

V. CONFERENCE SESSION – Discussion – LOSAP - Length of Service Award Program

VI. REGULAR AGENDA

VIII. APPROVAL OF MINUTES –Public Meeting – April 22, 2014

IX. TOWNSHIP COUNCIL REPORTS

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

X. ADMINISTRATION REPORTS

Mayor Bruno
Township Administrator – Linda Cavanaugh

XI. 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.

XII. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON APRIL 22, 2014

"AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP LAND USE ORDINANCES TO ESTABLISH A SPECIAL PERMIT FOR TEMPORARY, NON-CONFORMING USES IN THE TOWNSHIP."

(Explanation: This ordinance amends the Township Land Use Ordinances to establish a special permit for temporary, nonconforming uses in the township.)

XIII .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

2. Resolution approving Bill List dated May 20, 2014 in the amount of \$212,426.34.
3. Resolution authorizing Summit Medical Group Foundation, to organize and implement the first annual "Run for Your Life 5k Run and 1.5 Mile Walk" on October 26, 2014, from 8:30 a.m – 12:00 noon.

4. Resolution authorizing Our Lady of Mt. Carmel Society to hold their annual Carnival and Parade during the annual feast from July 12 – July 16, 2014.

5. CONSENT AGENDA – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Resolution authorizing a block party between 72-80 Burlington Road, on June 28, 2014 from 3:00- 10:00 p.m.

XIV. 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.

XV. ADJOURNMENT

Ana Minkoff, Township Clerk

TOWNSHIP COUNCIL MAIL RECEIVED
MAY - 2014

1. Letter received on May 5, 2014 from New Providence Fire Department inviting the Mayor and Township Council to attend their Trench Rescue Recertification and demonstration of their Trench Rescue Equipment on Saturday, May 31, 2014.
2. Letter received on May 5, 2014 from Ralph Strano, Bureau of Mosquito Control, County of Union regarding notification to the municipality with regard to spraying.
3. Letter received on May 5, 2014 from the State of NJDEP to Gary Fisher of Alcatel Lucent regarding monitoring requirement associated with permit-by-rule discharge authorization for 600 Mountain Avenue.
4. Letter received on May 12, 2014 from Helen Gabara of 62 Burlington Road, MH requesting to hold a block party for the residents of Burlington Road on June 28, 2014.
5. Copy of letter received on May 12, 2014 from the NJDEP to Scott Vautin of 151 Rutgers Avenue regarding unrestricted use-no further action letter and covenant not to sue regarding 151 Rutgers Avenue.
6. Copy of letter received on May 15, 2014 from Phoenix Environmental Management, Inc. to Bureau of Case Assignment & Initial Notice, Site Remediation Program, NJ DEP regarding former Truesdale Nursery Property, 297 Snyder Avenue (also on file in the Clerk's Office is a CD containing an electronic copy of the Remedial Investigation Report for this property).

Mayor's Correspondence
May 2014

1. **Rutgers School of Public Health** – announcing training sessions to prevent and mitigate post-storm environmental health issues
2. **Chris Christie** – Thank you for joining him at meeting regarding two percent interest arbitration cap
3. **UC Dept of Human Services Division on Aging** – May 2014 newsletter
4. **NJLM** – announcing seminar entitled “An Energy Policy Primer for NJ Municipalities”
5. **New Providence FD** – Invitation to Trench Rescue Recertification and demo of their related equipment
6. **Landmark Dividend** – interest letter in cellular lease
7. **UC Transportation Advisory Board** – meeting agenda
8. **Arbor Day Foundation** – May/June newsletter
9. **NJBIA** – invitation to 2014 New Good Neighbor Awards Luncheon

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

RESOLUTION

WHEREAS, Garden State Fireworks has requested permission to hold a short fireworks displays for PAL and Governor Livingston High School, at Snyder Avenue Field on May 20, 2014 between 8:00 – 8:30 p.m. 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 display under the normal terms and conditions.

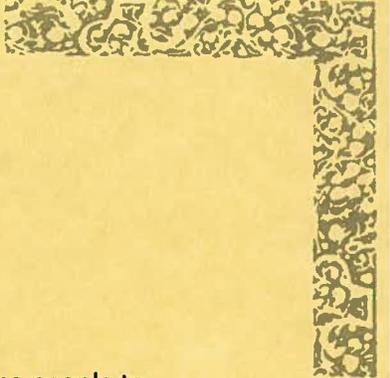
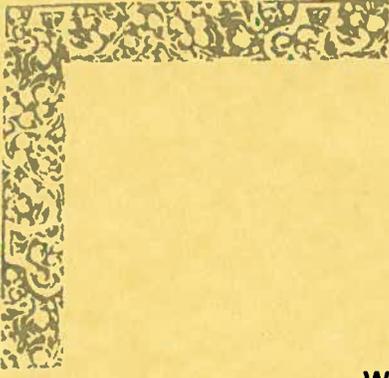
NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that permission is granted to Garden State Fireworks to hold a short fireworks display on May 20, 2014 at Snyder Avenue Field between 8:00-8:30 p.m., provided that it satisfies all comments and concerns, if any, 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, Police Department, Rescue Squad, and Fire Department.

APPROVED this 20th day of May, 2014.

ATTEST:

**Ana Minkoff
Township Clerk**



Proclamation
Township of Berkeley Heights

WHEREAS, The Boy Scouts of America mission is to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law; and

WHEREAS, according to the Scout Law, a scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent and according to the Oath, Boy Scouts should help other people at all times; and

WHEREAS, On April 5, 2014, while participating in a hike at Harriman State Park in New York members of Troop 368 came upon a fellow hiker who was injured; and

WHEREAS, collectively, **Devon McLean, Michael Middlebrook, Joe McLaughlin, Christopher Friedlander, Chris Pirone, Mark Trella, Andrew Stecher , Chris Tribuna and Peter Krasny** sprang into action using their first aid skills to splint the injured hiker's leg and created a make-shift stretcher out of sticks and tarps; and

WHEREAS, the troop members tested the weight bearing load of the stretcher and proceeded to safely carry the injured hiker down the steep terrain; and

WHEREAS, the grateful hiker, Ann Curry, of NBC news got the contact information of the scouts from scoutmaster **Rick Jurgens** and wrote individual heartfelt thank you letters to each scout involved in her rescue; and

WHEREAS, the Mayor and Township Council believe it is important to recognize the skill, professionalism and selflessness of the members of Troop 368;

NOW, THEREFORE, be it resolved, by the Mayor and Township Council of the Township of Berkeley Heights that, **Devon McLean, Michael Middlebrook, Joe McLaughlin, Christopher Friedlander, Chris Pirone, Mark Trella, Andrew Stecher , Chris Tribuna and Peter Krasny** be recognized for demonstrating the fundamental tenets of the Boy Scouts and bringing positive recognition to themselves and our community.

Approved this 20th day of May, 2014

Joseph G. Bruno
Mayor

ATTEST:

Ana Minkoff, Township Clerk



EXPLANATORY STATEMENT: This ordinance amends the Township Land Use Ordinances to establish a special permit for temporary, nonconforming uses in the Township.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. _____

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Ordinances to Establish a Special Permit for Temporary, Non-conforming Uses in the Township.

BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

Section 1. Part 17 entitled "Administration and Enforcement" of the Township of Berkeley Heights of the Municipal Land Use, Procedures Ordinance is hereby supplemented and amended to create new Article 17.12 entitled "Special Use Permit" to read as follows:

Article 17.12 Special Use Permit.

Section 17.12.1. Establishment of a Special Use Permit.

It is recognized that it may be in accordance with the purposes of the Municipal Land Use Procedures Ordinance of the Township of Berkeley Heights and the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) to permit activities for a limited period of time, under very specific conditions, which activities may be prohibited by other provisions of the aforesaid ordinance, if such uses are of such a nature and are so located that at the time of petition they would:

1. Not exert a substantially detrimental effect upon the uses of land and activities normally permitted in the district in which the activity is proposed;
2. Contribute materially to the good and welfare of the Township or its residents;
3. Be temporary in nature and not substantially undermine the Township Master Plan and/or Land Development Ordinances, and
4. Not substantially intrude into areas under Planning Board or Board of Adjustment control.

Section 17.12.2. Application.

Any property owner in the Township may apply to the Township for a Special Use Permit. Applications for Special Use Permits shall be submitted to the Township Clerk, along with a non-refundable fee of two hundred fifty (\$250.00) dollars to cover administrative expenses, the same being non-refundable. Applications shall include the following information:

1. Completed application form as provided by the Township, identifying the location by block and lot, street address, proposed date and time of the temporary use, event or activity, estimated maximum attendance, and the specific proposed use on the property for which the application is made.
2. Signed application by the property owner upon which the use, event or activity will take place.
3. Escrow deposit as required pursuant to Section 17.12.3 herein.
4. Plot Plan showing the layout of the use, event or activity in detail.
5. Any other information deemed necessary, directly related or reasonably relevant to the Special Use Permit.

The Township Council shall waive the fee or escrow deposit requirement for those tax-exempt organizations for fundraising events or activities at the Council's sole discretion.

Section 17.12.3. Escrow Deposit.

The applicant for a Special Use Permit shall pay to the Township, at the time the application is filed, an escrow deposit of one thousand (\$1,000.00) dollars to be held by the Township in an escrow account established for the purpose of covering the costs of professional services including engineering, planning, legal and other expenses connected with the review of the application. The escrow will be held and administered in accordance with the provision of Section 17.11.2 of the Township Municipal Land Use Procedures Ordinance and the governing State statutes. Upon written request and support thereof, the Township Council may waive the escrow deposit requirement for those tax-exempt organizations for fundraising events or activities at the Council's sole discretion.

Section 17.12.4. Public Notice.

The applicant for a Special Use Permit to give notice of the application to the owners of all real property, as shown on the current tax duplicate, within two hundred (200') feet in all directions of the property which is the subject of such application. Said notice shall contain a designation of the property which is the subject of the application by lot and block and street address and shall contain a description of what use the applicant is requesting and also at what meeting the application will be heard (address, date and time of meeting) and that the recipient of the notice shall have the right to be heard relative to the application. Notice shall be given by (1) serving of copy thereof on the property owner as shown on the said tax duplicate or his agent in charge of the property or (2) mailing a copy thereof by certified mail (return receipt requested) to the property owner at the address as shown on the said tax duplicate. Certified receipts of said mailing shall be provided to the Township Clerk prior to Council action. Uses, events or activities, including but not limited to such activities as street fairs or parades, covering multiple properties are subject to published notice only. The applicant shall also cause a copy of the aforesaid notice to be published in the official newspaper of the Township once at least ten (10) business days before the Township Council meeting at which the application will be heard. Proof of notice shall be submitted to the Township Clerk at least seven (7) days prior to the Township council meeting.

Section 17.12.5. Review of Application.

Upon receipt by the Township Clerk, a complete Special Use Permit application shall be distributed to the following Township departments for review, recommendation and any potential conditions prior to presentation to the Township Council:

1. Tax Collector: to ensure all taxes and liens for the subject property are current, as non-payment of taxes may be a reason to deny the application.
2. Police Chief: to ensure adequate traffic control, public safety measures and nuisances (such as noise) are addressed.
3. Construction Official: to ensure all construction code requirements are met.
4. Zoning Officer: to ensure compliance with zoning and property maintenance ordinances, all sign permits are current, sufficient parking and access, proper location and performance standards are met.
5. Health officer: to ensure all health code requirements have been addressed and satisfied.

In addition to the above, the Township Council may refer such special use permit request to any Township agency, department or board prior to its decision for additional review and comment; however, the Township Council shall not be bound by same.

Section 17.12.6. Standards.

- A. After review by the Township departments, the Township Clerk shall forward the application to the Township Council for review and approval. In the granting or denial of the application, in the Township Council's sole discretion, it may consider the following:
 1. The adequacy of provisions for public safety, including, but not limited to, fire prevention, crowd control, and emergency services. If applicable, compliance with the Township's off-duty police services ordinance.
 2. The adequacy of provisions for vehicular and pedestrian traffic control, including ingress and egress, parking, attendants and temporary traffic signage.
 3. The adequacy of provision for food handling, solid waste and sanitary sewerage or temporary sanitary/restroom facilities.
 4. The sufficiency of insurance for the event or activity.
 5. The factors identified in Section 17.12.1.
 6. Any other measures necessary to protect the public health, safety and welfare.
- B. The Township Council may impose reasonable conditions on the issuance of any Special Use Permit including, without limitation, the posting of adequate surety and the reimbursement of expenses incurred by the Township.

Section 17.12.7. Issuance or Denial of Permit.

- A. After public hearing on the application, the Township Council, in its sole discretion, may grant or denial the Special Use Permit for the requested activity. The Township Council

shall limit the time period for which the special use permit shall be valid and shall impose any conditions upon the special use permit which it deems appropriate. An approved Special Use Permit shall be dated, signed and issued by the Township Clerk after action taken by the Township Council, provided any conditions precedent imposed by the Township Council have been met. The Special Use Permit shall specifically state any and all special conditions imposed by the Township Council.

- B. If an application is denied, the Township Clerk shall state the reason(s) for such denial in writing and given to the applicant within seven (7) days of the Township Council's decision.
- C. If granted, all sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith within twenty-four (24) hours after the event or activity.
- D. The holding of a use, activity or event which is subject to the requirements of a permit as set forth herein without obtaining such a permit shall constitute a violation of this Section.
- E. Violations: Any violation of the provisions of this Article 17-12, occurring prior to or during the event, shall be subject to a revocation or non-issuance of its permit for such event by the enforcement officers. In the case of the revocation of a permit or violation of the rules, regulations or conditions provided herein where a permit is required, the enforcement officers may order an immediate cease and desist of the event. In addition, thereto, any violation of this section by the organizer of an event to which this section pertains shall subject such violator, upon conviction, and at the court's discretion, to a fine not to exceed five hundred dollars (\$500.00) for each such violation.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Berkeley Heights are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Berkeley Heights for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the _____ day of _____, 2014.

ADOPTED the _____ day of _____, 2014.

Joseph Bruno, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2014

"AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP LAND USE ORDINANCES TO ESTABLISH A SPECIAL PERMIT FOR TEMPORARY, NON-CONFORMING USES IN THE TOWNSHIP."

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on April 22, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on May 6, 2014 at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff
Township Clerk**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
DELIA	✓			
HALL	✓			
KINGSLEY	✓			
PASTORE	✓			
PIRONE	✓			
WOODRUFF	✓			
TIE:				
MAYOR BRUNO				

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

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON APRIL 22, 2014:**

"AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE TOWNSHIP LAND USE ORDINANCES TO ESTABLISH A SPECIAL PERMIT FOR TEMPORARY, NON-CONFORMING USES IN THE TOWNSHIP."

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on May 20, 2014.

**Ana Minkoff,
Township Clerk
Township of Berkeley**

**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 5/20/14, in the amount of \$212,426.34 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 20th day of May, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Summit Medical Group Foundation has requested permission to hold its first annual Run for Your Life 5K Run and 1.5 Mile Walk event on October 26, 2014; 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 Summit Medical Group Foundation for its annual 5K Run and 1.5 Mile Walk 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 Summit Medical Group, Police Department, Fire Department and Rescue Squad.

APPROVED this 20th day of May, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

Agenda Item
4

RESOLUTION

WHEREAS, Our Lady of Mt. Carmel Society has requested permission to hold their annual Carnival and Parade from July 12th –July 16, 2014 with a Parade on the morning of July 16th; and

WHEREAS, the Township Council believes that it is appropriate to grant permission subject to the compliance to the requirements set forth by the Police Department, Rescue Squad and Fire Department.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that permission is granted to Our Lady of Mt. Carmel Society to hold their annual Carnival and Parade during the annual feast July 12th-July 16th 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 Our Lady of Mt. Carmel Society, Police Department, Rescue Squad, and Fire Department.

APPROVED this 20th day of May, 2014.

ATTEST:

**Ana Minkoff
Township Clerk**

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

RESOLUTION

WHEREAS, by letter dated May 12, 2014 a request was made by Helen Gabara requesting permission from the Township Council to hold a neighborhood block party Between 72-80 Burlington Road which would involve erecting barricades on a public street; and

WHEREAS, the Township Council wishes to support the request for a neighborhood block party subject, however, to the special requirements of the appropriate local Township Officials.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for 72-80 Burlington Road on Saturday, June 28, 2014 from 3:00 p.m. until 10:00 p.m.

BE IT FURTHER RESOLVED that said approval is subject and contingent upon the approval of the Berkeley Heights Police Department, Fire Department and other appropriate officials; and

BE IT FURTHER RESOLVED that a copy of this Resolution is to be forwarded to Helen Gabara, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 20th day of May, 2014.

ATTEST:

Ana Minkoff
Township Clerk