results to the Township Committee; and

WHEREAS, the completed Inventory must be an agenda item for discussion at a municipal governing body meeting and said Inventory was scheduled for, and discussed at the October 10, 2017, Bernards Township Committee meeting.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we do hereby acknowledge responses to the Inventory and direct the Municipal Clerk to sign the certification confirming the Inventory was publically discussed as required by law.

**End Consent Agenda**


Motion by Bianchi, second by Malay, that the resolution be approved.

Roll Call:

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

WHEREAS, the following litigation is the subject of this Resolution:

4. Township of Bernards v. QBE Specialty Insurance Company/Summit Risk Services, et al., Arbitration Case No. 01-16-0003-5508; AAA.

(hereinafter collectively the “Actions”).

WHEREAS, the Township Committee has decided to settle issues relating to reimbursement of professional fees and costs related to the Actions in accordance with the terms of the Settlement Agreement that is available for public inspection and on file with the office of the Township Clerk.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, following receipt by the Insurance Carriers’ attorneys of fully executed copies of the Settlement Agreement, the Municipal Excess Liability Joint Insurance Fund shall deliver to Bernards Township a settlement check in the total amount of three hundred thousand dollars ($300,000.00) (hereinafter referred to as the “Settlement Funds”), which shall be made payable to the Township of Bernards. The Settlement Funds shall represent the Defendant Insurance Carriers’ total and only outstanding payment due to Bernards Township in connection with the Actions, and is in addition to the defense costs and settlement funds previously paid by QBE and the MEL on behalf of Bernards in connection with the Islamic Society of Basking Ridge (Action number 1 listed above) and any other defense costs paid by the MEL on behalf of Bernards in connection with the other Actions 2. to 5. (“the Prior Payments”). In addition to the Settlement Funds noted herein, the MEL shall pay directly to Bernards Township an invoice to Mediator Judge Joel Pisano in the amount of $6,423.70 (which Bernards Township has paid to Judge Pisano previously), as well as the final outstanding invoices by payment directly to the law firm of Robinson and Cole in an amount not to exceed $80,000, which were incurred after the QBE primary policy limits were exhausted.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are authorized to execute and sign the Settlement Agreement.

Resolution #2017-0371 - Approval of the Open Space Bill List Dated 10/10/2017
Motion by Carpenter, second by Bianchi, that Resolution #2017-0371 be approved.

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

BE IT RESOLVED, that the bill list dated 10/10/2017 be audited, and if found correct, be paid.
EXECUTIVE SESSION – Resolution #2017-0360
Motion by Carpenter, second by Russo, and unanimously agreed that Resolution #2017-0360 be approved. The meeting temporarily adjourned to Executive Session at 8:24 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.

Reason for Closed Session

☐ Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township’s position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.

Attorney Client Privilege – Lafayette Bridge
Attorney Client Privilege – Affordable Housing

ADJOURNMENT
The meeting resumed in open session at 9:51 PM and by unanimous consent, immediately adjourned.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Carolyn Gaziano
Mayor