

TABLE OF CONTENTS

BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE MINUTES

July 9, 2019 – COMBINED AGENDA/REGULAR MEETING

(Click on the page number to go directly to that page)

CALL TO ORDER	2
ROLL CALL	2
EXECUTIVE SESSION – RESOLUTION #2019-0319.....	2
AMEND AGENDA.....	2
<i>Resolution #2019-0317 - Commendation to Annie Page and Nicoletta Agostino, Signal Point Pool Lifeguards .</i>	<i>2</i>
PUBLIC WORK SESSION	3
<i>DISCUSSION OF MARIJUANA LEGALIZATION AND ZONING</i>	<i>3</i>
CORRESPONDENCE.....	3
<i>06/26/2019 REQUEST FROM BERNARDS PLAZA / CROWN COURT RE: OPEN SPACE PARCEL</i>	<i>3</i>
PUBLIC COMMENT.....	3
TOWNSHIP COMMITTEE/BOARD REPORTS & STAFF COMMENTS.....	4
FIRE & RESCUE APPOINTMENT	4
<i>RESOLUTION #2019-0310 - APPOINTMENT TO MEMBERSHIP IN TOWNSHIP OF BERNARDS VOLUNTEER LIBERTY CORNER FIRST AID SQUAD SANJANA CHIMATA, FULL MEMBER</i>	<i>4</i>
<i>RESOLUTION #2019-0311 - APPOINTMENT TO MEMBERSHIP IN TOWNSHIP OF BERNARDS VOLUNTEER LIBERTY CORNER FIRST AID SQUAD KATHRYN SEIDEL, FULL MEMBER.....</i>	<i>4</i>
UNFINISHED BUSINESS.....	4
NEW BUSINESS	4
CONSENT AGENDA	4
<i>Resolution #2019-0308 - Approval of the Bill List Dated 07/09/2019.....</i>	<i>4</i>
<i>Resolution #2019-0312 - Release of Executive Session Minutes</i>	<i>6</i>
<i>Resolution #2019-0313 - Award of Bid for the 148 Childs Road Storm Sewer Replacement to Messercola Excavating Inc., 549 East Third Street, Plainfield, NJ 07060 – In the Amount of \$52,100.00.....</i>	<i>7</i>
<i>Resolution #2019-0314 - Award of Purchase Orders for Identified Vendors – Vermont Systems, Inc.</i>	<i>8</i>
<i>Resolution #2019-0315 - Award of Change Order #1 for Re-Bid of the Replacement of Pedestrian Bridge Over Harrison Brook at Lafayette Lane to Colonnelli Brothers, Inc., 409 South River Street, Hackensack, NJ 07601 Increase of \$3,710.00 (1.71%)</i>	<i>8</i>
APPROVAL OF MINUTES:	9
06/25/2019 OPEN SESSION MINUTES	9
RESOLUTION #2019-0309 - UNUSED ACCRUED TIME PAYMENT DUE DEPUTY CHIEF - MICHAEL VOORHEES - POLICE DEPARTMENT.....	9
RESOLUTION #2019-0316 - AWARDED AN EXTRAORDINARY UNSPECIFIABLE PROFESSIONAL SERVICES CONTRACT FOR ASSISTING THE RECRUITING EFFORTS FOR A LIBRARY DIRECTOR TO PRO LIBRA ASSOCIATES IN THE NOT TO EXCEED AMOUNT OF \$10,000.00.....	10
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 – INTRODUCTION.....	11
APPROVAL OF MINUTES:	12
06/25/2019 - EXECUTIVE SESSION	12
PUBLIC COMMENT.....	12
ADJOURNMENT.....	12

CALL TO ORDER

The mayor called the meeting to order at 7:30 PM. Those assembled saluted the flag and the mayor read the Open Public Meetings Act in accordance with the law.

ROLL CALL

Present: Baldassare, Carpenter, Esposito, Harris, Bianchi

Absent:

Also Present: Administrator Monaco, Attorney Belardo, Municipal Clerk Pisano

EXECUTIVE SESSION – [Resolution #2019-0319](#)

Motion by Baldassare, second by Esposito, and unanimously agreed that Resolution #2019-0319 be approved. The meeting temporarily adjourned to Executive Session at 7:32 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.

<u>Reason for Closed Session</u>	<u>Estimated Time of Disclosure or Upon Occurrence Of</u>
<input checked="" type="checkbox"/> 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. <i>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.</i> Attorney – Client Privilege – Marijuana Regulations	

The meeting resumed in open session at 7:56 PM and stood in recess until 8:00 PM.

AMEND AGENDA

Motion by Baldassare, second by Esposito, and unanimously agreed to remove Resolution #2019-0317 from the Consent Agenda and place it before the Public Work Session.

[Resolution #2019-0317](#) - Commendation to Annie Page and Nicoletta Agostino, Signal Point Pool Lifeguards

Baldassare read the resolution aloud and presented the resolution to the recipients.

Motion by Baldassare, second by Harris, and unanimously agreed that Resolution 2019-0317 be approved.

WHEREAS, Annie Page and Nicoletta Agostino are employed by American Pool as lifeguards at Signal Point Pool, part of the Hills Highlands Master Association in Bernards Township; and

WHEREAS, Annie and Nicoletta were on duty on Saturday, June 29, 2019, when they had to put their lifeguard training into action to recuse a 5-year-old boy; and

WHEREAS, when the lifeguards were alerted of a distressed boy in the pool, Annie entered the pool reaching the boy who was unconscious and removed him from the pool; and

WHEREAS, Nicoletta assisted and successfully administered CPR on the boy who regained consciousness and has since made a full recovery; and

WHEREAS, the joint lifesaving actions taken by the team of lifeguard's present lead to a successful and happy outcome.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that we hereby recognize and thank Annie, Nicoletta, and the entire Signal Point Pool staff on duty that day as their response saved the life of this young child.

PUBLIC WORK SESSION

Discussion of Marijuana Legalization and Zoning

Belardo provided an update on the status of marijuana regulations. Governor Murphy approved an expansion of medical cannabis. There are currently 6 Alternative Treatment Centers (ATC) open and operating and another 6 have been approved but not yet opened. ATC's are authorized to cultivate, manufacture, and/or dispense medicinal marijuana. Permit application forms, created by the Dept. of Health, must contain "written verification of the approval of the community or governing body of the municipality..." in order to be considered.

Belardo stated that the legislation does not address zoning and that municipalities can continue to zone as they elect - permitting, prohibiting, or setting conditions regarding cannabis. This can include limiting the type, where and when.

The Mayor open public comment for this topic only.

Sophia Chadda, 6 Carnegie Pl – commented that the impact on communities with recreational and medical use of marijuana in CA should be examined and considered here.

Todd Edelstein, 172 Riverside Dr – commented against any type of marijuana use.

Mike Robina – 11 Charleston Ct – commented on the criminal justice system and the uses of marijuana.

Jesse Brodtkin – 67 Maple Run – supports legalization.

Nancy D'Andrea – 3 Vanderveer Dr – commented on the benefits of medical marijuana, marijuana recreational use and juul use.

Carpenter recommended action be taken to prohibit all uses. The other township committee members requested more information from professionals, to continue a dialogue with the public, and to consider various zoning options. Belardo will ask a colleague to present on the subject.

CORRESPONDENCE

[06/26/2019 Request from Bernards Plaza / Crown Court RE: Open Space Parcel](#)

Belardo stated that the property was originally given to the township in 2002 as part of a Planning Board approval and is currently zoned for public purpose. Robert Kasuba, representing Bernards Plaza/Crown Ct., stated that the settlement agreement with Bernards Plaza/Crown Ct. includes a recreational element. This property would satisfy this purpose and Bernards Plaza/Crown Ct. proposes to purchase the property from the township for \$125,000 and seeks a zoning changed from "public" to "private" recreational use. Monaco confirmed that the township would continue to mow the property until ownership was transferred.

The Mayor directed continued discussion to be in executive/closed session on 7/23/19.

PUBLIC COMMENT

The Mayor opened public comment.

Todd Edelstein, 72 Riverside Dr. – commented on mowing the above mentioned property, asked for Resolution #2019-0316 to be pulled from the consent agenda and discussed, electric vehicles purchase, and information on the web-site for registering homes with the PD when on vacation.

Ken Warman, 125 Countryside Dr. – commented on marijuana; banning it in Bernards Township, creating a task force to campaign against the legislature legalizing marijuana, and budgeting \$10,000 for the township to publicize against legalizing marijuana.

TOWNSHIP COMMITTEE/BOARD REPORTS & STAFF COMMENTS

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

FIRE & RESCUE APPOINTMENT

[Resolution #2019-0310](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad Sanjana Chimata, Full Member

Motion by Harris, second by Esposito, and unanimously agreed that Resolution #2019-0310 be approved.

WHEREAS, pursuant to §2-14.1 and §2-16 .1of 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 Liberty Corner First Aid Squad is recommending Sanjana Chimata, residing at 9 Wellington 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 Liberty Corner First Aid Squad effective this date.

[Resolution #2019-0311](#) - Appointment to Membership in Township of Bernards Volunteer Liberty Corner First Aid Squad Kathryn Seidel, Full Member

Motion by Esposito, second by Harris, and unanimously agreed that Resolution #2019-0311 be approved.

WHEREAS, pursuant to §2-14.1 and §2-16 .1of 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 Liberty Corner First Aid Squad is recommending Kathryn Seidel, residing at 18 Surrey Lane, 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 Liberty Corner First Aid Squad 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 Baldassare, second by Esposito, that the 06/25/2019 Open Session minutes and Resolutions #2019-0309, and #2019-0316 be removed from the consent agenda, that Resolution #2019-0318 by tabled until the next meeting on advise from attorney, and that the remainder of the items be approved.

Roll Call

Aye: Baldassare, Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

****Begin Consent Agenda****

[Resolution #2019-0308](#) - Approval of the Bill List Dated 07/09/2019

BE IT RESOLVED, that the bill list dated 07/09/2019 be audited, and if found correct, be paid.

July 9, 2019
12:06 PM

TOWNSHIP OF BERNARDS
Check Register By Check Date

Page No: 1

Y

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Check # Check Date Vendor Amount Paid Reconciled/Void Ref Num
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CASH - CHECKING CURRENT CHECKING
120695 07/09/19 90019 CENTRELLI, DAVID 101.20 1446 Direct Deposit
120696 07/09/19 90038 FORGIONE, LUCY A. 48.25 1446 Direct Deposit
120697 07/09/19 90219 PISANO, RHONDA 12.80 1446 Direct Deposit
120698 07/09/19 90227 SHIMSKY, MICHAEL 331.49 1446 Direct Deposit
120699 07/09/19 90228 WARD, SCOTT 145.17 1446 Direct Deposit
120700 07/09/19 90267 AMERMAN, GLEN 24.00 1446 Direct Deposit
120701 07/09/19 90327 MCKNIGHT, ALEX 21.43 1446 Direct Deposit
120702 07/09/19 90395 NERI, MARK 28.17 1446 Direct Deposit
120703 07/09/19 90507 GANDER, JENNIFER 108.21 1446 Direct Deposit
120704 07/09/19 90520 SWEENEY, MICHAEL 145.17 1446 Direct Deposit
120705 07/09/19 90562 LAKATOS, MICHAEL 27.00 1446 Direct Deposit
120706 07/09/19 90576 CALJEAN, PATRICIA 102.70 1446 Direct Deposit
120707 07/09/19 90647 KESSELMAYER, EMILY 24.64 1446 Direct Deposit
120708 07/09/19 A0606 APPRAISAL SYSTEMS INC 1,880.00 1446 Direct Deposit
120709 07/09/19 C0797 COLONNELLI BROTHERS, INC. 7,645.80 1446 Direct Deposit
120710 07/09/19 A0044 APPROVED FIRE PROTECTION SYS 250.11 1447
120711 07/09/19 A0315 AMERICAN SOCIETY OF COMPOSERS 365.00 1447
120712 07/09/19 A0589 AFTERMATH SERVICES, LLC 245.00 1447
120713 07/09/19 A0611 AMERICAN WEAR, INC 823.64 1447
120714 07/09/19 A0621 A FRIERI MACHINE & TOOL INC 480.00 1447
120715 07/09/19 B0001 BAKER & TAYLOR, INC. 3,615.21 1447
120716 07/09/19 B0026 BERNARDS TOWNSHIP CURRENT 7,948.78 1447
120717 07/09/19 B0034 BERNARDS TOWNSHIP PAYROLL ACCT 575,896.98 1447
120718 07/09/19 B0044 BASKING RIDGE ANIMAL HOSPITAL 227.00 1447
120719 07/09/19 B0388 BLACKSTONE AUDIO BOOKS 12.95 1447
120720 07/09/19 B0576 BROTHERS MANAGMENT ASSOCIATES 2,500.00 1447
120721 07/09/19 B0581 BUY WISE AUTO PARTS 871.26 1447
120722 07/09/19 B0690 BIBLIOTHECA LLC 4,480.09 1447
120723 07/09/19 B0736 BRUNO, VINCENT 200.00 1447
120724 07/09/19 B0750 BEYER OF MORRISTOWN 29,895.00 1447
120725 07/09/19 C0028 CY DRAKE LOCKSMITHS, INC. 39.24 1447
120726 07/09/19 C0083 CDW GOVERNMENT, INC. 2,279.64 1447
120727 07/09/19 C0111 CEDARS @ BR CONDO ASSOCIATION 15,244.91 1447
120728 07/09/19 C0482 OPTIMUM 149.19 1447
120729 07/09/19 C0697 BB&T/CPS 82.28 1447
120730 07/09/19 C0774 COLONIAL LIFE & ACC INSURANCE 1,028.12 1447
120731 07/09/19 D0033 DEMCO, INC 102.78 1447
120732 07/09/19 D0053 NJ DIV OF ALCOHOLIC BEV CONTRL 45.00 1447
120733 07/09/19 D0339 DEER CARCASS REMOVAL SVC, LLC 1,927.05 1447
120734 07/09/19 D0740 DOVER BRAKE & CLUTCH 25.08 1447
120735 07/09/19 D0778 DESROCHERS, DAVID 150.00 1447
120736 07/09/19 D0781 DMK LAWN & SNOW LLC 3,600.00 1447
120737 07/09/19 E0098 EMBLEM ENTERPRISES, INC 840.52 1447
120738 07/09/19 E0224 EXCELLENT BUILDING SERVICES 2,795.00 1447
120739 07/09/19 E0231 EKA ASSOCIATES, P.A. 641.25 1447
120740 07/09/19 E0279 ELM USA 39.95 1447
120741 07/09/19 E0291 ESCAPE ROOM CENTER LLC 1,000.00 1447
120742 07/09/19 F0028 FLORHAM PARK ROLLER RINK 2,010.00 1447
120743 07/09/19 F0148 FAIRFIELD MAINTENANCE INC 345.00 1447
120744 07/09/19 F0158 FLEMINGTON DEPARTMENT STORE 3,724.60 1447
120745 07/09/19 F0289 FIREFIGHTER ONE 3,932.00 1447
120746 07/09/19 F0324 FLAGSHIP DENTAL PLANS 455.01 1447
120747 07/09/19 F0326 FX AUTOMOTIVE LLC 128.26 1447
120748 07/09/19 F0330 FIDELITY SECURITY LIFE INS 237.80 1447
120749 07/09/19 F0381 F.W. WEBB 345.44 1447
120750 07/09/19 F0382 FLANAGAN, CHRISTINE 500.00 1447
120751 07/09/19 G0004 GALLS, INC. 95.14 1447
120752 07/09/19 G0066 GRAINGER INC 1,007.52 1447
120753 07/09/19 G0098 JCP&L 99.90 1447
120754 07/09/19 G0333 BEDMINSTER CAR WASH 154.95 1447
120755 07/09/19 G0497 GARTH, LORI 100.00 1447
120756 07/09/19 H0178 HOSE SHOP, INC. 174.43 1447
120757 07/09/19 H0246 HOME DEPOT CREDIT SERVICES 1,673.77 1447
120758 07/09/19 I0152 IWS TRANSFER SYSTEMS OF NJ 2,470.30 1447
120759 07/09/19 I0159 IMPERIAL DADE 1,147.65 1447
120760 07/09/19 J0165 JOHNSON, CHRISTINE 210.00 1447
120761 07/09/19 K0259 KONICA MINOLTA PREMIER FINANCE 122.00 1447
120762 07/09/19 K0341 KONICA MINOLTA PREMIER FINANCE 133.02 1447
120763 07/09/19 L0033 LANE, LORRIE 105.00 1447
120764 07/09/19 L0334 TOUCH THE MUSIC LLC 200.00 1447
120765 07/09/19 L0362 LEGALLY YOURS 170.00 1447
120766 07/09/19 L0433 LOZZI, TONI 210.00 1447
120767 07/09/19 L0434 LCB SERVICES 35.00 1447
120768 07/09/19 M0036 MORNINGSTAR 1,918.00 1447
120769 07/09/19 M0055 MCASC 25.00 1447
120770 07/09/19 M0441 MAIN LINE COMMERCIAL POOLS, INC 743.28 1447
120771 07/09/19 M0516 MOUNTAIN LANDSCAPE CONTRACTORS 3,013.40 1447
120772 07/09/19 M0617 MIDDLESEX POWER EQUIPMENT 506.26 1447
120773 07/09/19 M0859 MAXX'S FLEET REPAIRS, LLC 215.00 1447
120774 07/09/19 M0888 MELT YOUR FACE PRODUCTIONS 550.00 1447
120775 07/09/19 M0892 MR. RAY KIDWONDERS, LLC 350.00 1447
120776 07/09/19 M0896 KEEGAN, MARGARET & RICK 210.00 1447
120777 07/09/19 N0272 NATIONAL FENCE SYSTEMS, INC. 6,962.00 1447
120778 07/09/19 N0395 TREASURER, STATE OF NJ 175.00 1447
120779 07/09/19 O0021 OFFICE DEPOT 616.14 1447
120780 07/09/19 O0135 OUTHUSE LLC 210.00 1447
120781 07/09/19 P0525 POWER PLACE, INC. 14.40 1447
120782 07/09/19 P0644 POWERDMS, INC. 6,383.14 1447
120783 07/09/19 P0653 PRICE, ANDREW W 600.00 1447
120784 07/09/19 Q0030 QIN, ZHEN & PENG, JIA 155.00 1447
120785 07/09/19 R0009 REGENT BOOK COMPANY INC. 31.57 1447
120786 07/09/19 R0010 REIDER ASSOCIATES, INC. 315.00 1447
120787 07/09/19 R0023 RICHIES TIRE SERVICE, INC. 984.00 1447
120788 07/09/19 R0308 ROUTE 23 AUTO MALL 1,520.30 1447
120789 07/09/19 R0756 RAINES, BETSY 210.00 1447
120790 07/09/19 S0016 STORR TRACTOR COMPANY 774.02 1447

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120791	07/09/19	S0101	STICKEL, KOENIG, SULLIVAN&DRILL	6,632.25	1447
120792	07/09/19	S0202	SUBURBAN PROPANE	526.22	1447
120793	07/09/19	S0227	SHEARON ENVIRONMENTAL DESIGN	23,788.89	1447
120794	07/09/19	S0378	STAVOLA ASPHALT	495.06	1447
120795	07/09/19	S0628	STATE OF NEW JERSEY-HB	206,718.16	1447
120796	07/09/19	S0847	SHI INTERNATIONAL	280.00	1447
120797	07/09/19	S0935	SOMERSET COUNTY ELC	30.00	1447
120798	07/09/19	S0977	STAVOLA CONSTRUCTION MATERIALS	176.62	1447
120799	07/09/19	T0003	ENVIROTEST LABORATORIES, INC.	2,400.00	1447
120800	07/09/19	T0066	CENGAGE LEARNING CREDIT SVCS	98.21	1447
120801	07/09/19	T0101	TRIANGLE COMMUNICATIONS	240.40	1447
120802	07/09/19	T0192	TURN OUT UNIFORMS INC	314.96	1447
120803	07/09/19	T0284	BROADWAY INBOUND	3,965.00	1447
120804	07/09/19	T0372	TLO, LLC	162.55	1447
120805	07/09/19	T0440	THE GRAVITY VAULT, LLC	576.00	1447
120806	07/09/19	T0457	TRIOLO, NICHOLAS	207.50	1447
120807	07/09/19	U0001	UNITEMP INC.	489.00	1447
120808	07/09/19	U0069	UNITED STATES TREASURY	29.40	1447
120809	07/09/19	U0118	USSUI YAMADA, KARIN SAYURI	155.00	1447
120810	07/09/19	V0037	VILLAGE SUPERMARKET, INC.	44.41	1447
120811	07/09/19	V0056	VERIZON WIRELESS	684.64	1447
120812	07/09/19	V0058	VERIZON	1,833.32	1447
120813	07/09/19	V0124	VERIZON BUSINESS FIOS	364.99	1447
120814	07/09/19	V0177	VERIZON	465.50	1447
120815	07/09/19	W0014	BEYER-WARNOCK FLEET	710.64	1447
120816	07/09/19	W0016	WARRENVILLE TRUE VALUE	250.41	1447
120817	07/09/19	W0056	WELDON CONCRETE CO.	1,214.68	1447
120818	07/09/19	W0074	WELSH'S MOTOR SALES, INC.	30.80	1447
120819	07/09/19	W0259	VENTURA, MIESOWITZ, KEOUGH &	14,541.00	1447
120820	07/09/19	W0287	WOYCE, KEVIN	100.00	1447
120821	07/09/19	W0339	W.B. MASON	220.20	1447
120822	07/09/19	W0357	WHAT'S OUT THERE LLC	350.00	1447
120823	07/09/19	W0370	WTB ENTERPRISES PROMO PROD LLC	1,849.00	1447
120824	07/09/19	X0006	XOGO GOLF LLC	196.00	1447
120825	07/09/19	Y0011	YORK FENCE CONSTRUCTION CO,INC	3,985.00	1447

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Report Totals          Paid      Void      Amount Paid      Amount Void
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                Checks:    116      0      978,195.14      0.00
            Direct Deposit:    15      0      10,646.03      0.00
                =====
                Total:    131      0      988,841.17      0.00
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Totals by Year-Fund
Fund Description          Fund      Budget Total      Revenue Total      G/L Total
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CURRENT FUND              8-01          15,244.91          0.00          0.00          15,244.91
CURRENT FUND              9-01          852,270.41          0.00          0.00          852,270.41
DOG FUND                  9-12           342.00          0.00          0.00           342.00
GOLF COURSE UTILITY       9-26          28,588.84          0.00          0.00          28,588.84
                Year Total:          881,201.25          0.00          0.00          881,201.25
CAPITAL FUND              C-04          20,855.84          0.00          0.00          20,855.84
PUBLIC GRANTS             G-02           520.69          0.00          0.00           520.69
TRUST FUNDS               T-13          50,637.73          0.00          0.00          50,637.73
PROJECTS                  -----
                20,380.75          0.00          0.00          20,380.75
                =====
                Total Of All Funds:          988,841.17          0.00          0.00          988,841.17
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[Resolution #2019-0312](#) - Release of Executive Session Minutes

WHEREAS, the topics discussed in the minutes below no longer need to be kept private.

NOW THEREFORE BE IT RESVOLED, by the Township Committee of the Township of Bernards that the following minutes, previously approved for content, now be approved for release.

DATE	TOPIC
06/24/1997	Land Acquisition, Priority Properties
05/07/1998	Farmland Preservation Priority List
05/12/1998	Somerset County's Request for Top 5 Priority Farmland Preservation Requests
02/15/2011	Contract Negotiations – Lease with the Somerset Hills Historical Society
11/27/2018	Personnel – Board Appointments
12/11/2018	Personnel – Board Appointments
01/29/2019	Task Force Appointments
02/26/2019	Personnel – Board Appointments
02/26/2019	Attorney-Client Privilege – Executive Session Minutes 1/29/19 & 2/12/19
03/26/2019	Board Appointments

[Resolution #2019-0313](#) - Award of Bid for the 148 Childs Road Storm Sewer Replacement to Messercola Excavating Inc., 549 East Third Street, Plainfield, NJ 07060 – In the Amount of \$52,100.00

WHEREAS, the Township of Bernards received bids on Tuesday, June 18, 2019, at 10:45 AM for the 148 Childs Road Storm Sewer Replacement. The bid summary is as follows:

BIDDERS NAME	TOTAL BID AMOUNT
Messercola Excavating Inc.	\$52,100.00
Your Way Construction Inc.	\$82,340.00
Salmon Bros., Inc.	\$89,600.00
John Garcia Construction Co. Inc.	\$92,500.00

WHEREAS, it is the combined recommendation of the Township Engineer, Administrator, and Purchasing Agent to award the contract to Messercola Excavating Inc., 549 East Third Street, Plainfield, NJ 07060 in the amount of \$52,100.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the budget; the line item appropriations or Capital Ordinance #2417, line account #C-04-55-417-A03; and

WHEREAS, this contract has been awarded to Messercola Excavating 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 Messercola Excavating Inc., 549 East Third Street, Plainfield, NJ 07060, in the amount of \$52,100.00.

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 Messercola Excavating 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 148 Childs Road Storm Sewer Replacement.
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 thirty (30) days of the Notice to Proceed Date.
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 Contract 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.

Fernando Messercola, President

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 not to exceed amount of \$52,100.00. Monies are available in the Capital Ordinance #2417 line item account #C-04-55-417-A03.



FOR CERTIFICATION
ONLY 2019

Date: June 26, 2019

Sean McCarthy
Chief Financial Officer

Resolution #2019-0314 - Award of Purchase Orders for Identified Vendors – Vermont Systems, Inc.

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 expenditures with the vendor(s) listed below will exceed \$17,500.00 in purchases; and

Vendor	Not to Exceed
Vermont Systems, Inc.	\$ 40,000.00

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 term of the contract pursuant to Bernards Township Ordinance #1854 adopted on February 28, 2006, that would prohibit any business entity or professional that procures goods, services or contracts from the Township without 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, 2019.

Resolution #2019-0315 - Award of Change Order #1 for Re-Bid of the Replacement of Pedestrian Bridge Over Harrison Brook at Lafayette Lane to Colonnelli Brothers, Inc., 409 South River Street, Hackensack, NJ 07601 Increase of \$3,710.00 (1.71%)

WHEREAS, the Engineering Department requests the following change order be authorized by the Township Committee:

Vendor	CO	Original Award	Amount of Increase	New Total
	Number 1	\$216,880.00 RA# 2019-0172	\$3,710.00 (1.71%)	\$220,590.00
TOTAL CO	CO #1		\$3,710.00 (1.71%)	\$220,590.00


WHEREAS, it is the recommendation of the Township Engineer and Purchasing Agent to award this change order to Colonnelli Brothers, Inc., 409 South River Street, Hackensack, NJ 07601; 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-A06.

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 Colonnelli Brothers, Inc., 409 South River Street, Hackensack, NJ 07601 in the amount of \$3,710.00 for a new total award of \$220,590.00.

CFO CERTIFICATION

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available in the budget or the line item appropriation Capital Ordinance #2337 in the amount of \$3,710.00 for a new not to exceed amount of \$220,590.00. Monies are available in account #C-04-55-337-A06.



FOR CERTIFICATION
ONLY 2019

Date: 7/1/19

Sean McCarthy, Chief Financial Officer

****End Consent Agenda****

Approval of Minutes:

06/25/2019 Open Session Minutes

Motion by Esposito, second by Carpenter, to approve the 06/25/2019 Open Session minutes for content and release.

Roll Call

Aye: Carpenter, Esposito, Bianchi

Nay:

Abstain: Baldassare, Harris

Motion carried.

Resolution #2019-0309 - Unused Accrued Time Payment Due Deputy Chief - Michael Voorhees - Police Department

Baldassare recused himself from this item. Motion by Esposito, second by Harris, that 2019-0309 be approved.

Roll Call

Aye: Carpenter, Esposito, Harris, Bianchi

Nay:

Abstain:

Motion carried.

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, Deputy Chief Michael Voorhees, retired from the Bernards Township Police Department effective July 1, 2019 after 26 years of service; and

WHEREAS, per the requirements of the Township's Personnel Policy and Deputy Chief Voorhees's existing memorandum of agreement, Deputy Chief Michael Voorhees is entitled to an unused accrued time cash payment in the amount as calculated below based on an hourly rate of \$75.00. The calculation shown below could be less but not more:


	Amount Due
Accrued Sick/Personal Payout	\$73,907.97
Vacation Time Payout	\$6,000.00

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 79,907.97.

Date: 6/28/16



FOR CERTIFICATION
ONLY 2019

Sean McCarthy, CFO

Resolution #2019-0316 - Awarding an Extraordinary Unspecifiable Professional Services Contract for Assisting the Recruiting efforts for a Library Director to Pro Libra Associates in the Not to Exceed Amount of \$10,000.00

Resident Edelstein asked for clarification. Library Board Trustee Kippie Piedici provided some clarification. Motion by Harris, second by Esposito, that Resolution #2019-0316 be approved.

Roll Call

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

WHEREAS, the Township of Bernards requires services to Assist the Library Board in recruiting a Library Director for Bernards Township Library; and

WHEREAS, a quotation for the extraordinary unspecifiable services received pursuant to the criteria to assist in the recruitment of a library director

Vendor	Quote Amount
Pro Libra Associates	\$10,000.00

and;

WHEREAS, Pro Libra Associates will perform such services as outlined;

- Collaborate face to face with Zina Pozner, President Board of Trustees, and the Library Director Search Committee to go over the candidate profile, recruitment strategy, job description and salary
- Post the position through local, regional and national channels.
- Serve as the contact where all applications are to be sent including responses to our generic solicitations gathered through list serves, written ads, or inquiries that may come directly to the Library or to the Board of Trustees; reviewing and clarifying each applicant's qualifications and experience
- Assist the Director Search Committee in evaluating these candidates then identifying the top 4-6 candidates for serious consideration and possible interview
- Coordinate the candidate's participation in the interviews
- Debrief the Search Committee following the interviews and identify additional candidates if necessary
- Verify selected candidates educational background, employment record and other qualifications
- Along the way, as directed by the Committee, notify applicants not selected to go forward in the process.
- Assist the Director Search Committee with compensation negotiations if requested to do so.
- Payment is due and payable upon start date of new director.

Pro Libra Associates will work with the Library Board of Trustees to identify the most appropriate candidates to interview; and

WHEREAS, section N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law exempts such extraordinary unspecifiable services from competitive bidding; and

WHEREAS, the Chief Financial Officer has certified funds are available in the Reserve for Library Account #9-01-LI-R01-D40 STAFFING/LEADERSHIP; 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 purchasing agent has filed a Certificate Declaration for this Extraordinary Unspecifiable Service with the Municipal Clerk; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bernards that an extraordinary unspecifiable service contract be awarded to Pro Libra Associates, Inc., 436 Springfield Avenue, Summit, NJ 07901 as follows:

1. The contract will encompass services as outlined in the submitted proposal dated June 25, 2019.
2. The contract term is based on project duration of six months from the July 10, 2019 to January 10, 2020 at a not to exceed amount of \$10,000.00.

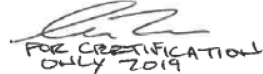
3. Billings must be rendered by the contractor within 30 days of service delivery.
4. **Any modification to this contract shall be in writing and signed by both parties and upon obtaining said signatures shall immediately become part of the contract.**
5. **No payments in excess of the "not to exceed" contract amounts will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.**
6. Either party upon 10 days written notice via certified mail may terminate this contract.
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 New Jersey Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
9. The contractor shall report directly to Tim Opremcak, Library Board President who will be the chief contact for the Township of Bernards on this project.

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 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, Margaret Bennett, for Pro Libra Associates, am committed to follow all terms of this award.

Margaret Bennett, MLS, President

CERTIFICATE DECLARATION FOR EXTRAORDINARY UNSPECIFIABLE SERVICE	
Describe in detail the nature of work:	See proposal dated June 25, 2019, Exhibit A.
Describe why the contract meets the provision of the statute:	The services provided by Pro Libra Associates are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of library recruiting.
Describe why the service is qualitative in nature requiring the need for expertise, extensive training and proven reputation:	This provider has the library experience and expertise to provide recruitment of a library director that will be appropriate for a New Jersey public library setting and will be compatible with the rest of the library.
Explain why it is not reasonably possible to draft specifications:	Service is particular and inherent to this provider because of the scope of work.
Describe the informal solicitation of quotes:	Pro Libra Associates was solicited because of their vast experience in the area of library director recruiting. Margaret Bennett, President, holds a Masters in Library Service.
_____ Francis J. Decibus, QPA, RPPO, Purchasing Agent	I, Francis J. Decibus, have reviewed the rules of the DLGS pursuant to N.J.A.C. 5:34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.

CFO CERTIFICATION	
I, Sean McCarthy, Chief Financial Officer of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount of \$10,000 in line account: Reserve for Library Account #9-01-LI-R01-D40 STAFFING/LEADERSHIP:	
 FOR CERTIFICATION ONLY 2019	
Sean McCarthy, Chief Financial Officer	
Date: _____	

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](#) – Introduction*
 The clerk read the ordinance by title. Motion by Harris, second by Esposito, that Ordinance #2425 be introduced on first reading, advertised as required by law, with a public hearing on 07/23/2019.

Roll Call

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

Approval of Minutes:

06/25/2019 Executive Session Minutes

Esposito recused himself from this item. Motion by Carpenter, second by Harris, that the Executive Session minutes of 06/25/2019 be approved for content only.

Roll Call

Aye: Carpenter, Harris, Bianchi

Nay:

Abstain: Baldassare

Motion carried.

PUBLIC COMMENT

The Mayor opened public comment.

Todd Edelstein, 72 Riverside Dr. – thanked the committee for their discussion of Resolution #2019-0316

ADJOURNMENT

Motion by Baldassare, second by Harris, and unanimously agreed that the meeting be adjourned at 9:10 PM

Respectfully submitted,

Rhonda Pisano
Municipal Clerk

Carol Bianchi
Mayor