

**Township of Berkeley Heights
Union County, New Jersey
November 17, 2014**

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Adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News, Star Ledger 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 1, 2014. This meeting will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

- Edward Delia
- Kevin Hall
- Thomas Pirone
- Robert Woodruff
- Craig Pastore, Council Vice President
- Jeanne Kingsley, Council President
- Joseph G. Bruno, Mayor

AGENDA FOR PUBLIC MEETING

- I. CALL TO ORDER - 7:00 PM**

- II. ROLL CALL**

- III. EXECUTIVE SESSION**

- OPEN SESSION**

- IV. FLAG SALUTE**

- V. CONFERENCE SESSION -**
 - 1. Land Transfer Discussion**
 - 2. Pilgrim Pipe Line Discussion**
 - 3. Vacation Ordinance Discussion**

- VI. REGULAR AGENDA**

VII. TOWNSHIP COUNCIL REPORTS

- A. Edward Delia**
- B. Kevin Hall**
- C. Thomas Pirone**
- D. Robert Woodruff**
- E. Craig Pastore**
- F. Jeanne Kingsley**

VIII. ADMINISTRATION REPORTS

Mayor Bruno
John Bussiculo - Township Administrator

IX. APPROVAL OF MINUTES – **Public Meeting – November 3, 2014**

2010 Exec. Session Minutes

March 9, 2010, March 23, 2010, April 6, 2010, April 27, 2010, May 25, 2010
June 15, 2010, August 10, 2010, August 24, 2010, September 14, 2010,
September 28, 2010.

2012 Exec. Session Minutes

January 10, 2012, January 24, 2012, February 7, 2012, March 20, 2012
April 10, 2012, April 24, 2012, May 8, 2012.

X. 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.

XI .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

1. Resolution approving Bill List dated November 17, 2014 in the amount of \$414,766.11.
2. Resolution authorizing the renewal and extension of the Professional Services Agreement with Michael J. Mistretta, N.J.P.P.; L.L.A., and Harbor Consultants, Inc., for the professional planning services in connection with the Township's potential redevelopment of the existing municipal complex.

3. Resolution authorizing the use of the online auction services of EMEX, LLC., for the purchase of energy generation services (electricity).

4. 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 the release of a Performance Bond, to Filip Progrebinsky in the amount of \$1,000.00, in connection with Drainage at 60 Orion Road.
- b. Resolution authorizing the release of a Performance Bond, to Jason and Natasha Joly in the amount of \$4,000.00, in connection with a Driveway Performance bond at 60 Orion Road.
- c. Resolution authorizing the release of a Cash Bond, to Filip Progrebinsky in the amount of \$700.00, in connection with a street opening permit at 60 Orion Road.
- d. Resolution authorizing the annual Smith Chiropractic Center 5K Charity Road Race & Fitness Walk on September 20, 2015.
- e. Resolution authorizing the Tax Sale Certificate #13-00006T to Tax Lien Investors LLC, for Block #4502, Lot #18, for 124 Twin Falls Road in the amount of \$27,616.89.
- f. Resolution removing Antonio Vargas from the active duty of the Berkeley Heights Fire Department.

XII. 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.

XIII. ADJOURNMENT

Ana Minkoff, Township Clerk

**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 11/17/14, in the amount of \$414,766.11 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 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 2

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

RESOLUTION

WHEREAS, there continue to exist a need for the professional planning services in connection with the Township of Berkeley Heights' potential redevelopment of the existing municipal complex; and

WHEREAS, the Township and Harbor Consultants, Inc. had previously entered into a professional services contract for the provision of such professional services pursuant to 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, pursuant to the terms of the proposal submitted by Michael J. Mistretta, N.J.P.P., L.L.A., of Harbor Consultants, Inc., dated February 4, 2013, to the Township to provide professional planning services in connection with the Township's potential redevelopment of the existing municipal complex (the "Proposal"), the Township desires to renew and extend a second amendment to the professional services contract; and

WHEREAS, prior to the execution of a contract Harbor Consultants, Inc. will have completed and submitted a Business Entity Disclosure Certification which certifies that no reportable contributions have been made to a political or candidate committee for Mayor or Township Council of the Township of Berkeley Heights in the previous year, and that the contract will prohibit the making of any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; 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 Council finds it to be in the best interest of the Township to renew and extend the Professional Services Agreement with Michael J. Mistretta, N.J.P.P., L.L.A., and Harbor Consultants, Inc., for the professional planning services in connection with the Township's potential redevelopment of the existing municipal complex.

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 Professional Services Agreement with Michael J. Mistretta, N.J.P.P., L.L.A., and Harbor Consultants, Inc., for the professional planning services in connection with the Township of Berkeley Heights' potential redevelopment of the existing municipal complex for the consideration set forth in the Proposal is hereby renewed and extended for an additional year; and the Mayor and Clerk are authorized to execute the appropriate agreement to memorialize same.

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 Account Number C-041-14-008-001.
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 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 3

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights is in need of energy generation services (electricity) for public use for the Township, and wants to procure same at competitive rates; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act, P.L. 2001, c. 30 (the "Act"), authorizes the purchase of energy generation services for public use through the use of an online auction service; and

WHEREAS, the Act requires the New Jersey Department of Community Affairs, Division of Local Government Services to pre-qualify vendors to offer their auction platforms to receive bids on behalf of the Township; and

WHEREAS, the Township finds it to be in the best interest of the Township and its citizens to utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-I, located at www.energymarketexchange.com ("EMEX"), which shall be conducted pursuant to the Act; and

WHEREAS, the Township has determined to proceed with the EMEX in order to procure energy generation services (electricity) for the Township; and

WHEREAS, the Act also requires the various prospective bidders to be pre-qualified by the New Jersey Board of Public Utilities in order to submit a bid for energy generation services (electricity); and

WHEREAS, the Township finds it to be in the best interest of the Township and its citizens to award a contract to the lowest responsive, pre-qualified bidder for a twenty-four (24) month term pursuant to the results of the online auction services.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby authorizes the Township to utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-I, located at www.energymarketexchange.com, for the purchase of energy generation services (electricity) in accordance with the requirements of the Act.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contracts, subject to legal review and approval, with the lowest responsive bidders for a twenty-four (24) month term.

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

APPROVED this 17th day of November, 2014.

Attest:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, Mr. Filip Pogrebinsky was required to post a Performance Bond in the amount of \$1,000.00 in connection with Drainage at 60 Orion Road and the Township Engineer, having inspected the work, has recommended by letter dated November 12, 2014 that such bond be released.

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 Performance Bond posted by Filip Pogrebinsky together with any applicable interest.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to Filip Pogrebinsky, Township Treasurer and Township Engineer.

APPROVED this 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, Jason and Natasha Joly were required to post a bond in the amount of \$4,000.00 in connection with a Driveway Performance Bond at 60 Orion Road and the Township Engineer, having inspected the work, has recommended by letter dated November 12, 2014 that such bond be released.

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 Performance Bond posted by Jason and Natasha Joly together with any applicable interest.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to Jason and Natasha Joly and the Township Treasurer and Township Engineer.

APPROVED this 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, Mr. Filip Pogrebinsky was required to post a cash bond in the amount of \$700.00 in connection with street opening permit at 60 Orion Road and the Township Engineer, having inspected the work, has recommended by letter dated November 12, 2014 that such bond be released.

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 Filip Pogrebinsky together with any applicable interest.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to Filip Pogrebinsky, 18 Miller Avenue, Woodland Park, New Jersey, 07424 and the Township Treasurer and Township Engineer.

APPROVED this 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Smith Chiropractic Center has requested permission to hold its annual 5K Charity Road Race & Fitness Walk which raises money for charity through donations on September 20, 2015; 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 to Smith Chiropractic Center for its annual 5K run provided that it complies with all conditions imposed by the Township Police Department, Fire Department and Rescue Squad.

BE IT FURTHER RESOLVED that copies of this resolution are to be forwarded to the Police Department, Fire Department, Rescue Squad, Smith Chiropractic.

APPROVED this 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights issued Tax Sale Certificate #13-00006T to Tax Lien Investors LLC, for Block #4502, Lot #18, located at 124 Twin Falls Road, Berkeley Heights, NJ; and

WHEREAS, the owners of such property have now redeemed such certificate and the lien holder Tax Lien Investors LLC, is entitled to receive redemption in the amount of \$27,616.89 to be paid by or on behalf of the homeowner.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, that the Treasurer is authorized to pay out the sum of \$27,616.89 in redemption of Tax Sale Certificate #13-00006T upon the submission of a properly completed voucher and surrender of such certificate.

Copies of this Resolution are to be forwarded to, Tax Lien Investors LLC, Tax Collector and the Treasurer.

APPROVED this 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

Antonio Vargas, 419 Plainfield Avenue, Berkeley Heights

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

APPROVED this 17th day of November, 2014.

ATTEST:

Ana Minkoff
Township Clerk