

BERNARDS TOWNSHIP SEWERAGE AUTHORITY
AGENDA
September 12, 2023
6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

4. Open Public Meeting Statement

5. Closed session – Resolution #2339 personnel

6. Approval of Minutes
 - a. Regular Meeting – August 15, 2023
 - b. Closed Meeting – August 15, 2023

7. Correspondence –

8. Public Comment

9. Action/Discussion Items:
 - a. Resolution #2340 2024 Budget Introduction
 - b. Resolution #2341 Risk Strategies Risk Managers contract
 - c. Resolution #2342 Award Solar Inverters – Whitman Consulting \$42,200
 - d. Resolution #2343 Reject pipe header bids
 - e. Discussion – E Oak Force Main Phase III
 - f. 2023 2nd Quarter Flow Report

10. Operator's Report

11. Bill List – Resolution - #23 -

12. Member/Staff Comments

13. Adjournment



Bernards Township Sewerage Authority Resolution

Resolution #2339

Authorizing an Executive Session Meeting of the Bernards Township Sewerage Authority

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Bernards Township Sewerage Authority 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 Bernards Township Sewerage Authority will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Bernards Township Sewerage Authority 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 Bernards Township Sewerage Authority hereby declares that the discussion of subject(s) may be made public at a time when the Authority Attorney advises the Authority 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 Bernards Township Sewerage Authority, 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 Director 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 matter which by express provisions of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public provision relied upon .
- Any matter in which the release of information would impair a right to receive funds from the federal government.
- Any matter involving Attorney-Client privilege.
- 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.
- Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.

- Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection.
- Any investigations of violations or possible violations of the law.
- 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.*
- Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose right could be adversely affect request in writing that such matter or matters be discussed at a public meeting subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 NJ 478.
The employee(s) and nature of discussion is: *Operations Supervisor position*
- Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.
- Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy.

Agenda and Date Voted: August 15, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 8/15/23.

Thomas Timko, Authority Director

2024 (2023-2024) AUTHORITY BUDGET RESOLUTION

Bernards Township Sewerage Authority

RESOLUTION 2340

FISCAL YEAR: FROM: 12-1-23 TO: 11-30-24

WHEREAS, the Annual Budget and Capital Budget for the Bernards Township Sewerage Authority for the fiscal year beginning, 12-1-23 and ending, 11-30-24 has been presented before the governing body of the Bernards Township Sewerage Authority at its open public meeting of 9-12-23; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$6,022,320 Total Appropriations, including any Accumulated Deficit, if any, of \$6,022,566 and Total Unrestricted Net Position utilized of \$246; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$2,075,000 and Total Unrestricted Net Position planned to be utilized of \$0; and

WHEREAS, the schedule of rents, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Bernards Township Sewerage Authority, at an open public meeting held on 9-12-23 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Bernards Township Sewerage Authority for the fiscal year beginning, 12-1-23 and ending, 11-30-24 is hereby approved; and

BE IT FURTHER RESOLVED that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED that the governing body of the Bernards Township Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on 11-21-23.

(Secretary's Signature)

(Date)

Governing Body Recorded Vote

Member	Aye	Nay	Abstain	Absent
Chairperson Orr				
Ms. Fields				
Ms. Asay				
Mr. McNally				
Mr. Crane				



Bernards Township Sewerage Authority Resolution

**RESOLUTION #2341
PROFESSIONAL SERVICES CONTRACT
Awarding a Professional Services Contract
for 2024-2026 Risk Management Consulting Services
RSC Insurance Brokerage, Inc.**

WHEREAS, the Bernards Township Sewerage Authority requires professional Risk Management Services; and

WHEREAS, RSC Insurance Brokerage, Inc., 21 Commerce Drive, Suite 302 Cranford, NJ 07016, has submitted a proposal in the form of a draft agreement outlining their professional risk management consulting services required in the bylaws of the New Jersey Utility Authorities Joint Insurance Fund of which the Authority is a member; 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.

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

NOW THEREFORE BE IT RESOLVED, by the Bernards Township Sewerage Authority that a professional service contract for Sewerage Authority Risk Management Services be awarded to RSC Insurance Brokerage, Inc and;

1. 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.
2. 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.
3. The term of this agreement shall be for three years, from January 1, 2024, to January 31, 2027, unless terminated as hereinafter provided in this agreement. The Authority authorizes the Fund to pay its Consultant as compensation for services rendered an amount equal to six percent (6%), of the Authorities assessment as promulgated by the New Jersey Utility Authorities Joint Insurance Fund.
4. Either party upon thirty days written notice via certified mail may terminate this contract. The line item appropriation or ordinance to be charged is 4-01- -802-211.

NOW THEREFORE BE IT FURTHER RESOLVED that a copy of this resolution be on file, available for public inspection, in the office of the Bernards Township Sewerage Authority Director, 277 South Maple Avenue, Basking Ridge, NJ 07920.

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

R. Craig Sutherland, Jr
RSC Insurance Brokerage, Inc

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, CFO of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not-to-exceed six percent (6%) of the Authorities assessment as promulgated by the New Jersey Utility Authorities Joint Insurance Find. 2024 Sewerage Authority Budget, Line Account, Insurance Fees, #4-01- -802-211.

Date:

Sean McCarthy, CFO

PURCHASING CERTIFICATION

I hereby certify that I have reviewed this resolution for accuracy.

Francis J. Decibus, QPA, Purchasing Agent

Date:

Date Adopted: September 12, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 09/12/2023.

Thomas Timko, Authority Director



Bernards Township Sewerage Authority Resolution

RESOLUTION #2342
PROFESSIONAL SERVICES CONTRACT
SOLAR INVERTER REPLACEMENT
Awarded to Jeffrey Thoens, PE, Lic #24GE04929100 of the firm Whitman
In the Not to Exceed Amount of \$42,200.00

WHEREAS, the Bernards Township Sewerage Authority requires professional electrical engineering services for the design and bid for the Solar Inverter Replacement Project; and

WHEREAS, Jeffrey Thoens, PE, Lic #24GE04929100 of the firm Whitman, 100 Franklin Square Drive, Suite 200, Somerset, NJ 08873 has submitted a proposal dated August 10, 2023, outlining their services and rates; and

WHEREAS, section N.J.S.A. 40A:11-5 (1)(a) (i) of the Local Public Contracts Law, (N.J.S.A. 40A11-1 et seq.) exempts such professional services from competitive bidding; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in the Budget, line item appropriation or ordinance to be charged is C-01-23-PLA-B01.

NOW BE IT RESOLVED by the Bernards Township Sewerage Authority as follows:

1. That a professional service contract for electrical engineering services be awarded to Jeffrey Thoens, PE, Lic #24GE04929100 of the firm Whitman, 100 Franklin Square Drive, Suite 200, Somerset, NJ 08873 in the not to exceed amount of \$42,200.00, pursuant to the August 10, 2023, proposal.
2. That the contract be awarded for a 1-year term, from September 12, 2023, through September 11, 2024. Bid documents shall be prepared and the project bid within 90 days.
3. Billing must be rendered 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 PL 1975, c.127, which is attached to this resolution as Exhibit A.
7. 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.
8. The contractor shall report directly to the Authority Director, who will be the chief contact for the Bernards Township Sewerage Authority on this contract.

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

NOW THEREFORE BE IT FURTHER RESOLVED 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 Sewerage Authority Director, 277 South Maple Avenue, Basking Ridge, NJ 07920.

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

Jeffrey Thoens, PE, Lic #24GE04929100

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, CFO of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$42,200.00. Monies are available in the Sewerage Authority Budget, the line item appropriation to be charged is, C-01-23-PLA-B01.

Dated: Sean McCarthy, CFO

PURCHASING CERTIFICATION

I hereby certify that I have reviewed this resolution for accuracy.

Dated: Francis J. Decibus, QPA, RPPO
Purchasing Agent

Dated Adopted: September 12, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 09/12/2023.

Thomas Timko, Authority Director



Bernards Township Sewerage Authority Resolution

**RESOLUTION #2343
REJECTION OF RE-BID
Replacement of Plant Header Piping**

WHEREAS, the Bernards Township Sewerage Authority received bids on Tuesday, August 29, 2023 at 10:45 AM for the Re-Bid of the Replacement of Plant Header Piping. Bid summary:

Bidder	Bid
Spectraserv Inc.	\$724,650.00
Scafar Contracting	\$799,940.00

WHEREAS, it is the combined recommendation of the Director, Superintendent and Purchasing Agent to reject the bid pursuant to N.J.S.A. 40A:11-13.2(d) as the lowest bid exceeds the budget allocation for this project; and

BE IT RESOLVED, by the Bernards Township Sewerage Authority, Somerset County, New Jersey, that the bid is hereby rejected and that the Purchasing Agent is authorized by the Bernards Township Sewerage Authority to re-advertise.

BE IT FURTHER RESOLVED, that a copy of this resolution be on file, available for public inspection in the office of the Bernards Township Sewerage Authority Director, 277 So. Maple Avenue, Basking Ridge, New Jersey 07920.

PURCHASING CERTIFICATION	
I hereby certify that I have reviewed this resolution for accuracy.	
Dated: August 7, 2023	 <i>For Purchasing Agent.</i> Francis J. Decibus, QPA, RPPO Purchasing Agent

Date Adopted: September 12, 2023

Certification
I hereby certify this is a true and exact copy of a resolution adopted by the Bernards township Sewerage Authority on 09/12/2023.
<hr/> Thomas Timko, Authority Director