

**Township of Berkeley Heights
Union County, New Jersey
August 26, 2014**

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Adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News, Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 1, 2014. This meeting will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

- Edward Delia
- Kevin Hall
- Thomas Pirone
- Robert Woodruff
- Craig Pastore, Council Vice President
- Jeanne Kingsley, Council President
- Joseph G. Bruno, Mayor

AGENDA FOR PUBLIC MEETING

- I. CALL TO ORDER - 7:00 PM**

- II. ROLL CALL**

- III. EXECUTIVE SESSION**

- OPEN SESSION**

- IV. FLAG SALUTE**

- V. CONFERENCE SESSION- DISCUSSION ON PARKING BY THE HIGH SCHOOL**

- VI. REGULAR AGENDA**

- VII. APPROVAL OF MINUTES – Public Meeting – August 12, 2014**

- VIII. TOWNSHIP COUNCIL REPORTS**
 - A. Edward Delia**
 - 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. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON AUGUST 12, 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.)

XII .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

1. Resolution approving Bill List dated August 26, 2014 in the amount of \$507,795.47
2. Resolution authorizing insertion of the “2014 Drive Sober or Get Pulled Over Labor Day Crackdown” in the budget of the year 2014 in the amount of \$5,000.00.
3. Resolution authorizing a tax settlement appeal with JDP Development Company, LLC, 221 Sherman Avenue, Block 702 Lot 7.
4. Resolution authorizing the historical signage project, presented by Andrew Friedlander of Boy Scout Troop 368, to install signage on public property.

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 on Chaucer Drive on September 6, 2014 from 3:00 – 7:00 p.m.

b. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:

1. Berkeley Square, LLC	240 Springfield Avenue	\$1,574.78
2. Patricia Vogel	47 Chestnut Hill Drive	\$3,208.54

XIII. ORDINANCES

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for September 9, 2014.

(1)“AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS.”

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
AUGUST - 2014

1. Copy of letter received on July 24, 2014 from ANS Consultants, Inc. – re: Primrose School, 240-264 Springfield Avenue, BH regarding site remediation.
2. Copy of letter received on July 24, 2014 from Maser Consulting – re: Connell Hospitality, Inc. Freshwater Wetlands Application.
3. Copy of letter received on July 24, 2014 from Maser Consulting – re: Connell Hospitality, Inc. Flood Hazard Area Application.
4. Copy of resolution #148-14 received on July 24, 2014 from The Borough of Roselle Park – opposing the passage of Senate Bill S1801 and Assembly Bills A2621 & A2495 regarding abolishment of the office of tax assessor in municipalities in Atlantic County.
5. Copy of resolution #149-14 received on July 24, 2014 from The Borough of Roselle Park – supporting the passage of Assembly Bill #A900 allowing municipalities and counties to properly, quickly and economically clean and de-silt streams to help prevent flooding.
6. Copy of letter received on August 6, 2014 from the NJDEP to Don & Julia Miller, 56 Plymouth Drive – re: area of concern heating oil underground storage tank system at 56 Plymouth Drive.
7. Copy of letter received on August 14, 2014 from State of NJDOT – regarding applications for the NJDOT FY 2015 State Aid Programs.
8. Copy of letter received on August 15, 2014 from Maser Consulting – re: Connell Hospitality, Inc. regarding clarification of the applicant named in the correspondence received on July 24, 2014. Applicant name should have read Connell Hospitality, LLC.
9. Copy of letter received on August 15, 2014 from Maser Consulting – re: Connell Hospitality, Inc. regarding clarification of the applicant named in the correspondence received on July 24, 2014. Applicant name should have read Connell Hospitality, LLC.
10. Copy of invitation received on August 18, 2014 from the Boy Scouts of America Patriot's Path Council inviting the Township Council to attend the 9th Annual Good Scout Awards Dinner on October 1, 2014.
11. Copy of letter received on August 18, 2014 from the State of NJDEP to Shirley Lombardi, re: area of concern heating oil underground storage tank system at 72 Maple Avenue.
12. Copy of letter received on August 18, 2014 from the State of NJDEP to Betsy Brotman, 23 Green brook Drive – re: area of concern heating oil underground storage tank system at 23 Green brook Drive.
13. Copy of ordinance #758-2014 received on August 18, 2014 from the Union County Board of Chosen Freeholders adopted on 8/14/14 – re: Bond ordinance to authorize the making of various public improvements.

14. Copy of ordinance #759-2014 received on August 18, 2014 from the Union County Board of Chosen Freeholders introduced on 8/14/14 – re: Bond ordinance to authorize the making of various improvements and acquisition of new additional or replacement equipment and machinery.
15. Copy of letter received on August 21, 2014 from the State of NJDEP to Pedro & Francine DaSilva, 35 Orion Road-re: area of concern heating oil underground storage tank system at 35 Orion Road.

XI
(1)

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 or single 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. An applicant who has earned 1) an associate's degree awarded by an associate's degree granting college or university or has completed sixty (60) credits awarded by a bachelor's degree-granting college or university and 2) has successfully completed the Police Training Commission Alternate Route Program and has, or will be receiving Certification therefrom, shall be eligible for appointment. A degree or**

concentration in criminal justice is preferred. 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.

A. Exception for the appointments to chief of police, individuals will initially be appointed to the police division upon the basis of the results of the following competitive examinations process:

1. A written examination administered by the New Jersey State Association of Chiefs of Police. Applicants must achieve a minimum score of eighty (80) to proceed to the second phase of the testing process.
2. A physical fitness test, designed, administered and ~~scored by the athletic director of Governor Livingston High School. Applicants must achieve a minimum score of eighty (80) to proceed to the third phase of the testing process.~~ **scored by the Berkeley Heights Police Department. Applicants will be scored based on standards/scoring set prior to the taking of the test and must achieve a minimum of eighty (80).**
3. An oral examination administered by the New Jersey State Association of Chiefs of Police. Applicants must achieve a minimum score of eighty (80) to proceed to the next phase of the testing process.
4. Upon completion of the three phases of testing the applicant's scores are averaged to obtain a final score. An eligibility list will be established based on the applicant's final score. The eligibility list will remain in effect for three years from the date of the last oral examination.
5. When an opening becomes available, the applicant who is first on the eligibility list will have a background investigation completed by a member of the Investigations Division. Upon completion of the background investigation completed by a member of the Investigations Division. Upon completion of the background investigation and recommendation by the investigator, the applicant will be sent for a psychological examination.
6. Upon successful completion of the psychological examination and recommendation for the examining psychologist the applicant will proceed to the medical examination.
7. Upon successful completion of the medical examination conducted by the police physician and recommendation from the police physician, the chief of police will recommend the applicant for appointment by the mayor.

8. The mayor, in his or her discretion, will determine whether to make such appointment (which shall be done by Executive ~~Order~~ **Order**), consistent with the Faulkner Act and current ~~stuffing~~ **staffing** and budget levels.

B. The mayor may appoint, without examination, upon recommendation by the Chief of Police, ~~a successful graduate of an approved police academy program, a person with a minimum of two years experience in another police division in the state of New Jersey, or a person who has served a minimum period of two years as a civilian communications officer with the township.~~ **an applicant who satisfies the qualifications for appointment as set forth above.** The applicant selected shall meet all other requirements for appointment, shall be required to successfully complete the following:

1. A physical fitness test, designed, administered and scored as set forth above. Applicants must achieve a minimum score of eighty (80) to proceed to the next phase of testing process.
2. A background investigation completed by a member of the Investigations Division. Upon completion of the background investigation and recommendation by the investigator, the applicant will be sent for a psychological examination.
3. Upon successful completion of the psychological examination and recommendation from the examining psychologist, the applicant will proceed to the medical examination.
4. Upon successful completion of the medical examination conducted by the police physician and recommendation from the police physician, the applicant will be recommended for appointment by the chief of police.

An application fee will be required for participation in the testing process. The amount of the application fee will be set by resolution of the township council based on the recommendation of the chief of police.

C. Appointments of the chief of police shall be made by the mayor, with the advise and consent of the township council, consistent with the Faulkner Act, to a qualified individual in accordance with New Jersey law.

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 August 12, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on August 26, 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	NO	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 AUGUST 12, 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” (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.)

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 August 12, 2014.

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

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 8/26/14, in the amount of \$507,795.47 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 26th day of August, 2014.

ATTEST:

Ana Minkoff
Township Clerk

21-3

**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 Drive Sober or Get Pulled Over Labor Day Crackdown \$5,000.00

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:

2014 Drive Sober or Get Pulled Over Labor Day Crackdown \$5,000.00

BE IT FURTHER RESOLVED, that copies of this resolution are to be emailed to the office of the Director of Local Government services for approval.

APPROVED this 26th day August, 2014

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, JDP Development Company, LLC ("Taxpayer"), the owner of Block 702, Lot 7 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as 221 Sherman Avenue ("Property"), filed an appeal of its 2012, 2013 and 2014 tax assessments in the Tax Court of New Jersey, Docket Nos. 003639-2012, 005811-2013 and 004494-2014.

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

WHEREAS, Block 702, Lot 7 was assessed at \$1,056,200 for the years under appeal; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated which reduces the total tax assessment levied upon Block 702, Lot 7; and

WHEREAS, the 2012 assessment shall remain unchanged; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$750,000 instead of \$1,056,200 for Block 702, Lot 7; and

WHEREAS, the 2014 assessment, based upon said reduction, will be \$750,000 instead of \$1,056,200 for Block 702, Lot 7; and

WHEREAS, the parties agree that the provisions of NJSA 54:51A-8 (Freeze Act) shall be applicable to this case; and

WHEREAS, Taxpayer has agreed to waive the payment of statutory interest on any refund or overpayment due; and

WHEREAS, any tax refunds due shall be effectuated by way of credits against future tax bills commencing with the first quarterly tax payment due following entry of the Tax Court Judgment; and

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

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

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

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

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

- 1. The Township of Berkeley Heights' Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$750,000 total tax assessment for the 2013 and 2014 tax years for Block 702, Lot 7, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.**
- 2. The Special Tax Counsel, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of JDP Development Company, LLC ("Taxpayer") Docket Nos. 003639-2012, 005811-2013 and 004494-2014 which withdraws the 2012 tax appeal for Block 702, Lot 7; which reduces the total tax assessment on Block 702, Lot 7 from \$1,056,200 to a reduced total tax assessment of \$750,000 for the 2013 and 2014 tax years; which provides that the provisions of NJSA 54:51A-8 (Freeze Act) shall be applicable to this case; which provides that the Taxpayer waives the payment of statutory interest on any refund or overpayment due; and which provides that any tax refunds due shall be effectuated by way of credits against future tax**

bills commencing with the first quarterly tax payment due following the entry of the Tax Court Judgments.

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

Approved this 26th day of August, 2014.

ATTEST:

Ana Minkoff

Township Clerk

(A0807681)

McKIRDY & RISKIN, PA
Thomas M. Olson, Esq.
Attorney ID #: 017241982
 136 South Street
 P.O. Box 2379
 Morristown, New Jersey 07962-2379
 Telephone: 973-539-8900 / Fax: 973-984-5529

Attorneys for Plaintiff,
JDP Development Company, LLC

JDP Development Company, LLC

Plaintiff,

vs.

Berkeley Heights Township

Defendant.

TAX COURT OF NEW JERSEY

Docket No: 003639-2012
005811-2013
004494-2014

Civil Action

STIPULATION OF SETTLEMENT

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

Block: 702

Lot: 7

Street Address: 221 Sherman Avenue

Years: 2012

	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	REQUESTED TAX COURT JUDGMENT
Land	\$ 150,100.00		
Improvements	\$ <u>906,100.00</u>	N/A	
TOTAL	\$1,056,200.00	DIRECT APPEAL	<u>WITHDRAWN</u>

Block: 702

Lot: 7

Street Address: 221 Sherman Avenue

Years: 2013

	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	REQUESTED TAX COURT JUDGMENT
Land	\$ 150,100.00		\$150,100.00
Improvements	<u>\$ 906,100.00</u>	N/A	<u>\$599,900.00</u>
TOTAL	\$1,056,200.00	DIRECT APPEAL	\$750,000.00

Block: 702

Lot: 7

Street Address: 221 Sherman Avenue

Years: 2014

	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	REQUESTED TAX COURT JUDGMENT
Land	\$ 150,100.00		\$150,100.00
Improvements	<u>\$ 906,100.00</u>	N/A	<u>\$599,900.00</u>
TOTAL	\$1,056,200.00	DIRECT APPEAL	\$750,000.00

2. The undersigned have made such examination of the value and proper assessments of the properties and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the properties as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The Assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the properties consistent with assessing practices generally applicable in the taxing district as required by law.

4. The refunds due pursuant to the within settlement shall be effectuated by way of credits against future tax bills commencing with the 1st quarterly payment due following entry of Judgment by Tax Court of the State of New Jersey.

5. The parties agree that there has been no change in value or municipal-wide revaluation or reassessment adopted for the tax year 2015, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (*Freeze Act*) shall be applicable to and a final disposition of this and the entire controversy and of any actions pending or hereafter instituted by the parties concerning the assessment on the property referred to herein for said Freeze Act year. No Freeze Act year shall be the basis for the application of the Freeze Act for any subsequent year.

6. Taxpayer waives prejudgment interest.

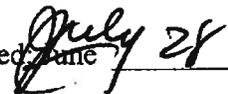
**DiFrancesco, Bateman, Coley,
Yospin, Kunzman, Davis & Lehrer, PC**
Attorneys for Defendant,
Berkeley Heights Township

McKIRDY & RISKIN, P.A.
Attorneys for Plaintiff,
JDP Development Company, LLC

By: _____
SANDRA BELLI, ESQ.

By: 
THOMAS M. OLSON, ESQ.

Dated: June _____, 2014

Dated:  July 28, 2014

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

RESOLUTION

WHEREAS, on August 12, 2014, Andrew Friedlander of Boy Scout Troop 368 made a presentation before the Mayor and Township Council of the Township of Berkeley Heights for a historical signage project in connection with his Eagle Scout candidacy; and

WHEREAS, working with the Township, Mr. Friedlander proposes to install post signs at various historical sites throughout the Township, including the Littel-Lord Farmhouse, the 9/11 Memorial Park, the Peppertown Park and Berkeley Heights Train Station, and the Town Hall and Memorial Park, identifying the historical nature of each site; and

WHEREAS, as part of the project, Mr. Friedlander is donating time, labor and material for the installation of the signage to the Township, including the use of other Boy Scout members to install the signs; and

WHEREAS, at the end of Mr. Friedlander's presentation, the Mayor and Township Council voted to authorize and consent to Mr. Friedlander's historical signage project, permitting Mr. Friedlander to install the signage on public property, subject to approval from the Township Engineer and the Zoning Officer; and

WHEREAS, pursuant to N.J.S.A. 40A:5-29, the Township is authorized to accept bequests, legacies and gifts made to it and is empowered to utilize such bequests, legacies and gifts in the manner set forth in the conditions of same; and

WHEREAS, prior to the performance of any work for the installation of the signage, each individual or the Boy Scout organization shall execute a Release and Hold Harmless Agreement with the Township, indemnifying the Township from any and all liability resulting from the donated labor, service and equipment for the project; and

WHEREAS, the Township Council finds it in the best interest of the Township to accept the donation from the project, and to authorize Mr. Friedlander to complete the historical signage project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township of Berkeley Heights hereby authorizes Andrew Friedlander of Boy Scout Troop 368 to install post signs at various historical sites throughout the Township, including the Littel-Lord Farmhouse, the 9/11 Memorial Park, the Peppertown Park and Berkeley Heights Train Station, and the Town Hall and Memorial Park, identifying the historical nature of each site for a historical signage project in connection with his Eagle Scout candidacy.

BE IT FURTHER RESOLVED that the Township of Berkeley Heights hereby accepts the donation of the signage and thanks Mr. Friedlander and the Boy Scouts for their generous donation and contribution to the Township.

BE IT FURTHER RESOLVED that the Township Clerk, Township Administrator, and appropriate staff and professionals is authorized to take all required actions to accept the donations and determine the appropriate use of same.

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

APPROVED this 26th day of August, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, by email dated August 18, 2014 a request was made by John Provinsal requesting permission from the Township Council to hold a neighborhood block party on Chaucer Drive circle 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 Chaucer Drive circle on Saturday, September 6, 2014 from 3:00 p.m. until 7:00 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 John Provinsal, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 26th day of August, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2014 property taxes for property known as Block #801 Lot #23 also known as 240 Springfield Avenue which requires a refund in the amount of \$1,574.78: and

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment for 2014 taxes in the amount of \$1,574.78 to Berkeley Square, LLC, 85A Division Street, Millington, NJ 07946.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Berkeley Square, LLC, Treasurer and Tax Collector.

APPROVED this 26th day of August, 2014.

Attest:

**Ana Minkoff
Township Clerk**

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2014 property taxes for property known as Block #3806 Lot #7 also known as 47 Chestnut Hill Drive which requires a refund in the amount of \$3,208.54: and

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment for 2014 taxes in the amount of \$3,208.54 to Patricia Vogel, 47 Chestnut Hill Drive, Berkeley Heights, NJ 07922.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Patricia Vogel, Treasurer and Tax Collector.

APPROVED this 26th day of August, 2014.

Attest:

**Ana Minkoff
Township Clerk**

Explanation: This Ordinance amends the Township's current Salary Ordinance (Ordinance #14-2013) to update and add the salary ranges for the various positions.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. _____

AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS

BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, pursuant to N.J.S.A. 40A:5-19 and N.J.S.A. 40A:9-10, that the Township's Salary Ordinance (Ordinance #4-2013 as amended by Ordinance No. 8-2013) as follows: [New language **bold and underlined**, and deleted language in ~~strike through~~.]

SECTION 1.

The annual salaries and wages of the elected and appointed officials of the Township and certain non-union Township employees in the various municipal departments of the Township of Berkeley Heights shall be fixed from time to time by the Township Council by Resolution and, except as provided herein shall not be less than the minimum amounts nor more than the maximum amounts hereinafter set forth for each position.

<u>DEPARTMENT</u>	<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Administration & Executive	Mayor	1.00	4,000.00
	Council Members	1.00	3,500.00
	Township Administrator	60,000.00	127,500.00
	Executive Assistant	25,000.00	51,000.00
	Administrative Assistant	25,000.00	45,900.00
	Township Clerk	50,000.00	89,760.00
	Acting Township Clerk	35,000.00	60,000.00
	Deputy Township Clerk	25,000.00	51,000.00

Finance Department	Treasurer/Chief Financial Officer	60,000.00	102,000.00
	Tax Assessor	20,000.00	51,000.00
	Tax Collector	20,000.00	61,200.00
			<u>61,407.00</u>
Municipal Court	Municipal Judge	10,000.00	35,700.00
Legal	Township Attorney	30,000.00	61,200.00
	Municipal Prosecutor	10,000.00	20,400.00
	Public Defender	3,000.00	10,200.00
	Planning Board Attorney	2,000.00	5,100.00
	Board of Adjustment Attorney	2,000.00	5,100.00
Public Works - Engineering Division	Township Engineer/ Director of Public Works	45,000.00	102,000.00
			<u>102,802.00</u>
	Asst. Dir. of Public Works	45,000.00	76,500.00
			<u>78,030.00</u>
	Zoning Official <u>(Tree Inspector & Code Review Officer)</u>	30,000.00	61,800.00
	Construction Official	60,000.00	81,600.00
Stipends	Dispatcher/Asst Terminal Agency Coordinator	1.00	2,500.00
Fire	Fire Official	1.00	13,000.00
Sewer Plant	Superintendent of Wastewater Management	85,000.00	120,000.00

	Acting Superintendent of Wastewater Management	50,000.00	75,000.00
Police Dept	Chief	90,000.00	156,060.00
	Police Secretary	28,000.00	51,000.00
	Confidential Secretary	28,000.00	56,100.00
	Special Police (per hr)	7.75	30.00
	Special Police Matrons (per hr)	7.25	30.00
	Crossing Guards (per hr)	7.25	30.00
Emergency Management	Emergency Management Coordinator	500.00	5,500.00
	Assistant Emergency Management Coordinator	500.00	1,500.00
Part Time Employees			
	Level 1 - Under 20 Hrs, Seasonal	7.25/Hr	18.00/Hr
	Level 2 - Under 20 Hrs, Permanent	10.00/Hr	30.00/Hr
	Level 3 - Under 20 Hrs, Permanent w/ License *	20.00/Hr	45.00/Hr
	Level 4 - Over 20 Hrs, Seasonal	7.25/Hr	18.00/Hr
	Level 5 - Over 20 Hrs, Permanent	10.00/Hr	30.00/Hr.
	Level 6 - Over 20 Hrs, Permanent w/ License *	20.00/Hr	45.00/Hr.

* This includes all Sub code officials.

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.

The provisions of this Ordinance shall be effective according to law.

Introduced: _____

Adopted: _____

Joseph G. Bruno
Mayor

ATTEST:

Ana Minkoff
Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2014

“AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS.”

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 August 26, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on September 9, 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**