

**Township of Berkeley Heights  
Union County, New Jersey  
February 1, 2022**

Adequate notice of this meeting has been provided by forwarding a copy to the Courier News, Star Ledger and posting on the Township website, at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 4, 2022. This meeting will not substantially go past 10:30 p.m.

**COUNCIL MEMBERS:**

Gentiana Brahimaj  
Manuel Couto – Vice President  
Paul Donnelly  
John Foster  
Jeanne Kingsley - President  
Jeff Varnerin  
Angie Devanney- Mayor

**AGENDA FOR PUBLIC MEETING**

- I. CALL TO ORDER – 7:00 p.m.**
- II. ROLL CALL**
- III. FLAG SALUTE**
- IV. REGULAR AGENDA**
- V. Public Hearing and Final Adoption of Ordinances Introduced on January 18, 2022:**

Comments on ordinances up for final adoption are welcome during public hearing for each particular ordinance via Zoom: <http://zoom.us/j/3575747364>; if you need to enter a meeting ID it is: **357-574-7364**. Before making a comment, all speakers must identify their name and address. Each speaker shall be limited to 3 minutes. Written comments may also be submitted in lieu of verbal comments via the zoom chat function prior to the end of the public hearing for the particular ordinance. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: [aminkoff@bhtwp.com](mailto:aminkoff@bhtwp.com)) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter's full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the Zoom meeting.

**“ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, NEW JERSEY MAKING THE PROVISIONS OF SUBTITLE 1 OF TITLE 39 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE.”**

**VI. HEARING ON AGENDA ITEMS ONLY:**

Comments are welcome during this portion of the meeting via Zoom: <http://zoom.us/s/3575747364>; if you need to enter a meeting ID it is: **357-574-7364**. Before making a comment, all speakers must identify their name and address. Each speaker is limited to 3 minutes. Written comments may also be submitted in lieu of verbal comments via the zoom chat function prior to the end of the hearing. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: [aminkoff@bhtwp.com](mailto:aminkoff@bhtwp.com)) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter’s full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the Zoom meeting.

**VII. NEW BUSINESS – RESOLUTIONS OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

1. Resolution approving Bill List dated February 1, 2022, in the amount of \$497,642.06.  
**PULLED:**
2. Resolution authorizing an amendment to the contract with Mast Construction Services, in Connection with the Municipal Complex Redevelopment Project.
3. Resolution authorizing an agreement between the Township and the City of Elizabeth to provide Sexually Transmitted Disease Services.
4. Resolution appointing Lauren Crane to the Communications Committee for a term to Expire on December 31, 2023.
5. Resolution appointing various members to the Truth, Community Healing, and Inclusion Committee.
6. Resolution authorizing the 2022 Berkeley Heights Downtown Summer Block Party, on Sunday, June 5, 2022, from 1:00 – 4:00 pm.
7. Resolution appointing Fire Inspectors to the Berkeley Heights Volunteer Fire Department.

**VIII. TOWNSHIP COUNCIL REPORTS**

- A. Gentiana Brahimaj**
- B. Manuel Couto – Vice President**
- C. Paul Donnelly**
- D. John Foster**
- E. Jeanne Kingsley - President**

**F. Jeff Varnerin**

**ADMINISTRATION REPORTS**

**Mayor Devanney**

**Township Administrator – Liza Viana**

**IX. CITIZENS HEARING:**

Comments are welcome during this portion of the meeting via Zoom: <http://zoom.us/s/3575747364>; if you need to enter a meeting ID it is: **357-574-7364**. Before making a comment, all speakers must identify their name and address. Each speaker is limited to 3 minutes. Written comments may also be submitted in lieu of verbal comments via the zoom chat function prior to the end of the hearing. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: [aminkoff@bhtwp.com](mailto:aminkoff@bhtwp.com)) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter's full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the Zoom meeting.

**X. EXECUTIVE SESSION –**

- 1. Attorney – Client Privilege – Municipal Complex**
- 2. Attorney – Client Privilege – DPW Contract Negotiations**
- 3. Attorney - Client Privilege - Sick time**
- 4. Attorney – Client Privilege – Warren Sewer Agreement**

**XI. ADJOURNMENT**

**Ana Minkoff, Township Clerk**

Agenda Item # 1

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 02/01/2022, in the amount of \$497,642.06 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

**APPROVED** this 1st day of February, 2022.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

RESOLUTION \_\_\_\_

**RESOLUTION OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING AN AMENDMENT TO A CONTRACT WITH MAST CONSTRUCTION SERVICES, INC. IN CONNECTION WITH THE MUNICIPAL COMPLEX REDEVELOPMENT PROJECT**

**WHEREAS**, on April 22, 2014, the Township Council of the Township of Berkeley Heights (the "**Township Council**") designated Block 608, Lots 1 and 4, and Block 504, Lots 5 and 6, as shown on the Tax Maps of the Township, including that portion of the Columbus Avenue right-of-way extending from the western limit of Block 504, Lot 6 to the New Jersey Transit property line to the north, and that portion of the Berkeley Avenue right-of-way extending from the New Jersey Transit boundary line to the north to the Park Avenue right-of-way to the south, all within the Township of Berkeley Heights (the "**Redevelopment Area**"), as a non-condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**"); and

**WHEREAS**, on June 14, 2016 via the adoption of Ordinance 10-2016, the Township Council duly adopted a redevelopment plan for the Redevelopment Area entitled, "Municipal Complex Redevelopment Plan for the Township of Berkeley Heights", dated May 19, 2016 (as the same may be amended and supplemented from time to time, the "**Redevelopment Plan**"); and

**WHEREAS**, pursuant to the Redevelopment Plan, the Township has undertaken the planning, design and construction of a municipal complex (as described in detail in the Redevelopment Plan, the "**Redevelopment Project**")

**WHEREAS**, by resolution 161-2017, adopted on August 15, 2017, the Township awarded a contract pursuant to N.J.S.A. 40A:12A-8 to MAST Construction Services, Inc. ("**MAST**") for the provision of general construction/project management services for the Redevelopment Project for a fee not-to-exceed \$325,000, as amended by resolution of the Township Council; and

**WHEREAS**, pursuant to such resolution, the Township entered into a contract with MAST dated as of August 15, 2017 for the provision of general construction/project management services for the Redevelopment Project; and

**WHEREAS**, due to, among other things, unforeseen conditions within the Redevelopment Area, the Township desires to modify the contract with MAST to ensure that MAST can provide the aforementioned general construction, project management and project close-out services through December 31, 2022, and project close-out services thereafter until such project close-out work is complete; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8(e) and N.J.S.A. 40A:12A-22(l), the Township may retain any consultant, planner, engineer, architect, manager or other agent or consultant necessary for carrying out the Redevelopment Project.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, in the County of Union, New Jersey, as follows:

**Section 1.** The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

**Section 2.** The Mayor of the Township is hereby authorized and directed to execute a sixth amendment to the contract with MAST for the provision of general construction, project management and project close-out services for the Redevelopment Project for a fee of not-to-exceed \$50,000.00 for a term through to December 31, 2022, and for the provision of project close-out services for the Redevelopment Project until such project close-out work is complete,

**Section 5.** The Clerk of the Township is hereby authorized and directed to attest to the signature of the Mayor on the Contract Extension authorized hereby, and thereafter to deliver a complete, execution copy of said Contract Extension to MAST.

**Section 6.** Any work performed by MAST pursuant to the Contract Extension prior to the date hereof, is hereby ratified, approved and confirmed.

**Section 7.** The Mayor, Clerk and Chief Financial Officer of the Township are each hereby authorized and directed to execute any agreement, document or certificate deemed necessary by such officer to effectuate the transactions contemplated by this resolution.

**Section 8.** This resolution shall take effect immediately.

**Approved this 1st day of February, 2022.**

**Attest:**

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**Ana Minkoff**  
**Township Clerk**

**CHIEF FINANCIAL OFFICER CERTIFICATION**

I certify there are sufficient legally appropriated funds for the amounts set forth in this resolution in Account #C-04-20-110-201, and that these funds have not been certified as available for another pending contract.

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EUGENIA POULOS  
CHIEF FINANCIAL OFFICER

#3

**TOWNSHIP OF BERKELEY HEIGHTS  
COUNTY OF UNION, NEW JERSEY**

**RESOLUTION**

**RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT  
WITH THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, DIVISION OF HEALTH FOR SEXUALLY  
TRANSMITTED DISEASE SERVICES**

**WHEREAS,** the Township of Berkeley Heights is desirous in obtaining services from the City of Elizabeth for Sexually Transmitted Disease (STD) Services; and

**WHEREAS,** said services are to include testing, reporting all cases to the Health Officer, and treatment, disease prevention, and counseling to all patients infected with STDs, at the Sexually Transmitted Disease Clinic; and

**WHEREAS,** the City of Elizabeth, Department of Health and Human Services, is ready, willing and able to furnish said services; and

**WHEREAS,** the City of Elizabeth, Department of Health and Human Services fee is \$175.00 per patient for services rendered at the Sexually Transmitted Disease (STD) clinic; and

**WHEREAS,** the Sexually Transmitted Disease Services will be for a period of January 1, 2022 through December 31, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Berkeley Heights, County of Union, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute an agreement between the Township of Berkeley Heights and the City of Elizabeth to provide Sexually Transmitted Disease Services.

**Approved this 1<sup>st</sup> day of February, 2022.**

**ATTEST:**

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Ana Minkoff  
Township of Berkeley Heights



**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, in meeting assembled, that the following be appointed to the Communications Committee:

**COMMUNICATIONS COMMITTEE**

**Lauren Crane (2) year term expires 12/31/2023**

**APPROVED this 1st day of February, 2022.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, in meeting assembled, that the following be appointed to the Truth, Community Healing, and Inclusion Committee.

**TRUTH, COMMUNITY HEALING, AND INCLUSION COMMITTEE**

<b>Rev. Dr. Kamalesh Stephen</b>	<b>(1) year term expires 12/31/2022</b>
<b>Nirit Rotenberg</b>	<b>(3) year term expires 12/31/2024</b>
<b>Joy Young</b>	<b>(1) year term expires 12/31/2022</b>

**APPROVED** this 1st day of February, 2022.

**ATTEST:**

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Ana Minkoff  
Township Clerk

# 6

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Berkeley Heights Business & Civic is requesting approval to organize the **2022 Berkeley Heights Downtown Summer Block Party** on Sunday, June 5, 2022 from 1:00 – 4:00 pm, to be held at Springfield Avenue, running from Snyder Avenue to the intersection of Plainfield Avenue, and a request will be submitted to the County of Union for Springfield Avenue to be closed between Plainfield Avenue and Snyder Avenue from 11:30 am – 5:00 pm; and

**WHEREAS**, the Township Council believes that the event is in the best interest of the community.

**NOW, THEREFORE BE IT RESOLVED** that permission is hereby granted for the **2022 Berkeley Heights Downtown Summer Block Party** on Sunday, June 5, 2022, from 1:00 p.m. to 4:00 p.m.

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be forwarded to the Police Department, Fire Department, Rescue Squad, Union County, and the Public Works Department.

**APPROVED** this 1st day of February, 2022.

**ATTEST:**

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Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS**  
**UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, in meeting assembled, that the following be appointed as **Fire Inspectors** for a term to expire 12/31/2022.

**Berkeley Heights Volunteer Fire Department**  
**Fire Inspectors**

Christopher Schaumberg	12/31/2022
Brian Richards	12/31/2022

**APPROVED this 1st day of February 2022.**

**ATTEST:**

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**Ana Minkoff**  
**Township Clerk**

**A RESOLUTION PURSUANT TO N.J.S.A.10:4-12 MOVING  
THE PUBLIC MEETING INTO EXECUTIVE SESSION**

**WHEREAS**, the provisions of the Open Public Meetings Act (N.J.S.A.10:4-1 et seq.) expressly provide that a public body may move into Executive Session and exclude the public from that portion of a meeting at which the public body discusses any of the nine areas set forth in N.J.S.A.10:4-12b; and

**WHEREAS**, the Township Council of the Township of Berkeley Heights has determined it necessary to move into Executive Session to discuss the following subjects, all of which are included in the aforesaid exceptions:

- 1. Attorney – Client Privilege – Municipal Complex**
- 2. Attorney – Client Privilege – DPW**
- 3. Attorney - Client Privilege - Sick time**
- 4. Attorney – Client Privilege – Warren Sewer Agreement**

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of

Berkeley Heights that it does hereby move into Executive Session pursuant to N.J.S.A.10:4-12b to discuss the aforesaid matters; and

**IT IS FURTHER RESOLVED** that the aforesaid discussions shall be made public either at the Public Meeting following said Executive Session or at such time as any litigated or personnel matters are concluded; or upon conclusion of any negotiations or related discussions; or as otherwise specified; and

**IT IS FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

**APPROVED** this 1st day of February, 2022

**Attest:**

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Ana Minkoff  
Township Clerk