

Township of Berkeley Heights
Union County, New Jersey
SPECIAL MEETINGS
July 5, 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 will not substantially go past 6:00 p.m.

COUNCIL MEMBERS:

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

AGENDA FOR SPECIAL PUBLIC MEETING- VIA ZOOM

- I. CALL TO ORDER –5:00 p.m.
- II. ROLL CALL
- III. FLAG SALUTE
- IV. REGULAR AGENDA
- V. **HEARING ON AGENDA ITEMS ONLY:**

Comments are welcome during this portion of the meeting 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 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) 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.

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

1. Resolution authorizing a Professional Services Agreement with Holman Frenia Allison, P.C. (HFA) for Certified Municipal Finance Officer (CMFO) services for the Township, in an amount not to exceed \$96,000.
2. Resolution supporting 24-hour monitoring of the waste gas flare at the Township Wastewater Treatment Facility, in order to protect the health and safety of the residents of the Township.

VII. 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) 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.

VIII. EXECUTIVE SESSION –

IX. ADJOURNMENT

Ana Minkoff, Township Clerk

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

RESOLUTION

WHEREAS, N.J.S.A. 40A:9-140.10 requires that “in every municipality, there shall be a chief financial officer appointed by the governing body of the municipality”; and

WHEREAS, N.J.S.A. 40A:9-140.10 further provides that the term of office of the chief financial officer “shall be four years, which shall run from January 1 in the year in which the chief financial officer is appointed”; and

WHEREAS, the exception to the four-year appointment is if a new CFO is appointed in the midst of a four-year term and the new CFO would be appointed for the unexpired portion of the prior CFO’s term, pursuant to the Uniform Vacancy Provision, N.J.S.A. 40A:9-12.1, and

WHEREAS, there exists a need for Chief Financial Officer / Treasurer services for the Township of Berkeley Heights to fill the unexpired term through December 31, 2022; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 *et seq.*, more specifically N.J.S.A. 40A:11-5 allows for the awarding of a contract for "professional services" without public advertising for bids; and

WHEREAS, Holman Frenia Allison, P.C. (HFA) is qualified to provide CMFO professional services to the Township; and

WHEREAS, this was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the Township of Berkeley Heights is governed pursuant to the Mayor-Council-Administrator form of government, N.J.S.A. 40:69A-149.1, *et seq.*, of the Optional Municipal Charter Law, N.J.S.A. 40:69A-1, *et seq.* (the “Faulkner Act”); and

WHEREAS, pursuant to N.J.S.A. 40:69A-149.8 and N.J.S.A. 40A:9-140.10, the Mayor nominated Holman Frenia Allison, P.C. (HFA) to the position of Township Chief Financial Officer / Treasurer for a term to commence as of July 6, 2022 and ending December 31, 2022; and

WHEREAS, Homan Frenia Allsion, P.C. (HFA) meets the qualifications and requirements to serve as a municipal finance officer pursuant to N.J.S.A. 40A:9-140.1, *et seq.*; and

WHEREAS, pursuant to N.J.S.A. 40:69A-149.8, the Mayor’s nomination of Holman Frenia Allison, P.C., is subject to the advice and consent of the Township Council; and

WHEREAS, the Township Council desires to consent to the Mayor's nomination; and

WHEREAS, N.J.A.C. 5:35-2.5(b)(3) requires the approval of the Director, Department of Community Affairs before such an appointment can become effective, and such approval was granted on June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that the Township Council hereby consents to the Mayor's appointment of Holman Frenia Allison, P.C. (HFA) to the position of Township Chief Financial Officer / Treasurer for a term to commence on July 6, 2022 and ending December 31, 2022.

WHEREAS, the Township Council finds it to be in the best interest of the Township to enter into a Professional Services Agreement with Holman Frenia Allison, P.C. (HFA) for the professional Certified Municipal Finance Officer (CMFO) services for the Township.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Professional Services Agreement with HFA for the professional accounting services for the Township for a fee not to exceed \$96,000.00.
2. This Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable account.
4. The Business Disclosure Entity Certification shall be placed on file with this Resolution.
5. A notice of this action shall be printed in the official newspapers required by law within ten (10) days of its passage.

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

APPROVED this 5th day of July 2022.

ATTEST:

Ana Minkoff
Township Clerk

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that there are sufficient legally appropriated funds for the amount of this contract, \$96,000.00, in Account # 2-01-20-705-011, and that these funds have not been certified as available for any other pending contract.

Liza Viana, Acting Chief Financial Officer

TOWNSHIP OF BERKELEY HEIGHTS

UNION COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, on April 11, 2022, an emergency was declared in the Township of Berkeley Heights with regard to the digester gas system located in the Township Wastewater Treatment Facility; and

WHEREAS, the digester gas system is leaking large quantities of digester gas from a failed waste gas flare that is not able to maintain a flame thereby allowing un-combusted gas to be vented to atmosphere at the surface of the digester facility; and

WHEREAS, when the flame goes out, and no one is present to relight it, it creates a noxious and offensive odor for residents in the neighborhood surrounding the Township Wastewater Treatment Facility; and

WHEREAS, the waste gas flare is currently only monitored by a municipal employee for (8) hours per day; and

WHEREAS, 24-hour monitoring is needed to protect the health and safety of neighborhood surrounding the Township Wastewater Treatment Facility; and

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

1. The Township Council and Mayor hereby supports 24-hour monitoring of the waste gas flare at the Township Wastewater Treatment Facility in order to protect the health and safety of the residents of the Township of Berkeley Heights.

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

APPROVED this 5th day of July, 2022.

ATTEST:

Ana Minkoff
Township Clerk