

**BERNARDS TOWNSHIP SEWERAGE AUTHORITY**  
**AGENDA**  
**NOVEMBER 23, 2021**  
**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 12, 2021
  - b. Closed Meeting – October 12, 2021
6. Correspondence –
7. Public Comment
8. Action/Discussion Items:
  - a. Resolution #2155 2022 Budget Adoption
  - b. Resolution #2156 Mott MacDonald CO #1 General Consulting (\$10,000.00)
  - c. Resolution #2157 PSC Buchart Horn General Consulting \$65,000.00
  - d. Resolution #2158 P2P Lookfirst Technology
  - e. Resolution #2159 Rica Realty Allocation 3066 & 3074 Valley Road
  - f. Resolution #2160 Braemar Assisted Living TWA
  - g. Resolution #2161 Brian Thornton – personnel appointment Collection Foreman
  - h. Resolution #2162 Suburban Consulting Harrison Brook I&I \$51,500.00
  - i. Resolution #2163 PSC Auditor Nisivoccia \$16,925.00
  - j. Resolution #2164 PSC Authority Attorney John Belardo \$25,000
  - k. Resolution #2165 PSC Authority Labor Attorney Richard Flaum \$10,000
  - l. Resolution #2166 PSC Conflict Attorney Stephen Davis \$15,000
  - m. Discussion check valves
9. Operator's Report
10. Bill List – Resolution - #2167
11. Member/Staff Comments
12. Adjournment



# **2022 (2022-2023) ADOPTED BUDGET RESOLUTION #2155**

## **Bernards Township Sewerage Authority**

**FISCAL YEAR: FROM: 12/1/21 TO: 11/30/22**

WHEREAS, the Annual Budget and Capital Budget/Program for the Bernards Township Sewerage Authority for the fiscal year beginning 12/1/21, and ending, 11-30-22 has been presented for adoption before the governing body of the Bernards Township Sewerage Authority at its open public meeting of 11-23-21; 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 \$5,756,460, Total Appropriations, including any Accumulated Deficit, if any, of \$5,757,436 and Total Unrestricted Net Position utilized of \$976; 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

NOW, THEREFORE BE IT RESOLVED, by the governing body of Bernards Township Sewerage Authority, at an open public meeting held on 11-23-21 that the Annual Budget and Capital Budget/Program of the Bernards Township Sewerage Authority for the fiscal year beginning, 12-1-21 and, ending, 11-30-22 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. Bannan				
Mr. McNally				
Mr. Crane				





## *Bernards Township Sewerage Authority*

**BERNARDS TOWNSHIP SEWERAGE AUTHORITY  
RESOLUTION #2156  
AWARD CHANGE ORDER #1  
TO MOTT MACDONALD, GENERAL ENGINEERING CONSULTING SERVICES  
Decrease of \$10,000.00 (%15.38)  
In The New Not to Exceed Amount of \$55,000.00**

**WHEREAS**, the Bernards Township Sewerage Authority on November 24, 2020, passed Resolution #2083 to hire Mott MacDonald LLC, 111 Wood Avenue South, Iselin, NJ 08830-4112 for the General Engineering Consulting Services in the amount of \$65,000.00; and


**WHEREAS**, the Authority has identified a portion of this contract for which work will not be required and recommends a reduction to the original contract amount of \$10,000.00; and

**WHEREAS**, the Chief Financial Officer is directed to credit 2021 Budget line account, Administrative Expense: 1-01- -802-301

**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 Mott MacDonald LLC, 111 Wood Avenue South, Iselin, NJ 08830-4112, decreasing the original contract price from \$65,000.00 in the new not to exceed amount of **\$55,000.00**

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

EXPLANATORY STATEMENT
This change order cancels a portion of the encumbrance freeing funds for other expenditures.
Thomas Timko, Director

PURCHASING CERTIFICATION	
I hereby certify that I have reviewed this resolution for accuracy.	
 <i>For Purchasing Agent</i>	
Date: November 15, 2021	Francis J. Decibus, QPA, RPPO Purchasing Agent

Dated: November 23, 2021



**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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Thomas Timko, Authority Director





## *Bernards Township Sewerage Authority*

**RESOLUTION #2157**  
**PROFESSIONAL SERVICES CONTRACT**  
**2022 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**, the Bernards Township sewerage Authority publicly advertised Request for Proposals for Wastewater Engineer on August 10, 2021 and September 8, 2021; 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 November 10, 2021 outlining their services and rates; and

**WHEREAS**, this contract has been awarded to Buchart Horn through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, et seq." and;

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the 2022 Budget, line item appropriation or ordinance to be charged is 2-01- -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 November 12, 2021 proposal.
2. That the contract be awarded for a 12-month term, from December 1, 2021 through November 30, 2022.
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 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 2022 Sewerage Authority Budget, the line item appropriation to be charged is, Engineering Fees 2-01- -802-301.



Dated: November 15, 2021

Sean McCarthy, Chief Financial Officer

**PURCHASING CERTIFICATION**

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

  
For Purchasing Agent.

Dated: November 15, 2021

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Dated Adopted: November 23, 2021

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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





# Bernards Township Sewerage Authority

## Resolution # 2158

Bernards Township Sewerage Authority

Award of Purchase Order(s) for LookFirst Technology, LLC., T. Slack Environmental Services

**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	\$44,000.00
T. Slack Environmental Services	\$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, 2021.

Agenda and Date Voted: November 23, 2021

### PURCHASING CERTIFICATION

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

  
For Purchasing Agent

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: November 1, 2021

### CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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



**RESOLUTION #2159**  
**RESOLUTION FOR SEWAGE ALLOCATION AGREEMENT**  
**FOR**  
**RICA RENTAL REALTY GROUP, LLC**  
**BLOCK 8201, LOTS 22 AND 23**  
**3066 AND 3074 VALLEY ROAD**

**WHEREAS**, RICA RENTAL REALTY GROUP, LLC, having offices at 151 Mount Bethel Road, Warren, New Jersey 07059, requests sewage allocation of 10,000 gallons per day from the Bernards Township Sewerage Authority for BLOCK 8201, LOTS 22 and 23; and

**WHEREAS**, the subject property is within the Sewer Service Area of the Bernards Township Sewerage Authority and Mott MacDonald, the Bernards Township Sewerage Authority's consulting engineer, has reviewed the plans for the sewer connection; and

**WHEREAS**, Site Plan Approval was memorialized in a resolution from the Bernards Township Zoning Board of Adjustment on June 9, 2021, application No. ZB 020-027; and

**WHEREAS**, the Authority's consultant engineer Mott MacDonald has reviewed the request and adequate capacity is available for the allocation; and

**NOW, THEREFORE BE IT RESOLVED**, that the Bernards Township Sewerage Authority hereby authorizes a total allocation of 10,000 gallons per day for **BLOCK 8201, LOTS 22 AND 23** subject to the Authority's Rates, Rules and Regulations; and

**BE IT FURTHER RESOLVED**, that the Bernards Township Sewerage Authority hereby authorizes the Authority Chairman and Director to sign the allocation agreement for **BLOCK 8201, LOTS 22 AND 23**.

Agenda and Date Voted: November 23, 2021

**Certification**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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



**BERNARDS TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION #2160  
RESOLUTION SUPPORTING ENDORSEMENT OF NJDEP  
TREATMENT WORKS APPLICATION (TWA) FOR  
BRAEMAR PARTNERS, LLC  
BLOCK 8201, LOTS 22 AND 23  
3066 – 3074 VALLEY ROAD**

**WHEREAS**, the subject property is within the Sewer Service Area of the Bernards Township Sewerage Authority. The Bernards Township Sewerage Authority's consulting engineer, Mott MacDonald, has reviewed the plans and the NJDEP TWA application submitted to the Authority for the service for a 100 bed assisted living facility at 3066 - 3074, Block 8201, Lots 22 and 23; and

**WHEREAS**, in correspondence from Nancy Wohlleb, P.E., dated 10/21/2021, Mott MacDonald recommends endorsement of the TWA; and

**NOW, THEREFORE BE IT RESOLVED**, that the Bernards Township Sewerage Authority hereby endorses such submissions, and

**BE IT FURTHER RESOLVED** that the Authority authorizes the Authority Director to sign the applications for the NJDEP Treatment Work Application (TWA) forms on behalf of the Authority once all conditions are satisfied.

Date Adopted: November 23, 2021

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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Thomas Timko, Authority Director





## ***Bernards Township Sewerage Authority Resolution***

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Resolution #2161  
Personnel Appointment  
Brian Thornton, Collection Foreman

**WHEREAS**, the responsibilities, needs and staff capabilities of the Sewerage Authority were evaluated by the Authority Director, Superintendent and the Human Resource Manager; and

**WHEREAS**, Brian Thornton has been in a leadership role of Lead Collection Operator since 2019; and

**WHEREAS**, based on Mr. Thornton's demonstrated performance and accomplishments, work ethic and commitment to the Authority, the Authority Superintendent recommends his promotion to the role of Collection Foreman; and

**WHEREAS**, the Authority Director, Superintendent and Human Resources Officer concur with the recommended appointment of Brian Thornton to Collection Foreman.

**Now, Therefore Be It Resolved**, by the Bernards Township Sewerage Authority of the Township of Bernards, that Brian Thornton be appointed to the Collection Foreman role, effective November 29, 2021 at an hourly rate of \$37.07 per hour for a 40-hour workweek.

Dated: November 23, 2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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





## *Bernards Township Sewerage Authority*

**RESOLUTION #2162  
PROFESSIONAL SERVICES CONTRACT  
HARRISON BROOK & ANNIN ROAD PUMP STATION SYSTEM EVALUATION  
INFILTRATION & INFLOW STUDY PHASE IV  
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 \$51,500.00**

**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**, 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 October 18, 2021 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 2021 Budget, line item appropriation or ordinance to be charged is #1-01-803-283.

**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 \$51,500.00, pursuant to the October 18, 2021, proposal.
2. That the contract be awarded for a 1-year term, from December 1, 2021 through November 30, 2022. 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.



Thomas Timko, Authority Director





# *Bernards Township Sewerage Authority*

## **RESOLUTION #2163 PROFESSIONAL SERVICES CONTRACT**

**Awarding a Professional Services Contract  
for Auditor Services for Year Ending 11/30/2020 - 11/30/2021  
Nisivoccia LLP  
In the Not to Exceed Amount of \$16,925.00**

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

**WHEREAS**, Nisivoccia LLP, Mt. Arlington, NJ 07856 has submitted a proposal dated October 20, 2021 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 2022 Sewerage Authority Budget Account #2-01- -802-303 line item appropriation.

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

1. That a professional service contract 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 \$16,925.00, pursuant to the October 20, 2021 proposal.
2. That the contract be awarded for a 12-month term, from December 1, 2021 through November 30, 2022.
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 2021 Sewerage Authority Budget, Line Account, Auditor Fees, #2-01-802-303 in the not to exceed amount of \$16,925.00.

Date: November 15, 2021



Sean McCarthy, CFO

**PURCHASING CERTIFICATION**

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



Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Date: November 15, 2021

Date Adopted: November 23, 2021

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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Thomas Timko, Authority Director





## *Bernards Township Sewerage Authority*

### **RESOLUTION #2164 PROFESSIONAL SERVICES CONTRACT 2022 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, 2021 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. 40A:11-1 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 2022 Budget, line item appropriation or ordinance to be charged is 2-01- -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, 2021 proposal.
2. That the contract be awarded for a twelve (12) month term, from December 1, 2021 through November 30, 2022.
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.



Thomas Timko, Authority Director





## *Bernards Township Sewerage Authority Resolution*

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### **RESOLUTION #2165 PROFESSIONAL SERVICES CONTRACT**

#### **Awarding a Professional Services Contract for 2022 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 19, 2021 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 2022 Sewerage Authority Budget Account #2-01- -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, 2021 through November 30, 2022 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***

**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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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 2022 Sewerage Authority Budget, Line Account, Legal Fees, #2-01- - 802-302 in the not to exceed amount of \$10,000.00.

Date: November 15, 2021

Sean McCarthy, CFO

### **PURCHASING CERTIFICATION**

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

Francis J. Decibus, QPA  
Purchasing Agent

Date: November 15, 2021

Date Voted and Adopted: November 23, 2021

### **CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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Thomas Timko, Authority Director





## *Bernards Township Sewerage Authority*

### **RESOLUTION #2166 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 14, 2021 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 2022 Sewerage Authority Budget Account #2-01--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, 2021 through November 30, 2022.
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 2022 Sewerage Authority Budget, Line Account, Legal Fees, # 2 -01- -802-302 in the not to exceed amount of \$15,000.00.

Date: November 15, 2021



Sean McCarthy, CFO

**PURCHASING CERTIFICATION**

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

  
*For Purchasing Agent*

Date: November 15, 2021

Francis J. Decibus, QPA, RPPO  
Purchasing Agent

Agenda and Date Voted: November 23, 2021

**CERTIFICATION**

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 11/23/2021.

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