

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

IX. ADMINISTRATION REPORTS

Mayor Bruno
Township Administrator – Linda Cavanaugh

X. HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident

Comments are welcome during the public comment period during this meeting on any agenda item. However, if an ordinance is listed for its own public hearing on the agenda, please hold your comments for that particular public hearing. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The (Mayor/Council President) will keep time. Please promptly yield on the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

XI .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

1. Resolution approving Bill List dated June 10, 2014 in the amount of \$580,341.10.
2. Resolution authorizing the insertion of 2014 Clean Communities Grant in the amount of \$22,277.23 as additional revenues in the budget of the year 2014.
3. Resolution authorizing the insertion of Click It or Ticket 2014 Seat Belt Mobilization in the amount of \$4,000.00 as additional revenues in the budget of the year 2014.
4. Resolution authorizing a Cooperative Agreement with the County of Union to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations.
5. Resolution authorizing the modification of the existing Cooperative Agreement with the County of Union dated June 2011.
6. Resolution endorsing the submission of the Year 2013 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designating Robert Bocchino as the Recycling Coordinator to ensure that the application is properly filed.
7. Resolution authorizing the Alcoholic Beverage Licenses be renewed for a period of one (1) year expiring June 30, 2015.
8. Resolution authorizing the submission of an electronic grant application to the New Jersey Department of Transportation for the improvements on Springfield and Sherman Avenue.

9. 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 for Chestnut Hill Drive, on August 30, 2014 from 2:00-9:00 p.m.
- b. Resolution adding Joe Loaiza, 1011 Mountain Avenue, Berkeley Heights, to the active roster of the Berkeley Heights Fire Department.
- c. Resolution authorizing a release of a street opening permit to Peter Alpern, 32 Heather Court, Berkeley Heights, in the amount of \$700.00

ORDINANCES

INTRODUCTION OF ORDINANCE

Public Hearing and Final Adoption scheduled for June 24, 2014:

(1)“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.100.040 ENTITLED “QUALIFICATIONS FOR APPOINTMENT” OF CHAPTER 2.100 ENTITLED “POLICE DIVISION” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” TO AMEND AND UPDATE THE PROVISIONS GOVERNING THE MINIMUM REQUIREMENTS FOR NEW HIRES IN THE POLICE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.” (Explanation: This ordinance amends and updates the Township’s Administrative Code (Title 2 of the code of the Township of Berkeley Heights)as adopted by Ordinance No. 2-2010, and revised by Ordinance No. 14-2010) to amend the requirements for new hires in the Police Division of the Department of Public Safety.)

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

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
10. **Summit Area YMCA** – Invitation to 128th Annual Meeting
11. **NJLM** – call for submissions for 13th Annual Innovation in Governance Awards
12. **VFW Post 6259** – May 2014 newsletter
13. **NCADD NJ** – April 2014 newsletter
14. **William Reyes, UC Dept of Economic Development** – letter informing Twp of right to be excluded from HUD grant during Fiscal Years 2015-2017.
15. **Serenity At Summit**- invitation to open house for newest residential detox facility
16. **NJ Bankers Association** – letter informing you about Property Pilot, a software that helps municipalities resolve property issues associated with foreclosures
17. **YWCA** – Invitation to *Empowering Women Cocktail Reception*
18. **NJ Building Officials Association** – letter discussing the merits of requiring all new one and two family dwellings in NJ to install fire sprinklers and requesting support via a resolution
19. **Union County** – announcing 2014 Kids Rec Trust Fund Grant opportunity
20. **Union County** – announcing Greening Union County 2014 grant opportunity
21. **Union County** – Notice of public hearings related to proposed sale of Runnells Specialized Hospital and its Properties
22. **Chlorinators Incorporated** – marketing questionnaire
23. **Richard Constable, Commissioner DCA** – letter stating they received clerk’s letter and resolution designating identified blocks/lots as Area in Need of Redevelopment and no further action is necessary from DCA to effectuate the Twp’s designation
24. **Tom Connell, UC Bureau of Community Development** –requesting annual Cooperative Agreement with Union County for Fiscal Yrs 2105-2017 and reso for Shared Service agreement to continue to be eligible for funding for the CDBG HUD grant.
25. **Sharon Angelos, Kim Hassard** – Thanking you for participating in the upcoming Community Day at MKM School
26. **9/11 Memorial Museum** – contribution request
27. **Carter and Jaden McQuivey** – thank you for meeting with them to share your experiences as Mayor

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).
7. Invitation received on May 19, 2014 to Township Council Members from Summit Behavioral Health for the open house of their new facility "Serenity at Summit" a new detox center on Friday, June 13th in Union, NJ.
8. Letter received on May 22, 2014 from the James Pellettiere, County of Union Board of Chosen Freeholders regarding notice of public hearings related to the proposed sale of the Runnells Specialized Hospital and its properties.
9. Letter received on May 22, 2014 from James Pellettiere, County of Union Board of Chosen Freeholders regarding the notice of public hearings related to the proposed sale of the Runnells Specialized Hospital and its properties. This letter is informing the Township as a current property owner located within 200' feet of the county owned properties related to Runnells Specialized Hospital.
10. Letter received on May 22, 2014 from Kathleen Carmello, Union County Paratransit System regarding public notice to be posted informing of a public hearing to be held on June 24, 2014 concerning funding received for the Senior Citizen and Disabled Resident Transportation Assistance Program.
11. Copy of letter received from the Township of Warren to the Somerset County Planning Board informing them of the final adoption of Land Use ordinance #14-14 revising zoning entitled "Flag Lots Strongly Discouraged" and replacing it with "Flag Lots Prohibited".
12. Copy of memo received from the Township of Chatham to Morris County Planning Board informing them of the adoption of a resolution amending the current Master Plan to incorporate the Natural Resource Inventory as a Technical Appendix to the Master Plan.

**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 6/10/14, in the amount of \$580,341.10 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 10th day of June, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

Whereas, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2014:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior
Written Consent of the Director of Local Government Services
Public and Private Revenues Offset with Appropriations:

2014 Clean Communities Grant \$22,277.23

BE IT FURTHER RESOLVED, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and
Private Programs Offset by Revenues:

2014 Clean Communities Grant \$22,277.23

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

APPROVED this 10th day June, 2014

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

Whereas, N.J.S.A. 40a:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the budget; and

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Berkeley Heights, hereby requests the Director of the Division of Local Government Services to approve insertion of the following items of additional revenues in the budget of the year 2014:

Miscellaneous Revenue – Section F:

Special Items of General Revenue Anticipated with Prior
Written Consent of the Director of Local Government Services
Public and Private Revenues Offset with Appropriations:

Click It or Ticket 2014 Seat Belt Mobilization \$4,000.00

BE IT FURTHER RESOLVED, that like sums be and the same are hereby appropriated under the captions of:

General Appropriations:

(a) Operations – Excluded from “CAPS” – Public and
Private Programs Offset by Revenues:

Click It or Ticket 2014 Seat Belt Mobilization \$4,000.00

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution is to be filed forthwith in the office of the Director of Local Government services for approval.

APPROVED this 10th day June, 2014

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40:651 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant ("CDBG") Entitlement Program, HOME investment Partnerships ("HOME") Program and Emergency Solutions Grants ("ESG") Program; and

WHEREAS, a Cooperative Agreement between the County of Union and the Township of Berkeley Heights shall be utilized to establish a legal mechanism through which the County government may apply for, receive and disburse federal funds from federal fiscal year 2015, 2016 and 2017 appropriations; and

WHEREAS, it is the desire of the Municipality of Berkeley Heights to enter into a Cooperative Agreement with the County of Union for successive three year periods; and

WHEREAS, it is the desire of the County of Union to re-qualify for Entitlement status as an Urban County.

NOW THEREFORE BE IT RESOLVED that the Municipality of Berkeley Heights hereby is authorized to enter into and execute said Cooperative Agreement. Said Cooperative Agreement is to be substantially in the form of Agreement attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED that a copy of the Resolution shall be forwarded to the County of Union.

APPROVED this 10th day of June, 2014.

ATTEST:

Ana Minkoff
Township Clerk

**COOPERATIVE AGREEMENT BETWEEN
THE COUNTY OF UNION AND PARTICIPATING MUNICIPALITIES
FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES**

THIS COOPERATIVE AGREEMENT ("Agreement"), dated this _____ day of _____ 2014, by and between the County of Union, a body politic and corporate of the State of New Jersey ("County"), with its principal address at 10 Elizabethtown Plaza, Elizabeth, NJ 07207 and the _____, a municipal corporation of the State of New Jersey ("Municipality") with its principal address at _____.

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial Federal Funds being made to certain Urban Counties for use therein through the Community Development Block Grant ("CDBG") Entitlement Program; and

WHEREAS, Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act provides for the Emergency Solutions Grants program ("ESG") which permits for substantial Federal Funds allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 ("NAHA") established the HOME Investment Partnership Program ("HOME") which provides substantial Federal Funds to qualified local jurisdictions including the County and its participating Municipalities; and

WHEREAS, the County desires to requalify for Entitlement Status as an Urban County; and

WHEREAS, these Acts establish certain criteria which must be met in order for a County to be the recipient of said funding; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which Counties and Municipalities may enter into agreements for the provision of joint services; and

Now, in consideration of the mutual covenants and agreements set forth herein, the County and the Municipality hereby agree as follows:

- A. Authorization by County and Municipality - The Board of Chosen Freeholders of the County of Union and the governing body of the Municipality authorize this agreement. The County Manager of the County of Union and the chief executive officer of the Municipality shall execute this agreement. Each such signatory agrees to cooperate with all other signatories and be bound if all had signed the same Agreement, if the Agreement is signed in counterpart.

- B. Legal Authority - Pursuant to the requirements of the HUD regulations, this Agreement was reviewed by the Office of the County Counsel for compliance therewith and it is the opinion of the County Counsel that the terms and provisions of the Agreement are fully authorized under state and local law. Further, the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower-income housing assistance activities.
- C. Programs Covered - This Agreement covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership (HOME) and Emergency Solutions Grant (ESG) Programs.
- D. Responsibilities of Participating Municipality - The execution of this Agreement by the appropriate officials of the participating Municipality signifies that the Municipality understands that it:
1. May not apply for grants from appropriations under the state CDBG Program for fiscal years during the period in which it participates in the County's CDBG Program; and
 2. May receive a formula allocation under the HOME Program only through the County's Urban County allocation. Thus, even if the County does not receive a HOME formula allocation, the participating Municipality cannot form a HOME consortium with other Municipalities.
 3. May receive a formula allocation under the ESG Program only through the Urban County.
- E. Time Period Covered; Automatic Renewal - This agreement covers activities to be carried out with annual CDBG funds from Federal fiscal years 2015, 2016, and 2017 (FY 2015-2017) appropriations, and for successive three (3) year periods, as provided in the Housing and Community Development Act unless the County or the Municipality provides written notice it elects not to participate in a new qualification period. A copy of that notice must be sent to the HUD Field Office.

Where such Agreements are used, the Agreement must state that, by the date specified in HUD's Urban County qualification notice for the next qualification period, the Urban County will notify the Municipality in writing of its right not to participate. A copy of the County's notification to the Municipality must be sent to the HUD Field Office by the date specified in the Urban County qualification schedule in Section II.

Both the County and the Municipality must adopt any amendments to this Agreement incorporating changes necessary to meet the requirement for cooperation agreements set forth in an Urban County Qualification Notice applicable for a subsequent three-year Urban County qualification period and to submit such amendment to HUD.

- F. This Agreement remains in effect until the CDBG (and where applicable, the HOME and ESG) funds and programs income received (with respect to activities carried out during the three (3) year qualification period and any successive qualification periods) are expended and the funded activities completed and that the County and Municipality cannot terminate or withdraw from the Cooperation Agreement while it remains in effect.
- G. The County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities.
1. The County and the Municipality are obligated to take all action necessary to assure compliance with the Urban County's certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing.
 2. The County and the Municipality are obligated to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.
 3. The County and the Municipality are prohibited from using Urban County funding for activities in, or in support of, any Municipality that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's action to comply with the County's fair housing certification.
- H. Municipality's Policies Relative to Civil Rights Demonstrations - The execution of this Agreement by the appropriate officials of the Municipality signifies that the Municipality has adopted and is enforcing the following policies:
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.
- I. Pursuant to 24 CFR 570.501(b), every participating Municipality is subject to the same requirements applicable to subrecipients of the Federal Funds, including the requirement of a written agreement set forth in 24 CFR 570.503. Pursuant to 24 CFR 570.501 and 24 CFR 570.503, the County shall enter into a written agreement with the Municipality prior to the disbursement of any funds for an approved project. No project may be undertaken or services provided in any Municipality without the approval of the governing body of the Municipality, which approval shall be established as provided in Subsection (d) above in addition to such other approvals as may be required by law.

The Municipal approval of any projects or services shall not be a restriction or veto on the implementation of the approved Consolidated Plan.

The Municipality may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, Urban County, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act. This requirement is codified in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

J. Community Development Planning Process

1. Purpose. The purpose of this Agreement is to establish a legal mechanism through which the County government may apply for, receive, and disburse Federal Funds available to establish Urban Counties under Title I of the Housing and Community Development Act of 1974, the CDBG Entitlement Program, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 ("NAHA"), the HOME Program, and through Subtitle B of Title IV of the McKinney-Vento Homeless Assistance Acts, the ESG program. This Agreement is made to undertake or assist in undertaking such actions in cooperation with the participating Municipalities as may be necessary to participate in the benefits of these programs. Federal CDBG funds received by the County shall be for such functions as water and sewer facilities, neighborhood facilities, public facilities, housing rehabilitation, open space and such other purposes as are authorized by the Act. Federal HOME funds received by the County shall be for such functions that expand the supply of decent, affordable housing for low and moderate-income families. The County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically Urban renewal and publicly assisted housing, and such other purposes as are authorized by the Act. Nothing contained in this Agreement shall deprive any Municipality of any powers of zoning, development control or other lawful authority which it presently possesses, nor shall any participant be deprived of any state or federal aid to which it might be entitled in its own right, except as herein provided.
2. Establishment of Committee - There is hereby established a cooperative CDBG Committee, consisting of two (2) representatives from each participating Municipality and two (2) representatives of the County, each to be appointed for one year periods coinciding with the calendar year. The governing body and the chief executive of each participating agency shall make one (1) appointment each.
3. Responsibilities of Committee - The CDBG Committee shall elect a chairman. A quorum shall be required to approve a grant application. A quorum shall enable the committee to take formal action on policy matters, including contingency requests, contract amendments, and major budget modification. A quorum consists of ten (10) Municipalities and the County.

- a) With the concurrence of the Board of Chosen Freeholders an Administrative Liaison Officer shall be designated. He shall be an employee of the County. He shall within the limits of resources available, provide technical and administrative support to the CDBG Committee, and shall provide liaison between the CDBG Committee and the Board of Chosen Freeholders.
- b) The CDBG Committee shall meet promptly after its establishment and thereafter as often as required. It shall establish rules of procedure as may be required.
- c) The CDBG Committee shall study and discuss the community development needs of the County which affect the participating Municipality, and shall determine the most effective and acceptable utilization of CDBG funds available to the County government. It shall recommend to the Board of Chosen Freeholders an application for participation in Federal funding, and towards that end it shall, in the manner herein prescribed, be authorized to develop a Five (5) Year Consolidated Plan for the County, including a housing assistance program, and such other documents and certifications of compliance as are required by the Federal Government for participation by the County in the CDBG Program.
- d) The CDBG Committee shall develop, in full consultation with the County planning board and all affected agencies of the Municipality involved, priorities for actual utilization of such funds as are made available from the Federal Government under this Title. The CDBG Committee shall recommend for each project or activity to be carried out with these funds a specific means of accomplishment. This may be for the County to carry out the project or function, for a Municipality to receive the monies to carry it out, or for some other combination of local or State agencies. Such implementation mechanism shall be established either by means of a separate contract entered into between the County government, upon the approval of the CDBG Committee, and the Municipality in which the activity or function is to take place, pursuant to the provisions of the Uniform Shared Services and Consolidation Act, subject to the same approvals. The implementation mechanism shall be established before submission of the application to HUD, and any relevant documents become part of this agreement and should be submitted to HUD with it.
- e) Every Municipality participating in the CDBG committee may request participation in the expenditure of the Federal Funds, comment on the overall needs of the County which may be served through these funds, or otherwise take part in the proceedings of

the CDBG Committee through its members of the CDBG Committee.

- K. Standards of Performance - Every Shared Services Agreement established pursuant to this agreement shall contain standards of performance as required by the Uniform Shared Services and Consolidation Act and by the Housing and Community Development Act.
- L. Estimated Cost and Allocations - The amount of Federal Funds involved shall be the amount applied for by the Board of Chosen Freeholders pursuant to the recommendations of the Committee, subject to any modifications made by HUD. Any Federal Funds received by letter of credit or otherwise shall be placed in a County Trust Funds established and maintained pursuant to regulations promulgated by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs. This fund shall be in a separate bank account subject to the control of the County government, which shall be the designated recipient for the funds provided by the Federal Act. Upon authorization by the County, and in compliance with State law and promulgated regulations, funds may be expanded from this Trust Fund by the County or by payment to the particular Municipality pursuant to a specific contract. Neither the committee, the County, nor any participating Municipality may expend or commit funds except as may be authorized pursuant to this Agreement and in full compliance with State and Federal laws and regulations. No participant under this Agreement may in any way be obligated to expend funds of its own except as may be mutually agreed in a lawful manner.
- M. Designation of Administrative Liaison Officer - The Administrative Liaison Officer selected pursuant to section I, 3(a) of this Agreement is hereby designated as the administrative agent of the Board of Chosen Freeholders for purposes of compliance with statutory and regulatory responsibilities. He/she shall be accountable to the Board of Chosen Freeholders, and for this purpose shall be subject to the supervision of the Board.
- N. Agreement As to Specific Activities - Attached hereto and made a part of this agreement between the County of Union and certain Municipalities are exhibits which set forth the specific activities for each and every Municipality participating in the program. In particular each of these exhibits describe:
1. community development needs;
 2. long-term community development objectives;
 3. short-term community development objectives;
 4. a program for community development activities to be undertaken by and/or on behalf of the Municipality and within a year of related and official approval of the current application by HUD for CDBG funds;
 5. a community development cost estimates and related budget for the current year program;

6. a survey of housing conditions;
7. housing assistance needs of lower income households;
8. annual and three (3) year goals for housing assistance; and,
9. the general location of lower income housing, as applicable.

The County will prepare the application for the above activities and assist in the administration thereof.

- O. Identification of Participants and Authorized Officials - The chief executive officers of the participating Municipalities and as identified in the attached exhibits, shall bear responsibility for compliance with the proper implementation of the activities in their respective Municipalities and as described herein.

Full ultimate responsibility for compliance with the proper implementation of the activities described herein rests with the applicant, the County of Union, New Jersey. For purposes of this agreement, the County Manager represents the County.

- P. Fund Transmittal Procedures and Standards - The means of paying for a local project and transmitting the funds from the Federal Government under the applicable Title of the Housing and Community Development Act of 1974 through the Trust Account created pursuant to N.J.S.A. 40A:4-39 to the Municipality shall be as follows:

1. The Municipality shall provide for any and all legal budgetary appropriations, together with all appropriations which are to be made by rider as shall be available through the Trust Account as herein above mentioned;
2. After the appropriations have been provided for the Municipality shall, in accordance with the Local Public Contracts Law, prepare the necessary plans and specifications for the local project and secure bids pursuant to the statute. It shall in all respects comply with the statutory laws of the State of New Jersey for public improvements;
3. The Clerk of the Municipality shall certify to the Union County Board of Chosen Freeholders compliance with Paragraphs 1 and 2 hereof, and submit all proofs of compliance therewith including Affidavits of Publication, Minutes of receipt of bids and awards;
4. Any and all contracts for any project shall be between the Municipality and the contractor or sub-contractors, as the case may be, in accordance with the Local Public Contracts Law; and
5. Any and all payments in pursuance of the contract entered into under Paragraph 4 shall be made by and through the Treasurer of the Municipality and the source of funds thereunder shall be as follows:
 - a) Those payments first to be made by the Treasurer/Finance Director of the Municipality shall be from funds derived or

secured through the bonding ordinances or bond anticipation notes or appropriations authorized issued by the Municipality to the full extent of said appropriations.

- b) Prior to the delivery of the funds by the County Treasurer to the Municipality, the Treasurer/Finance Director of the Municipality shall submit a schedule of all payments heretofore made by the Treasurer/Finance Director of the Municipality to the contractor or contractors working on said project together with copies of the certification of the architect setting forth that said work had been completed and that said contractors were entitled to said payment which schedules and certification shall be submitted to the Administrative Liaison for his/her examination and verification.
- c) Thereafter the payment of funds by the Treasurer/Finance Director of the Municipality shall be from those funds secured and held in the Trust Account pursuant to N.J.S.A. 40A:4-39. Payments from said Trust Account shall be made upon written request from the Treasurer/Finance Director of the Municipality on a County voucher to the County Treasurer at least one week prior to date of payment. The County Treasurer shall thereafter secure the necessary funds for said Trust Account, in accordance with a request on a letter of credit and shall forthwith deliver said funds to the treasurer of the Municipality.

- Q. Standards of Performance - The Municipalities shall comply with all applicable state and federal laws and regulations, toward proper implementation of activities as described herein. The County and all Municipalities shall take all required actions to comply with the provisions of the National Environmental Policy Act of 1969, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of the Housing and Community Development Act of 1974, and other applicable laws.
- R. Time Period - The activities covered by this Agreement shall commence immediately after date of execution of this Agreement by and/or behalf of the participating Municipality. These activities shall be completed within a year from the date of the related and official HUD approval of the current year application for CDBG funds.
- S. Availability of Records for Audit - The participating Municipalities and the County shall maintain and share between themselves and the CDBG Committee all the necessary and sufficient records for review and audit that pertain to the implementation of the activities described herein, and as required by HUD.
- T. Activities Subject to Review - Each activity, as described herein, is subject to review by the CDBG Committee and to any action that the Union County Board of Chosen Freeholders may take that is, in its discretion, necessary to the proper administration of this program.

- U. Arbitration - Arbitration of all questions in dispute under this Agreement shall be at the choice of either party hereto and shall be in accordance with the provisions, then obtaining, of the American Arbitration Association. This Agreement shall be specifically enforceable under the prevailing arbitration laws, and judgment upon the award may be entered, in the Court of the Forum, State or Federal, having jurisdiction. The laws of the State of New Jersey are deemed to govern this contract. The decision of the arbitrators shall be a condition precedent to the right of any legal action.
- V. Prohibitions on Funding - No Urban County funding shall be provided for activities in or in support of any participating Municipality that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification.
- W. Notices - All notices required to be given pursuant to this Agreement shall be deemed to have been given when the same shall be placed in writing and deposited in the United States Mail with postage prepaid as certified mail, return receipt requested, at the address of the parties to this Agreement as first hereinabove set forth.

Notices to the County shall be given to:
 James E. Pelletiere, Clerk,
 Union County Board of Chosen Freeholders
 Administration Building - 6th Floor
 10 Elizabethtown Plaza
 Elizabeth, NJ 07207

with a copy of the notices sent to:

Robert E Barry, Esq. County Counsel
 Union County Board of Chosen Freeholders
 Administration Building - 6th Floor
 10 Elizabethtown Plaza
 Elizabeth, NJ 07207

Notices to Municipality shall be given to:
 Name of Clerk, Clerk
 Municipality
 Address
 City, State, Zip

- X. Severability and Modification Clause - In the event that any portion of this Agreement shall be made inoperative by reason of judicial or administrative ruling, the remainder shall continue in full force and effect.
- Y. A copy of this Agreement shall be filed with the Division of Local Government Services in the New Jersey Department of Community Affairs pursuant to N J S A 40A 65-4(b).
- Z. Entire Agreement - This Agreement represents the entire agreement amongst the parties.

IN WITNESS WHEREOF, the parties have signed this Cooperative Agreement and have caused this Agreement to be executed by their duly authorized representatives or officers on the date and year first written above.

Attest:

MUNICIPALITY

Clerk

By: _____
Printed Name - _____

ATTEST:

COUNTY OF UNION

James E. Pelletiere, Clerk

Alfred J. Faella, County Manager

APPROVED AS TO FORM:

Robert E. Barry, Esq., County Counsel

#5

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

RESOLUTION

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Township of Berkeley Heights and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berkeley Heights that the agreement entitled "**COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES**" dated June 2011, for the Purpose of Inserting a Description of Activities for Fiscal Year 2014-2015 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant Program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law:

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED this 25th day of June, 2013

ATTEST:

Ana Minkoff
Township Clerk

Joseph G. Bruno
Mayor

#6

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

RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of The Township Council of the Township of Berkeley Heights to the efforts undertaken by the municipality and the requirement contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Berkeley Heights hereby endorses the submission of the Year 2013 Recycling Tonnage Grant application to the New Jersey Department of Environmental Protection and designates Robert Bocchino as the Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the Recycling Tonnage Grant be deposited in a dedicated trust fund to be used solely for the purpose of recycling.

Copies of this resolution shall be forwarded to the NJDEP, Robert Bocchino, and Treasurer.

APPROVED this 10th day of June, 2014.

ATTEST:

Ana Minkoff
Township Clerk

8

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

**RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A
GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
FOR THE TRANSPORTATION ALTERNATIVES PROGRAM FOR THE TOWNSHIP OF
BERKELEY HEIGHTS SPRINGFIELD/SHERMAN AVENUES STREESCAPE
BEAUTIFCATION PROJECT**

WHEREAS: The Federal Transportation Alternatives Program strives to ensure the transportation enhancements are a crucial part of the transportation policy; and

WHEREAS: Transportation Alternatives Program funding is to be used to support non-traditional projects; and

WHEREAS: The Township of Berkeley Heights formed the Township Beautification Committee, which has established a plan to support the Township's Master Plan; and

WHEREAS: Springfield Avenue and Sherman Avenue were identified in the study as critical transportation corridors; and

WHEREAS: The Township of Berkeley Heights wishes to apply for funding in order to make necessary streetscape and beautification upgrades on Springfield and Sherman Avenues that will result in a safe, accessible and attractive region for shoppers to walk and visit the downtown business district of the Township; and

WHEREAS: The Township of Berkeley Heights' Township Engineer and Director of Public Works, Robert Bocchino, will serve as the project manager throughout this project; and

WHEREAS: The Township of Berkeley Heights will assume the responsibility with the regard to maintenance and the upkeep of this project;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Council in in the Township of Berkeley Heights, in the County of Union, State of New Jersey, formally approve the grant application for the improvements on Springfield and Sherman Avenues; and

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to submit an electronic grant application identified as TA-2014-Berkeley Heights Township-00139 to the New Jersey Department of Transportation on the behalf of the Township of Berkeley Heights.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berkeley Heights and that their signatures will constitute acceptance of terms and conditions of the grant agreement and will approve the execution of the grant agreement.

APPROVED this 10th day of June, 2014.

ATTEST:

Ana Minkoff, Township Clerk

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

RESOLUTION

WHEREAS, by letter dated April 28, 2014 a request was made by Crissy Franzreb requesting permission from the Township Council to hold a neighborhood block party for Chestnut Hill Drive 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 Chestnut Hill Drive on Saturday, August 30, 2014 from 2:00 p.m. until 9:00 p.m., with a rain date of August 31, 2014.

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 Crissy Franzreb, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 10th day of June, 2014.

ATTEST:

Ana Minkoff
Township Clerk

9(b)

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the inactive Roster of the Berkeley Heights Fire Department and be placed on the active duty roster;

Joe Loaiza, 1011 Mountain Avenue, Berkeley Heights, NJ

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

APPROVED this 10th day of June, 2014.

ATTEST:

Ana Minkoff
Township Clerk

(9 c)

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

RESOLUTION

WHEREAS, Peter Alpern was required to post a cash bond in the amount of \$700.00 in connection with street opening at 32 Heather Court and the Township Engineer, having inspected the work, has recommended by letter dated May 28, 2014 that such bond be released.

NOW, THEREFORE BE IT RESOLVED, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return Cash Bond posted by Peter Alpern, 32 Heather Court, Berkeley Heights, together with any applicable interest.

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

APPROVED this 10th day of June, 2014.

ATTEST:

Ana Minkoff
Township Clerk

EXPLANATORY STATEMENT: This ordinance amends and updates the Township's Administrative Code (Title 2 of *The Code of the Township of Berkeley Heights* (as adopted by Ordinance No. 2-2010, and revised by Ordinance No. 14-2010) to amend the requirements for new hires in the Police Division of the Department of Public Safety.

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 Section 2.100.040 Entitled "Qualifications For Appointment" of Chapter 2.100 Entitled "Police Division" of Title 2 Entitled "Administration and Personnel" to Amend and Update the Provisions Governing the Minimum Requirements for New Hires in the Police Division of the Department of Public Safety

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

Section 1. Section 2.100.040 entitled "Qualifications For Appointment" of Chapter 2.100 entitled "Police Division" of Title 2 entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended as follows: [New language **bold and underlined**, deleted language ~~double strikethrough~~.]

2.100.040 Qualifications for appointment.

To be eligible for appointment to the police division, an applicant must be a citizen of the United States of America and a resident of the state of New Jersey, must be of good moral character, never be convicted of a crime or offense involving moral turpitude, and meet all other tests and qualifications established by N.J.S.A. 40A:14-122, et seq., this chapter and the rules and regulations of the police division. All such applicants must be in good health, sound in body and mind and certified by the police physician to be physically capable of performing the duties required of a police officer. All applicants must meet the statutory age requirements. No applicant shall be eligible for appointment to the police division unless he or she has earned a ~~high school diploma or its equivalent~~ **bachelor's or higher degree awarded by a bachelor's degree-granting college or university. Qualified veterans, as defined by the New Jersey Department of Military and Veterans Affairs, who have not earned a bachelor's or higher degree awarded by a bachelor's degree-granting college or university, can substitute a combination of two years of full-time, active military service and an associate's degree awarded by a degree-granting college or university to satisfy the education requirement. If a qualified veteran, as defined herein, can substitute four years of full-time, active**

military service the education requirement may be waived. Any communication officer employed in the police division hired prior to July 1, 2014 who has not earned a bachelor's or higher degree as set forth above, can substitute a combination of two years employment with the division and an associate's degree awarded by a degree-granting college or university to satisfy the education requirement.

All such appointments shall be made pursuant to applicable laws of the state of New Jersey, including N.J.S.A. 40A:14-122 through 127.

All appointments to the police division shall be made by executive order of the mayor. Each such employee shall receive such salary, benefits and emoluments as may be provided by collective bargaining agreement, ordinance or resolution of the township council.

Section 2. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall not take effect until after final passage and publication in accordance with all applicable laws and statutes.

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 SECTION 2.100.040 ENTITLED “QUALIFICATIONS FOR APPOINTMENT” OF CHAPTER 2.100 ENTITLED “POLICE DIVISION” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” TO AMEND AND UPDATE THE PROVISIONS GOVERNING THE MINIMUM REQUIREMENTS FOR NEW HIRES IN THE POLICE DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY.”

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 June 10, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on June 24, 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**