TOWNSEND TOWNSHIP - TOWNSHIP COMMITTEE  
07/23/2019 – COMBINED AGENDA/REGULAR MEETING  
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Ordinance #2425 - ACCEPTING A WETLANDS CONSERVATION EASEMENT ON PROPERTY LOCATED AT 104 Lyons Road; Block 5901, Lot 4, from NANCY Z. EDDEN TO THE TOWNSHIP OF BERNARDS – MAP – PUBLIC HEARING ................................................................................................................................. 6

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ADJOURNMENT ............................................................................................................................................... 15
CALL TO ORDER
The Deputy Mayor called the meeting to order at 7:30 PM. Those assembled saluted the flag and the Deputy Mayor read the Open Public Meetings Act in accordance with the law.

ROLL CALL
Present: Baldassare, Carpenter (8:00 PM via phone) Esposito, Harris
Absent: Bianchi
Also Present: Administrator Monaco, Attorney Belardo, Municipal Clerk Pisano

EXECUTIVE SESSION – Resolution #2019-0320
Motion by Esposito, second by Harris, and unanimously agreed that Resolution #2019-320 be approved. The meeting temporarily adjourned to Executive Session at 7:31 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.

<table>
<thead>
<tr>
<th>Reason for Closed Session</th>
<th>Estimated Time of Disclosure or Upon Occurrence Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>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. Contract Negotiations — Bernards Plaza - SOM-L-899-15</td>
<td>Upon conclusion</td>
</tr>
</tbody>
</table>

The meeting resumed in open session at 7:45 PM and stood in recess until 8:00 PM.

Carpenter joined meeting via telephone at 8:00 PM.

POLICE PROMOTIONS & SWEARING IN CEREMONY
Baldassare recused himself and left the dais. Mr. Esposito took over as Chairperson of the meeting.

Resolution #2019-0338 - Personnel Appointment, Christopher Hurst – Lieutenant – Police Department
Motion by Harris, second by Carpenter, that 2019-0338 be approved.

Roll Call
Aye: Carpenter, Esposito, Harris
Nay:
Abstain:
Motion carried.
WHEREAS, the full time Lieutenant position became available due to a retirement within the department; and

WHEREAS, the Chief of Police, Township Administrator and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Christopher Hurst has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Human Resources Manager recommend appointment of Christopher Hurst to the position of full time Lieutenant.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Christopher Hurst be appointed full time Lieutenant with a promotion date of July 23, 2019 at an annual salary of $145,455.86 for a 40 hour work week.

Resolution #2019-0339 - Personnel Appointment, Alexander McKnight – Sergeant – Police Department

Motion by Harris, second by Carpenter, that 2019-0339 be approved.

Roll Call
   Aye: Carpenter, Esposito, Harris
   Nay:
   Abstain:
   Motion carried.

WHEREAS, the full time Sergeant position became available due to a promotion within the department; and

WHEREAS, the Chief of Police, Township Administrator and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Alexander McKnight has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Human Resources Manager recommend appointment of Alexander McKnight to the position of full time Sergeant.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Alexander McKnight be appointed full time Sergeant with a promotion date of July 23, 2019 at an annual salary of $125,705.51 for a 40 hour work week.

Resolution #2019-0340 - Personnel Appointment, Christopher Baxter – Corporal – Police Department

Motion by Harris, second by Carpenter, that 2019-0340 be approved.

Roll Call
   Aye: Carpenter, Esposito, Harris
   Nay:
   Abstain:
   Motion carried.

WHEREAS, the full time Corporal position became available due to a promotion within the department; and

WHEREAS, the Chief of Police, Township Administrator and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Christopher Baxter has applied for and is qualified to fill said position; and

WHEREAS, the Chief of Police, Township Administrator and Human Resources Manager recommend appointment of Christopher Baxter to the position of full time Corporal.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Christopher Baxter be appointed full time Corporal with a promotion date of July 23, 2019 at an annual salary increase of $1,600.00

Baldassare rejoined the dais and resumed as Chairperson of the meeting. Carpenter left the meeting.
PUBLIC WORK SESSION

Update on Option to Use an EMS 3rd Party Contractor – Chief Shimsky

Chief Shimsky provided background and an opportunity for questions/discussion regarding soliciting third party contractors to provide emergency service during peak hours as stated in Resolution 2019-0327 listed on the consent agenda. All township committee members voiced support of this action.

CORRESPONDENCE

None listed.

PUBLIC COMMENT

The Deputy Mayor opened public comment.

Nancy D’Andrea, 3 Vanderveer Dr. – commented on support of medicinal marijuana zoning and subsequent tax revenue for it.

TOWNSHIP COMMITTEE/BOARD REPORTS & STAFF COMMENTS

Comment and staff member reported on their recent activities and boards.

FIRE & RESCUE APPOINTMENT

Resolution #2019-0324 - Appointment to Membership in Township of Bernards Volunteer First Aid Squad of the Basking Ridge Fire Company #1; Daniel R. McCabe, Full Member

Motion by Harris, second by Esposito, and unanimously agreed that Resolution #2019-0324 be approved.

WHEREAS, pursuant to §2-14.1 and §2-16.1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. 1 and the Liberty Corner First Aid Squad; and

WHEREAS, the First Aid Squad of the Basking Ridge Fire Company #1 is recommending Daniel R. McCabe, residing at 28 Colonial Drive, Basking Ridge, for appointment as a Full Member.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the above individual is hereby appointed as a Full Member of the First Aid Squad of the Basking Ridge Fire Company #1 effective this date.

Resolution #2019-0325 - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad; Lilly Seidel, Full Member, Justin Strohl, Full Member, Niusha Sareh, Full Member

Motion by Esposito, second by Harris, and unanimously agreed that Resolution #2019-0325 be approved.

WHEREAS, pursuant to §2-14.1 and §2-16.1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. 1 and the Liberty Corner First Aid Squad; and

WHEREAS, the following individuals have applied for membership:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>MEMBER STATUS</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lilly Seidel</td>
<td>18 Surrey Lane</td>
<td>Full Member</td>
<td>Liberty Corner First Aid Squad</td>
</tr>
<tr>
<td>Justin Strohl</td>
<td>104 Jamestown Road</td>
<td>Full Member</td>
<td>Liberty Corner First Aid Squad</td>
</tr>
<tr>
<td>Niusha Sareh</td>
<td>11 Knox Court</td>
<td>Full Member</td>
<td>Liberty Corner First Aid Squad</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.

Resolution #2019-0326 - Appointment to Membership in Township of Bernards Volunteer Basking Ridge Fire Company #1, Jackson Uhrig, Junior Member and Jillian Carney, Full Member; Liberty Corner Fire Company, Michael Barth, Junior Member

Motion by Harris, second by Esposito, and unanimously agreed that Resolution #2019-0326 be approved.
WHEREAS, pursuant to §2-14.1 and §2-16.1 of the Revised General Ordinances of the Township of Bernards, the Bernards Township Fire Department shall consist of the Basking Ridge Fire Company #1 and the Liberty Corner Fire Company; and the Bernards Township First Aid and Emergency Department shall consist of the First Aid Squad of the Basking Ridge Fire Company No. #1 and the Liberty Corner First Aid Squad; and

WHEREAS, the following individuals have applied for membership:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>MEMBER STATUS</th>
<th>AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson Uhrig</td>
<td>26 Willow Street</td>
<td>Junior Member</td>
<td>Basking Ridge Fire Company #1</td>
</tr>
<tr>
<td>Michael Barth</td>
<td>14 Annin Road</td>
<td>Junior Member</td>
<td>Liberty Corner Fire Company</td>
</tr>
<tr>
<td>Jillian Carney</td>
<td>27 Byron Road</td>
<td>Full Member</td>
<td>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 to the agency and membership status as stated above effective this date.

UNFINISHED BUSINESS

Ordinance #2425 - Accepting a Wetlands Conservation Easement on Property Located at 104 Lyons Road; Block 5901, Lot 4, from Nancy Z. Edden to the Township of Bernards – Map – Public Hearing

The clerk read the ordinance by title and the Deputy Mayor opened the public hearing. There were no comments and the hearing was closed.

Motion by Harris, second by Esposito, that the ordinance #2425 be adopted and advertised as required by law.

Roll Call

Aye: Baldassare, Esposito, Harris
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 Nancy Z. Edden, 104 Lyons Road, Basking Ridge, NJ, 07920, a Wetlands Conservation Easement on Block 5901, Lot 4, 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.

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 Esposito, second by Harris, that the consent agenda be approved.

Roll Call

Aye: Baldassare, Esposito, Harris
Nay: 
Abstain: 
Motion carried.

**Begin Consent Agenda**

Approval of Minutes:

07/09/2019 - Open Session

These minutes were approved for content and release.

07/09/2019 - Executive Session
Resolution #2019-0321 - Approval of the Bill List Dated 07/23/2019

BE IT RESOLVED, that the bill list dated 07/23/2019 be audited, and if found correct, be paid.

July 23, 2019 TOWNSHIP OF BERNARDS Page No: 1
12:10 PM Check Register By Check Date

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Range of Checking Accts: CASH - CHECKING to CASH - CHECKING
Range of Check Dates: 07/23/19 to 07/23/19
Report Type: All Checks
Report Format: Super Condensed
Check Type: Computer: Y
Manual: Y
Dir Deposit: Y

---

Check # Check Date Vendor Amount Paid Reconciled/Void Ref Num

---

CASH - CHECKING CURRENT CHECKING

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These minutes were approved for content only.
Resolution #2019-0322 - Resolution Approving the Construction of the Old Army Road Retaining Wall Repair

WHEREAS, Bernards Township has completed the construction of a public improvement within Bernards Township, commonly referred to as the Old Army Road Retaining Wall Repair; and

WHEREAS, Bernards Township has caused the construction of the aforementioned improvement to be completed; and

WHEREAS, the Township Committee of the Township of Bernards has reviewed the aforementioned construction and exercised its judgment and/or approved the judgments of others as represented by the plan.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bernards hereby formally approves the project entitled “Bernards Township Old Army Road Retaining Wall Repair,” dated May 31, 2018, revised March 1, 2019, and prepared by Daren J. Phil, PE of the firm Suburban Consulting Engineers, Inc. for a certain public improvement generally described as the Old Army Road Retaining Wall Repair; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be placed in the permanent project file, together with one copy of the plan referred to above with a notation referring to the Resolution of Approval placed thereon; and

BE IT FINALLY RESOLVED, that a certified copy of this Resolution shall be forwarded to Bernards Township’s Joint Insurance Fund Risk Manager.
Resolution #2019-0323 - Approval of Special Event Permit and Temporary Partial Street Closing Basking Ridge Presbyterian Church Block Party – 09/15/2019

WHEREAS, Janet Bentley, representing the Basking Ridge Presbyterian Church at 1 East Oak Street, Basking Ridge, NJ, “the applicant,” has requested a special event permit and temporary partial street closing for 09/15/2019 from 6:00 A.M. to 2:00 P.M. for the purpose of holding Basking Ridge Presbyterian Church Block Party; and

WHEREAS, the applicant has requested that East Allen Street be temporarily closed between North Finley Ave. and Tree House playground to accommodate the event; 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, and Recreation Director have reviewed the application and find it complete.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that the special event permit be approved.

Resolution #2019-0327 - Endorsement to Solicit Third Party Contractor to Provide Emergency Medical Services to the Township of Bernards

WHEREAS, Emergency Medical Services (EMS) in Bernards Township has been proudly provided by the Basking Ridge Fire Company #1 and Liberty Corner First Aid Squad, Inc.; and

WHEREAS, both organizations are comprised of dedicated individuals committed to preserving the rich heritage of volunteerism while proudly serving their fellow citizens; and

WHEREAS, increased call volume, coupled with all-volunteer staffing issues, have caused the Township to look at other alternatives in order to provide the high degree of service we have come to know in the Township; and

WHEREAS, after much deliberation, the Township has determined that it is in the best interest of the residents to enter into an agreement with a professional third-party EMS contractor to provide response coverage to the Township during identified peak times; and

WHEREAS, the Township anticipates the contractor will derive its reimbursement for emergency medical services from patients for whom services are provided, including, but not limited to, insurance, Medicare, and Medicaid coverage; and

WHEREAS, subject to applicable law, the Township prefers billing models that do not include formal collection action to individuals in respect of unpaid bills.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we endorse and will be moving forward to solicit and procuring a third-party EMS contractor to provide EMS services to the Township during identified peak hours as applicable under New Jersey Law.

Resolution #2019-0329 - Approval of Street Closing Permit for a Block Party on Grove Road, 09/07/2019 (Rain date 09/08/2019)

WHEREAS, Katie Andrews, hereinafter “the applicant,” has applied for a street closing permit for a block party on Grove Road, on September 07, 2019 (rain date September 08, 2019) from 2:00 PM to 8:00 PM; and

WHEREAS, the applicants have 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 find it complete.

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 #2019-0330 - Unused Accrued Time Payment Due James Petrock Department of Public Works

WHEREAS, the Township Committee adopted Resolution No. 060504 relating to accrued time payouts due upon retirement at their regular meeting of November 22, 2006; and
WHEREAS, James Petrock, retired from the Bernards Township Police Department effective July 1, 2019 after 34 years of service; and

WHEREAS, per the requirements of the Teamster contract, James Petrock is entitled to an unused accrued time cash payment in the amount as calculated below based on an hourly rate of $33.68.

<table>
<thead>
<tr>
<th>Amount Due</th>
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</thead>
<tbody>
<tr>
<td>Accrued Time Payout</td>
</tr>
</tbody>
</table>

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards, that the Accrued Time payout at retirement be approved and distributed in the next available pay cycle.

TREASURY CERTIFICATION
I, Sean McCarthy, Chief Financial Officer of Bernards Township, do hereby certify that there are adequate funds for this expenditure. Funds are available in the Accumulated Absences Trust Fund, Account #T-13-56-050-ACS for an amount not to exceed 52,797.56.

Date: July 16, 2019

Resolution #2019-0331 - Authorizing and Approving Purchase of One (1) 2020 Freightliner 114SD Chassis from ESCNJ Co-Op #17/18-30, Bid # 65MCESCCPS to Campbell Freightliner LLC, 1015 Cranbury South River Road, South Brunswick NJ 08831 In the Amount Not to Exceed $126,458.04

WHEREAS, the Township of Bernards Public Works Department wishes to purchase one (1) 2020 Freightliner 114SD Chassis;

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>UNIT TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020 FREIGHTLINER 114SD BASE CHASSIS PRICE</td>
<td>$91,402.80</td>
</tr>
<tr>
<td>2020 FREIGHTLINER 114SD BASE CHASSIS OPTIONS PRICE</td>
<td>$26,701.44</td>
</tr>
<tr>
<td>EXTENDED WARRANTY FOR 2020 FREIGHTLINER 114SD CHASSIS</td>
<td>$8,353.80</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$126,458.04</td>
</tr>
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and

WHEREAS, it is the combined recommendation of the Director of Public Works, Administrator and Purchasing Agent to award this purchase to; Campbell Freightliner LLC, 1015 Cranbury South River Road, South Brunswick NJ 08831 in the amount of $126,458.04; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriation to be charged is line account #C-04-55-417-L01 ($126,458.04); and

WHEREAS, the Township is authorized to make purchases through cooperative and State contracts pursuant to N.J.S.A. 40A:11-10 and –12.

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 a purchase order to (1) Campbell Freightliner LLC, 1015 Cranbury South River Road, South Brunswick NJ 08831 in the amount not to exceed $126,458.04.

CHIEF FINANCIAL OFFICER CERTIFICATION
I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed $126,458.04. Monies are available in the Public Works account #C-04-55-417-L01.

Date: July 15, 2019

Resolution #2019-0332 - Commendation on the Occasion of Your Retirement Kristina Roser

TOWNSHIP COMMITTEE MINUTES
07/23/2019
Page 11 of 15
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 for the past 13½ years; and

WHEREAS, Kris began her career in Bernards Township as a Health Coordinator for the Health Department in 2006 and moved to the Administrative Coordinator position soon after; in 2008 Kris transferred to Human Resources working as a Human Resources Generalist; in 2015 Kris was promoted to the position of Human Resources Assistant Manager; and

WHEREAS, Kris’ dedication and focus in helping employees navigate health benefits, worker’s compensation, FMLA and all of Bernards Township’s employee resources was truly exceptional and her kind manner made employees feel so well cared for; and

WHEREAS, Kris gave so generously of her time and efforts to employee wellness and recognition by ensuring employees were afforded training and incentives and honored with service awards and holiday parties; and

WHEREAS, Kris’ pleasant and compassionate nature was an incredible service to the employees of Bernards Township; 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.

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

Resolution #2019-0333 – Awarding Professional Services Contract for Bernards Township Library Capital Reserve Replacement Fund Analysis to David Chesky, P.R.A., R.S., of the firm The Falcon Group In the Not to Exceed Amount of $3,500.00

WHEREAS, the Township of Bernards requires Professional Capital Reserve Determination Services; and

WHEREAS, David Chesky, P.R.A., R.S., of the firm The Falcon Group, 682 US Hwy 202/206, Bridgewater, NJ 08807 has submitted a proposal dated July 15, 2019 outlining the preparation of a professionally developed Capital Reserve Replacement Fund Analysis of the Bernards Township Library 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 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 Chief Financial Officer has certified funds are available in the Building Expenses-Additional line account #9-01-LI-R01-C06 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 David Chesky, P.R.A, R.S. of the firm The Falcon Group, 682 US Hwy 202/206, Bridgewater, NJ 08807 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated July 15, 2019.
2. The contract term is from 7/24/19 through 1/31/20, for the preparation of a professionally developed Capital Reserve Determination of the Bernards Township Library to the Township not to exceed an amount of $3,500.00.
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 Ruth Lufkin, Library Director, who will be the chief contact for the Township of Bernards on this project.
NOW THEREFORE BE IT FURTHER 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 the 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.

Andrew Amorosi, P.E., R.S., MASCE NJ Lic # 24GE02751500
Principal

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of Bernards Township, hereby certify that adequate funds are available for the above referenced purchase in the not to exceed amount of $ 3500.00. Monies are available in Building Expenses-Additional line account #9-01-L1-R01-C06.

Date: July 16, 2019
Sean McCarthy, Chief Financial Officer

Resolution #2019-0334 - Award of Change Order #1 for Old Army Road Retaining Wall Repair to Samson Concrete & Masonry LLC, 120 S. Main Street, Suite A, Phillipsburg, NJ 08865 Increase of $10,236.70 (10.20%) WHEREAS, the Engineering Department requests the following change order be authorized by the Township Committee:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>CO</th>
<th>Original Award</th>
<th>Amount of Increase</th>
<th>New Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samson Concrete &amp; Masonary LLC</td>
<td>Number 1</td>
<td>$100,380.05 RA #2019-0207</td>
<td>$10,236.70 (10.20%)</td>
<td>$110,616.75</td>
</tr>
<tr>
<td>TOTAL CO</td>
<td>CO #1</td>
<td></td>
<td>$10,236.70 (10.20%)</td>
<td>$110,616.75</td>
</tr>
</tbody>
</table>

WHEREAS, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to Samson Concrete & Masonry LLC, 120 S. Main Street, Suite A, Phillipsburg, NJ 08865; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget or the line item appropriation Capital Ordinance #2337, line account C-04-55-337-A09.

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 a change order to Samson Concrete & Masonry LLC, 120 S. Main Street, Suite A, Phillipsburg, NJ 08865 in the amount of $10,236.70 for a new total award of $110,616.75.

Resolution #2019-0335 - Authorization of the Sale at Public Auction of the Township’s Personal Property Not Needed for Public Use through USGovBid

WHEREAS, the Purchasing Agent has presented the following listing of personal property which are no longer needed for public use by the Township of Bernards:

19 Scott Air 2.2 packs
27 Air Bottles
Turn Out Gear Jacket and Pants
Fire Department Helmets/Gloves and Boots

WHEREAS, pursuant to N.J.S.A.40A:11-36, “Sale or other disposition of personal property,” the governing body may authorize the public sale of municipal owned property no longer needed for public use; and

WHEREAS, the sale of surplus property shall be conducted through USGovBid pursuant to State Contract T2581/A-70967 in accordance with the terms and conditions of the state contract; and
WHEREAS, the terms and conditions of the agreement entered into with USGovBid is available on-line at; www.USGovBid.com and placed on file and available for public inspection in the office of the Bernards Township Purchasing Agent; and
WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and
WHEREAS, the sale will be conducted online and the address of the auction site is; www.USGovBid.com; and
WHEREAS, the sale is being conducted pursuant to Local Finance Notice 2008-09; and
WHEREAS, no express or implied warranty is made for the property subject to sale. All property is being sold in “as is”-“where is” condition; and
WHEREAS, method of payment is Cash, Certified Check, Money Order or Company Check (with bank letter guaranteeing funds-mandatory); and
WHEREAS, all merchandise shall be removed within 10 business days from the time and date of issuance of the Buyers Certification otherwise buyers will be charged $ 10.00 per day per item storage fee; and
WHEREAS, this resolution shall be published in accordance with provisions of N.J.S.A. 40A-11-36.

BE IT RESOLVED, that the Resolution (or Notice of the date, time and place of the auction, with a description of the items to be sold) shall be published in an official newspaper as required by N.J.S.A. 40A:11-36(3).

BE IT FURTHER RESOLVED, that the Bernards Township Committee does hereby declare that the personal property listed above are surplus and no longer needed for Township use; and
NOW, THEREFORE BE IT RESOLVED, that the Township Committee does hereby authorize the purchasing agent to enter into an agreement with USGovBids to conduct an internet auction of surplus property identified. Resolution #2019-0336 - Resolution Authorizing the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. to Lease, License, Rent or Otherwise Permit the Use of the Farmstead Property for Classes, Programs, Events and Meetings Consistent with the Purpose of a Lease Agreement with Harmony D. Merves to Use Space Solely as artist studio
WHEREAS, the Township of Bernards owns the real property identified as Block 8401, Lot 23 (formally known as Block 185, Lot 20.03), consisting of approximately 4.397± acres, and located at 450 King George Road in the Township of Bernards, County of Somerset, State of New Jersey (the “Property”); and
WHEREAS, the Property contains an “English Barn,” “Farm House,” “Wagon House,” “Cow Shed,” and other ancillary structures, which are on the New Jersey Historic Register and the National Register of Historic Places; and
WHEREAS, the Township and the Friends of the Kennedy-Martin-Stelle Farmstead, Inc. (“Friends”) entered into Lease Agreement C1775-1, dated March 29, 2005, for the Property (the “Lease”), which was thereafter amended to increase the term of the Lease; and
WHEREAS, Sections 2 and 3 of the Lease provide that Friends may provide access to Township residents for meetings and other appropriate events, provide alternate uses, and sublet or assign any interests in the Lease, subject to the prior written approval of the Township; and
WHEREAS, by email dated July 16, 2019 the Friends requested approval to permit a lease agreement with Harmony D. Merves for use of space solely as artist studio; and
WHEREAS, the Township Committee has reviewed the proposed non-exclusive license agreement and finds it consistent with public purposes of the Lease and Mission and Vision of the Friends.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards, in the County of Somerset and State of NJ, that the Township of Bernards hereby grants authorization to the Friends of the Kennedy-Martin-Stelle Farmstead, Inc., to enter into a non-exclusive lease agreement with Harmony D. Merves, 34 Roosevelt Avenue, Berkeley Heights, NJ 07922, from September 1, 2019 at 9:00 am to November 30, 2019 at 9:00 am and then month-to-month for a period not to exceed 4 (four) months: December 1, 2019 – April 30, 2020 at 9:00 am.

BE IT FURTHER RESOLVED that the Township hereby explicitly reserves the right to revoke the authorization herein granted to Friends at its sole discretion.
Resolution #2019-0337 - Personnel Appointment Christopher Wollny – Laborer – Department of Public Works

WHEREAS, a full time Laborer position became available due to a promotion; and

WHEREAS, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager have deemed it necessary to fill this position; and

WHEREAS, Christopher Wollny has applied for and is qualified to fill said position; and

WHEREAS, the Superintendent of Public Works, Township Administrator, Chief Financial Officer and Human Resources Manager recommend appointment of Christopher Wollny to full time Laborer.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bernards, that Christopher Wollny be appointed full time Laborer with a hire date of Monday, August 12, 2019 at an hourly rate of $15.09 for a 40 hour work week. This offer of employment is contingent upon the results of pre-employment screening as per Township policy.

**End Consent Agenda**

ADJOURNMENT
Motion by Harris, second by Esposito and unanimously agreed that the meeting be adjourned at 8:30 PM

Respectfully submitted,

____________________________
Rhonda Pisano
Municipal Clerk

__________________________
James Baldassare, Jr.
Deputy Mayor

Minutes Approved: 08/13/2019