

1. Township Council -September 5, 2023

Documents:

[PUBLIC MEETING - SEPTEMBER 5, 2023.PDF](#)

**Township of Berkeley Heights
Union County, New Jersey
September 5, 2023**

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 will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

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

AGENDA FOR PUBLIC MEETING

Meeting will be held IN-PERSON and livestreamed via Zoom.

To view the meeting via Zoom, use the link:

<http://zoom.us/s/3575747364> **Passcode: 360071**

If you need to enter a meeting ID, it is: 357-574-7364.

- I. **CALL TO ORDER – 7:00 p.m.**
- II. **ROLL CALL**
- III. **FLAG SALUTE**
- IV. **CONFERENCE SESSION - Washington Street Stop Sign- Neglia Engineering**
- V. **REGULAR AGENDA**
- VI. **Public Hearing and Final Adoption of Ordinances Introduced on August 15, 2023:**
Comments on ordinances up for final adoption are welcome during public hearing for each particular ordinance. Before making a comment, all speakers must identify their name and address. Each speaker shall be limited to 3 minutes.
Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: 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 public meeting.

ORDINANCE REAPPROPRIATING \$37,500 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.

VII. HEARING ON AGENDA ITEMS ONLY- (3) minutes per resident

Comments are welcome during the public comment period during this meeting on any agenda item. However, if an ordinance is listed for its own public hearing on the agenda, please hold your comments for that particular public hearing. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The (Mayor/Council President) will keep time.

Please promptly yield on the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

Alternatively, written comments may also be submitted in lieu of verbal comments. You may submit written comments in advance of the meeting either via electronic mail (to: 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 meeting.

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

1. Resolution approving Bill List dated September 5, 2023, in the amount of \$1,885,086.07.
2. Resolution rejecting the bids submitted for the Littel-Lord Farmhouse restoration project contract.
3. Resolution authorizing a Bid for Drainage Improvements to Orion Road.
4. Resolution authorizing a Bid for Winter Snow Removal Services and Equipment.
5. Resolution requesting approval for the insertion of special item of revenue and appropriation for the CBDG Grant, in the amount of \$15,750.

- 6. CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.
- a. Resolution authorizing a tax overpayment for the property located at 151 Grant Street, in the amount of \$3,758.11.
 - b. Resolution authorizing a block party on Cromwell Court, on October 28th from 1:00 – 8:00 p.m.
 - c. Resolution authorizing a block party on Crest Drive, on September 10th from 3:00 – 6:00 p.m.
 - d. Resolution removing several members from the Active list of the Volunteer Fire Department.

IX. TOWNSHIP COUNCIL REPORTS

- A. Manuel Couto – Vice President**
- B. Paul Donnelly**
- C. John Foster - President**
- D. Jeanne Kingsley**
- E. Susan Poage**
- F. Jeff Varnerin**

ADMINISTRATION REPORTS

Mayor Devanney
Liza Viana

X. CITIZENS HEARING - (3) minutes per resident

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

Alternatively, written comments may also be submitted in lieu of verbal comments. You may submit written comments in advance of the meeting either via electronic mail (to: 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 meeting.

XI. EXECUTIVE SESSION –

Attorney Client Privilege – Contract Negotiation- DPW Director

XII. ADJOURNMENT

Ana Minkoff, Township Clerk

17-2023

ORDINANCE REAPPROPRIATING \$37,500 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$37,500 of the proceeds of obligations originally made available pursuant to Section 3(d)(5) of Bond Ordinance 10-2021 of the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township"), finally adopted June 1, 2021, is no longer necessary for the purpose of path improvements, for which the obligations previously were authorized.

Section 2. The \$37,500 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 is hereby reappropriated to provide for the acquisition of equipment for the Department of Public Works, including, but not limited to, a used jet vac truck from Long Hill Township, a used mason dump truck from Berkeley Heights Board of Education and lawn mowers and related equipment, including all related costs and expenditures incidental thereto.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are

inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED the _____ day of _____, **2023**.

ADOPTED the _____ day of _____, **2023**

Angie D. Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on August 15, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at 29 Park Avenue, in the Township on September 5, 2023 at 7:00'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE REAPPROPRIATING \$37,500 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.

Purpose: To reappropriate \$37,500 of the proceeds of obligations originally made available pursuant to Section 3(d)(5) of Bond Ordinance 10-2021, finally adopted June 1, 2021, to provide for the acquisition of equipment for the Department of Public Works, including, but not limited to, a used jet vac truck from Long Hill Township, a used mason dump truck from Berkeley Heights Board of Education and lawn mowers and related equipment, including all related costs and expenditures incidental thereto.

Re-Appropriation: \$37,500

Bonds/Notes Authorized: N/A

Grant Appropriated: N/A

Section 20 Costs: N/A

Useful Life: N/A

Ana Minkoff, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
COUTO	✓			<input type="checkbox"/>
DONNELLY	✓			
FOSTER	✓			
KINGSLEY	✓			
POAGE				✓
VARNERIN	✓			
TIE:				
MAYOR DEVANNEY				

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Berkeley Heights, in the County of Union, State of New Jersey on September 5, 2023 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE REAPPROPRIATING \$37,500 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE ACQUISITION OF EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.

Purpose: To reappropriate \$37,500 of the proceeds of obligations originally made available pursuant to Section 3(d)(5) of Bond Ordinance 10-2021, finally adopted June 1, 2021, to provide for the acquisition of equipment for the Department of Public Works, including, but not limited to, a used jet vac truck from Long Hill Township, a used mason dump truck from Berkeley Heights Board of Education and lawn mowers and related equipment, including all related costs and expenditures incidental thereto.

Re-Appropriation: \$37,500

Bonds/Notes Authorized: N/A

Grant Appropriated: N/A

Section 20 Costs: N/A

Useful Life: N/A

Ana Minkoff, Clerk

Agenda Item # |

**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 09/5/2023, in the amount of \$1,885,086.07, 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 5th day of September, 2023.

ATTEST:

Ana Minkoff
Township Clerk

#2

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

**REJECTING THE BIDS SUBMITTED FOR THE LITTELL-LORD
FARMHOUSE RESTORATION PROJECT CONTRACT**

WHEREAS, pursuant to the authorization by the Mayor and Township Council of the Township of Berkeley Heights, the Township received bid proposals on August 22, 2023 for the "Littell-Lord Farmhouse Restoration Project" (the "Project"); and

WHEREAS, the Township received two (2) bids which were publicly opened; and

WHEREAS, it has been determined that the lowest responsible and responsive bid substantially exceeds the cost estimate and funds appropriated for this purpose; and

WHEREAS, the Township Clerk recommended rejecting all bids so that Township may plan to re-bid the Project after further evaluation; and

WHEREAS, N.J.S.A. 40A:11-13.2 permits a contracting unit to reject all bids if the lowest bid substantially exceeds the cost estimates for the good or services or if the lowest bid substantially exceeds the contracting unit's appropriate for the goods or services; and

WHEREAS, the Mayor and Township Council have concluded that rejecting the bids as submitted is in the best interests of the Township and agree with the Township Clerk's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berkeley Heights, in the County of Union, and the State of New Jersey that the bid proposals as opened on August 22, 2023 for the "Littell-Lord Farmhouse Restoration Project" shall all be rejected.

BE IT FURTHER RESOLVED that the project be further evaluated for a re-bid, as may be recommended by the Township Clerk and Township Administrator.

APPROVED this 5th day of September, 2023.

ATTEST:

**Ana Minkoff
Township Clerk**

#3

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

RESOLUTION

Whereas, the Township of Berkeley Heights desires to receive bids for Drainage Improvements to Orion Road, installing new drainage basins and piping from the cul-de-sac down to the stream to improve drainage; and

Whereas, the Township received a grant from Union County Infrastructure Trust Grant, in the amount of \$60,000; and

Now Therefore, Be It Resolved, that the Governing Body of the Township of Berkeley Heights authorizes the Clerk to proceed with going out to bid in accordance with New Jersey Local Contracts Law NJSA 40:11-1 et seq. for the Drainage Improvements to Orion Road.

APPROVED this 5th day of September, 2023.

ATTEST:

Ana Minkoff
Township Clerk

4

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

RESOLUTION

Whereas, the Township of Berkeley Heights desires to receive bids for Winter Snow Removal Services & Equipment; and

Now Therefore, be it Resolved, that the Governing Body of the Township of Berkeley Heights authorizes the Clerk to proceed with going out to bid in accordance with New Jersey Local Contracts Law NJSA 40:11-1 et seq. for Winter Snow Removal Services & Equipment .

APPROVED this 5th day of September, 2023.

ATTEST:

Ana Minkoff
Township Clerk

#5

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

RESOLUTION

**RESOLUTION REQUESTING APPROVAL FOR THE INSERTION
OF SPECIAL ITEM OF REVENUE AND APPROPRIATION IN THE
BUDGET PURSUANT TO N.J.S.A.40A:87 (CHAPTER 159, P.L.1948)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

WHEREAS, the Treasurer confirmed that the Township of Berkeley Heights has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2023 municipal budget,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2023 as referenced below:

Revenue Title: <u>CDBG Senior Citizen Social Services</u>	Amount: <u>\$15,750.00</u>
Appropriation Title: <u>CDBG Senior Citizen Social Services</u>	Amount: <u>\$15,750.00</u>
Local Match - Source: <u>N/A</u>	Amount: <u>\$ 0.00</u>

BE IT FURTHER RESOLVED, that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted this **5th day of September 2023**
and certified as a true copy of an original.

Ana P. Minkoff, Municipal Clerk

Agenda Item

60

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2023 property taxes for property known as Block# 101, Lot# 21, also known as 151 Grant Street, which requires a refund in the amount of \$3,758.11; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the second (2nd) quarter 2023 taxes in the amount of \$3,758.11.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Tax Collector.

APPROVED this 5th day of September, 2023

Attest:

**Ana Minkoff
Township Clerk**

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

RESOLUTION

WHEREAS, a request was made by Kristy Schroeder requesting permission from the Township Council to hold a neighborhood block party on Cromwell Court between York Place and Chaucer Drive, on Saturday, October 28, 2023, from 1:00 – 8:00 p.m., with a rain date of October 29th, which would involve erecting barricades on a public street; and

WHEREAS, the Township Council wishes to support the request for a neighborhood block party subject, however, to the special requirements of the appropriate local Township Officials.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party on Cromwell Court between York Place and Chaucer Drive, on Saturday, October 28, 2023, from 1:00 – 8:00 p.m.

BE IT FURTHER RESOLVED that a copy of this Resolution is to be forwarded to the Department of Public Works.

APPROVED this 5thst day of September, 2023.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, a request was made by Peter Franovic requesting permission from the Township Council to hold a neighborhood block party on Crest Drive, on Saturday, September 9, 2023, from 3:00 – 6:00 p.m., with a rain date of September 10th, which would involve erecting barricades on a public street; and

WHEREAS, the Township Council wishes to support the request for a neighborhood block party subject, however, to the special requirements of the appropriate local Township Officials.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party on Crest Drive, on Saturday, September 9, 2023, from 3:00 – 6:00 p.m.

BE IT FURTHER RESOLVED that a copy of this Resolution is to be forwarded to the Department of Public Works.

APPROVED this 5thst day of September, 2023.

ATTEST:

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, Union County, New Jersey, that the following members of the Junior Auxiliary are hereby are appointed to the inactive list of the Berkeley Heights Volunteer Fire Department effective September 5, 2023:

John Hogan – 43 Beech Avenue

John Rewey - 96 Portland Road, Summit

Ethan Wilbur – 14 Oaklawn Road, Summit

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Fire Chief.

APPROVED this 5th day of September, 2023.

ATTEST:

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 – Contract Negotiation- DPW Director

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 5th day of September, 2023.

Attest: _____
Ana Minkoff, Township Clerk