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BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE 06/09/2020 – COMBINED AGENDA/REGULAR MEETING

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CALL TO ORDER

The mayor called the meeting to order at 8:01PM. The Deputy Mayor led the flag salute and the mayor read the open public meetings statement in accordance with the law.

Notice was provided on 05/04/20 that meetings are being conducted at 8:00 PM through virtual means until further notice due to the COVID-19 outbreak in accordance with the Open Public Meetings Act. Notice was posted on the township website, the township's Facebook page, and provided by e-mail to the Recorder Publishing -Bernardsville News, Whippany; the Courier News, Bridgewater; TAPinto.net; Patch.com; and filed with the Township Clerk. Any motion to go into closed session will be deemed to include a motion that the matters discussed at such closed session will be disclosed to the public when such matters are finally determined and there is no further reason to prohibit the public disclosure of information relating to such matters.

ROLL CALL

Present: Carpenter, Esposito, Fields, Harris, Baldassare, Jr.

Absent:

Also Present: Administrator Monaco, Attorney Guzman, Engineer Timko, Municipal Clerk Pisano, CFO McCarthy

PUBLIC WORK SESSION

None

REPORTS

Status Report from IT – Network Disruption of 05/11/20

IT Director Chris Kyriacou reported that malware was detected on the network system at 6:45 PM on 05/11/20. IT staff immediately informed the Administrator and a forensic team through the insurance carrier. It took the back-up storage vendor 7 business days to transfer 8 terabytes of data for shipment. The data was examined, and it was confirmed that there appeared to be no security risk in restoring the back-up data. 95 workstations and 15 servers were restored /rebuilt in a gradual restoring process, and the network system was fortified, with recommendations from the forensic team and the consultant hired prior to the incident to audit the system. There was no evidence of any data loss. The system is backed-up nightly which has proved to be invaluable. The ransomware was "Lock2Bits" but no ransom amount was made or paid. The insurance had a \$10,000 deductible.

CORRESPONDENCE

None listed

PUBLIC COMMENT

Public comment was accepted at this virtual meeting from Bernards Township residents, via e-mail to municipalclerk@bernards.org during this public comment period.

The mayor opened public comment.

Rita Zarabara, 155 Thackeray Dr. – commented on the network disruption and insurance coverage.

Todd Edelstein, 172 Riverside Dr. – commented on the 06/01/20 Special meeting for the Court, police hiring and police body worn cameras, and diversity in low income housing.

The mayor closed public comment.

TOWNSHIP COMMITTEE/LIAISON & BOARD REPORTS AND STAFF COMMENTS

Staff provided comments and committee members reported on policing in NJ, body worn cameras, and the re-opening of businesses.

UNFINISHED BUSINESS

None listed.

NEW BUSINESS

[Resolution #2020-0222](#) – *Permitting Relief of Certain Ordinances to Assist Local Businesses as they Re-Open Following the Lifting of COVID-19 Executive Orders*

Motion by Carpenter, second by Harris, that Resolution #2020-0222 be approved.

Roll Call

Aye: Carpenter, Esposito, Fields, Harris, Baldassare, Jr.
Nay:
Abstain:

Motion carried.

WHEREAS, in response to the COVID-19 pandemic, Governor Murphy issued Executive Order #103, on March 9, 2020, declaring and proclaiming a public health emergency and state of emergency in the State of New Jersey; and

WHEREAS, numerous Executive Orders have been issued by the Governor since that time to deal with a myriad of economic and social issues affecting New Jersey residents due to the COVID-19 pandemic; and

WHEREAS, the State of New Jersey is implementing a multi-stage plan for reopening businesses and activities based on health factors; and

WHEREAS, the Township Committee of the Township of Bernards desires to relax, waive, and modify various portions of the Revised General Ordinances of Bernards Township in order to assist local businesses within Bernards Township in instituting re-opening activities during New Jersey's multi-stage plan, which may include but not be limited to, 21-16, 21-19.5, and 21-63.1; and

WHEREAS, Bernards Township's Emergency Declaration, signed on 03/24/2020, states that "the Mayor is authorized to grant temporary deviations or variances from the Township's General and Land Development Ordinances where emergent circumstances for the benefit of the public health, safety and welfare so require" and the Township Committee wishes to affirm its commitment to the health, safety and welfare of its residents; and

WHEREAS, activities for which portions of the Ordinances may be relaxed, waived, and modified in Bernards Township may include, but not be limited to, activities such as 1) signage for businesses; 2) curbside pick-up for food or merchandise; 3) outdoor seating for dining; 4) outdoor storage and sale of merchandise; 5) street closings for certain activities, 6) other services that can be performed outdoors.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bernards that pursuant to paragraph 8 of the March 24, 2020, Township Emergency Declaration, that the Engineering Department be authorized to develop and issue a "Special Use Permit" to local businesses to permit and facilitate various activities of re-opening their business and such permit shall outline the activities and manner for how these activities and uses are to be conducted; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that such "Special Use Permit" application shall have no fee or cost for local businesses and shall be submitted to the Zoning Officer for review which may include additional reviews from the Fire Official, the Health Department, the Police Department, the Public Works Department, the Risk Manager, the Administrator, and any other relevant department, to protect the health and safety of citizens participating in said activities. Applications will be reviewed, and "Special Use Permits" issued within 5 days, unless more time is needed due to unusual circumstances or complexity of an application. "Special Use Permits" may be amended, changed or withdrawn as determined by the issuing authority at any time; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that any such activity covered by a "Special Use Permit" that is located within a public right-of-way and/or on township owned properties, the applicant shall provide to Bernards Township a Certificate of Insurance and a Hold Harmless Agreement indemnifying Bernards Township in accordance with 4-4.6 of the Revised General Ordinances of the Township of Bernards.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that this Resolution shall take effect when such reopening activities are permitted by State statutes, regulations, or Executive Orders of Governor Murphy and accompanying Executive Directives from the New Jersey Department of Health, and may be amended, modified, or changed at any

time to protect the health and safety of citizens.. This Ordinance shall automatically have no further legal force or effect (without further action of the Township Committee) on November 1, 2020, unless this Ordinance is further extended by Resolution of the Township Committee.

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

Roll Call

Aye: Carpenter, Esposito, Fields, Harris, Baldassare, Jr.

Nay:

Abstain:

Motion carried.

****Begin Consent Agenda****

Resolution #2020-0220 - Approval of the Bill List Dated 06/09/2020

BE IT RESOLVED, that the bill list dated 06/09/2020 be audited, and if found correct, be paid.

June 9, 2020
12:27 PM

TOWNSHIP OF BERNARDS
Check Register By Check Date

Page No: 1

Range of Checking Accts: CASH - CHECKING to CASH - CHECKING Range of Check Dates: 06/09/20 to 06/09/20
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				
124367	06/09/20	90341 VOGEL, DEIRDRE	32.94	1497 Direct Deposit
124368	06/09/20	90534 KOMLINE, CHERYL	45.87	1497 Direct Deposit
124369	06/09/20	90563 CARTOCCIO, KAITLIN	156.19	1497 Direct Deposit
124370	06/09/20	90573 MCCARTHY, GINDY	46.42	1497 Direct Deposit
124371	06/09/20	90613 RIVERA, ANNMARIE	49.03	1497 Direct Deposit
124372	06/09/20	90677 BEGRAFT, GERALYN	14.99	1497 Direct Deposit
124373	06/09/20	90685 PEARCE, VINCENT (AL)	134.95	1497 Direct Deposit
124374	06/09/20	A0419 ARCO STEEL COMPANY	80.00	1497 Direct Deposit
124375	06/09/20	A0611 AMERICAN WEAR, INC	920.16	1497 Direct Deposit
124376	06/09/20	B0014 BREWER ASSOCIATES	75.00	1497 Direct Deposit
124377	06/09/20	B0203 DIFRANCESCO BATEMAN, PC	4,407.50	1497 Direct Deposit
124378	06/09/20	B0724 BIO-SHINE, INC	1,000.00	1497 Direct Deposit
124379	06/09/20	B0758 BCI TRUCK, INC	91.74	1497 Direct Deposit
124380	06/09/20	C0083 CDW GOVERNMENT, INC.	201.48	1497 Direct Deposit
124381	06/09/20	K0354 KANOPY INC	462.00	1497 Direct Deposit
124382	06/09/20	N0449 NISIVOCIA & CO, LLP	10,615.00	1497 Direct Deposit
124383	06/09/20	O0021 OFFICE DEPOT	332.80	1497 Direct Deposit
124384	06/09/20	P0641 PREFERRED OUTDOOR EXPERIENCE	1,160.89	1497 Direct Deposit
124385	06/09/20	R0071 RENDA ROADS, INC.	53,562.90	1497 Direct Deposit
124386	06/09/20	W0241 W.B. MASON CO INC.	129.98	1497 Direct Deposit
124387	06/09/20	W0339 W.B. MASON	162.15	1497 Direct Deposit
124388	06/09/20	A0011 AMERICAN LIBRARY ASSOCIATION	65.00	1498
124389	06/09/20	A0232 ARROW ELEVATOR, INC.	630.00	1498
124390	06/09/20	A0381 BLACK LAGOON	780.00	1498
124391	06/09/20	A0453 AMAZON.COM	1,481.81	1498
124392	06/09/20	B0017 BRIDGEWATER RESOURCES, INC.	1,231.50	1498
124393	06/09/20	B0026 BERNARDS TOWNSHIP CURRENT	21,965.64	1498
124394	06/09/20	B0034 BERNARDS TOWNSHIP PAYROLL ACCT	585,330.54	1498
124395	06/09/20	B0098 BERNARDS TOWNSHIP (RECREATION)	129.36	1498
124396	06/09/20	B0581 BUY WISE AUTO PARTS	2,242.69	1498
124397	06/09/20	B0782 BERTRAM, EMMA	75.00	1498
124398	06/09/20	C0024 GANNETT NEW JERSEY NEWSPAPERS	42.14	1498
124399	06/09/20	C0288 CAMP-OUT, INC.	329.00	1498
124400	06/09/20	C0482 OPTIMUM	138.44	1498
124401	06/09/20	C0482 OPTIMUM	44.95	1498
124402	06/09/20	C0482 OPTIMUM	8.86	1498
124403	06/09/20	C0482 OPTIMUM	31.20	1498
124404	06/09/20	C0832 CLEAR POINT DESIGNS	2,520.00	1498
124405	06/09/20	E0297 EMR POWER SYSTEMS LLC	2,249.82	1498
124406	06/09/20	F0001 FEDEX	17.28	1498
124407	06/09/20	F0003 FOLEY, INCORPORATED	134.03	1498
124408	06/09/20	F0047 FULLERTON FORD	127.57	1498
124409	06/09/20	F0326 FX AUTOMOTIVE LLC	144.34	1498
124410	06/09/20	G0066 GRAINGER INC	126.33	1498
124411	06/09/20	G0098 JCP&L	14,976.37	1498

124412	06/09/20	G0345	GLOCK, INC.	414.00	1498
124413	06/09/20	G0596	GRIFFITH - ALLIED TRUCKING LLC	5,615.99	1498
124414	06/09/20	H0178	HOSE SHOP, INC.	120.53	1498
124415	06/09/20	H0246	HOME DEPOT CREDIT SERVICES	695.55	1498
124416	06/09/20	H0297	DIRECT ENERGY BUSINESS	2,426.55	1498
124417	06/09/20	J0206	JOY AUTOMOTIVE PRODUCTS, INC	135.04	1498
124418	06/09/20	K0259	KONICA MINOLTA PREMIER FINANCE	122.00	1498
124419	06/09/20	K0341	KONICA MINOLTA PREMIER FINANCE	133.42	1498
124420	06/09/20	L0038	LIN-GATE EQUIPMENT SALES & SVC	21.28	1498
124421	06/09/20	L0431	LIGHT PROPERTIES LLC	2,661.22	1498
124422	06/09/20	L0444	LI, XIN	495.00	1498
124423	06/09/20	M0036	MORNINGSTAR	1,918.00	1498
124424	06/09/20	M0518	KONICA MINOLTA BUSINESS SOL.	133.42	1498
124425	06/09/20	M0617	MIDDLESEX POWER EQUIPMENT	15.37	1498
124426	06/09/20	M0859	MAXX'S FLEET REPAIRS, LLC	1,344.27	1498
124427	06/09/20	M0899	MR JOHN	65.00	1498
124428	06/09/20	N0006	NEW JERSEY AMERICAN WATER CO.	38,354.48	1498
124429	06/09/20	N0006	NEW JERSEY AMERICAN WATER CO.	319.36	1498
124430	06/09/20	N0006	NEW JERSEY AMERICAN WATER CO.	25.26	1498
124431	06/09/20	N0017	NJ STATE LEAGUE OF MUNICIPAL.	25.00	1498
124432	06/09/20	O0102	OCLC, INC	417.52	1498
124433	06/09/20	O0116	OBERLY, BARRY	1,980.00	1498
124434	06/09/20	P0014	PUBLIC SERVICE ELEC. & GAS CO	1,868.83	1498
124435	06/09/20	P0046	RESERVE ACCOUNT	860.35	1498
124436	06/09/20	P0525	POWER PLACE, INC.	131.46	1498
124437	06/09/20	Q0002	CINTAS CORP. - #062	3,202.52	1498
124438	06/09/20	R0308	ROUTE 23 AUTO MALL	511.69	1498
124439	06/09/20	R0534	REP PUMP SERVICES	970.00	1498
124440	06/09/20	R0768	RAJAN, CAITLIN	485.00	1498
124441	06/09/20	S0016	STORR TRACTOR COMPANY	1,345.67	1498
124442	06/09/20	S0069	SAL'S AUTO BODY INC.	5,385.67	1498
124443	06/09/20	S0681	SEALMASTER	1,820.00	1498
124444	06/09/20	S0977	STAVOLA CONSTRUCTION MATERIALS	333.69	1498
124445	06/09/20	S1007	SPRUCE INDUSTRIES	380.00	1498
124446	06/09/20	S1017	STEM, AMY	543.75	1498
124447	06/09/20	S1018	SUTTON, JAMIE	543.75	1498
124448	06/09/20	T0003	ENVIROTEST LABORATORIES LLC	2,400.00	1498
124449	06/09/20	T0024	TRIUS OF NJ INC	83.00	1498
124450	06/09/20	T0025	TRUKMANN'S INC. C/O	1,002.95	1498
124451	06/09/20	T0338	TMDE CALIBRATION LABS, INC.	57.77	1498
124452	06/09/20	U0056	U.S. MUNICIPAL SUPPLY, INC.	1,759.53	1498
124453	06/09/20	V0020	VILLAGE OFFICE SUPPLY	165.28	1498
124454	06/09/20	V0037	VILLAGE SUPERMARKET, INC.	17.26	1498
124455	06/09/20	V0056	VERIZON WIRELESS	1,383.62	1498
124456	06/09/20	V0058	VERIZON	1,991.81	1498
124457	06/09/20	V0084	VERIZON	250.30	1498
124458	06/09/20	V0124	VERIZON BUSINESS FIOS	569.98	1498
124459	06/09/20	V0140	VANTAGEPOINT TRANSFER AGENTS	25,907.73	1498
124460	06/09/20	V0177	VERIZON	491.30	1498
124461	06/09/20	V0185	VERIZON CONNECT	542.85	1498
124462	06/09/20	W0016	WARRENVILLE TRUE VALUE	2,994.34	1498
124463	06/09/20	W0074	WELSH'S MOTOR SALES, INC.	484.40	1498
124464	06/09/20	W0287	WOYCE, KEVIN	200.00	1498
124465	06/09/20	X0003	XEROX CORPORATION	329.89	1498
124466	06/09/20	X0005	XTEL COMMUNICATION	1,621.63	1498

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
	----	----	-----	-----
Checks:	79	0	752,896.15	0.00
Direct Deposit:	21	0	73,681.99	0.00
	=====	=====	=====	=====
Total:	100	0	826,578.14	0.00

Report Totals	Paid	Void	Amount Paid	Amount Void
	----	----	-----	-----
Checks:	79	0	752,896.15	0.00
Direct Deposit:	21	0	73,681.99	0.00
	=====	=====	=====	=====
Total:	100	0	826,578.14	0.00

June 9, 2020
12:27 PM

TOWNSHIP OF BERNARDS
Check Register By Check Date

Page No: 4

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	0-01	622,070.49	0.00	0.00	622,070.49
DOG FUND	0-12	589.42	0.00	0.00	589.42
GOLF COURSE UTILITY	0-26	3,195.94	0.00	0.00	3,195.94
Year Total:		625,855.85	0.00	0.00	625,855.85
CURRENT FUND	9-01	15,121.33	0.00	0.00	15,121.33
CAPITAL FUND	C-04	54,536.99	0.00	0.00	54,536.99
PUBLIC GRANTS	G-02	1,260.79	0.00	0.00	1,260.79
TRUST FUNDS	T-13	129,803.18	0.00	0.00	129,803.18

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[Resolution #2020-0221](#) - Award of Purchase Order for Identified Vendor - Spruce Industries

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
Spruce Industries	\$ 40,000

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 vendors listed above to maintain continuity and facilitate the ordering process through December 31, 2020.

[Resolution #2020-0223](#) - Commendation on the Occasion of Your Retirement Peter Thurlow -Library

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 13+ years; and

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

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

WHEREAS, on the occasion of your 13+ years of service you are retiring to start the next challenging and exciting chapter of your life.

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

****End Consent Agenda****

[Approval of Minutes – 05/26/2020 & 06/01/2020](#)

Motion by Fields, second by Harris, and unanimously agreed that the 05/26/2020 [Open Session minutes](#) and the 06/01/2020 [Special Meeting minutes](#) be approved for content and release.

PUBLIC COMMENT

Public comment was accepted at this virtual meeting from Bernards Township residents, via e-mail to municipalclerk@bernards.org during this public comment period.

The mayor opened public comment.

Andrew Provence, 97 Bullion Rd. – commented on re-opening the ballfields, referencing his 6/3/20 e-mail to the township committee.

Lurie Albee, 96 Alder Ln. – commented of creating a Diversity Advisory Council, referencing her 6/3/20 e-mil to the township committee.

Todd Edelstein, 172 Riverside Dr. – commented on Special Meeting notices, hiring of police and body worn camera grants, and return of in-person meetings.

The mayor closed public comment.

EXECUTIVE SESSION - Resolution #2020-0219 - Authorizing an Executive Session Meeting of the Bernards Township Committee

Motion by Carpenter, second by Harris, and unanimously agreed that the meeting immediately adjourn to Executive Session at 9:10 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

Estimated Time of
Disclosure or Upon
Occurrence Of

- ☐ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
Contract Negotiations - International Brotherhood of Teamsters, Chauffeurs and Warehousemen and Helpers of America, Local 469 Union Contract;
Contract Negotiations — PBA

The meeting resumed in open session at 9:38

ADJOURNMENT

By unanimous consent the meeting adjourned at 9:38 PM

Respectfully submitted,

Rhonda Pisano
Municipal Clerk

James Baldassare, Jr.
Mayor
Approved: 06/23/2020