BERNARDS TOWNSHIP SEWERAGE AUTHORITY
AGENDA
October 11, 2022
6:30 PM

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

4. Open Public Meeting Statement

5. Closed session – Resolution #2256 – Dish Wireless

6. Approval of Minutes
    a. Regular Meeting – September 13, 2022
    b. Closed Meeting – September 13, 2022

7. Correspondence –

8. Public Comment

9. Action/Discussion Items:

    a. Resolution #2257 – Interim payment of bills
    b. Resolution #2258 – Suburban Consulting CO#1 Harrison Brook Dr and Annin Rd System Evaluation **$4,920.00**
    c. Resolution #2259 - Suburban Consulting I&I Phase 2 Rehabilitation **$158,520.00**
    d. Resolution #2260 – Messercola Excavating Pay to Play

9. Operator's Report

10. Bill List – Resolution - #2261-

11. Member/Staff Comments

12. Adjournment

Bernards Township Sewerage Authority Resolution

Resolution #2256

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. Dish Wireless Lease*

☐ 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:

☐ 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.
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☐ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy. .

Agenda and Date Voted: Octoberber 11, 2022

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 10/11/22.

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Thomas Timko, Authority Director

BERNARDS TOWNSHIP SEWERAGE AUTHORITY

Resolution #2257
Giving the CFO Authority to Approve Payment of Bills
on or About November 15, 2022

WHEREAS, the annual meeting schedule of the Bernards Township Sewerage Authority adopted pursuant to Resolution #2201, sets the meeting dates for the Authority; and

WHEREAS, at each scheduled meeting, the Sewerage Authority votes on the payment of bills; and

WHEREAS, the regularly scheduled monthly meeting for November is scheduled one week later on November 22, 2022, to allow for the payment of the majority of November bills at the end of the Authority's financial year, which ends November 30th, as recommended by the Auditor; and

WHEREAS, the CFO advises that failure to pay certain bills for a four week period will result in delinquencies on Authority accounts; and

WHEREAS, the CFO recommends that the Sewerage Authority give the authority to approve payment of bills on or about November 15, 2022, to avoid delinquencies on Sewerage Authority accounts.

NOW THEREFORE BE IT RESOLVED, by the Bernards Township Sewerage Authority that we do hereby authorize Sean McCarthy, CFO, to audit, approve, and make payment of the bills scheduled for payment on or about November 15, 2022; and,

NOW THEREFORE BE IT FURTHER RESOLVED, by the Bernards Township Sewerage Authority that the payment of bills authorized by the CFO on or about November 15, 2022, be memorialized in a resolution to be adopted by the Sewerage Authority on October 11, 2022.

Agenda and Date Voted: October 11, 2022

Certification

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 10/11/2022.

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Thomas Timko, Authority Director

Bernards Township Sewerage Authority Resolution

RESOLUTION #2258
PROFESSIONAL SERVICES CONTRACT
CHANGE ORDER #1
IN THE AMOUNT OF $4,920.00 FOR
HARRISON BROOK & ANNIN ROAD PUMP STATION SYSTEM EVALUATION
INFILTRATION & INFLOW STUDY PHASE IV
SUBURBAN CONSULTING ENGINEERS, INC., 96 US HIGHWAY 206, SUITE 101, FLANDERS, NJ 07836
IN THE NEW NOT TO EXCEED AMOUNT OF $56,420.00

WHEREAS, the Bernards Township Sewerage Authority requires professional consulting engineering services for the engineering design, bid phase and construction administrative services associated with the Harrison Brook and Annin Road Pump Station System Evaluation; and

WHEREAS, the Bernards Township Sewerage Authority adopted Resolution #2162 on November 23, 2021, awarding a professional services contract to Suburban Consulting Engineers, Inc., of Flanders, NJ 07836 in the amount of $51,500.00 for the Harrison Brook & Annin Road Pump Station System Evaluation Infiltration & Inflow Study Phase IV; and

WHEREAS, Change Order #1 in the amount of $4,920.00 includes professional engineering services for additional field evaluation services, as outlined in the letter from Suburban Consulting dated September 13, 2022; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the 2022 Budget, account number 2-01-803-283; and

THEREFORE BE IT RESOLVED by the Bernards Township Sewerage Authority of the Township of Bernards, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a change order to Suburban Consulting Engineers, Inc., 96 US Highway 206, Suite 101, Flanders, NJ 07836, increasing the contract price from $51,500.00 for a new not to exceed amount of $56,420.00.

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer, hereby certify that adequate funds are available for the above referenced change order of $4,920.00 for a new not to exceed amount of $56,420.00. Monies are available in the 2022 Budget, account number 2-01-803-283.

Dated: October 5, 2022

Sean McCarthy, Chief Financial Officer

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

For Purchasing Cert.

Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date: October 3, 2022

Agenda and Date Voted: October 11, 2022

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 10/11/2022.

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Thomas Timko, Authority Director

Bernards Township Sewerage Authority

RESOLUTION #2259
PROFESSIONAL SERVICES CONTRACT
CROWN COURT, REBEL HILL, EAST OAK, STONEHOUSE, HARRISON BROOK DRIVE & ANNIN ROAD INFILTRATION & INFLOW IMPLEMENTATION PROJECT-PHASE II
Awarded to Andrew S. Holt, PE, PP, CME, NJ Lic #24GE03855400 of the firm Suburban Consulting Engineers, Inc.
In the Not to Exceed Amount of $158,520.00

WHEREAS, the Bernards Township Sewerage Authority requires professional consulting engineering services for the Phase II rehabilitation of deficiencies identified during the closed-circuit television (CCTV) and smoke testing inflow and infiltration (I/I) investigations of the Crown Court, Rebel Hill, East Oak, Stonehouse, Harrison Brook Drive and Annin Road collection basins; and

WHEREAS, Andrew S. Holt, PE, PP, CME, NJ Lic #24GE03855400, of the firm Suburban Consulting Engineers, Inc., 96 Rt. 206, Suite 101, Flanders, NJ 07836 has submitted a proposal dated September 13, 2022 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-01-19-SEW-A01, $70,000.00 and 2-01-803-282, 80,000.00, and C-01-18-SEW-A01, $8,520.00.

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

1. That a professional service contract for consulting engineering services be awarded to Andrew S. Holt, PE, PP, CME, Lic #24GE03855400, of the firm Suburban Consulting Engineers, Inc., 96 Rt. 206, Suite 101, Flanders, NJ 07836 in the not to exceed amount of $158,520.00, pursuant to the September 13, 2022 proposal.
2. That the contract be awarded for a 1-year term, from October 11, 2022 through October 10, 2023. Bid documents shall be prepared and the project bid within 60 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 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.

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Andrew S. Holt, PE, PP, CME, Lic #24GE038554400

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 $158,520.00. Monies are available in the Sewerage Authority Budget, the line item appropriation to be charged is, C-01-19-SEW-A01, $70,000.00 and 2-01-803-282, 80,000.00, and C-01-18-SEW-A01, $8,520.00.	
Dated: October 5, 2022	Sean McCarthy, CFO

PURCHASING CERTIFICATION	
I hereby certify that I have reviewed this resolution for accuracy.	
Dated: October 5, 2022	Francis J. Decibus, QPA, RPPO Purchasing Agent

Dated Adopted: October 11, 2022

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 10/11/2022.

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Thomas Timko, Authority Director

Bernards Township Sewerage Authority

Resolution #2260
Bernards Township Sewerage Authority
Award of Purchase Order(s) for
Messercola Excavating Co., 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 $ 44,000.00 requires Authority 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;

Vendor	Not to Exceed
Messercola Excavating Co., Inc. (sewer repairs)	$44,000.00

and

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; and

NOW THEREFORE BE IT RESOLVED by the Bernards Township Sewerage Authority 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 November 30, 2022.

Agenda and Date Voted: October 11, 2022

PURCHASING CERTIFICATION

I hereby certify that I have prepared this resolution and reviewed it for accuracy.

For Purchasing Agt.
Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date: March 3, 2022

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 10//11/2022.

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Thomas Timko, Authority Director