



**TOWNSHIP OF LONG HILL, MORRIS COUNTY, NJ
TOWNSHIP COMMITTEE
REGULAR SESSION MEETING MINUTES
October 6, 2021
7:30 PM OPEN SESSION, CLOSED SESSION 6:45 PM**

Clerk Phillips read the following statement:

STATEMENT OF PRESIDING OFFICER

"In compliance with the Open Public Meetings Act of New Jersey, adequate notice of this meeting was electronically sent to the Echoes Sentinel and posted on the Township Website. The agenda and public handouts for this meeting can be viewed online at www.longhillnj.gov. A public comment period will be held in the order it is listed on the meeting agenda.

EXECUTIVE SESSION:

21-254 EXECUTIVE SESSION

- Contract Negotiations – LHTV contract, Land Acquisitions, Risk Management,
- Attorney Client Privilege – Emergency Appropriations
- Personnel – Vaccination Policy

MOVED by: Committeeman Lavender of the Township Committee of Long Hill Township, that Resolution 21-254 is hereby approved. **SECONDED** by: Deputy Mayor Rae. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

CALL MEETING TO ORDER:

Mayor Piserchia **opened the public session** of the meeting at 7:34 pm.

All present recited the **Pledge of Allegiance**.

ROLL CALL: Committeeman Dorsi, Committeeman Lavender, Committeeman Verlezza, Deputy Mayor Rae and Mayor Piserchia were present. Also present were Attorney Pidgeon, Administrator Malool, CFO Randy Bahr and Clerk Phillips.

ORDINANCE(S):

ORDINANCE 482-21 (FIRST READING / INTRODUCTION)

CONCERNING THE POLICE DEPARTMENT AND AMENDING CHAPTER 2 OF THE TOWNSHIP CODE ENTITLED "ADMINISTRATION"

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, October 6, 2021 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, October 27, 2021 by a meeting when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. To obtain details of the meeting please refer to October 27, 2021, public agenda, or email municipalclerk@longhillnj.gov.

MOVED by: Committeeman Lavender, that Ordinance 482-21 be introduced and passed on first reading. **SECONDED** by: Committeeman Verlezza, **ROLL CALL VOTE:** Committeeman Dorsi; no, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; abstain, Mayor Piserchia; yes.

Ordinance 482-21 will be considered for second reading and adoption at the October 27th 2021 meeting.

CONSENT AGENDA RESOLUTIONS:

Resolution No. 21-255 – 21-261 are considered to be routine by the Township Committee and will be acted upon in one motion. There will be no separate discussion of these items unless a Committee member so requests. In this event, the item will be removed from the Consent Agenda and considered in the normal sequence of the Agenda.

- 21-255 APPROVAL AND RELEASE OF MINUTES:
- 21-256 APPROVING PAYMENT OF BILLS
- 21-257 APPROVING SPECIAL EVENT LICENSE – LONG HILL TWP PBA 322 – PRO WRESTLING EVENT
- 21-258 APPROVING SPECIAL EVENT LICENSE – BSA TROOP 59 – CHRISTMAS IN THE WOODS
- 21-259 AUTHORIZING RELEASE OF PERFORMANCE / MAINTENANCE BOND
- 21-260 ACCEPTING RESIGNATION AS QPA – BAHR
- 21-261 AUTHORIZING REFUND FOR TAX APPEAL JUDGEMENT

MOVED by: Committeeman Dorsi of the Township Committee of Long Hill Township, that Resolution 21-255 through 21-261 with revisions to Resolution 21-259 are hereby approved. **SECONDED** by: Deputy Mayor Rae. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- 21-262 APPOINTING TOWNSHIP ADMINISTRATOR AS ACTING CFO IN ABSENCE OF CFO

MOVED by: Committeeman Lavender of the Township Committee of Long Hill Township, that Resolution 21-262 is hereby approved. **SECONDED** by: Deputy Mayor Rae. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- 21-263 RESOLUTION MAKING EMERGENCY APPROPRIATION FOR REPAIRS TO THE POLICE STATION PURSUANT TO N.J.S.A. 40A:4-48

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-263 is hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Dorsi; abstain, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- 21-264 AMENDING RESOLUTION 21-253 WHICH AUTHORIZED AN EMERGENCY CONTRACT WITH GOLDCON, INC. FOR REPAIRS TO THE POLICE STATION BY INCREASING THE "NOT TO EXCEED" AMOUNT FROM \$350,000 TO \$ 438,000 AND BY CHANGING THE SOURCE OF THE FUNDS FROM THE STORM RECOVERY TRUST FUND TO AN EMERGENCY APPROPRIATION

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-21-264 is hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

- 21-265 APPROVING AMENDMENTS 2018-2023 DPW CONTRACT

MOVED by: Committeeman Lavender of the Township Committee of Long Hill Township, that Resolution 21-265 is hereby approved. **SECONDED** by: Committeeman Verlezza. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

21-266 RESOLUTION APPROPRIATING \$40,000 FROM THE STORM DAMAGE TRUST FUND FOR EMERGENCY REPAIRS TO MEADOWVIEW ROAD

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-266 is hereby approved. **SECONDED** by: Committeeman Lavender. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

21-267 AUTHORIZING EMERGENCY CONTRACT FOR REPAIRS TO MEADOWVIEW ROAD

MOVED by: Deputy Mayor Rae of the Township Committee of Long Hill Township, that Resolution 21-21-267 is hereby approved. **SECONDED** by: Committeeman Lavender. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

21-268 ESTABLISHING PROCEDURE FOR DETERMINING THAT EMERGENCY PURCHASING MAY BE IMPLEMENTED

The Township Committee decided to table Resolution 21-268 to the October 27th, 2021, meeting.

LIAISON REPORTS:

- **Committeeman Dorsi** reported that Town Hall will be closed for Columbus Day, garage and recycling will still be collected. Committeeman Dorsi thanked Administrator Malool, Colette Armenti and DPW Director Gallo for organizing the 1st Annual Clean Up Day.
- **Committeeman Lavender** spoke about various upcoming recreation activities.
- **Committeeman Verlezza** gave police statistics and requested residents lock up cars.

ADMINISTRATOR'S REPORT:

- **Administrator Malool** received a request from Girl Scouts to hang bird houses on Hicks Tract. The Township Committee agreed and thanked the girl scouts.

DISCUSSION:

- **Kantor Park Trees** – Administrator Malool spoke about revisiting replanting at Kantor Park as a quote had been received. The Township Committee agreed to plant.
 - **MOTION:** made by Committeeman Lavender to purchase \$11,400 from Open Space Trust Fund to replant 40 trees at Kantor Park **SECONDED:** Deputy Mayor Rae. **ROLL CALL VOTE:** Committeeman Dorsi; yes, Committeeman Lavender; yes, Committeeman Verlezza; yes, Deputy Mayor Rae; yes, Mayor Piserchia; yes.

OLD/NEW BUSINESS:

- Mark Kataryniak gave an update on Crosshill Road Paving regarding Crossroad Road drainage project.

ANNOUNCEMENTS:

- Senior Center Rummage Sale – this Saturday, October 9th from 9am-3pm

- October is Breast Cancer Awareness Month - Police will be selling Breast Cancer Aware Police Patch – please see any PBA member to purchase \$5 per badge
- October 9th – PBA Pro Wrestling Event 3pm – 12am
- Town Hall will be closed on October 11th for Columbus Day. Recycling is still going to be picked up.
- October 12th is Voter Registration Deadline for the General Election – General Election November 2nd
- Trunk or Treat - October 23, 2021, at 1:30pm
- Halloween Parade - October 17, 2021, 3:00pm

MEETING OPEN TO THE PUBLIC: Remarks and Statements Pertaining to Any Matter -Comments and remarks will be limited to 3 Minutes

- **Tom Grosskopf**, Gillette – spoke about Police petty cash and received clarification from the Township Committee.
- **Charles Arentowicz, Millington** – spoke about professional relationships.

ADJOURNMENT

On motion by Deputy Mayor Rae and seconded by Committeeman Dorsi and carried unanimously to adjourn to executive session with no further action at 9:19pm.

Respectfully submitted,

Megan Phillips

Megan Phillips

Approved: October 27, 2021

**RESOLUTION 21-254
EXECUTIVE SESSION**

BE IT RESOLVED, pursuant to the Open Public Meetings Act, that the Township Committee of Long Hill Township meets in closed session to discuss the following matters:

- Contract Negotiations – LHTV contract, Land Acquisitions, Risk Management
- Personnel – Vaccination Policy

**ORDINANCE 482-21
CONCERNING THE POLICE DEPARTMENT AND AMENDING CHAPTER 2 OF THE TOWNSHIP
CODE ENTITLED “ADMINISTRATION”**

WHEREAS, *N.J.S.A. 40A:14-118* provides that:

“Any such ordinance, or rules and regulations, shall provide that the chief of police, if such position is established, shall be the head of the police force and that he shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof. . . . “; and

WHEREAS, Section 2-14.2 of the Township Code designates the Township Committee as the appropriate authority; and

WHEREAS, Section 2-14.3 of the Township Code goes on to provide that:

“The Township shall appoint a Chief of Police who shall have all the powers set forth in *N.J.S.A. 40A:14-118* and shall be directly responsible to the Administrator for the efficiency and routine day-to-day operations of the Police Department . . . ”; and

WHEREAS, Section 2-14.3 violates the clear language of *N.J.S.A. 40A:14-118* and should be amended;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that section 2-14 entitled “Police Department” in Chapter 2 of the Township Code entitled “Administration” is hereby amended as follows:

Section 1. Section 2-14.3 entitled “Chief of Police; Powers and Duties” is amended to read as follows:

“The Township shall appoint a Chief of Police who shall have all of the powers set forth in *N.J.S.A. 40A:14-118* and he shall be directly responsible to the ~~Administrator~~ Township Committee as the appropriate authority for the efficiency and routine day-to-day operations of the Police Department.”

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this

ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

**RESOLUTION 21-255
APPROVAL AND RELEASE OF MINUTES**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve and release the Township Committee Minutes of the September 22, 2021 and September 27, 2021.

BE IT FURTHER RESOLVED that the Township Committee hereby approves September 22, 2021 Executive Session Meeting Minutes as redacted by the Township Attorney.

**RESOLUTION 21-256
APPROVING PAYMENT OF BILLS**

BE IT RESOLVED, that the Township Committee of the Township of Long Hill does hereby approve the payment of the bills as presented by the Chief Financial Officer.

BE IT FURTHER RESOLVED, that the bills list be appended to the official minutes.

**RESOLUTION 21-257
APPROVING SPECIAL EVENT LICENSE – LONG HILL TWP PBA 322 – PRO WRESTLING EVENT**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, Chief of Police and Director of DPW, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license S-21-12 for the “Sponsor” Long Hill Twp PBA 322, for their Special Event Pro Wrestling Event to be held October 9, 2021 from 3:00pm – 12:00am.

BE IT FURTHER RESOLVED that based on the recommendation of the Police Department that alcoholic beverages be allowed at the event in accordance with Long Hill Township Code 11-2.5, et.sec.

**RESOLUTION 21-258
APPROVING SPECIAL EVENT LICENSE – BSA TROOP 59 – CHRISTMAS IN THE WOODS**

BE IT RESOLVED, by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey upon the advice of the Township Clerk, Chief of Police and Director of DPW, that all documents have been reviewed and are in good order, does hereby authorize the Township Clerk to approve and sign the application and approve the license S-21-13 for the “Sponsor” BSA Troop 59, for their Special Event Christmas in the Woods Celebration to be set up December 18, 2021 from 6:00-9:00pm and event date December 22, 2021 from 6:00pm-9:00pm.

**RESOLUTION 21-259
AUTHORIZING RELEASE OF PERFORMANCE / MAINTENANCE BOND**

WHEREAS, the Planning & Zoning coordinator, Township Engineer, Board Engineer, Board Attorney, Township Planner have confirmed that there are no outstanding invoices and have approved the release of the following bonds.

NOW, THEREFORE, BE IT RESOLVED those appropriate municipal officials be and are hereby authorized to release the following bonds as per N.J.S.A. 40:55D-53.1.

PERFORMANCE / MAINTENANCE BONDS

Performance Bond - Vektor Corporation – Main/Central & Northfield Ave Sidewalk Improvement	\$331,100.00
Performance Bond - JTG Construction, Inc. – Mitchel Road Drainage Improvements	\$49,636.00
Performance Bond – Fieldturf USA, Inc – Turf	\$353,505.76
Performance Bond – JTG Construction, Inc – Oaks Road Improvement	\$362,785.00
Performance Bond – Topline Construction – Morristown Road Improvements Phase 1&2	\$367,269.99
Performance Bond – Messercola Excavating – Long Hill Road Drainage Improvements	\$161,991.00
Performance Bond – AB Contracting, LLC - Millington Schoolhouse Interior Rehab	\$146,500.00
Maintenance Bond – Topline Construction – Morristown Road Improvements Phase 1&2	\$35,771.92
Maintenance Bond – Messercola Excavating – Long Hill Road Drainage Improvements	\$16,831.80
Maintenance Bond – JTG Construction – Carlton Road Improvement	\$42,688.72
Maintenance Bond – Harrington Construction Company – Long Hill Path	\$12,067.50
Maintenance Bond – AB Contracting, LLC – Millington Schoolhouse Interior Rehab	\$181,855.21
Maintenance Bond – CFM Construction, Inc – Skyline Pump Station Replacement Project	\$25,005.00
Maintenance Bond – Reivax Contracting Corp. – Mitchell Road Drainage Improvement – Phase 2	\$10,295.85
Maintenance Bond – Parthenon Realty LLC – Walgreens	\$38,927.16
Maintenance Bond – P.A. Contractors, Inc – 2013 Curb Ramp Reconstruction Project	\$5,975.24
Maintenance Bond – P.A. Contractors, Inc – 2015 Curb Ramp Reconstruction Program	\$2,784.06
Maintenance Bond – Tomco Construction - Field Turf - Matthew G. Kantor Memorial Park	\$58,344.63

**RESOLUTION 21-260
ACCEPTING RESIGNATION AS QPA – BAHR**

BE IT RESOLVED, that the Township Committee hereby accepts the resignation of Randy Bahr as Qualified Purchasing Agent, effective September 27, 2021.

**RESOLUTION 21-261
AUTHORIZING REFUND FOR TAX APPEAL JUDGEMENT**

WHEREAS, a Tax appeal judgment on Block 13607 Lot 39.06, 103 Jodi Lane for 2018, was recorded on Sept 9, 2021.

NOW, THEREFOR BE IT RESOLVED, the Township of Long Hill Finance Director be and is hereby authorized to remit the amount indicated, that same being the amount of overpayment of taxes, for the year 2018 based on the successful tax appeal to the Morris County Board of Taxation in September of 2021.

BLOCK / LOT

13607 / 39.06

CHECK MADE PAYABLE TO:

Valerie A Hofer, Esq Trust Acct.
PO Box 787
Montville, NJ 07045

REFUND

\$788.83

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Finance Director and Tax Collector forthwith.

RESOLUTION 21-262

APPOINTING TOWNSHIP ADMINISTRATOR AS ACTING CFO IN ABSENCE OF CFO

WHEREAS, the Local Public Contracts Law provides that, "The chief financial officer ["CFO"] . . . shall certify in writing to the governing body the availability. . . of adequate funds for each contract that is pending authorization by the governing body. (N.J.A.C. 5:30-5.4); and

WHEREAS, several contracts that require a certification of available funds are pending authorization by the Township Committee at its October 6, 2021, meeting; and

WHEREAS, Township CFO Randy Bahr is out of state for a family emergency and will not return until after the October 6 meeting; and

WHEREAS, Township Administrator is familiar with the budget and is able to certify the availability of funds for these contracts;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill, in the County of Morris, state of New Jersey, that Township Administrator Nancy Malool is hereby appointed acting CFO for the sole purpose of certifying the availability of funds for those contracts that are pending authorization by the Township Committee at its October 6, 2021, meeting.

RESOLUTION 21-263

RESOLUTION MAKING EMERGENCY APPROPRIATION FOR REPAIRS TO THE POLICE STATION PURSUANT TO N.J.S.A. 40A:4-48

WHEREAS, an emergency has arisen as a result of the extensive damage to the Long Hill Township Police station caused by Tropical Storm Ida and no adequate provision was made in the 2021 budget for emergency repairs to the Police station, and

WHEREAS, N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose described above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$461,000 and three (3%) percent of the total operating appropriations in the budget for 2021 is \$465,886.79; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3%) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2021,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with *NJS 40A:4-48*:

1. An emergency appropriation in the amount of \$461,000 is hereby made for repairing the extensive damage to the Long Hill Township Police station caused by Tropical Storm Ida.
2. Of that amount, \$438,000 is allocated to Police Buildings and Grounds and \$23,000 is allocated to the Capital Improvement Fund.
3. Said emergency appropriation shall be provided for in full in the 2022 budget and is requested to be excluded from the CAP, pursuant to *N.J.S.A. 40A:4-53.3c(1)*, or will be provided for by Capital Ordinance.
4. The Township Clerk is hereby directed to two (2) certified copies of this Resolution with the Director of the Division of Local Government Services.

RESOLUTION 21-264

AMENDING RESOLUTION 21-253 WHICH AUTHORIZED AN EMERGENCY CONTRACT WITH GOLDCON, INC. FOR REPAIRS TO THE POLICE STATION BY INCREASING THE "NOT TO EXCEED" AMOUNT FROM \$350,000 TO \$ 438,000 AND BY CHANGING THE SOURCE OF THE FUNDS FROM THE STORM RECOVERY TRUST FUND TO AN EMERGENCY APPROPRIATION

WHEREAS, at a special meeting on September 27, 201, the Township Committee authorized an emergency contract with Goldcon, Inc. to repair the Recovery to Police Headquarters caused by Tropical Storm Ida for an amount not to exceed \$350,000 from the Storm Recovery Trust Fund; and

WHEREAS, the CFO is now able to certify available funds from an emergency appropriation (authorized by Resolution 21-263 being adopted simultaneously herewith) in the amount of \$450,000 which is the amount necessary to complete the emergency repairs;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

1. The emergency contract with Goldcon, Inc. to restore the Township Police Station so that it can be used by the Police Department is hereby amended by increasing the "not to exceed" amount from \$350,000 to \$438,000 and by changing the source of the funds from The Storm Recovery Trust Fund to the emergency appropriation authorized by Resolution 21-263 being adopted simultaneously herewith.
2. Paragraph 3 of Resolution 21-253 is amended accordingly.
3. This authorization is contingent on Goldcon Inc.'s submission of a Public Works Contractor Registration Certificate as required by *N.J.S.A. 34:11-56.51*.
4. In all other respects, Resolution 21-253 shall remain in full force and effect
5. This contract shall be charged to Police Buildings and Grounds, Line Item #1-01-0020-00210-2-00227. The certification of available funds by the Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

RESOLUTION 21-265

APPROVING AMENDMENTS 2018-2023 DPW CONTRACT

WHEREAS, the Township previously negotiated a Collective Bargaining Agreement with the Long Hill Township Public Works Association, commencing January 1, 2018, and ending December 31, 2023 (hereinafter the "Contract" or the "Agreement"); and

WHEREAS, the parties have agreed to reopen the Contract" and

WHEREAS, all references in the Agreement to the Wastewater Division or its employees should

be deleted since the Township has since sold its entire wastewater treatment system to New Jersey American Water; and

WHEREAS, the parties have agreed to eliminate the pay rate for probationary laborers, which means that new employees will start at the Truck Driver, Laborer Class 4 pay rate; and

WHEREAS, the parties have agreed to add a new section to the Agreement allowing yearly increases to employees based on their yearly review;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that the January 1, 2018, Collective Bargaining Agreement with the Long Hill Township Public Works Association is hereby amended as follows:

1. All references in the Agreement to the Wastewater Division or its employees are hereby deleted.
2. The pay rate for probationary laborers is hereby eliminated and new employees starting at the bottom of the pay scale will be paid at the Truck Driver, Laborer Class 4 pay rate.

Article III of the Agreement entitled "Wages" is hereby supplemented and amended by adding a new Section 5, which reads as follows:

"In addition to the negotiated salary increases, employees may receive a merit increase based upon their annual review It is specifically understood by the parties that the merit increases are not automatic and will be based upon an employee's annual review, regardless of past practice."

RESOLUTION 21-266
RESOLUTION APPROPRIATING \$40,000 FROM THE STORM DAMAGE TRUST FUND FOR
EMERGENCY REPAIRS TO MEADOWVIEW ROAD

WHEREAS, Meadowview Road sustained severe damage as a result of Tropical Storm Ida, and

WHEREAS, the cost to repair the road will be approximately \$40,000;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill, in the County of Morris, State of New Jersey, that \$40,000 is hereby appropriated from the Storm Damage Trust Fund for repairs to Meadowview Road.

RESOLUTION 21-267
AUTHORIZING EMERGENCY CONTRACT FOR REPAIRS TO MEADOWVIEW ROAD

WHEREAS, Tropical Storm Ida landed in New Jersey on September 1, 2021 bringing severe weather conditions, including strong winds and heavy and sustained rainfall; and

WHEREAS, these severe weather conditions caused downed trees and power lines, damage to structures, and stream and river flooding; and

WHEREAS, widespread roadway flooding made many roadways in the Township impassable; and

WHEREAS, Governor Phillip Murphy declared a state of emergency in response to Tropical Storm Ida on September 1, 2021(EO 259); and

WHEREAS, on September 1, Meadowview Road was severely damaged by the storm resulting in hazardous and unsafe conditions; and

WHEREAS, the Local Public Contract Law provides that:

“Any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services, provided that the awarding of such contracts is made in the following manner:

- a. The official in charge of the agency wherein the emergency occurred... shall notify the purchasing agent... of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking this section....” (N.J.S.A. 40A:11-6); and

WHEREAS, the Department of Community Affairs has adopted the following rule setting forth the general requirements for the use of emergency purchasing:

(a) The use of emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 shall be subject to the following requirements:

1. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service;

3. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase of any goods or services required by the contracting unit;

4. The contract shall be of such limited duration as to meet only the immediate needs of the emergency; and

5. Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract:

(b) The governing body of each contracting unit shall adopt rules or regulations as appropriate to the contracting unit to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A. 40A:11-6 or 18A:18A-7 may be implemented. Such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions. (*N.J.A.C. 5:34-6.1*); and

WHEREAS, as a result of the storm damage, Meadowview Road has a sever adverse impact on the public’s safety and welfare; and

WHEREAS, Public Works Manager Al Gallo immediately notified the Administrator of the need for the fulfillment of an emergency contract; and

WHEREAS, the Township Engineer has confirmed the existence of the emergency and the need for the work; and

WHEREAS, the need for these emergency services resulting from the damage to Meadowview Road caused by Tropical Storm Ida could not have been reasonably foreseen; and

WHEREAS, the Township has received a proposal dated September 30, 2021, from S and L Contractors LLC to perform those emergency services necessary to repair Meadowview Road and mitigate the hazardous conditions; and

WHEREAS, Contractor proposes replacing the drainage culvert under Meadowview Road (as outlined in its proposal) for \$ 29,883 and to install new rusting guide rail on both sides of pipe crossing for an additional \$4,400 for a total of \$34,283;

WHEREAS, the Township Committee finds S and L Contractors LLC's proposal to be fair and reasonable; and

WHEREAS, the Chief Financial Officer has certified in writing the availability of adequate funds to pay the maximum amount of this contract; and

WHEREAS, the contractor has completed and submitted a Business Entity Disclosure Certification which certifies that the business entity has not made any reportable contributions to a political or candidate committee in the Township of Long Hill in the previous one year, and that the contract will prohibit the contractor named herein from making any reportable contributions through the term of the contract, as well as a Township pay-to-play certification:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

6. The Mayor and Clerk are authorized and directed to enter into an emergency contract with S and L Contractors LLC to repair Meadowview Road so that it no longer is a threat to public safety.
7. The Contractor shall be paid a total amount not to exceed \$50,000. Payments will be made to the Contractor on a monthly basis upon submission of properly executed vouchers in accordance with established Township procedures.
8. The contract shall be of such limited duration as to meet only the immediate needs of the emergency.
9. The Contractor shall secure and maintain in force, for the term of this agreement, the insurance coverages described below. The Contractor shall provide the Township with certificates of insurance for all coverage and renewals thereof which must contain the provision that the insurance provided in the certificate shall not be canceled for any reason except after 30 days written notice to the Township (10 days for non-payment of premium). The policies of insurance are to be from a company licensed to sell such insurance in the State of New Jersey and the company is to have an A.M. Best's rating of A-VIII or better. The following coverages shall be provided with minimum limits as indicated:
 - a. Commercial General Liability – Limit of liability shall not be less than \$1,000,000 combined single limit (Bodily Injury and Property Damage) per occurrence, \$1,000,000 general aggregate limit, \$1,000,000 products/completed operations aggregate, and \$1,000,000 in Personal Injury & Advertising Injury Liability. Coverage is to be for premises and operations, products and completed operations. On the Commercial General Liability Policy, the Township of Long Hill shall be included as an additional insured, and the insurance certificate shall indicate such coverage.
 - b. Automobile Liability – Limit of liability shall not be less than \$1,000,000 combined single limit (Bodily Injury and Property Damage) for owned autos (if any), non-owned

and hired autos.

- c. Workers' Compensation Policy – Statutory Coverage for the State and New Jersey and Employers liability coverage for limits of at least \$100,000 each accident, \$100,000 each employee for disease, and \$500,000 policy limit for disease. The Workers Compensation policy is to include NO exclusion for members of an LLC, partners in a partnership or for a sole proprietor.
- 10. This contract has been awarded to Contractor based on the merits and abilities of Contractor to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the contractor must attest that its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality/county if a member of that political party is serving in an elective public office of that municipality/county when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality/county when the contract is awarded.
- 11. The Contractor must also represent that it has not made a donation of more than three hundred (\$300.00) dollars in any calendar year (in cash or in-kind services) to a member of the Township Committee in violation of the Township local pay-to-play policies set forth in § 2-23 of the Township Code.
- 12. The Contractor must file with the Township Clerk the Business Registration Certificate as required by N.J.S.A. 54A:7-1.2 and the Public Works Contractor Registration Act as required by N.J.S.A. 34:11-56.51.
- 13. This contract is subject to the affirmative action provisions set forth in *N.J.S.A. 10:5-33*.
- 14. The Contractor shall be subject to the prevailing wage rate which can be paid (as shall be designated by the commissioner) to the workers employed in the performance of the contract and the contract shall contain a stipulation that such workers shall be paid not less than such prevailing wage rate. The contract shall also contain a provision that in the event it is found that any worker, employed by the contractor or any subcontractor covered by said contract, has been paid a rate of wages less than the prevailing wage required to be paid by such contract, the Township may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor and his sureties shall be liable for any excess costs occasioned thereby to the Township.
- 15. This contract shall be charged to budget line item(s) T-12-0278-00999-6-00000. The certification of available funds by the Financial Officer shall be attached to the original of this resolution and shall be maintained in the files of the Township Clerk.

**RESOLUTION 21-268
ESTABLISHING PROCEDURE FOR DETERMINING THAT EMERGENCY PURCHASING MAY BE
IMPLEMENTED**

WHEREAS, the Department of Community Affairs' rule concerning emergency purchases and contracts provides in relevant part that:

“The governing body of each contracting unit shall adopt rules or regulations . . . to ensure that there is a procedure for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to N.J.S.A.

40A:11-6 . . . may be implemented. Such rules or regulations shall include such provisions that ensure that if initially designated individuals are not available, there is a designated chain of command to ensure that there are always appropriate individuals available to make such decisions. ' (N.J.A.C. 5:34-6.1); and

WHEREAS, during and after Tropical Storm Ida, the Deputy Mayor made such determinations;
and

WHEREAS, the Township Committee wishes to formalize that procedure as required by the DCA rule;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

1. The Mayor is hereby as the person responsible for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to *N.J.S.A. 40A:11-6* may be implemented.
2. In the absence of the Mayor, the Deputy Mayor is hereby designated as the person responsible for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to *N.J.S.A. 40A:11-6* may be implemented.
3. In the absence of both the Mayor and Deputy Mayor, the senior member of the Township Committee shall be designated as the person responsible for determining and confirming the existence of an emergency and that the provisions for emergency purchasing pursuant to *N.J.S.A. 40A:11-6* may be implemented.
4. This Resolution shall take effect immediately.
