

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

ORDINANCE NO. 2025-32

**ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE
COUNTY OF UNION, NEW JERSEY, ADOPTING A
REDEVELOPMENT PLAN FOR THE PROPERTIES IDENTIFIED AS
BLOCK 702, LOTS 4 AND 6 AND A PORTION OF BLOCK 702, LOT 17.01
ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, on November 21, 2023, the Township Council (the “**Township Council**”) of the Township of Berkeley Heights, in the County of Union, New Jersey (the “**Township**”), adopted Resolution No. 287-2023, authorizing and directing the Township Planning Board (the “**Planning Board**”) to conduct an investigation pursuant to the Redevelopment Law to determine whether all or a portion of the property identified as Block 702, Lots 4, 6 and 16 on the official tax maps of the Township, along with all streets and rights of way appurtenant thereto (the “**Study Area**”), meets one or more criteria set forth in the Redevelopment Law and should be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, Harbor Consultants (the “**Planning Consultant**”) conducted a preliminary investigation of the Study Area to determine whether the Study Area should be designated an area in need of redevelopment, and prepared a preliminary investigation report of the Study Area in accordance with the Redevelopment Law, entitled, “Preliminary Investigation Report for 414-424, 458 Springfield Avenue & 230 Sherman Avenue (Block 702, Lots 4, 6 & 16) as an ‘Area in Need of Redevelopment’ without Condemnation” (the “**Study**”); and

WHEREAS, the Study set forth the basis for the investigation of the Study Area and a map depicting the Study Area, and concluded that the Study Area qualified as an area in need of redevelopment pursuant to the Redevelopment Law, for the reasons set forth in the Study; and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment; and

WHEREAS, on May 1, 2024, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined, by resolution, that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

ORDINANCE NO. 2025-32

WHEREAS, on May 21, 2024, in accordance with the Redevelopment Law, the Township Council duly adopted Resolution No. 135-2024 designating the Study Area as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, on behalf of the Township and pursuant to the Redevelopment Law, the Planning Consultant has prepared a redevelopment plan for a portion of the Redevelopment Area consisting of Block 702, Lots 4 and 6, as well as a portion of Block 702, Lot 17.01 (which was then known as Lot 17 and declared an “area in need of redevelopment” by the Township Council by adoption of Resolution No. 274-2016, and subsequently subdivided into Lot 17.01 per the minor subdivision application approved by the Planning Board on January 13, 2021 and recorded by subdivision deed dated December 10, 2021) (collectively, the “**Redevelopment Plan Area**”), entitled “Terrace II Redevelopment Plan” dated September 10, 2025 (in the form on file in the office of the Township Clerk and available for public inspection) (the “**Redevelopment Plan**”); and

WHEREAS, pursuant to the Redevelopment Law, specifically *N.J.S.A. 40A:12A-7(e)*, prior to the adoption of a redevelopment plan, the municipality’s planning board shall provide to the governing body of the municipality a report containing the planning board’s recommendation concerning the redevelopment plan pursuant to *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, on September 16, 2025, pursuant to *N.J.S.A. 40A:12A-7(e)*, the Township Council duly adopted Resolution No. 2025-266, authorizing and directing the Planning Board to review the proposed Redevelopment Plan and provide a report to the Township Council containing its recommendation concerning the Redevelopment Plan, including the identification of any provisions of the Redevelopment Plan which are inconsistent with the Township Master Plan; and

WHEREAS, on October 8, 2025, the Planning Board reviewed the Redevelopment Plan, heard testimony from the Planning Consultant and adopted a resolution finding that the Redevelopment Plan is consistent with the Township Master Plan and recommending that the Township Council adopt the Redevelopment Plan (the “**Planning Board Resolution**”); and

WHEREAS, the Planning Board has provided such Planning Board Resolution to the Township Council as the Planning Board’s “report” pursuant to *N.J.S.A. 40A:12A-7(e)*; and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, in the County of Union, New Jersey, as follows (not less than a majority of all members thereof affirmatively concurring):

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.
2. The Redevelopment Plan on file with the Township Clerk is incorporated herein by reference and is hereby approved and adopted pursuant to *N.J.S.A. 40A:12A-7*.

ORDINANCE NO. 2025-32

3. The sections of the zoning map and zoning ordinance of the Township that relate to the Redevelopment Plan Area are hereby amended to incorporate the provisions of the Redevelopment Plan.
4. If any part of this Ordinance shall be deemed invalid, such part shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
5. This Ordinance shall take effect in accordance with applicable law.

Angie Devanney, Mayor

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
						Manuel Couto						
						John Foster						
						Margaret Illis						
						Bill Machado						
						Andrew Moran						
						Susan Poage						
Introduced: October 21, 2025				I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date. _____ Angela Lazzari, Township Clerk								
Final Adoption: November 5, 2025												

LEGAL NOTICE

ORDINANCE 2025-32

“ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTIES IDENTIFIED AS BLOCK 702, LOTS 4 AND 6 AND A PORTION OF BLOCK 702, LOT 17.01 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP”

NOTICE OF PENDING ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed upon first reading at a meeting of the Township Council of the Township of Berkeley Heights, in the County of Union, New Jersey, held on October 21, 2025. The ordinance will be further considered for final passage, after public hearing thereon, at a meeting of the Township Council of the Township of Berkeley Heights to be held in-person at the Berkeley Heights Municipal Building in the Berkeley Room-Council Chambers, and livestreamed on YouTube, on November 5, 2025 at 6:30 P.M. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Township Clerk’s office for members of the general public who request the same.

Pursuant to *N.J.S.A. 40:49-2*, as amended, further notice is hereby given that the purpose of the foregoing ordinance is to adopt a redevelopment plan for Block 702, Lots 4 and 6 and a portion of Block 702, Lot 17.01 on the official tax maps of the Township.

Angela Lazzari, Township Clerk
Township of Berkeley Heights

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

RESOLUTION

WHEREAS, certain Federal funding will potentially be available for Union County under Title I of the Housing and Community Development Act of 1974 as amended and supplemented, which Act is commonly known and referred to as the Community Development Block Grant (CDBG); and

WHEREAS, the Township of Berkeley Heights has a need and desire for assistance under the Act and Program as aforesaid in order to improve essential services to the residents of areas which qualify for assistance under the Act and Program as aforementioned.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Township of Berkeley Heights, County of Union, State of New Jersey authorizes, on behalf of the Township of Berkeley Heights, the submission of applications for funding of the attached list, known as the Community Development Block Grant Program Year 52 list.

Community Development Block Grant Proposals for Year 52

Senior Citizens Social Services & Health Program

Request \$25,000.00

Approved this 21th day of October, 2025.

ATTEST:

**Angela Lazzari, RMC
Township Clerk**

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

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

RESOLUTION

WHEREAS, there was a requirement to post a Road Opening Bond, in the amount of \$2,000.00 in connection with work being performed at 110 Roosevelt Avenue (Edmunds A/C: RO-2100082), the Township Engineer has recommended by letter dated October 9, 2025, a release of the bond.

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 \$2,000.00, together with any applicable interest, as per the Engineer's recommendation.

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

Approved this 21st day of October, 2025.

ATTEST:

**Angela Lazzari, RMC
Township Clerk**

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

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

RESOLUTION

**A RESOLUTION AMENDING THE ADOPTED BUDGET FOR ADDITIONAL ITEM OF REVENUE
AND OFFSETTING APPROPRIATION FOR THE NJDOT 2025 MUNICIPAL AID PROGRAM**

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 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 equal amount.

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 requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget for the year 2025 in the sum \$312,390.00 of which items are now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the
Director of the Division of Local Government Services: State and Federal
Revenues Off-set with Appropriations:

NJDOT 2025 Municipal Aid (Emerson Lane)

BE IT FURTHER RESOLVED, that a like sum of \$312,390.00 is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by Revenues

NJDOT 2025 Municipal Aid (Emerson Lane)

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall file an electronic copy of this resolution with the Division of Local Government Services for approval.

Approved this 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

**AUTHORIZING A CONTRACT WITH NATIONAL WATER MAIN CLEANING FOR THE
REHABILITATION/REPAIR OF MANHOLES AND PIPELINES FOR THE TOWNSHIP'S
WASTEWATER TREATMENT PLANT PURSUANT TO BUYBOARD NATIONAL COOPERATIVE
PURCHASING PROGRAM**

WHEREAS, the Wastewater Treatment Plant for the Township of Berkeley Heights is in need of services for the rehabilitation/repair of manholes and pipelines; and,

WHEREAS, in furtherance of such purchase, the Qualified Purchasing Agent has researched and recommended the procurement of such services from an authorized vendor under the National Cooperative Purchasing Alliance pursuant to statute and Local Finance Notice 2012-10; and,

WHEREAS, National Water Main Cleaning has been awarded **Contract No. 730-24**, Cured in Place (CIPP) for Pipeline Rehabilitation (Thermo-Cured-Products), and **Contract No. 731-24**, Cured in Place (CIPP) for Pipeline Rehabilitation (Ultraviolet-Light-Cured-Products), as part of the BuyBoard National Purchasing Program, also known as BuyBoard, for the provision of certain goods and services inclusive of rehabilitation/ repair of manholes and pipelines.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Berkeley Heights, County of Union, State of New Jersey do hereby authorize a contract with **National Water Main Cleaning** of 1806 Newark Turnpike, Kearny, NJ 07032, for the rehabilitation/repair of manholes and pipelines, pursuant to BuyBoard National Purchasing Program Contract No. 730-24, Cured in Place (CIPP) for Pipeline Rehabilitation (Thermo-Cured-Products), and Contract No. 731-24, Cured in Place (CIPP) for Pipeline Rehabilitation (Ultraviolet-Light-Cured-Products), in an amount not to exceed **\$100,000.00**.

BE IT FURTHER RESOLVED that the Chief Finance Officer of the Township of Berkeley Heights has certified that sufficient uncommitted funds are available for the purposes set forth herein in an amount not to exceed **\$100,000.00** from account # **C-04-25-019-E02 - Ordinance 2025-19 - Sewer Collection System & Pipeline**.

BE IT FURTHER RESOLVED that this resolution shall be ratified back to October 7, 2025.

Approved this 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

WHEREAS, the Wastewater Treatment Plant for the Township of Berkeley Heights requires paving of the pump station driveway located at Hampton Court in Berkeley Heights; and

WHEREAS, the Township received a proposal dated September 25, 2025, from Denbar Construction Inc for the paving of the pump station driveway located at Hampton Court; and

WHEREAS, the Township wishes to award a contract to **Denbar Construction Inc**, 625B North Michigan Avenue, Kenilworth, NJ 07033, as per their proposal, and the Township Council concurs.

NOW, THEREFORE BE IT RESOLVED by the Township Council, of the Township of Berkeley Heights, County of Union, that the appropriate municipal officials are authorized to execute an agreement with **Denbar Construction Inc**, for the paving of the pump station driveway located at Hampton Court, in an amount not to exceed **\$3,150.00**, pursuant to the proposal dated September 25, 2025, and the Treasurer is authorized to pay properly completed vouchers up to such amount.

BE IT FURTHER RESOLVED, that the Chief Finance Officer of the Township of Berkeley Heights has certified that sufficient uncommitted funds are available in an amount not to exceed **\$3,150.00** from account 5-01-26-295-030, SEWER – Materials & Supplies.

BE IT FURTHER RESOLVED that the Township Clerk shall advertise the award of this contract in accordance with law and this resolution shall take effect upon publication and pursuant to law.

Approved this 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO PAULUS, SOKOLOWSKI AND SARTOR, LLC (PS&S) FOR ENGINEERING DESIGN, CONSTRUCTION ADMINISTRATION, AND CONSTRUCTION OBSERVATION SERVICES FOR THE PERACETIC ACID (PAA) SYSTEM REPAIRS AT THE WASTEWATER TREATMENT PLANT

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional engineering services, including engineering design, construction administration, and construction observation services for the peracetic acid (PAA) system repairs at the Wastewater Treatment Plant; 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 bid and that the contract itself must be available for inspection; and

WHEREAS, on January 7, 2025, Paulus, Sokolowski, and Sartor, LLC (PS&S) was deemed qualified to provide professional general engineering services to the Township of Berkeley Heights 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, Paulus, Sokolowski, and Sartor, LLC (PS&S) has provided proposal dated October 14, 2025, to provide professional engineering services, including engineering design, construction administration, and construction observation services for the peracetic acid (PAA) system repairs at the Wastewater Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights, County of Union, State of New Jersey that the Mayor is hereby authorized to execute to an agreement with Paulus, Sokolowski, and Sartor, LLC (PS&S) for professional engineering services, including engineering design, construction administration, and construction observation services for the peracetic acid (PAA) system repairs at the Wastewater Treatment Plant, at a fee not to exceed **\$53,500.00**, pursuant to their proposal dated October 14, 2025.

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5(1)(a)(I) of the Local Public Contracts 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.

BE IT FURTHER RESOLVED, that the Chief Finance Officer of the Township of Berkeley Heights has certified that sufficient uncommitted funds are available in an amount not to exceed **\$53,500.00** from account # C-04-24-011-104, Ord 11-24 Sewer- equipment(PAA storage).

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

Approved this 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

RESOLUTION CANCELING A PROFESSIONAL SERVICE CONTRACT WITH PAULUS, SOKOLOWSKI & SARTOR, LLC (PS&S) FOR PROFESSIONAL ENGINEERING SERVICES FOR SEWER COLLECTION SYSTEM – CLOSED CIRCUIT TELEVISION (CCTV) INSPECTION PROGRAM FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, by way of Resolutions 129-2024 adopted on May 7, 2024 by the Township of Berkeley Heights ("Township"), the Township Council authorized a professional services contract award to the firm Paulus, Sokolowski and Sartor, LLC (PS&S) for professional engineering services for the Sewer Collection System – Closed Circuit Television (CCTV) Inspection Program for the Wastewater Treatment Plant with an amount not to exceed of \$98,033.00; and

WHEREAS, the Township's administration and the Director of Wastewater Treatment have determined that this project should be cancelled.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The balance of \$34,663.00 for the professional services contract between the Township of Berkeley Heights and Paulus, Sokolowski and Sartor, LLC (PS&S) for professional engineering services for the Sewer Collection System – Closed Circuit Television (CCTV) Inspection Program for the Wastewater Treatment Plant is hereby canceled.
3. This Resolution shall take effect immediately.

Approved this 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

**RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO NEGLIA GROUP FOR
SURVEYING, ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR IMPROVEMENTS TO
EMERSON LANE NJDOT MA25 (PLAINFIELD AVENUE TO MUNICIPAL BOUNDARY) PROJECT**

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional engineering services, including surveying, engineering and construction management services, for the Improvements to Emerson Lane NJDOT MA25 (Plainfield Avenue to Municipal Boundary) project; 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 bid and that the contract itself must be available for inspection; and

WHEREAS, on January 7, 2025, Neglia Group was deemed qualified to provide professional general engineering services to the Township of Berkeley Heights 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, Neglia Group has provided proposal dated October 14, 2025, to provide professional engineering services, including surveying, engineering and construction management services, for the Improvements to Emerson Lane NJDOT MA25 (Plainfield Avenue to Municipal Boundary) project.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights, County of Union, State of New Jersey that the Mayor is hereby authorized to execute to an agreement with Neglia Group for professional engineering services, including surveying, engineering and construction management services, Improvements to Emerson Lane NJDOT MA25 (Plainfield Avenue to Municipal Boundary) project, at a fee not to exceed **\$89,590.00**, pursuant to their proposal dated October 14, 2025.

BE IT FURTHER RESOLVED, that this contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5(1)(a)(I) of the Local Public Contracts 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.

BE IT FURTHER RESOLVED, that the Chief Finance Officer of the Township of Berkeley Heights has certified that sufficient uncommitted funds will be available for the purpose set forth herein, subject to the adoption of Resolution 2025-321 and approval of the Director of the Division of Local Government Services for the insertion of items of revenue (NJDOT 2025 Municipal Aid grant award) in the budget for the year 2025.

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

Approved this 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

RESOLUTION

**RESOLUTION AMENDING RESOLUTION 2025-35 WHICH AWARDED A PROFESSIONAL SERVICES
AGREEMENT TO DIFRANCESCO, BATEMAN, KUNZMAN, DAVIS, LEHRER & FLAUM, PC FOR TAX
ATTORNEY SERVICES**

WHEREAS, on January 7, 2025, the Township of Berkeley Heights adopted Resolution 2025-35, awarding a professional services agreement to DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC for Tax Attorney Services; and

WHEREAS, the Township wishes to amend Resolution 2025-35 to reflect a reduction of \$8,000.00 in the contract amount, bringing the amended total amount to \$71,000.00.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights, County of Union, State of New Jersey that:

1. All of the above recitals are incorporated herein as if fully set forth at length.
2. The Township Council hereby authorizes the amending of the contract with DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, PC for Tax Attorney services at a total cost not to exceed \$71,000.00.
3. The Township Clerk is authorized to respectively execute, and attest to, all documents necessary to effectuate said agreement.
4. The Township Clerk shall publish a notice of this action pursuant to law.
5. This Resolution shall take effect immediately.

Approved this 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

**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 **10/21/2025**, in the amount of **\$589,754.71** 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 21st day of October, 2025.

ATTEST:

Angela Lazzari, RMC
Township Clerk

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

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

ORDINANCE NO. 2025-31

**AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF BERKELEY HEIGHTS TO UPDATE
THE PROCEDURES FOR PROCESSING BILLS FOR PAYMENT AND PURCHASING**

WHEREAS, the Township of Berkeley Heights desires to update and better define the internal procedures for processing bills and purchasing.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council that:

SECTION I. Chapter 3.04, "CLAIMS AGAINST THE TOWNSHIP," of the Township Code of the Township of Berkeley Heights by is hereby amended as follows (additions are written thusly and deletions are written ~~thusly~~):

Chapter 3.04 CLAIMS AGAINST THE TOWNSHIP

3.04.010 Submission of statement—Certification.

Any person claiming payment from the Township of Berkeley Heights shall first submit a detailed statement of the items or demand necessitating such claim to the responsible municipal department, division or agency and a certification of the party claiming payment that such detailed statement is correct. No bill, claim or demand shall be considered for payment unless the voucher has attached to it or includes a certification of a department head or other appropriate municipal official, or his or her duly designated representative, having personal knowledge of the facts that the goods have been received by, or the services rendered to, the Township of Berkeley Heights, and that those goods or services are authorized by an existing contract or purchase order. The Chief Financial Officer shall warrant that all such claims, bills and invoices have been reviewed and are in proper form and shall certify the availability of sufficient funds as may be required and shall further make recommendation for either payment or nonpayment of all such claims and bills.

3.04.020 Submission of claim to clerk and governing body.

The bill or claim duly certified shall be submitted to the Township Clerk for inclusion in the agenda of the next immediate formal meeting of the governing body and it shall be the duty of the ~~clerk~~ **Chief Financial Officer** to examine all bills or claims submitted for payment in order to ascertain if proper administrative procedures have been followed. All claims or bills to be considered by the governing body shall be listed systematically without preference and such list shall be delivered to every member of the governing body at least ~~three full days~~ **48 hours** prior to formal action by that body.

ORDINANCE NO. 2025-31

3.04.030 Approval or disapproval.

Claims shall be considered by the governing body which shall approve the same, except that the governing body may reject any claim presented to it, stating the reason for such rejection. Any disapproved claim shall be referred back to the municipal clerk with such instructions as the governing body may give at the time of disapproval.

3.04.040 Recording.

It shall be the duty of the municipal clerk to record all claims in the official minutes or through an appropriate claims register, indicating that the governing body has, by formal action, approved the same with appropriate records as to any claims disapproved or rejected. All records pertaining to approved and disapproved bills or claims shall be available for public inspection.

3.04.050 Payment.

After the clerk has certified that the claims have been approved, he or she shall turn the same over to the ~~treasurer or other~~ Chief Financial Officer who shall forthwith prepare the necessary checks for the payment thereof, which such checks shall be signed by the Mayor, ~~and~~ Clerk and ~~thereafter signed by the treasurer or other~~ chief financial officer. ~~After preparing checks for the payment of claims, he or she shall record them in proper books of account.~~

SECTION II. Chapter 3.08, "PURCHASING SYSTEM," of the Township Code of the Township of Berkeley Heights by is hereby amended as follows (additions are written thusly and deletions are written ~~thusly~~):

Chapter 3.08 PURCHASING SYSTEM

3.08.010 Implementation of purchasing program.

The council shall authorize the ~~chief financial officer~~ Purchasing Agent to develop and to implement a purchasing program for the township. The Chief Financial Officer shall be responsible for prescribing and maintaining such forms as shall be reasonably necessary to ensure the smooth and efficient operation of the purchasing program.

~~3.08.020 Contracting agent.~~ Repealed and Reserved.

~~The chief financial officer shall serve as the contracting agent for the township for such purchases that are not required to be advertised in accordance with N.J.S.A. 40A:11-3A. A. Authority to Purchase. No department has the authority to obligate the municipality or the contracting agent by contracting for goods, services or property.~~

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~~B. Official Purchase Order. A purchase order is not official until signed by the contracting agent, treasurer and department head.~~

3.08.030 Establishment of procedures.

A. With the approval of the council, the Chief Financial Officer **and Purchasing Agent** may establish procedures in order to expedite purchases of materials. These procedures will be outlined in writing to various departments and will be included in the purchasing manual.

B. All department heads are required to keep the purchasing manual current.

3.08.040 Central encumbrance system.

A central encumbrance system shall be maintained by the chief financial officer and each department may continue to maintain records of encumbrances.

3.08.050 ~~Summary sheet of quotations~~ Quotations.

All purchase orders which are for purchases over ~~one thousand dollars (\$1,000.00)~~ **15% of the bid threshold** for items which do not require the public advertisement for bids must be accompanied by ~~a summary sheet of~~ quotations containing at least three quotations or a detailed explanation of the reasons it was not possible or practicable to secure such quotations.

3.08.060 Purchases over a certain amount.

All purchases exceeding **the bid threshold**, that amount established by N.J.S.A. 40A:11-3 (as it may be amended or supplemented from time to time) **and approved by the Township Council** as the maximum amount of any purchase for which competitive bids are not required or of items which are excluded from the requirements of that statute shall be bid as required by law unless specifically exempted. Provided, however, that purchases for over the amount set forth in, or the amount calculated by the Governor pursuant to Section 3 of P.L. 1971, c. 198 may be made without competitive bid when an emergency affecting the public health, safety or welfare requires the immediate delivery of the articles or the performance of the services provided that the provisions of N.J.S.A. 40A:11-6a are satisfied and the purchase has been approved by the ~~chief financial officer~~ **purchasing agent**.

3.08.070 Confirming purchase orders.

Confirming purchase orders are not to be used except in the case of **declared** emergencies.

3.08.080 Written contracts or agreements.

All contracts or agreements for the delivery of goods or the performance of services shall be in writing.

3.08.090 Petty cash.

3.08.100 Specifications.

3.08.110 Certification of availability of funds.

3.08.120 Exercise of purchasing authority.

SECTION III. This Ordinance shall take effect after passage and publication in the manner provided by law.

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	✓	✓				Manuel Couto						
		✓				John Foster						
		✓				Margaret Illis						
		✓				Bill Machado						
		✓				Andrew Moran						
✓		✓				Susan Poage						
Introduced:					I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.							
October 7, 2025												
Final Adoption:												
October 21, 2025					_____ Angela Lazzari, Township Clerk							

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

ORDINANCE NO. 2025-30

**AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF BERKELEY HEIGHTS TO AMEND
CHAPTER 2.28 TO RENAME THE CERTIFIED MUNICIPAL FINANCE OFFICER AND QUALIFIED
PURCHASING AGENT POSITIONS**

WHEREAS, the Township of Berkeley Heights desires to amend various sections of Chapter 2.28 entitled "CERTIFIED MUNICIPAL FINANCE OFFICER."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council that:

SECTION I. Chapter 2.28, "CERTIFIED MUNICIPAL FINANCE OFFICER," of the Township Code of the Township of Berkeley Heights by is hereby amended as follows (additions are written thusly and deletions are written ~~thusly~~):

Chapter 2.28, CHIEF FINANCIAL OFFICER ~~CERTIFIED MUNICIPAL FINANCE OFFICER~~

2.28.010 Chief Financial Officer ~~Certified Municipal Finance Officer~~.

- A. There shall be a ~~certified municipal finance officer (CMFO)~~ Chief Financial Officer (CFO) of the township appointed by the mayor with the advice and consent of the council. The term of appointment shall be for four years commencing on January 1st of the year in which the appointment is made. The compensation for this position shall be set forth in the salary ordinance under the title ~~CMFO~~ Chief Financial Officer. The person appointed to this position must hold ~~all required licenses and certifications required for a CMFO~~ a valid Municipal Finance Officer Certificate. Tenure in the position shall be determined in accordance with all statutes establishing tenure for a ~~CMFO~~ Chief Financial Officer. The person appointed to this position shall be qualified by education and experience to perform all of the duties of the position.
- B. Duties. Upon appointment as ~~CMFO~~ Chief Financial Officer of the township the person so appointed shall have the following duties and responsibilities in addition to any which may be imposed upon such person by the state of New Jersey:
1. Serve as the ~~CMFO~~ Chief Financial Officer as provided by statute, N.J.S.A. 40A:9-140.10 and N.J.A.C. 5:23-1.1, et seq.;
 2. Ensure compliance with all statutes, rules, regulations, and directives pertaining to financial administration and such other duties assigned by law to the Chief Financial Officer.
 - ~~23.~~ Keep and maintain the books and records of all financial transactions of the township in accordance with the standards and requirements of the state of New Jersey, Division of Local Government Services;

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- ~~34.~~ Have custody of all public moneys, investments or invested funds of the township or in its possession in a fiduciary capacity, except as otherwise provided by law;
- ~~45.~~ Have custody of all bonds and notes for transfer, registration or exchange;
- ~~56.~~ Deposit all moneys not required for current operations in interest-bearing accounts or, upon analysis of the township's cash flow requirements, undertake a program of investments of such temporarily idle municipal funds, applying the interest therefrom to the general fund. All such investments shall be in accordance with the rules and regulations of the division of local government services;
- ~~67.~~ Report to the mayor and council monthly on all receipts, expenditures, commitments and unencumbered appropriation balances;
- ~~78.~~ Compile and submit to the mayor and council a true and full account of the receipts of the treasurer's office and the expenditures during the year and of the state of the municipal treasury at the close of the fiscal year;
- ~~89.~~ Submit, pursuant to law, an annual financial report after the close of the fiscal year;
- ~~910.~~ Under the direction of the council prepare the annual operating budget and assist in the development of the capital program budget;
- ~~1011.~~ Assist the township administrator in the administration of the annual operating budget and the financial operations of every municipal agency;
- ~~1112.~~ Manage the township's debt to ensure the prompt payment of principal and interest due;
- ~~1213.~~ Develop and recommend to the council financial policies to safeguard the township's financial interests to the fullest extent;
- ~~1314.~~ Supervise the preparation of the township's payroll and serve as certifying agent for all applicable retirement, pension and benefit programs;
- ~~1415.~~ Make certifications as to the availability of funds as required by law;
- ~~1516.~~ Serve as the purchasing officer of the township and supervise the purchase of all materials, goods and services by all municipal agencies, except when an individual has been appointed or designated to serve as ~~Qualified~~ Purchasing Agent pursuant to Section 2.28.030 of this Code. When possible, the ~~CMEF~~ **Chief Financial Officer** should hold a certified Qualified Purchasing Agent (QPA) license;
- ~~1617.~~ Have such other duties as the mayor and council may direct.

- C. **If the chief financial officer is also a Certified Tax Collector, upon** ~~Upon~~ resolution of the council, the ~~CMEF~~ **Chief Financial Officer** may also serve as the tax collector of the township, performing such duties as are assigned to the tax collector by the provisions of this code and by law. In the event that the same person is appointed to the positions of both ~~CMEF~~ **Chief Financial Officer** and tax collector, the council may, by resolution, elect, but is not required to, join the title of the positions and the compensation for the combined positions shall be as set forth in the salary ordinance for the combined positions. The combination of the positions, however, shall not affect the tenure terms of the positions separately and the township shall retain the right to make separate

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appointments to each position upon the expiration of the term thereof. Tenure in this position shall be determined in accordance with the statutory requirements.

2.28.020 Assistant Finance Officer/Assistant Tax Collector.

The mayor may appoint such assistants to the ~~CMFO~~ Chief Financial Officer and/or the tax collector as deemed appropriate and any person so appointed shall have and exercise all the duties and authority of the person to whom they are an assistant during the absence or disability of such person and such other duties as may be assigned by the mayor and council. The compensation for such a position shall be as set forth in the salary ordinance. A person may be appointed to serve as assistant to both the ~~CMFO~~ Chief Financial Officer and tax collector.

2.28.030 ~~Qualified~~ Purchasing Agent.

- A. There is hereby created the position of ~~Qualified~~ Purchasing Agent (QPA) for the Township of Berkeley Heights.
- B. The ~~QPA~~ Purchasing Agent may be hired on a full-time or part-time basis, may be designated from among existing Township personnel qualified to hold the position, may be retained as an independent contractor, shared service, or may be an individual employed by another contracting unit designated through a shared services agreement with the Township.
- C. In the event the Township's ~~CMFO~~ Chief Financial Officer possesses the qualifications for the position set forth within paragraph E hereinbelow, and in the absence of any other action by the Mayor and Council to appoint a ~~QPA~~ Purchasing Agent pursuant to this Section 2.28.030, then the ~~CMFO~~ Chief Financial Officer shall serve as the Township's Purchasing Agent until such time as another individual is duly appointed to the position.
- D. The ~~QPA~~ Purchasing Agent shall be appointed by the ~~Mayor~~ Mayor with the advice and consent of the Township Council.
- E. The ~~QPA~~ Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, within the Department of Community Affairs.
- F. The ~~QPA~~ Purchasing Agent shall, in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), have the authority, responsibility and accountability for the Township's purchasing activity to: prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies and the Township of Berkeley Heights; and, conduct any activities as may be necessary or appropriate to the purchasing function of the Township of Berkeley Heights.

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SECTION II. This Ordinance shall take effect after passage and publication in the manner provided by law.

Angie Devanney, Mayor

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				Manuel Couto						
		✓				John Foster						
	✓	✓				Margaret Illis						
		✓				Bill Machado						
✓		✓				Andrew Moran						
		✓				Susan Poage						
Introduced: October 7, 2025						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: October 21, 2025												
						_____ Angela Lazzari, Township Clerk						

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

ORDINANCE NO. 2025-29

**AMENDING THE TOWNSHIP CODE FOR THE TOWNSHIP OF BERKELEY HEIGHTS TO
PROHIBIT THE SALE OF DOGS, CATS AND RABBITS BY RETAIL PET STORES IN BERKELEY
HEIGHTS**

WHEREAS, the sale of dogs, cats and rabbits are currently allowed in pet shops; and

WHEREAS, the Township of Berkeley Heights wishes to address the “puppy mill-to-pet store” pipeline by prohibiting the sale of dogs, cats, and rabbits by retail pet stores in Berkeley Heights; and

WHEREAS, this ordinance aims to protect animals from commercial breeding mills and prevent the Township of Berkeley Heights from becoming a haven for unscrupulous breeders; and

WHEREAS, this ordinance would also protect consumers from misleading sales tactics, sick puppies, disease outbreaks, and predatory puppy loans.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council that:

SECTION 1. Title 5, “BUSINESS LICENSES AND REGULATIONS,” of the Township Code of the Township of Berkeley Heights by is hereby amended by adding the following sections as follows:

Chapter 5.10 PET STORES

5.10.010 Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

“Retail pet store” means a commercial establishment that sells or offers for sale animals on its premises at retail.

“Sell or offer for sale” means to display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

“Animal rescue organization” means a non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes.

“Animal rescue organization” does not include any entity that breeds animals or that:

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(1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs, cats, or rabbits from; or (4) facilitates the sale of dogs, cats, or rabbits obtained from a person that breeds animals.

“Animal shelter” means a facility, whether located in or outside the State of New Jersey, that is operated by or under contract with the the Township of Berkeley Heights for the purpose of impounding or caring for seized, stray, homeless, abandoned, unwanted, or surrendered animals.

5.10.020 Prohibition on Sale of Dogs, Cats, or Rabbits by Retail Pet Stores.

- A. Notwithstanding any other provision of law to the contrary, it is unlawful for a retail pet store, as defined in Section 5.10.010, to sell or offer for sale a dog or a cat.
- B. Nothing in this section shall be construed to prohibit a retail pet store from providing space to an animal rescue organization or an animal shelter, as defined in Section A, to publicly showcase dogs, cats, or rabbits available for adoption.

5.10.030 Penalty for violation.

A retail pet store that sells or offers for sale a dog, cat, or rabbit in violation of Section 5.10.020 shall be fined by a sum of \$500. Each sale or offer for sale in violation of Section 5.10.020 shall constitute a separate offense.

SECTION II. This Ordinance shall take effect after passage and publication in the manner provided by law.

Angie Devanney, Mayor

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		✓				Manuel Couto						
		✓				John Foster						
		✓				Margaret Illis						
✓		✓				Bill Machado						
		✓				Andrew Moran						
	✓	✓				Susan Poage						
Introduced: October 7, 2025						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: October 21, 2025												
						_____ Angela Lazzari, Township Clerk						