

**Township of Berkeley Heights
Union County, New Jersey
December 3, 2024**

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 10:30 p.m.

COUNCIL MEMBERS:

Manuel Couto
Paul Donnelly
John Foster - President
Margaret Illis
Bill Machado
Susan Poage – Vice President
Angie Devanney- Mayor

AGENDA FOR PUBLIC MEETING

Meeting will be held IN-PERSON and livestreamed via Zoom.

To view the meeting via Zoom, use the link:

<http://zoom.us/j/3575747364> *Passcode: 260284*

If you need to enter a meeting ID, it is: 357-574-7364.

- I. CALL TO ORDER – 7:00 p.m.
- II. ROLL CALL
- III. FLAG SALUTE
- IV. PROCLAMATION – Ed Gallitelli – Recreation Commission
- V. CONFERENCE SESSION
- VI. REGULAR AGENDA
- VII. **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.

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

1. Resolution approving Bill List dated December 3, 2024, in the amount of \$937,106.38.
2. Resolution authorizing the Clerk to proceed with going out to bid for Improvements to the Deerpath Lane project.
3. Resolution authorizing a tax settlement with Berkeley Hts Center, for the property located at 411-417 Springfield Avenue and 425-427 Springfield Avenue.
4. Resolution authorizing a contract to AAA Facility Solutions Cleaning Company, for cleaning various township owned buildings in an amount not to exceed \$43,500.
5. Resolution authorizing a bid contract with Biosafe Systems, for Peracetic acid (PAA) for the wastewater treatment plant in the amount not to exceed \$172,965.00, for a (3) year term.
6. Resolution awarding a contract to American Pipeline Solutions for Cleaning & Assessment of Hampton Drive force main, for a total amount not to exceed \$132,00.00.
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 budget transfers.
 - b. Resolution authorizing fireworks on December 7, 2024, at Peppertown park.
 - c. Resolution authorizing a tax overpayment for the property located at 230 Park Avenue, in the amount of \$6,000.00
 - d. Resolution authorizing a tax overpayment for the property located at 34 Woodwild Way, in the amount of \$12,755.
 - e. Resolution appointing Michael Tyler to the inactive list of the Berkeley Heights Volunteer Fire Department.
 - f. Resolution appointing Ambroise Dedenis to the inactive list of the Berkeley Heights Volunteer Fire Department.

IX. TOWNSHIP COUNCIL REPORTS

- A. Manuel Couto**
- B. Paul Donnelly**
- C. John Foster - President**
- D. Margaret Illis**
- E. Bill Machado**
- F. Susan Poage – Vice President**

ADMINISTRATION REPORTS

Mayor Devanney
Liza Viana

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 -

Attorney-Client Privilege – Municipal Complex

XII. ADJOURNMENT

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 12/3/2024, in the amount of \$937,106.38 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 3rd day of December 2024.

ATTEST:

Angela Lazzari
Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				
TIE:				
MAYOR DEVANNEY				

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

RESOLUTION

Whereas, the Township of Berkeley Heights desires to receive bids for Improvements to Deerpath Lane for the Township; and

Now Therefore, be it Resolved, that the Governing Body of the Township of Berkeley Heights authorizes the Clerk to proceed with going out to bid for Improvements to Deerpath Lane project in accordance with New Jersey Local Contracts Law NJSA 40:11-1 et seq.

APPROVED this 3rd day of December, 2024

ATTEST:

Angela Lazzari
Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				
TIE:				
MAYOR DEVANNEY				

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

RESOLUTION

WHEREAS, Berkeley Hts Center, LLC (“Taxpayer”), the owner of Block 208, Lot 18 and Block 208, Lot 18.01 on the Township of Berkeley Heights’ Tax Assessment Maps, commonly known as 411-417 Springfield Avenue and 425-427 Springfield Avenue (“Property”), filed an appeal of its 2020 through 2024 tax assessments in the Tax Court of New Jersey, Docket Nos. 010177-2020, 009499-2021, 007935-2022, 007251-2023 and 007806-2024; and

WHEREAS, the Township Council of the Township of Berkeley Heights met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and its Special Tax Counsel, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.; and

WHEREAS, Block 208, Lot 18 was assessed at \$930,900 for the years under appeal; and

WHEREAS, Block 208, Lot 18.01 was assessed at \$313,400 for the years under appeal; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated which reduces the total tax assessments levied upon Block 208, Lot 18 and Block 208, Lot 18.01; and

WHEREAS, the 2020 and 2021 Tax Court Complaints shall be withdrawn, and the 2020 and 2021 tax assessments shall remain unchanged; and

WHEREAS, the 2022 total tax assessments, based upon said reductions, will be \$805,500 instead of \$930,900 for Block 208, Lot 18 and \$285,800 instead of \$313,400 for Block 208, Lot 18.01; and

WHEREAS, the 2023 total tax assessments, based upon said reductions, will be \$776,300 instead of \$930,900 for Block 208, Lot 18 and \$275,400 instead of \$313,400 for Block 208, Lot 18.01; and

WHEREAS, the 2024 total tax assessments, based upon said reductions, will be \$715,300 instead of \$903,900 for Block 208, Lot 18 and \$253,800 instead of \$313,400 for Block 208, Lot 18.01; and

WHEREAS, prejudgment interest is waived provided the tax refund is paid by check payable to “Berkeley Hts Center, LLC and its attorney, Jeffrey C. Massa, Esq. of Garippa, Lotz & Giannuario” within sixty (60) days from the date of entry of the Tax Court Judgments; and

WHEREAS, the provisions of the Freeze Act (N.J.S.A. 54:51A-8) shall apply to the Tax Court Judgments; and

WHEREAS, all Counterclaims filed by the Township of Berkeley Heights shall be withdrawn at part of the settlement; and

WHEREAS, the Township Council leaves the allocation between land and improvements of the aforesaid tax assessment reductions to the Township of Berkeley Heights’ Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reductions have no general application to other properties within the Township of Berkeley Heights as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Council makes this settlement with Taxpayer without prejudice to its dealings with any other Berkeley Heights Township's taxpayers' request for tax assessment reduction; and

WHEREAS, the Mayor and Township Council have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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. The Township of Berkeley Heights' Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$805,500 total tax assessment for Block 208, Lot 18 and a \$285,800 total tax assessment for Block 208, Lot 18.01 for the 2022 tax year, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.
2. The Township of Berkeley Heights' Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$776,300 total tax assessment for Block 208, Lot 18 and a \$275,400 total tax assessment for Block 208, Lot 18.01 for the 2023 tax year, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.
3. The Township of Berkeley Heights' Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$715,300 total tax assessment for Block 208, Lot 18 and a \$253,800 total tax assessment for Block 208, Lot 18.01 for the 2024 tax year, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.
4. The Special Tax Counsel, Sandra Belli, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeals of Berkeley Hts Center, LLC ("Taxpayer"), Docket Nos. 010177-2020, 009499-2021, 007935-2022, 007251-2023 and 007806-2024, which withdraws the Tax Court Complaints for tax years 2020 and 2021; which reduces the total tax assessment on Block 208, Lot 18 from \$930,9000 to a total tax assessment of \$805,500 for the 2022 Tax Year; which reduces the total tax assessment on Block 208, Lot 18.01 from \$313,400 to a total tax assessment of \$285,800 for the 2022 Tax Year; which reduces the total tax assessment on Block 208, Lot 18 from \$930,9000 to a total tax assessment of \$776,300 for the 2023 Tax Year; which reduces the total tax assessment on Block 208, Lot 18.01 from \$313,400 to a total tax assessment of \$275,400 for the 2023 Tax Year; which reduces the total tax assessment on Block 208, Lot 18 from \$930,9000 to a total tax assessment of \$715,300 for the 2024 Tax Year; which reduces

the total tax assessment on Block 208, Lot 18.01 from \$313,400 to a total tax assessment of \$253,800 for the 2024 Tax Year; which provides that prejudgment interest is waived provided the tax refund is paid by check payable to "Berkeley Hts Center, LLC and its attorney, Jeffrey C. Massa. Esq. of Garippa, Lotz & Giannuario" within sixty (60) days from the date of entry of the Tax Court Judgments; which provides that the provisions of the Freeze Act (N.J.S.A. 54:51A-8) shall apply to the Tax Court Judgments; and which provides that all Counterclaims filed by the Township of Berkeley Heights shall be withdrawn as part of the settlement.

5. The settlement outlined above shall be without prejudice to the Township of Berkeley Heights' dealings with any other Township taxpayers' request for tax assessment reductions.

Approved this 3rd day of December, 2024.

ATTEST:

Angela Lazzari, Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				

Jeffrey C. Massa, Esq.
 Attorney ID Number 098842016
 Garippa Lotz & Giannuario
 66 Park Street
 Montclair, NJ 07042
 Email Address jeffrey@taxappeal.com
 Attorneys for Plaintiff

BERKELEY HTS CENTER, LLC

Plaintiff,

v.

BERKELEY HGTS TWP

Defendant.

Tax Court of New Jersey
Docket No. 010177-2020, 009499-2021
007935-2022, 007251-2023
007806-2024

Civil Action
Stipulation of Settlement
(Local Property Tax)

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment entered as follows:

Block 208	Lot 18	Unit Qualifier	
Street Address 411-417 SPRINGFIELD AVE		Year 2020, 2021	
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$321,000	\$321,000	
Improvements	<u>609,900</u>	<u>609,900</u>	<u>WITHDRAWN</u>
Total	\$930,900	\$930,900	

Block 208	Lot 18	Unit Qualifier	
Street Address 411-417 SPRINGFIELD AVE		Year 2022	
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$321,000	\$321,000	\$321,000
Improvements	<u>609,900</u>	<u>609,900</u>	<u>484,500</u>
Total	\$930,900	\$930,900	\$805,500

Block 208	Lot 18	Unit Qualifier	
Street Address 411-417 SPRINGFIELD AVE		Year 2023	
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$321,000	\$321,000	\$321,000
Improvements	<u>609,900</u>	<u>609,900</u>	<u>455,300</u>
Total	\$930,900	\$930,900	\$776,300

Block 208	Lot 18	Unit Qualifier	
Street Address 411-417 SPRINGFIELD AVE		Year 2024	
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$321,000	\$321,000	\$321,000
Improvements	<u>609,900</u>	<u>609,900</u>	<u>394,300</u>
Total	\$930,900	\$930,900	\$715,300

Block 208	Lot 18.01	Unit Qualifier	
Street Address 425-427 SPRINGFIELD AVE		Year 2020, 2021	
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$170,500	\$170,500	
Improvements	<u>142,900</u>	<u>142,900</u>	<u>WITHDRAWN</u>
Total	\$313,400	\$313,400	

Block 208	Lot 18.01	Unit Qualifier	
Street Address 425-427 SPRINGFIELD AVE		Year 2022	
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$170,500	\$170,500	\$170,500
Improvements	<u>142,900</u>	<u>142,900</u>	<u>115,300</u>
Total	\$313,400	\$313,400	\$285,800

Block 208	Lot 18.01	Unit Qualifier	
Street Address 425-427 SPRINGFIELD AVE		Year 2023	
	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$170,500	\$170,500	\$170,500
Improvements	<u>142,900</u>	<u>142,900</u>	<u>104,900</u>
Total	\$313,400	\$313,400	\$275,400

Block 208	Lot 18.01	Unit Qualifier
Street Address 425-427 SPRINGFIELD AVE		Year 2024

	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$170,500	\$170,500	\$170,500
Improvements	<u>142,900</u>	<u>142,900</u>	<u>83,300</u>
Total	\$313,400	\$313,400	253,800

The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2025 and therefore agree that the provisions of N.J.S.A.54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s) No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.

- The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.
- Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.
- Regarding all tax years 2020-2024, any counterclaims filed by the municipality for these years are also to be withdrawn as part of this agreement.
- Prejudgment interest is hereby waived on any overpayment and resulting refund due, provided however, that said refund is issued to Berkeley Hts Center, LLC through its attorney, Jeffrey C. Massa, Esq. of Garippa, Lotz & Giannuario, within 60 days from the date of entry of the Tax Court Judgment.

11/13/24
Date



JEFFREY C. MASSA, ESQ., Attorney for Plaintiff

Date

SANDRA BELLI, ESQ., Attorney for Defendant

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

**RESOLUTION AWARDING A CONTRACT TO AAA FACILITY SOLUTIONS
CLEANING COMPANY FOR CLEANING VARIOUS TOWNSHIP-OWNED
BUILDINGS**

WHEREAS, the Township of Berkeley Heights is in need of a building cleaning/custodial service for the main Town Hall offices, Police Department, Department of Public Works and Wastewater Treatment Plant for the year 2025; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* provides for the solicitation of competitive quotes and the award to a vendor whose response is most advantageous, less than the bid threshold without competitive bidding; and

WHEREAS, AAA Facility Solutions of 11 Middlebury Blvd, Suite 1 Randolph, NJ 07869 has provided a proposal dated August 26, 2024, with a total not-to-exceed cost of \$43,500.00 annual cost, for the year 2025, to do the necessary cleaning in above-mentioned Township-owned buildings; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights that the Mayor and/or the Department of Public Works Director of the Township of Berkeley Heights are hereby authorized to execute and attest to an agreement with AAA Facility Solutions for the provision of necessary custodial services at a fee not to exceed \$43,500.00, pursuant to their proposal dated August 26, 2024; and

BE IT RESOLVED, an amount not to exceed \$43,500.00 shall be charged to account number 5-01-26-310-024 pending the adoption of the 2025 municipal budget.

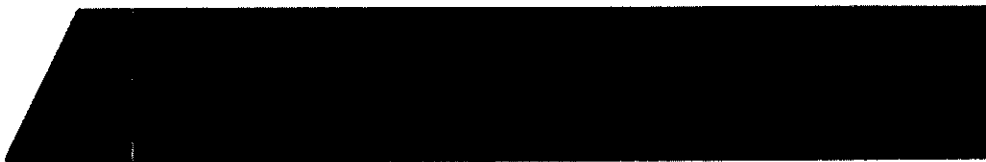
BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Approved this 3rd day of December 2024.

ATTEST:

Angela Lazzari,
Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				



908-603-7987

August 26, 2024

Don Cochario, DPW Director
Berkeley Heights Township
29 Park Avenue
Berkeley Heights, NJ 07922

RE: Proposed Quote for Custodial Services at the Township Administration Building, Police Department, Public Works and Wastewater Treatment Plant

Mr. Cochario,

Thank you for letting AAA Facility Solutions, LLC provide you with a quote for Custodial Services at Berkeley Heights Township.

If you have any questions and would like to review further, please do not hesitate to contact me.

SCOPE:

- Attached – Provided by Township

SCHEDULE:

- Administration Building and Police Department – 3 Days per week (Monday, Wednesday and Friday) - 8 Hours of Service per day
- Public Works Department – 1 Day per week (Saturday) – 2 Hours of Service per day
- Wastewater Treatment Plant – 1 Day per week (Day to be determined) – 3 Hours of Service per day

PRICING: \$3,625.00 per month, \$43,500.00 per year *

Should you wish to discuss please don't hesitate to contact me at 908-603-7987. I can also be reached by email at Armando.aaafs@gmail.com We look forward to helping you complete this project.

Thank you,

Armando Sanchez
Vice President

Armando Sanchez
Quote

TOWNSHIP OF BERKELEY HEIGHTS

**RESOLUTION ACCEPTING THE BID OF THE LOWEST RESPONSIBLE
BIDDER, BIOSAFE SYSTEMS LLC, TO SUPPLY THE TOWNSHIP'S
WASTEWATER TREATMENT PLANT WITH PERACETIC ACID**

WHEREAS, the Mayor and Township Council of the Township of Berkeley Heights (the "Township") solicited bids for a contract (the "Contract") to supply the Township, namely, its Wastewater Treatment Plant (the "Plant"), with peracetic acid, a.k.a. PAA, for a period of three (3) years, for the Plant to use in its disinfection system; and

WHEREAS, the Township received a single bid (the "Bid"), which bid was from BioSafe Systems LLC ("BioSafe"), a company based in East Hartford, Connecticut, with a cost amount of one hundred seventy-two thousand nine hundred sixty-five dollars and zero cents (\$172,965.00); and

WHEREAS, the Township opened the Bid on November 14, 2024, at 10:00 AM; and

WHEREAS, BioSafe already currently supplies the Plant with PAA; and

WHEREAS, Paulus, Sokolowski and Sartor, LLC ("PS&S"), an architecture and engineering firm based in Warren, New Jersey, reviewed the Bid on behalf of the Township; and

WHEREAS, on November 15, 2024, PS&S presented the Township with a letter in which PS&S declared the Bid was "complete and in accordance with the requirements of the bid specifications"; and

WHEREAS, accordingly, PS&S expressly recommended the Township award the Contract to BioSafe; and

WHEREAS, BioSafe's bid is indeed fully responsive; and

WHEREAS, BioSafe is the lowest responsible bidder; and

WHEREAS, the Township Council finds that the best interest of the Township and the purpose of the New Jersey Local Public Contracts Law would be served by the Township awarding the Contract to BioSafe;

NOW, THEREFORE BE IT RESOLVED by the Township Council that the Township shall award the Contract from January 1, 2025 through December 31, 2028 to BioSafe in the amount of \$172,965.00, an amount not to exceed \$57,655 for each calendar year for the length of the contract shall be charged to account number 5-01-26-310-031 – Sewer Chemicals and Gases pending the adoption of each subsequent municipal budget.

APPROVED, December 3, 2024.

ATTEST:

Angela Lazzari
Township Clerk

Approved as to form:

Daniel Antonelli,
Township Attorney

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				
TIE:				
MAYOR DEVANNEY				



November 15, 2024

Township of Berkeley Heights
29 Park Avenue
Berkeley Heights, NJ 07922

,
Attn: Ana Minkoff, Township Clerk

Education

Energy Utility

Healthcare

Public Works

Real Estate

Science & Technology

RE: Peracetic Acid (PAA) Chemical
Recommendation of Award

Dear Ms. Minkoff,

On November 14, 2024, at 10:00 AM, Berkeley Heights Township (Berkeley Heights) received and opened one (1) bid for the above referenced project which calls for the furnishing and delivering of peracetic acid chemical for the wastewater treatment plant's disinfection system. The bid that was submitted was from BioSafe Systems LLC, the current peracetic acid chemical supplier.

PS&S reviewed the submitted bid for compliance with the requirements of the bid specifications and notes that the bid package was found to be complete and in accordance with the requirements of the bid specifications.

Based upon our review of the attached bid package, we recommend that Berkeley Heights award the contract for furnishing and delivering peracetic acid chemical to Biosafe Systems LLC, specifically their SaniDate 15.0 product, for a period of three (3) years at the next regularly scheduled meeting subject to review and approval of the bid package by Berkeley Heights Township Attorney.

If you have any questions concerning the above, please do not hesitate to call.

Very truly yours,

PAULUS, SOKOLOWSKI AND SARTOR, LLC

Richard Crane, P.E., BCEE
Senior Director.

cc: Attachment
Liza Viana, Township Administrator (email)
Andrew Purcell, PE- PS&S (email)
Alan Kennedy, Director of Wastewater Treatment (email)

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

**RESOLUTION AWARDING A CONTRACT TO AMERICAN PIPELINE
SOLUTIONS FOR CLEANING & ASSESSMENT OF HAMPTON DRIVE
FORCE MAIN**

WHEREAS, the Township of Berkeley Heights needs to conduct an inspection and cleaning of approximately 2,200 linear feet of the Hampton Drive force main, located on Hampton Drive, which is part of our waste water treatment conveyance system; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* provides for the solicitation of competitive quotes and the award to a vendor whose response is most advantageous, less than the bid threshold without competitive bidding; and

WHEREAS, American Pipeline Solutions of 84 Johnson Avenue, Suite A in Hackensack, New Jersey 07601-4824 has provided a proposal dated November 22, 2024, with a total not-to-exceed cost of \$128,500.00 plus \$3,500 transmitter contingency in the event the pig transmitter cannot be recovered during the inspection, to do the necessary cleaning and condition assessment inspection of approximately 2,200 linear feet of 10” cast iron force main on Hampton Drive; and

WHEREAS, the anticipated completion project for this project is March 31, 2025.

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 American Pipeline Solutions for the provision of the necessary services at a fee not to exceed \$128,500.00 plus \$3,500 transmitter contingency, pursuant to their proposal dated November 22, 2024; and

BE IT RESOLVED, that the Chief Financial Officer has issued a Certificate Available Funds which is incorporated herein by reference, for an amount not to exceed \$132,000.00.

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

Approved this 3rd day of December, 2024.

ATTEST:

**Angela Lazzari
Township Clerk**

CHIEF FINANCIAL OFFICER CERTIFICATION

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, Diane Sherry, 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 with Portofino Builders, in an amount not to exceed from the following account, \$132,000.00 from C-04-24-011-102- Ordinance 11-2024.

Diane Sherry
CHIEF FINANCIAL OFFICER

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				
TIE:				
MAYOR DEVANNEY				



AMERICAN PIPELINE SOLUTIONS

84 Johnson Avenue, Suite A
Hackensack, New Jersey 07601-4824
201-525-0088

www.americanpipelinesolutions.com

November 22, 2024

Richard Crane, P.E. BCEE
Sr. Director, Water Resources
PS&S, LLC
1450 NJ-34
Wall Township, NJ 07753

RE: Cleaning & Condition Assessment of Approximately 2,200 LF of 10" Cast Iron Force Main

Dear Mr. Fischer,

We hope this letter finds you well. On behalf of American Pipeline Solutions, Inc. (APS), we are delighted to present our proposal for the above-referenced project. Our team is committed to providing top-notch services that will effectively and efficiently meet your project's requirements.

Scope of Work: The proposed price for this project is **\$128,500 (plus sales tax if not exempt) (see note 1)**, and it includes the following services and resources:

1. Four (4) Technicians
2. Temporary launcher installation and removal.
3. Up to Five (5) pig runs.
4. One Smart Tool with an acoustic sensor for condition assessment and leak detection.
5. Pressure pump.
6. 1,500-gallon temporary water lagoon.
7. Provide water for pigging operations.
8. Pig tracking system for monitoring.
9. Required fitting work to attach the launcher.
10. Service vehicles.
11. Travel expenses.
12. Room and board.

Customer Responsibilities: To ensure the project's success, we request the following cooperation from PS&S, LLC, or a third-party contractor at no additional cost or delay:

1. Access to the pipeline.
2. Traffic Control, if required.
3. Proper disposal of used pigs after the cleaning process.
4. Vac truck on hand during the duration of the project.

Additional Notes:

1. The price outlined in this proposal reflects 2024 pricing and will be honored provided a purchase order (PO) is received within the calendar year 2024 (CY '24). If a PO is issued to APS during the first quarter of 2025, the project price will increase to **\$135,600 (plus sales tax if not exempt)**.
2. Any standby or additional work required will be charged according to our attached Time and Material Rates.
3. We have not accounted for any weekend, nighttime, or holiday work in this proposal.

Important Points to Consider:

Due to the age of the pipeline and any history of previous failures, there is an inherent risk that running a pig or smart tool through the line may result in leaks or failures. While we strive to execute pigging operations with the utmost care and precision, it's essential to acknowledge the unpredictable nature of older pipelines.

1. **Risk Disclaimer:** American Pipeline Solutions (APS) cannot assume responsibility for any damage caused during pigging operations due to the pipeline's age or pre-existing conditions.
2. **Unrecoverable Pigs:** If a pig cannot be successfully recovered, the client is responsible for covering the cost of replacing our transmitter in the pig. This cost is estimated at approximately \$3500.

Safety and Compliance:

We take pride in our team's commitment to safety and compliance with industry standards and regulations. Our lead technicians hold DOT Operator Qualified accreditations for pigging, abnormal operating conditions, and hydrostatic testing for fuel and natural gas systems. APS's Lead Technicians are 40-hour HAZWOPER, OSHA 10, OSHA 30, OSHA Site Supervisors, Confined Space Entry trained, and have TWIC credentials. APS is a member of ISNetworld and Veriforce. We have received the 2020 and 2021 Gold Safety Awards, demonstrating our dedication to maintaining a safety score of 95% in the Construct Secure Safety Assessment Program.

General Terms and Conditions:

For your convenience, we have outlined our general terms and conditions below:

1. **Price and Payments:** A.) Price excludes applicable sales or local taxes, and tax liability shall be the purchaser's responsibility. B.) Payment terms are Net 30 days from completion of services. C.) Past due amounts over 30 days will incur a monthly finance charge of a maximum of 1-1 ½% or an annual percentage rate of 18 ½%. D.) This quote is based on APS's current insurance coverage, and any additional insurance requirements will be added to the quote. E.) All stated prices and terms will remain in effect for 60 days from the date of this proposal. F.) No funds shall be withheld as retainage, as APS performs a service-only project. G.) Any costs associated with third-party compliance group membership not already covered by APS will be added to this proposal.
2. **Notice of Alleged Neglect or Default:** APS shall not be responsible for any charges, claims, or demands due to alleged neglect or default on our part unless written notice thereof is delivered within ten (10) days after the alleged occurrence.
3. **Before mobilization,** we require a 20% deposit of the proposed price in the Scope of Work section above to proceed with the project. The deposit secures your project's position in our schedule and covers the initial costs associated with planning and preparation.
4. **Rescheduling Fee:** If the project's start date is changed within one week of the scheduled date, a rescheduling fee of \$10,000 will be charged. This fee covers any additional expenses and impacts

on our schedule. We understand that unforeseen circumstances may arise, and we will work closely with you to minimize any potential disruptions.

Acceptance of Proposal:

Please sign and return a copy of this letter to indicate your acceptance of this proposal. Upon receipt of the signed acceptance and the requested deposit, we will initiate the necessary arrangements and commence the project according to the agreed timeline.

We are eager to collaborate with you on this project and deliver exceptional results. If you have any questions or require further clarification, please do not hesitate to contact us.

Thank you for considering APS as your trusted partner for this endeavor. We look forward to the opportunity to work with you.

Sincerely,

Jonathan Benson
General Manager
American Pipeline Solutions, Inc.

**TOWNSHIP OF BERKELEY HEIGHTS
RESOLUTION**

WHEREAS, N.J.S.A. 40A:4-58 provides that the Governing Body of a municipality may upon the concurrence of two-thirds of the full membership thereof in the last two months of the calendar year make transfers between appropriations in which funds are deemed to be in excess of the anticipated; and

NOW BE IT FURTHER RESOLVED, by the Township Council of the Township of Berkeley Heights in the County of Union, State of New Jersey, two thirds of the full membership thereof concurring that the following transfers be made in the CY 2024 appropriations for the Current Fund in accordance with N.J.S.A. 40A:4-58:

	From	To
Uniform Construction Code S&W	15,000.00	
Crossing Guards S&W	5,000.00	
Streets and Roads S&W	10,000.00	
Solid Waste Collection	30,000.00	
Buildings and Grounds S&W	70,000.00	
Sewer S&W	50,000.00	
Sewer O/E	_____	180,000.00
	180,000.00	180,000.00

APPROVED on this 3rd day of December, 2024

ATTEST:

Angela Lazzari
Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				

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

RESOLUTION

WHEREAS, Garden State Fireworks has requested permission to hold a fireworks display on December 7, 2024, at Peppertwon Park between 6:30 – 7:00. In the event of rain this resolution will be extended for 10 days; and.

WHEREAS, the Township Council believes that it is appropriate to grant permission for such displays under the normal terms and conditions.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that permission is granted to Garden State Fireworks to hold fireworks displays. Provided that it satisfies all comments and concerns, if any, of the Rescue Squad, Fire Department and Police Department raised prior to, or on the night of the display including any raised as a result of the weather conditions at the time of the display.

Copies of this resolution are to be forwarded to Garden State Fireworks, and Fire Department.

APPROVED this 3rd day of December, 2024.

ATTEST:

Angela Lazzari
Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				
TIE:				
MAYOR DEVANNEY				

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2024 property taxes for property known as Block# 1105, Lot# 4, also known as 230 Park Ave, which requires a refund in the amount of \$6,000.00; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the fourth (4th) quarter 2024 taxes in the amount of \$6,000.00 to 230 Park Ave, Berkeley Heights, NJ 07922.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Tax Collector.

APPROVED this 3rd day of December 2024.

Attest:

Angela Lazzari
Township Clerk

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2024 property taxes for property known as Block# 2105, Lot# 5, also known as 34 Woodwild Way, which requires a refund in the amount of \$12,755.00; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the fourth (4th) quarter 2024 taxes in the amount of \$12,755.00 to 34 Woodwild Way, Berkeley Heights, NJ 07922.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Tax Collector.

APPROVED this 3rd day of December 2024.

Attest:

**Angela Lazzari
Township Clerk**

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

RESOLUTION

IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that **Michael Tyler**, is hereby appointed to the inactive list of the Berkeley Heights Volunteer Fire Department effective December 3, 2024.

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

APPROVED this 3rd day of December, 2024.

ATTEST:

Angela Lazzari
Township Clerk

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

RESOLUTION

IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that **Ambroise Dedenis**, is hereby appointed to the inactive list of the Berkeley Heights Volunteer Fire Department effective December 3, 2024.

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

APPROVED this 3rd day of December, 2024.

ATTEST:

Angela Lazzari
Township Clerk

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2024 property taxes for property known as Block# 903.03, Lot# 2/C, also known as 28 Meadowview Lane, which requires a refund in the amount of \$2,124.53; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the fourth (4th) quarter 2024 taxes in the amount of \$2,124.53 to 28 Meadowview Lane, Berkeley Heights, NJ 07922.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Tax Collector.

APPROVED this 3rd day of December 2024.

Attest:

Angela Lazzari
Township Clerk

Agenda Item #:

**A RESOLUTION PURSUANT TO N.J.S.A.10:4-12 MOVING
THE PUBLIC MEETING INTO EXECUTIVE SESSION**

WHEREAS, the provisions of the Open Public Meetings Act (N.J.S.A.10:4-1 et seq.) expressly provide that a public body may move into Executive Session and exclude the public from that portion of a meeting at which the public body discusses any of the nine areas set forth in N.J.S.A.10:4-12b; and

WHEREAS, the Township Council of the Township of Berkeley Heights has determined it necessary to move into Executive Session to discuss the following subjects, all of which are included in the aforesaid exceptions:

1. Attorney-Client Privilege – Municipal Complex

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby move into Executive Session pursuant to N.J.S.A.10:4-12b to discuss the aforesaid matters; and

IT IS FURTHER RESOLVED that the aforesaid discussions shall be made public either at the Public Meeting following said Executive Session or at such time as any litigated or personnel matters are concluded; or upon conclusion of any negotiations or related discussions; or as otherwise specified; and

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

APPROVED this 3rd day of December, 2024.

Attest:

Angela Lazzari, Township Clerk

ROLL CALL	Aye	Nay	Abstain	Absent
COUTO				
DONNELLY				
FOSTER				
ILLIS				
MACHADO				
POAGE				
TIE:				
MAYOR DEVANNEY				