



**VIII. APPROVAL OF MINUTES –**

**Public Meeting – December 15, 2015**

**Executive Session – September 10, 2013, September 24, 2013, October 8, 2013**

**IX. 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.

**X. NEW BUSINESS- RESOLUTIONS**

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

**A. RESOLUTIONS**

1. Resolution approving Bill List dated February 9, 2016 in the amount of \$228,424.45.
2. Resolution authorizing the private sale of a 1998 Ford Explorer and a 2001 Ford Explorer, as scrap by private sale.
3. Resolution authorizing a Fourth Amendment to the Agreement with Chevron Environmental Management Company.
4. Resolution accepting the donation from Mr. Mondelli, for a portion of his property identified as Block 614, Lot, 182 Plainfield Avenue to be utilized as a permanent park for the public to enjoy.
5. Resolution authorizing a transfer within the 2015 Municipal Budget and Reserves.
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 the Tax Collector to refund the following 2015 tax overpayment:
    1. John & Theresa Benvenuto                      74 Garfield Street                      \$287.82
  - b. Resolution authorizing a release of a New Curb & Paving Restoration Cash Bond to Menza & Beisel Home in the amount of \$1,800.00, Account # S17-48-374-119.
  - c. Resolution authorizing YMCA Mother's Day 5K Run on May 8, 2016.

**XI. 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.

**XII. EXECUTIVE SESSION –**

**XIII. ADJOURNMENT**

**Ana Minkoff, Township Clerk**

## **TOWNSHIP COUNCIL CORRESPONDENCE**

**January 2016**

1. Correspondence received on January 15<sup>th</sup> from American Water regarding Petition to Change the Levels of its Purchased Water Adjustment Clause and Purchased Wastewater (Sewerage) Treatment Adjustment Clause.
2. Correspondence received on January 22<sup>nd</sup> from the Union County Utilities Authority regarding an environmental grant in the amount of \$16,683.00 (representing \$3.00 per ton of residential solid waste generated in 2015) made payable to the Township of Berkeley Heights.
3. Correspondence received on January 27<sup>th</sup> from the Borough of New Providence regarding a Downtown Master Plan Public Hearing to be held on February 9, 2016.
4. Correspondence received on January 28<sup>th</sup> from the Union County Board of Chosen Freeholders regarding passage of Solid Waste Management Plan Ordinance and Resolutions.

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 2/9/16, in the amount of \$228,424.45 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 9th day of February, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

Agenda Item No.: 2

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

**RESOLUTION**

**WHEREAS**, the Township of Berkeley Heights has two vehicles that are no longer needed for public use as follows:

- 1998 Ford Explorer – VIN # 1FMZU35P3WUB63855
- 2001 Ford Explorer – VIN # 1FMZU83P61ZA54205

; and

**WHEREAS**, the Township attempted to sell these vehicles on multiple occasions through the online auction services of GovDeals located at [www.GovDeals.com](http://www.GovDeals.com) to no avail; and

**WHEREAS**, the Township has determined to sell these vehicles for scrap pursuant to N.J.S.A. 40A:11-36; and

**WHEREAS**, since the Township has previously advertised for the sale of the vehicles by way of public bidding, with no bids having been received, as well as the value of the vehicles being less than 15% of the bid threshold, pursuant to N.J.S.A. 40A:11-36(4) & (6) the vehicles may be sold at private sale without advertising for bids; and

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that it hereby authorizes the private sale of the 1998 Ford Explorer – VIN # 1FMZU35P3WUB63855, and the 2001 Ford Explorer – VIN # 1FMZU83P61ZA54205, as scrap by private sale.

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

**APPROVED this 9th day of February 2016.**

**ATTEST:**

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

Agenda Item No.: 3

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

**RESOLUTION**

**WHEREAS**, on June 13, 2006, the Township of Berkeley Heights ("Township") and Chevron Environmental Management Company ("CEMC") entered into an agreement ("Agreement") that authorized Chevron to discharge pretreated groundwater emanating within its territorial boundaries into the central sanitary sewerage system of the Township as part of environmental remediation efforts at the former Millmaster Onyx Site ("Site"), located at 11 Summit Avenue; and

**WHEREAS**, the Township and Chevron amended the Agreement on July 24, 2007 ("First Amendment"), to remove reference to the anticipated flow rates and to extend the Agreement to February 13, 2009; and

**WHEREAS**, the Township and Chevron further amended the Agreement on February 3, 2009 ("Second Amendment"), to extend the time limit for the discharge of pretreated groundwater emanating within its territorial boundaries into the central sanitary sewage system of Berkeley Heights for a period of two (2) years, effective February 13, 2009; and

**WHEREAS**, the Township and Chevron further amended the Agreement on February 8, 2011 ("Third Amendment"), to extend the time limit for the discharge of pretreated groundwater emanating within its territorial boundaries into the central sanitary sewerage system of Berkeley Heights for a period of five (5) years, effective February 13, 2011; and

**WHEREAS**, based on the current status of the project CEMC has requested to further amend the terms of the June 13, 2006 Agreement, specifically the **NINTH** section, to extend the time limit for the discharge of pretreated groundwater emanating within its territorial boundaries into the central sanitary sewerage system of Berkeley Heights for another of five (5) year period, effective February 13, 2016; and

**WHEREAS**, the Director of the Township Water Pollution Control Plant advises that there is no objection to extending the Agreement for an additional five years; and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township and its citizens to authorize the Fourth Amendment to the Agreement in order to allow for the continued remediation of the Site.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the appropriate municipal officials are hereby directed and authorized to execute the Fourth Amendment to the June 13, 2006, Agreement between the Township and Chevron Environmental Management Company in

substantially the form attached hereto, for the purpose of amending section NINTH as stated above, effective February 13, 2016.

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

**APPROVED** this 9th day of February, 2016.

**ATTEST:**

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Township Clerk, Ana Minkoff

**FOURTH ADDENDUM**  
**TO AGREEMENT DATED JUNE 13, 2006**  
**EXECUTED BETWEEN**  
**CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY**  
**AND**  
**TOWNSHIP OF BERKELEY HEIGHTS**

THIS Addendum, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between,  
CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY, , 6101  
Bollinger Canyon Road, San Ramon, California 94583, hereinafter referred to as  
"CEMC"; and,

TOWNSHIP OF BERKELEY HEIGHTS in the County of Union, a Municipal  
Corporation of the State of New Jersey, party of the second part, hereinafter referred to as  
"Berkeley Heights".

WHEREAS, CEMC and Berkeley Heights (hereinafter referred to as "parties")  
entered into an Agreement dated June 13, 2006 (hereinafter referred to as the "June 13,  
2006 Agreement"), for the purpose of providing for the discharge of pretreated  
groundwater; and,

WHEREAS, said June 13, 2006 Agreement authorized the discharge of pretreated  
groundwater to the central sewerage system of Berkeley Heights utilizing an existing  
connection installed by CEMC, and handling of the pretreated groundwater from CEMC  
in accordance with the terms and conditions set forth in the Agreement. The water is  
being generated as part of environmental remediation efforts at the former Millmaster  
Onyx Facility, located at 11 Summit Avenue in Berkeley Heights, New Jersey (Lots 1 &  
2, Block 201) situated within the Township of Berkeley Heights; and,

WHEREAS, the parties amended the SECOND and NINTH sections of said June  
13, 2006 Agreement on July 24, 2007; and,

WHEREAS, the parties amended the NINTH section of said June 13, 2006 Agreement on February 3, 2009; and,

WHEREAS, the parties amended the SIXTH and NINTH sections of said June 13, 2006 Agreement on February 8, 2011; and,

WHEREAS, based on the current status of the project CEMC is seeking to further amend the terms of the June 13, 2006 Agreement accordingly.

WITNESSETH:

NOW THEREFORE, the following provision of the June 13, 2006 Agreement, specifically the NINTH section is hereby modified as follows:

NINTH: This agreement shall continue subject to the limitations contained herein, for an additional period of **five (5) years, effective February 13, 2016** and shall be binding upon the respective parties, their successors and assigns. During the last three (3) months of the term of this agreement, the parties shall negotiate to renew this agreement on a mutually satisfactory and equitable arrangement. Upon expiration of the term of this agreement, this agreement shall be renewable on a monthly basis upon acceptance by both parties.

Except as modified hereby and in the July 24, 2007, February 3, 2009, and February 8, 2011 Addenda, all of the terms and conditions of the June 13, 2006 Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto caused these presents to be signed by their respective representative and respective corporate seals to be hereto affixed and attested, the day and year first above written.

**Chevron Environmental Management Company**

By \_\_\_\_\_ Date \_\_\_\_\_  
Gabriel B. Lewis, Project Manager

**Township of Berkeley Heights**

By \_\_\_\_\_ Date \_\_\_\_\_  
Mayor Robert Woodruff

By \_\_\_\_\_ Date \_\_\_\_\_  
Township Clerk Ana Minkoff

Agenda Item No.: 4

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

**RESOLUTION**

**WHEREAS**, Vito Mondelli was a model citizen of the Township of Berkeley Heights, giving his time and efforts for many years for the betterment of the Township; and

**WHEREAS**, the Township was saddened upon his recent passing; and

**WHEREAS**, Mr. Mondelli continues to give back to the Township even after his passing; and

**WHEREAS**, pursuant to his Last Will and Testament (the "Will"), Mr. Mondelli bequest a portion of his property identified as Block 614, Lot 3, 182 Plainfield Avenue (the "Property") to the Township of Berkeley Heights to be utilized as a permanent park for the public to enjoy (the portion of the Property to be donated to the Township hereinafter shall be referred to as the "Park"), subject to certain terms and conditions; and

**WHEREAS**, pursuant to the Will the following conditions apply to the donation to the Township: (1) the existing shack and greenhouse on the Property are to be demolished by the Executor; (2) the barn on the Property is to be demolished by the Executor; (3) the Property is to be subdivided with the portion of the Property containing the residence and nearby garage being a separate lot, which is to be sold; (4) the net proceeds from the sale shall be held in trust by the Executor to be used for the purpose of constructing the park on the remaining lot to be donated to the Township, which includes all fees for the planning and construction of the Park; (5) the Park shall be constructed by the Executor in substantial conformity with the attached rendering, which as attached as Exhibit A to the Will; (6) the Executor shall have a suitable sign memorializing the donation constructed and prominently placed in the park; and (7) any remaining proceeds from the sale of the subdivided property shall be transferred to the chief financial officer of the Township to be placed in trust in an interest bearing account, which shall be used exclusively for the maintenance and replacement of any and all appurtenances and vegetation including shrubs and plantings in connection with the Park; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5-29, the Township is authorized to accept bequests, legacies and gifts made to it and is empowered to utilize such bequests, legacies and gifts in the manner set forth in the conditions of same; and

**WHEREAS**, the Township Council finds it in the best interest of the Township to accept the donation from Mr. Mondelli and accept the Park, subject to the terms and conditions of the Will, for use by the Township and the public.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township of Berkeley Heights hereby accepts the donation of the Park on the Property, along with any remaining proceeds from the sale of the subdivided portion of the Property to be held in trust for the ongoing maintenance of the Park, for use by the Township and the public pursuant to the bequest of Vito Mondelli, and subject to the terms and conditions of his Will.

**BE IT FURTHER RESOLVED** that prior to closing on the transaction and taking title to the Park, the Township shall conduct its due diligence of the Property, and authorize the final acceptance of the real property by adoption of an ordinance as required by the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*

**BE IT FURTHER RESOLVED** that the Township Clerk, Township Administrator, and appropriate staff and professionals is authorized to take all required actions to accept the donation and complete any and all due diligence required to accept title to the Park.

**BE IT FURTHER RESOLVED** that upon taking title to the Park, the Township shall register same with the State of New Jersey so as to designate and maintain it as a permanent park in perpetuity.

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby directed to provide a certified copy of this Resolution to the Executor of Mr. Mondelli's Will satisfying the condition that the Township accept the donation in writing within ninety (90) days of his death.

**BE IT FURTHER RESOLVED** that the Township of Berkeley Heights hereby thanks Vito Mondelli for his generous donation and his many contributions to the Township.

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

**APPROVED** this 9th day of February, 2016.

**ATTEST:**

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

#5

**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, Union County, New Jersey, in the meeting assembled, that the following transfers within the 2015 Municipal Budget and Reserves are hereby authorized:

<u>Account Description</u>	<u>To:</u>	<u>From:</u>
Tax Assessment O/E	\$ 100.00	
Engineering Services O/E	10,250.00	
Planning Board O/E	16,500.00	
Affordable Housing O/E	40,000.00	
Sewer Plant O/E	24,750.00	
Electricity O/E	1,050.00	
General Administration O/E		9,250.00
Council O/E		2,500.00
Municipal Clerk O/E		18,500.00
Financial Administration S&W		1,500.00
Tax Collection S&W		1,750.00
Tax Assessment S&W		5,150.00
Fire Hydrant Services O/E		4,000.00
Engineering Services S&W		2,000.00
Code Enforcement S&W		4,500.00
Crossing Guards S&W		6,000.00
Crossing Guards O/E		1,700.00
Fire Department S&W		4,000.00
Fire Department O/E		1,050.00
Fire Prevention S&W		3,750.00
Solid Waste Collection O/E		27,000.00
<b>TOTALS</b>	<b><u>\$ 92,650.00</u></b>	<b><u>\$ 92,650.00</u></b>

**APPROVED** this 9th day of February, 2016.

ATTEST:

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

TOWNSHIP OF BERKELEY HEIGHTS  
APPROPRIATION RESERVES TRANSFER RESOLUTION  
EXPLANATORY STATEMENT

Account Description / Number		Amount	
To:	From:	To:	From:
Tax Assessment O/E	Tax Assessment S&W	\$ 100.00	\$ 100.00
		\$ 100.00	\$ 100.00
<u>Explanatory Statement:</u> Increased appeal activity caused an increased use of professional services.			
Engineering Services O/E	Engineering Services S&W General Administration O/E Council O/E	\$ 10,250.00	\$ 2,000.00 7,250.00 1,000.00
		\$ 10,250.00	\$ 10,250.00
<u>Explanatory Statement:</u> Late billing of prior year architectural services.			
Planning Board O/E	General Administration O/E Council O/E Municipal Clerk O/E	\$ 16,500.00	\$ 2,000.00 1,500.00 13,000.00
		\$ 16,500.00	\$ 16,500.00
<u>Explanatory Statement:</u> Additional non-budgeted expenditures involving the Township municipal facilities and redevelopment studies.			
Affordable Housing O/E	Municipal Clerk O/E Financial Administration S&W Tax Collection S&W Tax Assessment S&W Fire Hydrant Services O/E Code Enforcement S&W Crossing Guards S&W Crossing Guards O/E Solid Waste Collection O/E	\$ 40,000.00	\$ 5,500.00 1,500.00 1,750.00 5,050.00 4,000.00 4,500.00 6,000.00 1,700.00 10,000.00
		\$ 40,000.00	\$ 40,000.00
<u>Explanatory Statement:</u> Legal decision regarding COAH caused uncontrollable spending for legal defense of Township.			

TOWNSHIP OF BERKELEY HEIGHTS  
APPROPRIATION RESERVES TRANSFER RESOLUTION  
EXPLANATORY STATEMENT - CONT'D

Account Description / Number		Amount	
To:	From:	To:	From:
Sewer Plant O/E		\$ 24,750.00	
	Fire Department S&W		\$ 4,000.00
	Fire Prevention S&W		3,750.00
			17,000.00
		\$ 24,750.00	\$ 24,750.00
<u>Explanatory Statement:</u>			
Aging infrastructure caused increased maintenance to facilities and equipment.			
Electricity O/E		\$ 1,050.00	
	Fire Department O/E		\$ 1,050.00
		\$ 1,050.00	\$ 1,050.00
<u>Explanatory Statement:</u>			
Final year end billings.			
		\$ 92,650.00	\$ 92,650.00

Agenda Item

# 6a

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

**RESOLUTION**

**WHEREAS**, the Tax Collector has advised that there was an overpayment of a portion of 2015 property taxes for property known as Block #101 Lot #5 also known as 74 Garfield Street, which requires a refund in the amount of \$287.82; and

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer is authorized to refund the overpayment for 2015 taxes in the amount of \$287.82 to John & Theresa Benvenuto, 74 Garfield Street, Berkeley Heights, NJ 07922.

**BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to John & Theresa Benvenuto, Treasurer and Tax Collector.

**APPROVED** this 9th day of February, 2016.

**Attest:**

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**Ana Minkoff  
Township Clerk**

6b

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

**RESOLUTION**

**WHEREAS**, Menza & Beisel Home, was required to post a New Curb & Paving Restoration Cash Bond in connection with work being performed at Block 1106, Lot 8.01 121 Hamilton Avenue and Block 1106, Lot 8.02, 129 Hamilton Avenue.

The Township Engineer, having inspected the work, has recommended by letter dated January 21, 2016 that a full release of the Cash Bond in the amount \$1,800.00 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 in the amount of \$1,800.00, Account #S17-48-374-119, Permit #2953 to Menza & Beisel Home, 41 Stonehouse Road, Basking Ridge, NJ 07910, together with any applicable interest.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is to be forwarded to Menza & Beisel Home, Township Treasurer and Township Engineer.

**APPROVED** this 9th day of February, 2016.

**ATTEST:**

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

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

**RESOLUTION**

**WHEREAS**, the YMCA has requested permission to hold its annual Mother's Day 5K Run on May 8, 2016; 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 the YMCA 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, and the YMCA,

**APPROVED** this 9<sup>th</sup> day of February, 2016.

**ATTEST:**

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