



**VII. ADMINISTRATION REPORTS**

**Mayor Devanney**

**Township Administrator – Liza Viana**

**VIII. 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.

**IX. NEW BUSINESS – RESOLUTIONS**

**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**A. RESOLUTIONS**

1. Resolution approving Bill List dated November 4, 2019 in the amount of \$582,915.83.
2. Resolution authorizing the acquisition of a 2020 Police Interceptor SUV for the Berkeley Heights Police Department through the Morris County Cooperative Pricing in the amount of \$34,727.15.
3. Resolution requesting approval of an item of revenue in the budget, in the sum of \$85,000.00 under the title Historic Preservation- Union County.
4. Resolution requesting approval of an item of revenue in the budget, in the sum of \$43,500.00, under the title of Kids Recreation – Union County.
5. Resolution requesting approval of an item of revenue in the budget, in the sum of \$3,000.00, under the title of Greening Union County.
6. Resolution authorizing an agreement with Van Cleef Engineering Associates for the preparation of New Jersey Infrastructure Financing Program application, and Construction Management, for the various 2019 Sewer Improvement Projects, at a fee not to exceed \$178,500.00
7. **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 release of a cash bond to Sujoy & Simonti Choudhuri in the amount of \$7,000.00 for work performed at 820 Mountain Avenue.
  - b. Resolution authorizing a release of a cash bond in the amount of \$2,000.00 to Ciraco Construction for work performed at 45 Rogers Avenue.

**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.

**XI. EXECUTIVE SESSION-**

**XII. ADJOURNMENT**

**Ana Minkoff, Township Clerk**

Mayor's Correspondence  
Sept. 2019

1. **NJLM** – legislative bulletin August 2019
2. **NJLM** – opportunity to introduce resolutions for consideration by the Legislature at LOM conference
3. **Rebecca Williams, UC Freeholder** – invitation to event commemorating 400 years of African-American perseverance and resilience
4. **Tom Malinowski** – certificate of Congressional Recognition in recognition of Women's Equality Day 2019
5. **The Rotarian** – October 2019 issue
6. **Fein Such Attorneys at Law** – notification of intent to foreclose on BH property
7. **MA Hayat** – letter from resident regarding trees on their property
8. **NJCM** – info about smart cities workshop
9. **Phelan Hallinan Diamond & Jones PC** – notification of intent to foreclose on a BH property
10. **UC Freeholders & Office of Veteran Services** – announcing networking mixer for military personnel and veteran service providers
11. **UC Freeholders & UC Economic Development Corp** – announcing Bootcamp to the Boardroom entrepreneurial training program for Vets
12. **UC Freeholders & Plainfield YMCA** – announcing veterans transitional housing program
13. **GLHS Band Parents Organization** – letter requesting resolution proclaiming Band Appreciation Week beginning Nov 17, 2019
14. **Americans for the Arts** – letter advising that they are honoring Nokia Bell Labs at the Arts and Business Partnership Awards gala in NYC
15. **Inroads to Opportunity** – invitation to fundraiser
16. **Josephine's Place** – invitation to 16<sup>th</sup> Annual Fall Celebration dinner
17. **GLHS Band Parent Organization** – tickets to the Highlander Marching Band pageant
18. **UC Dept of Economic Development** – flyers for UC's first LGBTQ+ Community Health and Wellness Fair
19. **YMCA** – invitation to charity auction and comedy night
20. **SAGE Eldercare** – invitation to Sage's 65<sup>th</sup> Birthday Bash
21. **NJ Misaada Relief Squad** – flyer advising they are collecting water to help Neward with their lead water crisis

**Mayor's Correspondence**  
**Oct. 2019**

1. **UC Interfaith Corrdinating Council** – Sept 2019 magazine
2. **Brian Stack, Union City Mayor** – copy of ordinance his town adopted to avoid utility companies from digging up newly paved roads and have them take responsibility for damages
3. **Sergio Granados, Chair UC Open Space Trust Fund** – invitation to ceremonial check presentation for Kids Rec Trust and Greening UC grants
4. **E. Oatman, UC County Manager** – letter regarding outstanding grants from the county awarded through Open Space Trust Fund
5. **NJ Warehousemen & Movers Association** – letter advising recent changes to Public Movers Act that will protect NJ residents from uninsured/unlicensed moving companies
6. **Groundwork Elizabeth** – invitation to Urban Farm Dinner benefit
7. **UC Division on Aging & Disability Resource Connection** – flyer on caregiver workshop for Alzheimer's care
8. **UC Dept of Economic Development** – invitation to Open for Business Open for Everyone Diversity and Inclusion Symposium
9. **The Transporter** – October issue
10. **Neglia Engineering** – invitation to party during LOM convention
11. **Catholic Charities of Newark** – invitation to Homeless Benefit Concert
12. **UC Interfaith Coordinating Council** – Oct 2019 newsletter
13. **Ancero** – marketing info for LOM convention
14. **Republic Services** - learning session invitation at LOM convention
15. **The Service Network** – November issue
16. **M. Hayat** – letter thanking you for responding to resident re: tree concern on property
17. **Winne Banta Basralian & Kahn** – letter asking for consideration for appointment to serve as Bond Counsel
18. **UC Open Space, Recreation & Historic Preservation Trust Fund** – letter awarding \$43,500 to BH for Kids Rec Trust
19. **UC Open Space, Recreation & Historic Preservation Trust Fund** – Letter awarding \$3,000 to BH for Greening Union County grant
20. **UC Open Space, Recreation & Historic Preservation Trust Fund** – letter awarding \$85,000 to BH for Preserve Union County grant
- 21.

**TOWNSHIP COUNCIL CORRESPONDENCE**  
**October 2019**

Correspondence received from:

- ESE Consultants regarding the Redevelopment Plan Consistency Review for the Hamilton Avenue project (cover letter only, complete applications on file in the Clerk's office);
- New Jersey State League of Municipalities regarding Hospitality Functions, Housing, and Shuttle Bus;
- Michael Mitzner, Berkeley Heights Municipal Prosecutor, regarding the 2020 Calendar Year;
- Township of Scotch Plains regarding a recently introduced Ordinance (2019-24) amending the Zoning Map;
- The Residents of Shady Grove Lane requesting that Council initiate repairs to the sewage plant containment wall;
- Philips Preiss regarding the Consistency Review for the Toll Bros., Inc. Hamilton Avenue School Redevelopment;
- Community Access Unlimited inviting Council to their Annual Gala Dinner Dance;
- Thomas Edison State University regarding their presence at the 2019 NJ League of Municipalities;
- Bowman Consulting regarding the DEP Application for Lone Pine Drive (Modera Property);
- Mayor Dansereau of the Borough of Roselle regarding the "Give Thanks by Giving" Food Gift Card Drive;
- Summit Medical Group regarding an invitation to their 100<sup>th</sup> Anniversary Event;
- State of New Jersey Department of Transportation regarding their approval of the Township's award of contract to Smith-Sondy Asphalt Construction Co.;
- Neglia Engineering inviting Council to their event during the 2019 NJ League of Municipalities;
- Republic Services regarding their presence at the 2019 NJ League of Municipalities;
- Bowman Consulting regarding the NJDEP application for the Modera Berkeley Heights project (cover letter only, revised plans and Addendum report on file in the Clerk's office);
- Bowman Consulting regarding their response to the NJDEP request for changes to the Modera Berkeley Heights project (cover letter only, updated plans on file in the Clerk's office);
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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 11/4/19, in the amount of \$ 582,915.83 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 4th day of November, 2019.

**ATTEST:**

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Ana Minkoff  
Township Clerk

# 2

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

**AUTHORIZING THE ACQUISITION OF A 2020 POLICE  
INTERCEPTOR SUV FOR THE BERKELEY HEIGHTS POLICE  
DEPARTMENT THROUGH THE MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL**

**WHEREAS**, the Township of Berkeley Heights is a party to a cooperative purchasing agreement with the Morris County Cooperative Pricing Council, a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-10, and

**WHEREAS**, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids, and

**WHEREAS**, the Township is in need of acquiring a new Interceptor SUV for the Township of Berkeley Heights Police Department, and

**WHEREAS**, the Morris County Cooperative Pricing Council has awarded a contract to Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07936, for the acquisition of Police Pursuit Vehicles (Contract #15-A, Item #6). It is the desire of the Township of Berkeley Heights to acquire under this contract a 2020 Police Interceptor SUV in the amount of \$34,727.15, and

**WHEREAS**, the Chief Financial Officer of the Township of Berkeley Heights has certified below that adequate funds for such contract are available, and are designated C-04-18-009-009 and 9-01-25-740-038, and

**BE IT RESOLVED**, by the Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township of Berkeley Heights enter into an agreement with Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07936 for the acquisition of a 2020 Police Interceptor SUV in the amount of \$34,727.15.

**APPROVED this 4<sup>th</sup> day of November, 2019.**

**ATTEST:**

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



CHIEF FINANCIAL OFFICER CERTIFICATION

I certify there are sufficient legally appropriated funds for the amount of this purchase, \$34,727.15, in Account #C-04-18-009-009 and 9-01-25-740-038, and that these funds have not been certified as available for another pending contract.

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Eugenia Poulos  
Chief Financial Officer  
November 4, 2019

#3

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

**A RESOLUTION REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUE  
AND APPROPRIATION ACCORDING TO N.J.S.A. 40A:4-87 – 2019 PRESERVE  
UNION COUNTY GRANT PROGRAM THROUGH THE UNION COUNTY OPEN  
SPACE, RECREATION AND HISTORIC PRESERVATION TRUST FUND**

**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 any item of appropriation for an equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Township of Berkeley Heights in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$85,000.00, under the title of Historic Preservation – Union County; and

**BE IT FURTHER RESOLVED**, that the like sum of \$85,000.00 is hereby appropriated under the caption of Historic Preservation – Union County; and this grant has a Local Match requirement of \$85,000.00 which will be provided from the Lord-Littel Farmstead Trust; and

**BE IT FURTHER RESOLVED**, that the above is the result of funds awarded in 2019 by Union County Board of Chosen Freeholders, and the Open Space, Recreation and Historic Preservation Trust Fund Committee through the Union County Historic Preservation Trust Fund for an amount of \$85,000.00 with a local match requirement of \$85,000.00; and

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

**APPROVED** this 4th day of November, 2019.

**ATTEST:**

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

#4

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

**A RESOLUTION REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUE  
AND APPROPRIATION ACCORDING TO N.J.S.A. 40A:4-87 – 2019 KIDS  
RECREATION UNION COUNTY GRANT PROGRAM THROUGH THE UNION  
COUNTY OPEN SPACE, RECREATION AND HISTORIC PRESERVATION  
TRUST FUND**

**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 any item of appropriation for an equal amount; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Township of Berkeley Heights in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$43,500.00, under the title of Kids Recreation – Union County, and

**BE IT FURTHER RESOLVED**, that the like sum of \$43,500.00 is hereby appropriated under the caption of Kids Recreation – Union County; and this grant has a Local Match requirement of \$43,500.00 which will be provided from the Recreation Trust, and

**BE IT FURTHER RESOLVED**, that the above is the result of funds awarded in 2019 by Union County Board of Chosen Freeholders, and the Open Space, Recreation and Historic Preservation Trust Fund Committee through the Union County Kids Recreation Trust Grant Program for an amount of \$43,500.00 with a local match requirement of \$43,500.00.

**APPROVED** this 4th day of November, 2019.

**ATTEST:**

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**Ana Minkoff**

**Township Clerk**

#5

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

**A RESOLUTION REQUESTING APPROVAL OF SPECIAL ITEM OF REVENUE  
AND APPROPRIATION ACCORDING TO N.J.S.A. 40A:4-87 – 2019 GREENING  
UNION COUNTY GRANT PROGRAM THROUGH THE UNION COUNTY OPEN  
SPACE, RECREATION AND HISTORIC PRESERVATION TRUST FUND**

**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 any item of appropriation for an equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Township of Berkeley Heights in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$3,000.00, under the title of Greening Union County, and

**BE IT FURTHER RESOLVED**, that the like sum of \$3,000.00 is hereby appropriated under the caption of Greening Union County; and this grant has a Local Match requirement of \$3,000.00 which will be provided from the General Trust-Tree permits, and

**BE IT FURTHER RESOLVED**, that the above is the result of funds awarded in 2019 by Union County Board of Chosen Freeholders, and the Open Space, Recreation and Historic Preservation Trust Fund Committee through the Greening Union County Trust Grant Program for an amount of \$3,000.00 with a local match requirement of \$3,000.00.

**APPROVED** this 4th day of November, 2019.

**ATTEST:**

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**Ana Minkoff  
Township Clerk**

#6

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

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO VAN CLEEF  
ENGINEERING ASSOCIATES FOR ENGINEERING SERVICES FOR THE PREPARATION  
OF  
A NEW JERSEY INFRASTRUCTURE FINANCING PROGRAM APPLICATION, AND  
CONSTRUCTION MANAGEMENT, FOR SEWER IMPROVEMENTS THAT ARE PART OF  
THE 2019 CAPITAL BUDGET**

**WHEREAS**, the Township of Berkeley Heights is in need of contracting for professional engineering services to provide engineering phase services for various 2019 Sewer Capital Improvement Projects; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bids and that the contract itself must be available for inspection; and

**WHEREAS**, on January 1, 2019, Van Cleef Engineering Associates was deemed qualified to provide professional Engineering Services related to the Waste Water Treatment Plant as part of a Fair and Open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, Van Cleef Engineering Associates has provided a proposal dated August 29, 2019 to provide the needed services for the preparation of a New Jersey Infrastructure Financing Program Application, and Construction Management, for the various 2019 Sewer Capital Improvements Projects; and

**WHEREAS**, said proposal consisted of the following services: Project specifications, project plans, NJEIB Application, Construction Inspection, Construction Management (includes Pre-bid meeting, questions from bidders, review of bids and recommendation, Pre-Construction meeting, billing, potential change orders, project closeout, etc.). Such services are to be provided for the following projects: Raw Influent Pump and Valve Replacements, Intermediate Pump check valve replacements, Methane Gas Handling Equipment, SCADA, and Replacement of Generator Fuel day tank and fuel delivery pumps. The total cost proposed is \$178,500.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Berkeley Heights that the Mayor and/or the Township Administrator of the Township of Berkeley Heights are hereby authorized to execute and attest to an agreement with on Van Cleef Engineering Associates for the preparation of New Jersey Infrastructure Financing Program application, and Construction Management, for the various 2019 Sewer Improvement Project, at a fee not to exceed \$178,500.00, pursuant to a proposal dated August 29, 2019. This contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5 (1)(a)(l) of the Local Public Contract Law and pursuant to a Fair and Open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.; and

**BE IT FURHTER RESOLVED**, that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference, for an amount not to exceed \$178,500.00.

**Approved this 4<sup>th</sup> day of November, 2019.**

**ATTEST:**

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Ana Minkoff, Township Clerk

**CERTIFICATE OF AVAILABILITY OF FUNDS**

Pursuant to N.J.S.A. 40A: 4-57, N.J.A.C. 5:30-14.5 and any other applicable requirement, I, Eugenia Poulos, Chief Financial Officer for the Township of Berkeley Heights, hereby certify that there will be available sufficient uncommitted appropriations in the General Capital account to award a contract to a Professional Engineering Services for various Sewer Improvements:

Van Cleef Engineering Associates

**IN THE APPROPRIATION(S) AS FOLLOWS:**

C-04-19-800-501 \$ 17,000  
C-04-19-800-301 \$ 35,000  
C-04-19-800-201 \$ 38,000  
C-04-19-800-101 \$ 46,500  
C-04-19-800-401 \$ 42,000

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Eugenia Poulos, Chief Financial Officer  
November 4, 2019

7a

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

**RESOLUTION**

**WHEREAS**, Sujoy & Simonti Choudhuri was required to post a performance cash bond, in the amount of \$7,000.00, in connection with work being performed at 820 Mountain Avenue, the Township Engineer has recommended by letter dated October 31, 2019, a full release of the cash bond in the amount of \$7,000.00,  
Account # S-17-47-594-254

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash bond posted by Sujoy & Simonti Choudhuri, in the amount of \$7,000.00, together with any applicable interest.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is to be forwarded to the Township Engineer.

**APPROVED** this 4th day of November, 2019.

**ATTEST:**

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

7b

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

**RESOLUTION**

**WHEREAS**, Ciraco Construction was required to post a performance cash bond, in the amount of \$2,000.00, in connection with work being performed at 45 Rogers Avenue, the Township Engineer has recommended by letter dated October 15, 2019, a full release of the cash bond in the amount of \$2,000.00,  
Account # S-17-47-594-254

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash bond posted by Ciraco Construction, in the amount of \$2,000.00, together with any applicable interest.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is to be forwarded to the Township Engineer.

**APPROVED** this 4th day of November, 2019.

**ATTEST:**

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Ana Minkoff  
Township Clerk