

BERNARDS TOWNSHIP SEWERAGE AUTHORITY
AGENDA
August 15, 2023
6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Open Public Meeting Statement
5. Closed session – Resolution #2333 – Docket SOM-L-1284-22
6. Approval of Minutes
 - a. Regular Meeting – June 13, 2023
7. Correspondence –
8. Public Comment
9. Action/Discussion Items:
 - a. Discussion – Draft 2024 budget
 - b. Resolution #2334 Stan & Son P2P
 - c. Resolution #2335 Insituform CO#3 **\$21,070.97**
I&I Implementation Phase I
 - d. Resolution #2336 Bernards Plaza bond release
 - e. Resolution #2337 NJUA JIF Renewal
9. Operator's Report
10. Bill List – Resolution - #2338 -
11. Member/Staff Comments
12. Adjournment



Bernards Township Sewerage Authority Resolution

Resolution #2333

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.*
- ☐ 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: 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



Bernards Township Sewerage Authority

Resolution #2334

Bernards Township Sewerage Authority
Award of Purchase Order(s) for
Stan & Son Construction

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
Stan & Son Construction (brick repair)	\$44,000.00

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: August 15, 2023

PURCHASING CERTIFICATION

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

Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date: July 11, 2023

CERTIFICATION

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 08/15/2023.

Thomas Timko, Authority Director



Bernards Township Sewerage Authority Resolution

BERNARDS TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION #2335

CHANGE ORDER #3

INCREASE IN THE AMOUNT OF \$21,070.97 FOR EAST OAK, STONEHOUSE, CROWN COURT AND REBEL HILL INFILTRATION AND INFLOW IMPLEMENTATION PROJECT- PHASE I IN THE NEW NOT TO EXCEED AMOUNT OF \$1,163,973.96

WHEREAS, the Bernards Township Sewerage Authority approved resolution #2146 on September 10, 2021, awarding the East Oak, Stonehouse, Crown Court and Rebel Hill Infiltration and Inflow implementation Project-Phase I to Insituform Technologies, LLC, 17988 Edison Avenue, Chesterfield, MO 63005, in the amount of \$1,097,729.00; and

WHEREAS, Change Order #1 was required to address ten additional manhole bench and invert replacements as well as additional uniformed traffic directors for the project as outlined in correspondence from Suburban Consulting dated July 14, 2022; and

WHEREAS, Change Order #2 was required to address sixteen additional manhole bench and invert replacements as well as additional uniformed traffic directors for the project as outlined in correspondence from Suburban Consulting dated March 9, 2023; and

WHEREAS, Change Order #3, \$21,070.97, is needed to address the cost associated with the temporary removal and replacement of an unknown existing 15" by-pass in order to facilitate the point repair on North Maple Avenue as outlined in correspondence from Suburban Consulting dated July 25, 2023; and

WHEREAS the Chief Financial Officer has certified that funds are available in the 2021 Budget, account number C-01-21-SEW-A01; 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 Insituform Technologies, LLC, 17988 Edison Avenue, Chesterfield, MO 63005, increasing the original contract price from **\$1,097,729.00** for a new not to exceed amount of **1,163,973.96**.

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 provides for additional costs associated with the temporary removal and replacement of an unknown existing 15" bypass in order to facilitate the point repair on North Maple Avenue.
Thomas Timko, Director

PURCHASING CERTIFICATION

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

Francis J. Decibus, QPA, RPPO
Purchasing Agent

Date:

CHIEF FINANCIAL OFFICER CERTIFICATION

I, Sean McCarthy, Chief Financial Officer, hereby certify that adequate funds are available for the above referenced change order of \$21,070.97 and a new not to exceed amount of \$1,163,973.96. Monies are available in the 2021 Budget, account number C-01-21-SEW-A01.

Dated:

Sean McCarthy, Chief Financial Officer

Dated 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 08/15/2023.

Thomas Timko, Authority Director



Bernards Township Sewerage Authority Resolution

Resolution #2336

Return of Performance Surety Bond for Monarch Circle Pump Station Rehabilitation
Dewey Meadow, Block 8501, Lots 39 & 43

WHEREAS, the Authority Director of the Bernards Township Sewerage Authority, Somerset County, New Jersey, 07920, has the following Performance Surety Bond:

Name of Applicant: Bernards Plaza Associates, LLC
Address: 820 Morris Turnpike
 Short Hills, NJ 07078

Performance Surety: S322602

Insurance Company: NGM Insurance Company
Address: 4601 Touchton Road East, Suite 3400
 Jacksonville, Florida 32246

Amount: \$432,838.50

WHEREAS, the aforesaid applicant is requesting return of their Performance Surety Bond and

WHEREAS, the Authority Director recommends return of the Performance Surety Bond to the applicant, and

NOW, THEREFORE BE IT RESOLVED, by the Members of the Bernards Township Sewerage Authority that the aforesaid Performance Surety Bond be released to the above named applicant.

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
08/15/2023.

Thomas Timko, Authority Director

BERNARDS TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION #2337

**RESOLUTION FOR RENEWAL OF MEMBERSHIP
IN THE
NEW JERSEY UTILITY AUTHORITIES JOINT INSURANCE FUND**

WHEREAS, the Bernards Township Sewerage Authority of the Township of Bernards, Somerset County, New Jersey is a member of the New Jersey Utility Authorities Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2023 unless earlier renewed by agreement between the Authority and the Fund; and

WHEREAS, the Authority desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Bernards Township Sewerage Authority of the Township of Bernards, Somerset County, New Jersey_ agrees to renew its membership in the New Jersey Utility Authorities Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverage's, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Utility Authorities Joint Insurance Fund evidencing the Authority's intention to renew its membership.

This Resolution agreed to this 15th day of August 2023 by a vote of:

_____ Affirmative
_____ Negative

Certification

I hereby certify this is a true and exact copy of a resolution adopted by the Bernards Township Sewerage Authority on 8/15/2023.

Thomas Timko
Authority Director