

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 .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

1. Resolution approving Bill List dated July 8, 2014 in the amount of \$322,247.17.
2. Resolution authorizing the insertion of additional revenues in the budget of the year 2014 in the amount of \$708.96, for Alcohol Education and Rehabilitation Enforcement Fund.
3. Resolution authorizing Mayor Joseph G. Bruno to execute the grant agreement with the State of New Jersey for De-silting and De-snagging of the Passaic River.
4. Resolution consenting to the TWA application in connection with the approved development of the property identified as Block 4301, Lot 1.012 located along Connell Drive.
5. Resolution authorizing Memorandum of Understanding with Little Flower Church setting forth the terms of the potential land swap, along with setting forth the contingencies for same.
6. Resolution authorizing award of contract with Top Line Construction, 22 Fifth Street, Somerville, NJ 00876, in the amount of \$465,723.10 for Improvements to Glenside Road.

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

- a. Resolution authorizing a block party at Countryside Drive on Sunday, September 14, 2014 from 1:00 – 8:00 p.m.

XIII. ORDINANCES

INTRODUCTION OF ORDINANCE

Public Hearing and Final Adoption scheduled for July 22, 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

Agenda Item

1

**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 7/8/14, in the amount of \$322,247.17 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 8th day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

2

**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 Alcohol Education and Rehabilitation Enforcement Fund \$708.96

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 Alcohol Education and Rehabilitation Enforcement Fund \$708.96

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 8th day July, 2014

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Township Council of the Township of Berkeley Heights desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$300,000 to fund the following project:

De-silting and De-snagging of the Passaic River

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Berkeley Heights, County of Union, that the Township Council resolves that Joseph G. Bruno or the successor to the office of the Mayor is authorized to execute the grant agreement with the State of New Jersey.

BE IT FURTHER RESOLVED the grantee agrees to comply with all applicable federal, state and municipal laws, rules and regulations in its performance pursuant to the agreement.

APPROVED this 8th day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights owns and operates a sanitary sewer system throughout the Township; and

WHEREAS, the owner of the property identified as Block 4301 Lot 1.012, located along Connell Drive is proposing to construct a hotel with a restaurant on the property; and

WHEREAS, the proposed development requires the extension of approximately 378 linear feet of 8-inch diameter PVC pipe within the right of way of Connell Drive to flow by gravity to the existing downstream sewer system; and

WHEREAS, the property owner must therefore apply for a Treatment Works Approval ("TWA") from the New Jersey Department of Environmental Protection ("NJDEP") to extend the sanitary sewer main located in Connell Drive; and

WHEREAS, consent to the TWA application is required from the Township in order for the NJDEP to process and approve the application; and

WHEREAS, the Township Engineer has reviewed the TWA application and recommends the Township's consent to same; and

WHEREAS, the Township Council of the Township of Berkeley Heights find it to be in the best interest of the Township and its citizens to authorize the Township's consent to the proposed TWA Application for approval to extend the sanitary sewer main located in Connell Drive.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Berkeley Heights, in the County of Union, and the State of New Jersey that the Township hereby consents to the TWA application in connection with the approved development of the property identified as Block 4301, Lot 1.012, located along Connell Drive, subject to the property owner's and/or applicant's compliance with the Township's Ordinances, and obtaining any and all required permits from the State, County and Township prior to commencing the work to extend the sanitary sewer main located in Connell Drive, if approved by the NJDEP.

BE IT FURTHER RESOLVED that the Township Engineer, is hereby authorized to execute the NJDEP's form Statements of Consent, a copy of which is attached hereto, to be filed with the TWA application herein referenced.

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

APPROVED this 8th day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 5

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights (the “Township”) and the Church of the Little Flower (“Little Flower”) have discussed and negotiated the potential exchange of land in the Township of Berkeley Heights; and

WHEREAS, the Township owns the property identified as Block 1301, Lot 21, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the “Library”) is currently situated (the “Library Property”); and

WHEREAS, Little Flower owns the property identified as Block 1301, Lot 19, located at 110 Roosevelt Avenue, consisting of approximately 15.60± acres (the “Little Flower Property”); and

WHEREAS, pursuant to N.J.S.A. 40A:12-16, the Township is authorized to exchange any lands or any rights or interests therein owned by the Township, for other lands or rights or interests therein desired for public use; and

WHEREAS, any lands to be conveyed to the Township in exchange for Township land shall be valued at no more than the “full and fair value” determined for the land; and

WHEREAS, the Township shall provide cash consideration where the lands to be conveyed by the Township is less than lands to be conveyed to the Township, and the Township’s acquisition is more advantageous to the Township for public use than the lands to be conveyed from the Township, and it is in the public interest that such exchange of land be consummated; and

WHEREAS, the Township and Little Flower negotiated the exchange of the Library Property and the Little Flower Property, along with all improvements thereon; and

WHEREAS, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the Berkeley Heights Public Library; and

WHEREAS, the Township and Little Flower each obtained an independent appraisal of the Library Property and the Little Flower Property; and

WHEREAS, based on the analysis of the appraisals obtained, the value of the Little Flower Property exceeds the value of the Library Property by the sum of \$2,845,000.00; and

WHEREAS, there are numerous contingencies relating to the potential land exchange, including, without limitation, the redevelopment of the existing Township municipal complex; and

WHEREAS, the Township and Little Flower wish to enter into a Memorandum of Understanding setting forth the general terms of the proposed land exchange, setting forth the various contingencies in connection therewith, with the specific terms and conditions of said transfer of land to be further negotiated and agreed to in additional agreements; and

WHEREAS, the Memorandum of Understanding, in the form attached hereto, has been reviewed and approved by the Township Attorney, along with the attorney for Little Flower Church; and

WHEREAS, the Township Council finds it to be in the best interest of the Township to enter into the Memorandum of Understanding with Little Flower Church setting forth the terms of the potential land swap, along with setting forth the contingencies for same.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Memorandum of Understanding setting forth the terms and conditions of the potential land exchange with Little Flower Church, along with the contingencies in connection with same.
2. If the Township determines to proceed with the land exchange with Little Flower Church, the Township and Little Flower Church shall negotiated and enter into a binding Contract for Sale of Real Property that shall set forth all the terms and conditions of the land exchange. No funds shall be expended or appropriated for this land exchange until such Contract is negotiated, executed and the sale is authorized by appropriate resolution and ordinance.

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

APPROVED this 8th day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY

AND

THE CHURCH OF THE LITTLE FLOWER

REGARDING

LAND EXCHANGE

IN

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

WHEREAS, the Township of Berkeley Heights (the “Township”) and the Church of the Little Flower (“Little Flower”) have negotiated the exchange of land in the Township of Berkeley Heights; and

WHEREAS, the Township owns the property identified as Block 1301, Lot 21, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the “Library”) is currently situated (the “Library Property”); and

WHEREAS, Little Flower owns the property identified as Block 1301, Lot 19, located at 110 Roosevelt Avenue, consisting of approximately 15.60± acres (the “Little Flower Property”); and

WHEREAS, pursuant to N.J.S.A. 40A:12-16, the Township is authorized to exchange any lands or any rights or interests therein owned by the Township, for other lands or rights or interests therein desired for public use; and

WHEREAS, any lands to be conveyed to the Township in exchange for Township land shall be valued at no more than the “full and fair value” determined for the land; and

WHEREAS, the Township shall provide cash consideration where the lands to be conveyed by the Township is less than lands to be conveyed to the Township, and the Township’s acquisition is more advantageous to the Township for public use than the lands to be conveyed from the Township, and it is in the public interest that such exchange of land be consummated; and

WHEREAS, the Township and Little Flower negotiated the exchange of the Library Property and the Little Flower Property, along with all improvements thereon; and

WHEREAS, the Township and Little Flower each obtained an independent appraisal of the Library Property and the Little Flower Property; and

WHEREAS, the parties agree that based on the analysis of the appraisals obtained, value of the Library Property is \$1,486,257.00, and the Little Flower Property is \$4,331,621.20; and

WHEREAS, the value of the Little Flower Property exceeds the value of the Library Property by the sum of \$2,845,000.00; and

WHEREAS, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the Berkeley Heights Public Library; and

WHEREAS, there are numerous contingencies relating to the potential land exchange, including, without limitation, the redevelopment of the existing Township municipal complex; and

WHEREAS, the Township and Little Flower wish to enter into this Memorandum of Understanding setting forth the general terms of the proposed land exchange, setting forth the various contingencies in connection therewith, with the specific terms and conditions of said transfer of land to be further negotiated and agreed to in additional agreements.

NOW, THEREFORE, for and in good and valuable consideration in hand paid, receipt of which is hereby acknowledged, and in consideration of the mutual covenants and obligations hereinafter set forth, the Township and Little Flower hereby set forth in this Memorandum of Understanding that the following general terms shall apply to the future exchange of the Library Property and Little Flower Property pursuant to the terms and conditions set forth herein as follows:

1. The Township agrees to transfer the Library Property, in addition to the payment of the sum of \$2,845,000.00, to Little Flower for and in exchange of the receipt of the Little Flower Property, subject to the following contingencies:

- a. The Township's final adoption of a redevelopment plan and sale of the existing Township municipal complex pursuant to the redevelopment plan.
- b. The Township entering into an agreement with the Library for the utilization of the statutory millage towards the purchase and development of the Little Flower Property.
- c. Township's final adoption of a bond ordinance, along with any requisite public referendum approving same, to fund the purchase and development of the Little Flower Property as the new Township municipal complex and public library.
- d. Due diligence inspections of the Little Flower Property, including, without limitation, wetlands delineations, title insurance, and environmental and structural deficiencies.
- e. Final resolution of any and all litigations and appeals of any of the actions and approvals of the Township and any of its boards, commissions or committees, provided that such resolution does not invalidate or bar any such Township action or approval, or the expiration of the applicable Statute of Limitation

appeal period in connection with same.

2. Little Flower agrees to transfer the Little Flower Property to the Township for and in exchange of the receipt of the Library Property, in addition to the acceptance of the sum of \$2,845,000.00, subject to the following contingencies:

- a. Little Flower's receipt of final approval of the transaction from the Archdiocese.
- b. Little Flower's collection and receipt of sufficient funding to complete its development of the worship space (310 Plainfield Avenue, Berkeley Heights, New Jersey) and the Library Property.
- c. Due diligence inspections of the Library Property, including, without limitation, wetlands delineations, title insurance, and environmental and structural deficiencies.

IT IS further the understanding of the parties that the Township and Little Flower hereby agree that this transaction is governed by the express and implied covenants of good faith and the parties agree to treat each other accordingly in the further negotiation and preparation of the Contract of Sale for the transfer and exchange of the Library Property and Little Flower Property. This Memorandum of Understanding is subject to standard terms and conditions that are customary and standard in a contract to sell real estate; said terms include, but are not limited to, good and marketable title insurable at regular rates. The Library Property and Little Flower Property, along with the improvements thereon, are to be transferred and accepted by the parties "AS IS."

IT IS further the understanding of the parties that this Memorandum of Understanding is only to set forth the parties understanding of the general terms of the proposed land exchange of the Library Property and Little Flower Property. Nothing herein shall bind or otherwise restrict the parties from negotiating and agreeing to the specific terms and conditions of the transfer and exchange of the properties herein identified, except that the general terms set forth herein. This Memorandum of Understanding shall expire on April 1, 2015, unless the parties enter into a binding contract for sale for the Library Property and the Little Flower Property, which includes the terms set forth herein, or otherwise extended by agreement of the parties in writing.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the dates set forth herein below.

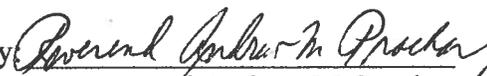
TOWNSHIP OF BERKELEY HEIGHTS

THE CHURCH OF THE LITTLE FLOWER

By: _____

Name: Joseph Bruno

Title: Mayor

By:  4/18/14
Name: Reverend Andrew M. Prachar
Title: Pastor

Agenda Item # 6

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

WHEREAS, the Township accepted bids on July 1, 2014, for Improvements to Glenside Road; and

WHEREAS, by letters dated July 2, 2014, attached hereto, the Township Engineer has recommended that the contract be awarded to Top Line Construction, 22 Fifth Street, Somerville, NJ 08876 in the amount of \$465,723.10, be accepted and the Township Council concurs.

WHEREAS, the Township is not awarding the bid to the lowest bidder, Reivax Contracting Corp., 356 Thomas Street, Newark, NJ 07114, since Reivax Contracting Corp. cannot comply with the specifications of the bid, specifically to complete all of the work by August 30, 2014 in order to minimize disturbances to school operations as set forth on Sheet 15 of 27 of the bid packet.

NOW, THEREFORE BE IT RESOLVED by the Township Council, Township of Berkeley Heights, County of Union, that the appropriate municipal officials are authorized to execute a contract with Top Line Construction and the Treasurer is authorized to pay properly completed vouchers for the provision of the Improvements to Glenside Road in the amount not to exceed \$465,723.10 for such work.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to advertise the award of this contract in accordance with law.

BE IT FURTHER RESOLVED that the Township Clerk shall forward a copy of this Resolution to Top Line Construction.

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

APPROVED this 8th day of July, 2014.

ATTEST:

Ana Minkoff
Township Clerk



TOWNSHIP OF BERKELEY HEIGHTS

DEPARTMENT OF PUBLIC WORKS

BERKELEY HEIGHTS, NEW JERSEY 07922

OFFICE OF THE
TOWNSHIP ENGINEER

TEL. (908) 464-2700

FAX. (908) 464-3791

July 2, 2014

Ms. Ana Minkoff
Township Clerk
Township of Berkeley Heights
29 Park Avenue
Berkeley Heights, New Jersey 07922

Re: Improvements to Glenside Road

Dear Ms. Minkoff:

As you are aware, bids were received on July 1, 2014 for the above referenced project. The summary of bids is shown below:

<u>Name of Bidder</u>	<u>Bid Amount</u>
Reivax Contracting Corp. 356 Thomas Street Newark, NJ 07114	\$431,857.30 10% Bid Bond
Top Line Construction 22 Fifth Street Somerville, NJ 08876	\$465,723.10 10% Bid Bond
Smith-Sondy Asphalt Construction Co, Inc. 150 Andersdon Avenue Old Bridge, NJ 08857	\$551,124.90 10% Bid Bond
Black Rock Enterprises, LLC 1316 Englishtown Road Old Bridge, NJ 08857	\$681,805.78 10% Bid Bond

After reviewing the bid documents, I offer the following comments:

The engineer's estimate for this project (prepared by Neglia Engineering) was \$495,984.00, so the two lowest bids are less than the engineer's estimate.

The bid package submitted by the two lowest bidders appears to have no deficiencies, except that on Reivax's bid for item #36 Site Restoration – the discrepancy is that the price written in words is Five Dollars and zero cents, but the price in numerical format is written \$5,000.00. The bid total would indicate that \$5,000.00 was the intended bid for this item. A legal review is also expected from the Township Attorney.

The random check of the reference for the low bidder indicates that Reivax Contracting Corp. is qualified to do the work, and has satisfactorily completed similar jobs. The next lowest bidder, Topline Construction has done similar work for the Township for the past 3 years, and is also qualified to do the work.

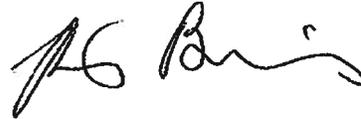
The following notice is prominent on sheet 15 of 27 (titled VIII. Construction Schedule) of the bid package: *"IT IS THE INTENT OF THE TOWNSHIP OF BERKELEY HEIGHTS TO AWARD THE CONTRACT FOR WORK SPECIFIED HEREIN ON JULY 8, 2014. THE CONTRACTOR AWARDED THE WORK SHALL BEGIN IMMEDIATELY, SUBJECT TO THE SATISFACTORY SUBMISSION OF ALL REQUIRED CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE SUBSTANTIALLY COMPLETE WITH ALL WORK BY AUGUST 30, 2014 IN ORDER TO MINIMIZEDISTURBANCE TO SCHOOL OPERATIONS."*

Neither of the two lowest bidders provided a construction schedule of Sheet 15 of 27 of the bid specifications, however our office contacted Xavier Pimeta of Reivax who indicated verbally that they would not be able to start work on this project until "September or October". Steve Castella of Topline Construction Corp. indicated that they could have the work substantially completed before August 30th, as long as the project was awarded at the July 8th meeting.

In addition to not minimizing disturbance to school operations, starting construction in September or October introduces the risk of paving in colder weather which could negatively impact the quality of the paving

job. Based on the factors listed above, subject to the certification of funds, and upon the concurrence of Township Attorney, as well as the Mayor and Township Council, I recommend the contract for the Improvements to Glenside Road be awarded to Top Line Construction in the amount of \$465,723.10 based on them being the lowest responsive and responsible bidder, who is also able to substantially complete the work by August 30, 2014.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Bocchino". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Robert Bocchino, PE
Township Engineer
Director of Public Works

copy: Township Administrator
Township Attorney
Mayor and Town Council
Michel Marceau, CFO

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

RESOLUTION

WHEREAS, by letter dated June 27, 2014 a request was made by Alaina Kelly requesting permission from the Township Council to hold a neighborhood block party for Countryside 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 Countryside Drive on Sunday, September 14, 2014 from 1:00 p.m. until 8:00 p.m. with a raindate of Sunday, September 21, 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 Alaina Kelly, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 8th day of July, 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.

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 July 8, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on July22, 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**