

**BERNARDS TOWNSHIP SEWERAGE AUTHORITY**  
**AGENDA**  
**November 22, 2022**  
**6:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
  
4. Open Public Meeting Statement
  
5. Approval of Minutes
  - a. Regular Meeting – October 11, 2022
  
6. Correspondence – 3<sup>rd</sup> Quarter Flow Report
  
7. Public Comment
  
8. Action/Discussion Items:
  - a. Resolution #2262 2023 Budget Adoption
  - b. Resolution #2263 TR Weniger Inc., Grey Matter P2P
  - c. Resolution #2264 LookFirst, Vanguard P2P
  - d. Resolution #2265 Kyle Stasyshan Personnel Appointment Safety Coordinator
  - e. Resolution #2266 PSC Authority Attorney John Belardo \$25,000
  - f. Resolution #2267 PSC Authority Labor Attorney Richard Flaum \$10,000
  - g. Resolution #2268 PSC Conflict Attorney Stephen Davis \$15,000
  - h. Resolution #2269 PSC Auditor Nisivoccia \$16,925.00
  - i. Resolution #2270 PSC Buchart Horn General Consulting \$65,000.00
  - j. Resolution #2272 USALCO CO#1 \$30,000
  - k. Discussion – Wexford Way easement access
  
9. Closed session – Resolution #2271 – Dish Wireless, Docket SOM-L-1284-22
  
10. Operator's Report
  
11. Bill List – Resolution - #2273 -
  
12. Member/Staff Comments
  
13. Adjournment

# 2023 (2022-2023) ADOPTED BUDGET RESOLUTION #2262

## Bernards Township Sewerage Authority

**FISCAL YEAR: FROM: 12/1/22 TO: 11/30/23**

WHEREAS, the Annual Budget and Capital Budget/Program for the Bernards Township Sewerage Authority for the fiscal year beginning 12/1/22, and ending, 11-30-23 has been presented for adoption before the governing body of the Bernards Township Sewerage Authority at its open public meeting of 11-22-22; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$6,038,260, Total Appropriations, including any Accumulated Deficit, if any, of \$6,193,031 and Total Unrestricted Net Position utilized of \$154,771; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$2,325,000 and Total Unrestricted Net Position planned to be utilized of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of Bernards Township Sewerage Authority, at an open public meeting held on 11-22-22 that the Annual Budget and Capital Budget/Program of the Bernards Township Sewerage Authority for the fiscal year beginning, 12-1-22 and, ending, 11-30-23 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

\_\_\_\_\_  
(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 #2263

Bernards Township Sewerage Authority  
Award of Purchase Order(s) for  
T.R Weniger, Inc., Grey Matter

**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
T.R Weniger, Inc (Peracetic Acid Pilot Study Construction)	\$44,000.00
Grey Matter (Pump Station Computer Firewall)	\$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: November 22, 2022

### PURCHASING CERTIFICATION

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

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: October 27, 2022

### CERTIFICATION

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

\_\_\_\_\_  
Thomas Timko, Authority Director



# Bernards Township Sewerage Authority

## Resolution #2264

Bernards Township Sewerage Authority  
Award of Purchase Order(s) for  
LookFirst Technology LLC, Vanguard

**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
LookFirst Technology LLC (Annual Cybersecurity Services)	\$44,000.00
Vanguard Energy Partners (Annual Solar Field Maintenance)	\$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, 2023.

Agenda and Date Voted: November 22, 2022

### PURCHASING CERTIFICATION

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

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: November 8, 2022

### CERTIFICATION

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

\_\_\_\_\_  
Thomas Timko, Authority Director



*Bernards Township Sewerage Authority Resolution*

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Resolution #2265  
Personnel Appointment  
Kyle Stasyshan, Safety Coordinator- Sewerage Authority

**Whereas**, there are significant regulatory and operational requirements for the effective and compliant management of the Sewerage Authority; and

**Whereas**, the Plant Superintendent has determined that a role for the safety and training responsibilities is needed to ensure regulatory, safety and operational standards are maintained and recorded; and

**Whereas**, the previous Safety Coordinator resigned; and

**Whereas**, this is a part-time role in addition to the Operator responsibilities; and

**Whereas**, the Plant Superintendent, Sewerage Authority Director, and Human Resources Officer have deemed it appropriate to fill this role; and

**Whereas**, Kyle Stasyshan is qualified to fill this role; and

**Now, Therefore Be It Resolved**, by the Bernards Township Sewerage Authority of the Township of Bernards, that Kyle Stasyshan be appointed to the Safety Coordinator role, effective November 28, 2022 at an hourly stipend of \$2.00 per hour for a 40-hour workweek.

Dated: November 22, 2022

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/22/2022.

\_\_\_\_\_  
Thomas Timko, Authority Director



## *Bernards Township Sewerage Authority*

**RESOLUTION #2266  
PROFESSIONAL SERVICES CONTRACT  
2023 GENERAL LEGAL SERVICES**

**Awarded to John P. Belardo, Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP-  
In the Not to Exceed Amount of \$25,000.00,  
Excluding Matters of Litigation and Unanticipated Reimbursable Disbursements as required**

**WHEREAS**, the Bernards Township Sewerage Authority requires general legal services; and

**WHEREAS**, John P. Belardo, Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP, 1300 Mount Kemble Avenue, PO Box 2075, Morristown, NJ 07962-2075 has submitted a proposal dated October 13, 2022 outlining his services and rate; 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 2023 Budget, line item appropriation or ordinance to be charged is 3-01- -802-302.

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

1. That a professional service contract for general legal be awarded to John P. Belardo, Esq. of the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP of Morristown, New Jersey at a rate of \$210.00 per hour in the amount not to exceed \$25,000.00 excluding matters of litigation and unanticipated reimbursable disbursements as required pursuant to the October 13, 2022, proposal.
2. That the contract be awarded for a twelve (12) month term, from December 1, 2022, through November 30, 2023.
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 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 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 this Resolution and by signing this document, I am committed to follow all terms of this award.

\_\_\_\_\_  
John P. Belardo, Esq., of the firm, McElroy, Deutsch, Mulvaney & Carpenter, LLP

<b>CHIEF FINANCIAL OFFICER CERTIFICATION</b>
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I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$25,000.00. Monies are available in the 2023 Sewerage Authority Budget, the line item appropriation to be charged is: Legal Fees 3-01- -802-302.
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Dated: Sean McCarthy, Chief Financial Officer
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<b>PURCHASING CERTIFICATION</b>
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I hereby certify that I have reviewed this resolution for accuracy.
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Dated: Francis J. Decibus, QPA, RPPO Purchasing Agent
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Dated Adopted: November 22, 2022

<b><u>CERTIFICATION</u></b>
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I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/22/2022.
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_____ Thomas Timko, Authority Director
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## *Bernards Township Sewerage Authority Resolution*

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### RESOLUTION #2267 PROFESSIONAL SERVICES CONTRACT

Awarding a Professional Services Contract  
for 2023 Legal Services for Labor Counsel

**Richard P. Flaum, Esq., of the firm, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.**

**In the Not to Exceed Amount of \$10,000 (excluding matters of litigation, internal conferences and unanticipated reimbursable disbursements).**

**WHEREAS**, the Bernards Township Sewerage Authority requires Professional Legal Labor Counsel Services; and

**WHEREAS**, Richard P. Flaum, Esq., of the firm, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 15 Mountain Boulevard, NJ 07059, has submitted a proposal dated October 6, 2022 outlining their services and rates; 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

**WHEREAS**, the Chief Financial Officer has certified funds are available in the 2023 Sewerage Authority Budget Account #3-01- -802-302 line item appropriation.

**NOW THEREFORE BE IT RESOLVED**, by the Bernards Township Sewerage Authority that a professional service contract be awarded to Richard P. Flaum, Esq., of the firm, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 15 Mountain Boulevard, NJ 07059, as follows:

1. The contract be awarded for a twelve (12) month term, from December 1, 2022 through November 30, 2023 for legal services at an hourly rate of \$175 in the not to exceed amount of \$10,000 (excluding matters of litigation, internal conferences and unanticipated reimbursable disbursements as required).
2. Billings must be rendered by the contractor within 30 days of service delivery.
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. **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.**
5. 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.
6. This contract shall, for all purposes, be deemed a NJ Contract and any provisions of this contract shall be governed and interpreted with the Laws of the State of New Jersey.
7. The contractor shall report directly to the Authority Director, who will be the chief contact for the Bernards Township Sewerage Authority on this contract.



***Bernards Township Sewerage Authority Resolution***

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**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.

\_\_\_\_\_  
Richard P. Flaum, Esq.

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, CFO of the Township of Bernards, hereby certify that adequate funds are available for the above referenced services in the 2023 Sewerage Authority Budget, Line Account, Legal Fees, #3-01- - 802-302 in the not to exceed amount of \$10,000.00.

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 Voted and Adopted: November 22, 2022

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/22/2022.

\_\_\_\_\_  
Thomas Timko, Authority Director



## *Bernards Township Sewerage Authority*

### **RESOLUTION #2268 PROFESSIONAL SERVICES CONTRACT**

Awarding a Professional Services Contract for Alternate Special Counsel Stephen O. Davis, Esq., of the firm DiFrancesco Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.  
In the Not to Exceed Amount of \$15,000.00

**WHEREAS**, the Bernards Township Sewerage Authority requires legal services to act as conflict attorney to the Authority attorney and/or for construction disputes; and

**WHEREAS**, Stephen O. Davis, Esq., of the firm DiFrancesco Bateman, Kunzman, Davis, Lehrer & Flaum, P.C, 15 Mountain Boulevard, NJ 07059 has submitted a proposal dated October 24, 2022 outlining his services and rate; 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 contract is 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 funds are available in the 2023 Sewerage Authority Budget Account #3-01--802-302 line item appropriation.

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

1. That a professional service contact for Alternate Special Counsel services be awarded to Stephen O. Davis, Esq of the firm DiFrancesco Bateman, Kunzman, Davis, Lehrer & Flaum, P.C., 51 Mountain Boulevard, Warren, NJ 07059-5686 at the hourly rate of \$180.00 in the not to exceed amount of \$15,000.00.
2. That the contract be awarded from December 1, 2022 through November 30, 2023.
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 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.

\_\_\_\_\_  
Stephen O. Davis, Esq. of the Firm DiFrancesco Bateman, Coley,  
Yospin, Kunzman, Davis, Lehrer & Flaum, P.C.,

**Explanatory Statement:**

This resolution provides for an alternate attorney to work on specific issues should such a need arise during the year.  
Thomas Timko, Authority Director

Date:

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, CFO of the Township of Bernards, hereby certify that adequate funds are available for the above referenced services in the 2023 Sewerage Authority Budget, Line Account, Legal Fees, # 3 -01- -802-302 in the not to exceed amount of \$15,000.00.

Date:

Sean McCarthy, CFO

**PURCHASING CERTIFICATION**

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

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date:

Agenda and Date Voted: November 22, 2022

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/22/2022.

\_\_\_\_\_  
Thomas Timko, Authority Director



# Bernards Township Sewerage Authority

## RESOLUTION #2269 PROFESSIONAL SERVICES CONTRACT

Awarding a Professional Services Contract  
for Auditor Services for Year Ending 11/30/2021 - 11/30/2022  
Nisivoccia LLP  
In the Not to Exceed Amount of \$17,265.00

**WHEREAS**, the Bernards Township Sewerage Authority requires auditor; and

**WHEREAS**, Nisivoccia LLP, Mt. Arlington, NJ 07856 has submitted a proposal dated October 24, 2022, outlining their services and rates; 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

**WHEREAS**, the Chief Financial Officer has certified funds are available in the 2023 Sewerage Authority Budget Account #3-01- -802-303 line item appropriation.

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

1. That a professional service contact for auditor services be awarded to Nisivoccia LLP, Mt. Arlington Corporate Center, 200 Valley Road, Suite 300, Mt. Arlington, NJ 07856 in the not to exceed amount of \$17,265.00, pursuant to the October 24, 2022 proposal.
2. That the contract be awarded for a 12-month term, from December 1, 2022 through November 30, 2023.
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 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.

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Man C. Lee, Partner of the firm Nisivoccia LLP

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, CFO of the Township of Bernards, hereby certify that adequate funds are available for the above referenced services in the 2023 Sewerage Authority Budget, Line Account, Auditor Fees, #3-01-802-303 in the not to exceed amount of \$17,265.00.

Date:

Sean McCarthy, CFO

**PURCHASING CERTIFICATION**

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

Francis J. Decibus, QPA,RPPO  
Purchasing Agent

Date:

Date Adopted: November 22, 2022

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/22/2022.

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Thomas Timko, Authority Director



## *Bernards Township Sewerage Authority*

**RESOLUTION #2270**  
**PROFESSIONAL SERVICES CONTRACT**  
**2023 GENERAL ENGINEERING CONSULTING SERVICES**  
**Awarded to Michael V. Pullano, P.E., NJ Lic #24GE04616200 of the firm Buchart Horn**  
**In the Not to Exceed Amount of \$65,000**

**WHEREAS**, the Bernards Township Sewerage Authority requires consulting engineering services; and

**WHEREAS**, Michael V. Pullano, P.E., NJ Lic #24GE04616200 of the firm Buchart Horn, 2 Eves Drive, Suite 110, Marlton, NJ 08053 has submitted a proposal dated October 17, 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 2023 Budget, line item appropriation or ordinance to be charged is 3-01- -802-301.

**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 Michael V. Pullano, P.E., NJ Lic #24GE04616200, of the firm Buchart Horn, 2 Eves Drive, Suite 110, Marlton, NJ 08053 in the not to exceed amount of \$65,000.00, pursuant to the October 17, 2022, proposal.
2. That the contract be awarded for a 12-month term, from December 1, 2022, through November 30, 2023.
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 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 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 this Resolution and by signing this document, I am committed to follow all terms of this award.

\_\_\_\_\_  
Michael V. Pullano, P.E., NJ Lic #24GE04616200

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced purchase in the amount not to exceed \$65,000.00. Monies are available in the 2023 Sewerage Authority Budget, the line item appropriation to be charged is, Engineering Fees 3-01- -802-301.

Dated: Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

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

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

Dated Adopted: November 22, 2022

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/22/2022.

\_\_\_\_\_  
Thomas Timko, Authority Director



## *Bernards Township Sewerage Authority Resolution*

### **Resolution #2272**

Award of Change Order for Bulk Liquid Aluminum Sulfate to USALCO, LLC, 2601 Cannery Avenue,  
Baltimore, MD 21226  
In the Amount of \$\$30,000  
For a New Not to Exceed Amount of \$85,000.00

**WHEREAS**, the Township received bids on Tuesday, February 23, 2022, at 10:30 A.M. for Bulk Liquid Aluminum Sulfate; and

**WHEREAS**, bid prices had increased from prior years due to inflation, aluminum sulfate is a critical chemical used in the wastewater treatment process, and the cost of the contract now requires a change order; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2022 budget; the line item appropriations to be charged is 2-01- -803-272; and

**NOW THEREFORE BE IT RESOLVED**, by the Bernards Township Sewerage Authority, Somerset County, New Jersey that the Purchasing Agent is hereby authorized to issue a change order int the amount of \$30,000.00 for a new not to exceed amount of \$ 85,000.00 to: USALCO, LLC, 2601 Cannery Avenue, Baltimore, MD 21226.

### **CFO CERTIFICATION**

I, Sean McCarthy, Chief Financial Officer of the Township of Bernards, hereby certify that adequate funds are available for the above referenced contract for Chemicals. Monies are available in the 2022 Sewerage Authority Budget, the line item appropriation to be charged is 2-01- -803-272.

Date:

Sean McCarthy  
Chief Financial Officer

### **Explanatory Statement**

Aluminum sulfate is used in the treatment process. The award of this change order assures the Authority has an adequate supply of this chemical, so the treatment process meets NJDEP requirements.

Thomas Timko  
Authority Director

### **PURCHASING CERTIFICATION**

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

Date: November 18, 2022

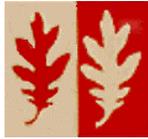
Francis J. Decibus, QPA, RPPO  
Purchasing Agent

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/22/2022.

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Thomas Timko, Authority Director



## *Bernards Township Sewerage Authority Resolution*

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### **Resolution #2271**

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. *Docket SOM-L-1284-22 33 & 41 Harrison Brook Drive*
- 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.
- Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy.

Agenda and Date Voted: November 22, 2022

CERTIFICATION

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

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Thomas Timko, Authority Director