

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

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Township Council of the Township of Berkeley Heights has scheduled the following Special Public Meeting to be held in the Public Meeting Room, 29 Park Avenue, Berkeley Heights, N.J.:

SPECIAL PUBLIC MEETING

MONDAY, MARCH 27, 2023 @ 6:45 P.M.

**BERKELEY HEIGHTS MUNICIPAL BUILDING
29 PARK AVENUE
BERKELEY HEIGHTS, NJ**

Official Action will be taken at this meeting and Executive Session may be held.

Ana Minkoff
Township Clerk

**Township of Berkeley Heights
Union County, New Jersey
SPECIAL MEETING
March 27, 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 7:00 p.m.

COUNCIL MEMBERS:

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

AGENDA FOR SPECIAL PUBLIC MEETING

I. CALL TO ORDER –6:45 p.m.

II. ROLL CALL

III. FLAG SALUTE

IV. REGULAR AGENDA

V. 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.

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

1. Resolution authorizing an emergency contract for replacement of a permanent Peracetic Acid System, for the Wastewater Treatment plant, in an amount not to exceed \$500,000.

VII. ADJOURNMENT

Ana Minkoff, Township Clerk

Agenda Item No.:

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

RESOLUTION

WHEREAS, an emergency has arisen in the Township of Berkeley Heights with regard to the peracetic acid system located in the Township's Wastewater Treatment Facility; and

WHEREAS, peracetic acid is listed as a hazardous chemical under the New Jersey Department of Environmental Protection, New Jersey Administrative Code (NJAC), Title 7, Chapter 1E; and

WHEREAS, the Wastewater Treatment Plant's permanent peracetic acid system has failed and the Wastewater Treatment Plant is using a temporary peracetic acid system; and

WHEREAS, the temporary peracetic acid system is comprised of portable peracetic acid chemical totes and a small 80 GPD Chemtech peristaltic chemical pump; and

WHEREAS, the portable totes must be kept outside near the injection point, which means the peracetic acid in those totes are exposed to the elements—most notably heat and sun; and

WHEREAS, studies have shown that persistent exposure to heat and sun degrades the efficacy of peracetic acid; and

WHEREAS, the current temporary setup does not allow the operation of disinfection system with precision; and

WHEREAS, the chemical pump relied upon has only one basic setting (percentage of pump output) and none of the advanced controls needed to handle dynamic waste flow conditions;

WHEREAS, the issues with the temporary peracetic acid system have led to multiple NJDPE permit excursions for the parameter of Escherichia coli (E. coli); and

WHEREAS, the temporary peracetic acid system is also not sufficient to comply with NJDEP regulation in that it lacks (1) Spill (secondary containment) Protection; (2) Compliant Safety Showers; (3) Double Wall Piping Systems; and

WHEREAS, these conditions create an emergency – that, if not addressed – could affect the public health, safety, and welfare and require the immediate delivery of goods and performance of services, specifically the purchase and installation of permanent peracetic acid system; and

WHEREAS, the Local Public Contracts Law, in particular N.J.S.A. 41A:11-6, permits any contract to 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; and

WHEREAS, the Township's Chief Financial Officer has certified that the requisite funds are available in Account No. 3-01-34-950-003; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey as follows

1. Pursuant to N.J.S.A. 41A:11-6, the Mayor and Clerk are hereby permitted to enter into an emergency contract for a replacement permanent Peracetic Acid System, in an amount not to exceed \$500,000.00.
2. The Township Clerk is directed to forward a certified copy of this Resolution to the Qualified Purchasing Agent, Chief Financial Officer, Township Engineer, and Township Attorney.

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

APPROVED this 27th day of March, 2023

ATTEST:

Ana Minkoff
Township Clerk

Certification of Availability of Funds

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.1 et seq., and any other applicable requirement, I, HFA, Chief Finance Officer of the Township of Berkeley Heights have ascertained that, upon adoption of this resolution, there will be available, sufficient and uncommitted appropriations to execute a contract, in an amount not to exceed from the following account, \$500,000 from 3-01-34-950-003 subject to the approval of the 2023 budget.

HFA - Chief Financial Officer