

VIII. ADMINISTRATION REPORTS

Mayor Bruno

IX. APPROVAL OF MINUTES – Public Meeting – September 9, 2014 September 23, 2014 Executive Session – May 11, 2010

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 SEPTEMBER 23, 2014.

- (1) “ORDINANCE REAPPROPRIATING \$30,494.89 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE MUNICIPAL FACILITIES STUDY IN AND BY THE TONWHSIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEWJERSEY.”**
- (2) ”AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH OUR LADY OF MOUNT CARMEL SOCIETY FOR THE 2014-2015 TERM.”**
- (3) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 8.44.040 ENTITLED “EXCEPTIONS AND PERMITS” OF CHAPTER 8.44 ENTITLED “NOISE CONTROL” TITLE 8 ENTITLED “HEALTH AND SAFETY” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO INCLUDE AN EXEMPTION FOR THE TOWNSHIP AND TOWNSHIP-SPONSORED EVENTS.”(Explanation: This Ordinance amends the Township’s Noise Control regulations to exempt the Township and Township sponsored events.)**

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON
SEPTEMBER 9, 2014.**

- (4) “AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 10.12 ENTITLED “SPEED LIMITS AND NO-PASSING ZONES” VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO REVISING THE SPEED LIMITS ON A PORTION OF SNYDER AVENUE”.**

Explanation: (This ordinance revising the speed limits on a portion of Snyder Avenue.)

XII .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

1. Resolution approving Bill List dated October 7, 2014 in the amount of \$576,776.34.
2. Resolution authorizing the Memorandum of Understanding with the Library setting forth the terms of the use and operation of the Library in connection with the potential land swap, along with setting forth the contingencies for same.
3. Resolution authorizing a tax appeal settlement with One Russo Place, L.L.C., Block 1901, Lot 36.
4. Resolution officially renaming Bicentennial Park to the 9/11 Memorial Park.

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 at Beech Avenue on October 31, 2014 from 3:15 p.m. To 5:00 p.m.
- b. Resolution authorizing a block party at Branko Road/North Road on October 19, 2014 from 10:00 a.m. until 4:00 p.m.
- c. Resolution authorizing a block party at Twin Falls Road on October 11, 2014 from 5:00 p.m. until 10:00 p.m.
- d. Resolution authorizing release of cash bond in the amount of \$13,574.45 to Bob McEwan Construction Corp., for the property located at Berkeley Station (Sherman Ave.) Block. 702 Lot 10.

- e. Resolution authorizing the release of a \$2,000.00 street opening permit bond from Elite Construction of Warren, for work done at 4 Treetop Court, Berkeley Heights.

XIII. 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.

XIV. ADJOURNMENT

Ana Minkoff, Township Clerk

(1)

ORDINANCE REAPPROPRIATING \$30,494.89 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE MUNICIPAL FACILITIES STUDY IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$30,494.89 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township") are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
46-99	Construction and improvements to parking area, finally adopted September 7, 2009.	\$7,740.06
16-00	Various capital improvements, finally adopted August 22, 2000.	\$2,260.43
35-01	Various general improvements, finally adopted September 4, 2001.	\$11,935.57
20-02	Improvements to WPCP and the acquisition of equipment, finally adopted October 8, 2002.	\$52.36

27-04/32-05	Various general improvements, finally adopted November 23, 2004, as supplemented October 11, 2005.	\$925.00
11-06/15-07	Road and parking improvements, finally adopted May 9, 2006, as amended September 4, 2007.	\$3,434.47
17-11	Train station improvements, finally adopted July 26, 2011.	\$4,147
Total:		\$30,494.89

Section 2. The \$30,494.89 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby reappropriated to provide for the Municipal Facilities Study, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED the _____ day of _____, 2014

ADOPTED the _____ day of _____, 2014

ATTEST:

Joseph G. Bruno, Mayor

Ana Minkoff, Township Clerk

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on **September 23, 2014**. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at 29 Park Avenue, Berkeley Heights, NJ on **October 7, 2014**, at 7:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: ORDINANCE REAPPROPRIATING \$30,494.89 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE MUNICIPAL FACILITIES STUDY IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.

Purpose: \$30,494.89 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Township of Berkeley Heights, in the County of Union, New Jersey are no longer necessary for the various purposes for which the obligations previously were authorized and are reappropriated to provide for the Municipal Facilities Study, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
46-99	Construction and improvements to parking area, finally adopted September 7, 2009.	\$7,740.06
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17-11	Train station improvements, finally adopted July 26, 2011.	\$4,147
Total:		\$30,494.89

Re-Appropriation: \$30,494.89

Bonds/Notes Authorized: N/A

Grants Appropriated: N/A

Section 20 Costs: N/A

Useful Life: N/A

Ana Minkoff, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

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

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Berkeley Heights, in the County of Union, State of New Jersey on October 7, 2014 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: ORDINANCE REAPPROPRIATING \$30,494.89 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR THE MUNICIPAL FACILITIES STUDY IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.

Purpose: \$30,494.89 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Township of Berkeley Heights, in the County of Union, New Jersey are no longer necessary for the various purposes for which the obligations previously were authorized and are reappropriated to provide for the Municipal Facilities Study, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto:

<u>Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
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17-11	Train station improvements, finally adopted July 26, 2011.	\$4,147
Total:		\$30,494.89

Re-Appropriation: \$30,494.89

Bonds/Notes Authorized: N/A

Grants Appropriated: N/A

Section 20 Costs: N/A

Useful Life: N/A

Ana Minkoff, Clerk

(21)

EXPLANATORY STATEMENT: This ordinance authorizes the lease agreement with Our Lady of Mount Carmel Society for the use of its Hall by the Senior Citizens Organization of Berkeley Heights for the 2014-2015 term.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. _____

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Lease with Our Lady of Mount Carmel Society for the 2014-2015 Term.

WHEREAS, the Township of Berkeley Heights desires to lease from the Our Lady of Mount Carmel Society (“Mount Carmel”), a portion of the property known as Mount Carmel Hall located at 56 River Road in Berkeley Heights, New Jersey (“Property”) from 9:30 a.m. to 3:00 p.m. on Tuesdays and Wednesdays from September 1, 2014, to August 31, 2015; and

WHEREAS, the Township intends to use the Property for meetings of the Senior Citizens Organization of Berkeley Heights (the “Senior Citizens Organization”); and

WHEREAS, the Township and the Society have negotiated the terms of the lease attached hereto, which terms are acceptable to the Township, for the lease rental amount of \$1,457.00 per month for the period of September 1, 2014 through August 31, 2015, except for the month of July 2015; and

WHEREAS, the above rental amount is expressly conditioned upon the Mount Carmel’s payment of monies owed to the Township in connection with the Township Police Department’s services during the annual Mt. Carmel Festival; and

WHEREAS, pursuant to N.J.S.A. 40A:12-4 and -5 of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Township is authorized to acquire real estate or an interest in land, such as a lease, by ordinance; and

WHEREAS, the Lease Agreement, in the form attached hereto, has been reviewed and approved by the Township Attorney, along with representatives of Mount Carmel; and

WHEREAS, the Mayor and Township Council of the Township of Berkeley Heights find it in the best interest of the Township to authorize the Lease Agreement with Mount Carmel for the use of the Property by the Senior Citizens Organization.

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

1. The Township hereby authorizes the entering into a lease with Our Lady of Mount Carmel Society ("Mount Carmel"), a portion of the property known as Mount Carmel Hall located at 56 River Road in Berkeley Heights, New Jersey ("Property") from 9:30 a.m. to 3:00 p.m. on Tuesdays and Wednesdays from September 1, 2014, to August 31, 2015, pursuant to the terms and conditions set forth in the License Agreement.
2. The Mayor and Township Clerk of the Township of Berkeley Heights are hereby authorized and directed to sign and execute the Lease Agreement in the form attached hereto, along with any other documents required to effectuate the lease.
3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.
4. This Ordinance shall take effect immediately upon final passage and publication according to law.

INTRODUCED the _____ day of _____, 2014.

ADOPTED the _____ day of _____, 2014.

Joseph G. 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, Authorizing the Lease with Our Lady of Mount Carmel Society for the 2014-2015 Term.

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 September 23, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on October 7, 2014 at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff
Township Clerk**

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

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

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON SEPTEMBER 23, 2014:**

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY
OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH
OUR LADY OF MOUNT CARMEL SOCIETY FOR THE 2014-2015 TERM.**

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 October 7, 2014.

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

(3)

EXPLANATORY STATEMENT: This Ordinance amends the Township's Noise Control regulations to exempt the Township and Township sponsored events.

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 8.44.040 entitled "Exceptions and Permits" of Chapter 8.44 entitled "Noise Control" of Title 8 entitled "Health and Safety" of *The Code of the Township of Berkeley Heights* to Include an Exemption for the Township and Township-sponsored Events.

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 8.44.040 entitled "Exceptions and Permits" of Chapter 8.44 entitled "Noise Control" of Title 8 entitled "Health and Safety" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended to read as follows: [New language **and underlined**; deleted language ~~double-strikethrough~~]

8.44.40 Exceptions and Permits.

- A. Township Exception. Noise caused by any Township official, employee or agent, within the scope of work being performed on behalf of the Township; or caused by or during any Township organized or sponsored event or activity shall not be subject to the provisions of this Chapter.
- ~~BA.~~ Emergency Exception. Noise caused in the performance of emergency work or for removal of snow or ice or by use of emergency signaling devices shall not be subject to the provisions of this chapter.
- ~~CB.~~ Permit Issuance. The police department is authorized to grant permits as required by any provision of this chapter, subject to such limitations as to area, noise levels, time limits and other terms and conditions as it determines are appropriate to protect the public health, safety and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any other permit or license required by law for such activities.
- ~~DC.~~ Exceptions for Time to Comply.

1. Upon good cause shown by the owner of any noise source, the township zoning officer shall have the power to grant an exemption from the operation of this chapter in order to allow sufficient time for installation of needed control equipment, facilities or modifications to achieve compliance, not to exceed fourteen (14) days, provided that such exemption may be renewed for an additional like period, but only if satisfactory progress toward compliance is shown.
2. Any person may appeal any ruling of the zoning officer or police department by filing a petition with the council. The council may cause such appeal to be investigated and shall consider the views of all persons who might be adversely affected by the grant of an exemption or permit.
3. The council, by resolution, shall then file and publish a written order, stating the facts and reasons leading to its decision.

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

Section 5. This Ordinance shall not take effect until after final passage, approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7, and publication in accordance with all applicable laws and statutes.

INTRODUCED the _____ day of _____, 2014.

ADOPTED the _____ day of _____, 2014.

Joseph G. 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 8.44.040 ENTITLED "EXCEPTIONS AND PERMITS" OF CHAPTER 8.44 ENTITLED "NOISE CONTROL" TITLE 8 ENTITLED "HEALTH AND SAFETY" OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO INCLUDE AN EXEMPTION FOR THE TOWNSHIP AND TOWNSHIP-SPONSORED EVENTS."(Explanation: This Ordinance amends the Township's Noise Control regulations to exempt the Township and Township sponsored events.)

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 September 23, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on October 7, 2014 at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff
Township Clerk**

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

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

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON SEPTEMBER 23, 2014:**

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS,
COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING
AND SUPPLEMENTING SECTION 8.44.040 ENTITLED "EXCEPTIONS
AND PERMITS" OF CHAPTER 8.44 ENTITLED "NOISE CONTROL"
TITLE 8 ENTITLED "HEALTH AND SAFETY" OF THE CODE OF THE
TOWNSHIP OF BERKELEY HEIGHTS TO INCLUDE AN EXEMPTION
FOR THE TOWNSHIP AND TOWNSHIP-SPONSORED
EVENTS."(Explanation: This Ordinance amends the Township's Noise Control
regulations to exempt the Township and Township sponsored events.)**

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 October 7, 2014.

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

(4)

EXPLANATORY STATEMENT: This Ordinance revising the speed limits on a portion of Snyder Avenue.

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 Chapter 10.12 entitled "Speed Limits and No-Passing Zones" of Title 10 entitled "Vehicles and Traffic" of *The Code of the Township of Berkeley Heights* to Revising the Speed Limits on a Portion of Snyder Avenue.

WHEREAS, pursuant to N.J.S.A. 39:4-8(b) and N.J.S.A. 39:4-197(1)(a), the Township of Berkeley Heights is authorized to enact ordinances which designate reasonable and safe speed limits, without the approval of the Commissioner of Transportation; and

WHEREAS, the Township Police Department recommended revising the speed limits on a portion of Snyder Avenue due to concerns over traffic safety, traffic complaints, and for the general safety of the public; and

WHEREAS, the Mayor and Township Council of the Township of Berkeley Heights find it to be in the best interests of the Township and its citizens to revise the speed limits on a portion of Snyder Avenue.

NOW, THEREFORE, 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 10.12.010 entitled "Speed Limits" of Chapter 10.12 entitled "Speed Limits and No-Passing Zones" of Title 10 entitled "Vehicles and Traffic" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended to read as follows: [New language **bold and underlined**; deleted language ~~double strikethrough~~]

10.12.010 – Speed Limits.

The speed limit for both directions of traffic along the streets hereinafter designated is established as follows:

A. Diamond Hill Road:

1. Forty (40) miles per hour from the New Providence Borough-Berkeley Heights line to the Watchung Borough line;
2. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Division of Motor Vehicles dated July 23, 1956.

B. Emerson Lane:

1. Twenty-five (25) miles per hour.

C. Glenside Road:

1. Thirty-five (35) miles per hour from the New Providence line to Glenside Avenue;
2. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Division of Motor Vehicles dated April 19, 1965.

D. Hamilton Avenue:

1. Thirty-five (35) miles per hour for its entire length except that within the Little Flower Parochial School zone the speed limit shall be twenty-five (25) miles per hour while children are going to or leaving school during opening or closing hours;
2. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Division of Motor Vehicles dated November 27, 1968.

E. Horseshoe Road:

1. Thirty-five (35) miles per hour for its entire length;
2. Regulatory signs are to be installed in accordance with a letter of authorization from the Department of Transportation dated September 6, 1973.

F. McMane Avenue:

1. Thirty-five (35) miles per hour for its entire length from Diamond Hill Road to Glenside Avenue;
2. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Division of Motor Vehicles dated April 2, 1965.

G. Mountain Avenue:

1. Forty (40) miles per hour from the westerly Berkeley Heights Township line to Diamond Hill Road-Union Avenue in the Township of Berkeley Heights, except within the Mountain Park School zone, where the speed limit shall be twenty-five (25) miles per hour while children are going to or leaving school, during opening or closing hours or during recess;
2. Forty (40) miles per hour from the point where the New Providence Borough-Berkeley Heights Township line crosses Mountain Avenue east of Glenside Road to a point where the New Providence Borough-Berkeley Heights Township line again crosses Mountain Avenue west of Murray Hill Boulevard;
3. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Department of Transportation dated February 17, 1971, and the letter of authorization from the Department of Transportation dated March 26, 1970, and signs with the words School Speed Limit 25 MPH When Flashing shall be installed, operated and maintained in accordance with a letter of authorization from the Department of Transportation dated December 21, 1971.

H. Park Avenue:

1. Forty (40) miles per hour between Mountain Avenue and a point six hundred (600) feet north of the center of Forest Avenue;
2. Thirty-five (35) miles per hour between a point six hundred (600) feet north of the center of Forest Avenue to Plainfield Avenue;
3. Signs are to be installed in accordance with a letter dated September 3, 1970, from the Department of Transportation, and flashing school advance signs shall be installed, operated and maintained in accordance with a

letter of authorization from the Department of Transportation dated December 17, 1971.

I. Plainfield Avenue:

1. Thirty (30) miles per hour in the township, except within the Columbia School zone, where the speed limit shall be twenty-five (25) miles per hour while children are going to or leaving school, during opening or closing hours or during recess;
2. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Department of Transportation dated March 25, 1970, and signs with words School Speed Limit 25 MPH When Flashing shall be installed, operated and maintained in accordance with a letter of authorization from the Department of Transportation dated December 29, 1971.

J. Roosevelt Avenue:

1. Thirty-five (35) miles per hour for its entire length except within the Little Flower Parochial School zone where the speed limit shall be twenty-five (25) miles per hour while children are going to or leaving school during opening or closing hours;
2. Regulatory and warning signs shall be installed and maintained in accordance with the letter of authorization from the Division of Motor Vehicles dated November 27, 1968.

K. Snyder Avenue:

1. Thirty (30) miles per hour between Mountain Avenue and the center of ~~Pine Grove Road~~ **Industrial Road**;
2. Forty (40) miles per hour between the center of ~~Pine Grove Road~~ **Industrial Road** and Springfield Avenue;
3. Thirty-five (35) miles per hour between Springfield Avenue and the Morris County line;
4. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Department of Transportation dated December 19, 1969, and signs with the words School

Speed Limit 25 MPH When Flashing shall be installed, operated and maintained in accordance with a letter of authorization from the Department of Transportation dated March 3, 1972.

L. Springfield Avenue:

1. Forty (40) miles per hour from New Providence line to the center of Kuntz Avenue;
2. Thirty-five (35) miles per hour from the center of Kuntz Avenue to the center of Station Street;
3. Forty (40) miles per hour from the center of Station Street to the Long Hill and Berkeley Heights Township line;
4. Regulatory and warning signs shall be installed and maintained in accordance with a letter of authorization from the Division of Motor Vehicles dated August 22, 1956, and flashing school advance signs shall be installed, operated and maintained in accordance with a letter of authorization from the Department of Transportation dated December 17, 1971.

Section 2. In accordance with N.J.S.A. 39:4-198, the Township Public Works Department is authorized to erect the appropriate signage along the applicable portions of Snyder Avenue in conformance with the current Manual on Uniform Traffic Control Devices and New Jersey law.

Section 3. 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 4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 6. This Ordinance shall not take effect until after final passage, approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7, and publication in accordance with all applicable laws and statutes.

INTRODUCED the _____ day of _____, 2014.

ADOPTED the _____ day of _____, 2014.

Joseph G. 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 CHAPTER 10.12 ENTITLED “SPEED LIMITS AND NO-PASSING ZONES” VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO REVISING THE SPEED LIMITS ON A PORTION OF SNYDER AVENUE”.

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 September 9, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on September 23, 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**

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

NOTICE OF FINAL ADOPTION

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE
INTRODUCED ON SEPTEMBER 9, 2014:**

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS,
COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING
AND SUPPLEMENTING CHAPTER 10.12 ENTITLED “SPEED LIMITS
AND NO-PASSING ZONES” VEHICLES AND TRAFFIC” OF THE CODE
OF THE TOWNSHIP OF BERKELEY HEIGHTS TO REVISING THE
SPEED LIMITS ON A PORTION OF SNYDER AVENUE”.**

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 October 7, 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 10/7/14, in the amount of \$576,776.34 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

APPROVED this 10th day of October, 2014.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: (2)

**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 Free Public Library of Berkeley Heights (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, the Trustees of the Free Public Library of Berkeley Heights (the "Trustees") is the governing body of the Library; and

WHEREAS, the potential land swap of the Library Property for the Little Flower Property will substantially affect the operation of the Library; and

WHEREAS, the Township and the Library have discussed the potential terms of the land swap, including the potential development of a new library premises on the Little Flower Property; and

WHEREAS, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the 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 the consent and agreement of the Library to the land swap; and

WHEREAS, the Township and the Library wish to enter into this Memorandum of Understanding setting forth the general understanding between the Township and Library with regard to the disposal of the existing Library Property, the continuation of Library services during the transition and development period, and the location of the Library in the new municipal complex on the Little Flower Property, with the specific terms and conditions to be further negotiated and agreed to in a future agreement; 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 the Library; and

WHEREAS, the Township Council finds it to be in the best interest of the Township to enter into the Memorandum of Understanding with the Library setting forth the terms of the use and operation of the Library in connection with 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 with the Library, 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 the Library shall negotiated and enter into a final agreement that shall govern the terms of the use of the library portion of the new municipal complex.

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

APPROVED this 7th day of October, 2014.

ATTEST:

Ana Minkoff
Township Clerk

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY, NEW JERSEY

AND

THE TRUSTEES OF THE FREE PUBLIC LIBRARY OF BERKELEY HEIGHTS

REGARDING

**LAND EXCHANGE WITH THE LITTLE FLOWER CHURCH
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 Trustees of the Free Public Library of Berkeley Heights (the “Trustees”) is the governing body of the Free Public Library of Berkeley Heights (the “Library”); and

WHEREAS, the Library is currently situated at the property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, (the “Library Property”); and

WHEREAS, the Township owns the Library Property in fee, which is under the use and control by the Trustees of the Library provided the property is used for Library purposes pursuant to state statute; 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, the potential land swap of the Library Property for the Little Flower Property will substantially affect the operation of the Library; and

WHEREAS, the Township and the Library have discussed the potential terms of the land swap, including the potential development of a new library premises on the Little Flower Property; and

WHEREAS, the Township intends on utilizing the Little Flower Property as a new municipal complex and site for the 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 the consent and agreement of the Library to the land swap; and

WHEREAS, the Township and the Library wish to enter into this Memorandum of Understanding setting forth the **general understanding** between the Township and Library with regard to the disposal of the existing Library Property, the continuation of Library services during the transition and development period, and the location of the Library in the new municipal complex on the Little Flower Property, with the specific terms and conditions to be further negotiated and agreed to in a future agreement.

NOW, THEREFORE, the Township and the Library hereby set forth the following general terms that shall apply to the future exchange of the Library Property and Little Flower Property:

1. The Library agrees and consents to the transfer of the Library Property for the Little Flower Property, subject to the following terms and conditions:
 - a. The Township showing the financial ability to complete the exchange of land as well as the development of the Little Flower property.
 - b. The Township completing the transfer of properties with Little Flower, obtaining ownership of the Little Flower Property, and developing/construction of the library space on the Little Flower Property pursuant to plans to be approved by the Library.
 - c. The Library is able to arrange for the continuation of Library services, consistent with the Library's mission, as much as possible, at a location and level satisfactory to the Trustees, for the period of time commencing at the time the current Library Property is closed to the public and ending at the time the new Library space opens to the public, (the "Transition"); this includes both a physical and virtual (digital) presence.
 - d. The Township shall work with the Library to obtain reasonable storage space for the Library property during the Transition, including the potential use of storage space on Township property.
 - e. The Township and Library shall mutually agree on the date the Library Property is to be vacated, which date shall be no less than ninety (90) days from the date of agreement.

- f. The Library Director, Stephanie Bakos, shall be designated as the liaison with the Township and its professionals in connection with the development and construction of the library portion of the Little Flower Property.
- g. The Library shall have meaningful opportunity to review and provide its input on the design of the library portion of the Little Flower Property. Final design of the library portion of the Little Flower Property shall be subject to the approval of the Library. The Library shall have access to the Township's Architects through the Township.
- h. The Library, Little Flower, and the Township agreeing to a mutually agreeable schedule regarding the timing of the land swap, schedule of construction at the Little Flower Property, and the Transition.

2. The Township agrees to transfer the Library Property for the Little Flower Property pursuant to the terms of an agreement between the Township and Little Flower, and to develop/construct a portion of the Little Flower Property for use by the library pursuant to plans that are subject to the approval by the Library, subject to the following terms and conditions:

- a. The Library shall reasonably work with the Township, including the provision of all required documentation and approvals that the Township may need in order to complete the transfer of the Library Property for the Little Flower Property, as well as the development of the Little Flower Property.
- b. The Library shall encourage the Library Foundation to engage in fundraising efforts to assist in the cost of the project.
- c. The Library's statutory millage will be used for the operation of the Library during the Transition, including but not limited to the costs of the Library set forth in the subparagraph (e) below. The millage may only be directed toward the project consistent with state laws and regulations. At this point, the availability of any funding from the millage is only theoretical.
- d. The agreement between the Township and the Library shall contain an estimate of the Library's proposed usage of the millage leading up to, during, and immediately following the Transition period and an estimate of the amount that may be available for use towards the development of the Little Flower Property, consistent with New Jersey statutes.
- e. The Library shall utilize its own funding for the moving and temporary storage expenses of the Library and its property.
- f. The Library agrees to only maintain staff reasonably required during the Transition, which shall be funded by the Library.

3. The Township and the Library shall ultimately enter into an agreement for the Library governing the portion of the Little Flower Property designated for the library use as well as common areas shared between the Library and the Municipality. Such agreement shall set forth the terms and conditions and relationship between the Township and Library with regard to the use and operation of the new library in the municipal complex on the Little Flower Property, including, without limitation, the use and control over the library space, the hours of operation and access to the library, and the management, use and maintenance of common areas. Consistent with statute, the Trustees shall govern the new Library, although the parties acknowledge that they shall make joint decisions regarding common areas used by both the Municipality and the Library.

The Township and the Library hereby agree to act in good faith in the negotiation and preparation of a more formal agreement to set forth the specific terms of the interaction between the Township and the Library with regard to the land swap, the continuation of Library Services in the Township during the Transition, and the agreement governing the library space and common areas on the Little Flower Property after the Transition.

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 interaction of the Township and Library in connection with 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 relationship and ultimate agreement between the parties.

IT IS further the understanding of the parties that this Memorandum of Understanding, along with any future agreement with the Library, may be subject to the approval of the State Librarian, as may be required by law.

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

TOWNSHIP OF BERKELEY HEIGHTS

TRUSTEES OF THE FREE PUBLIC
LIBRARY OF BERKELEY HEIGHTS

By: _____

Name: Joseph Bruno

Title: Mayor

By: _____

Name: Leslie Kaltenbach

Title: President

Dated: _____

Dated: _____

Agenda Item No.: 3

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

RESOLUTION

WHEREAS, One Russo Place, L.L.C. ("Taxpayer"), the owner of Block 1901, Lot 36 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as 1 Russo Place ("Property"), filed an appeal of its 2012 and 2013 tax assessments in the Tax Court of New Jersey, Docket Nos. 003934-2012 and 011035-2013.

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 1901, Lot 36 was assessed at \$1,013,400 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 1901, Lot 36; and

WHEREAS, the 2012 assessment, based upon said reduction, will be \$965,000 instead of \$1,013,400 for Block 1901, Lot 36; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$955,000 instead of \$1,013,400 for Block 1901, Lot 36; and

WHEREAS, the parties agree that the provisions of NJSA 54:51A-8 (Freeze Act) shall be applicable to the assessment for Tax Year 2014; and

WHEREAS, Taxpayer has agreed to waive the payment of statutory interest on any refund or overpayment due provided the tax refund is paid within 60 days of the issuance of the Tax Court Judgments; and

WHEREAS, any tax refunds shall be made payable to "One Russo Place, L.L.C. and Spiotti & Esposito, as attorneys"; 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 \$965,000 total tax assessment for the 2012 tax year for Block 1901, Lot 36, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.
2. The Township of Berkeley Heights' Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$955,000 total tax assessment for the 2013 tax year for Block 1901, Lot 36, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.
3. The Special Tax Counsel, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of One Russo Place, L.L.C. ("Taxpayer") Docket Nos. 003934-2012 and 011035-2013 which reduces the total tax assessment on Block 1901, Lot 36 from \$1,013,400 to a reduced total tax assessment of \$965,000 for the 2012 Tax Year; which reduces the total tax

assessment on Block 1901, Lot 36 from \$1,013,400 to a reduced total tax assessment of \$955,000 for the 2013 Tax Year; which provides that the provisions of NJSA 54:51A-8 (Freeze Act) shall apply to the assessment for Tax Year 2014; which provides that the Taxpayer waives the payment of statutory interest on any refund or overpayment due provided the tax refund is paid within 60 days from the issuance of the Tax Court Judgments; and which provides that any tax refunds shall be made payable to "One Russo Place, L.L.C. and Spiotti & Esposito, as attorneys".

4. 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 7th day of October, 2014.

ATTEST:

Ana Minkoff
Township Clerk

(A0817171)

Name and Address of Attorney (List your information if you are not represented by an attorney)

120536

JAMES L. ESPOSITO - 031532000 - jesposito@selawnj.com

SPIOTTI & ESPOSITO, P.C.

165 PASSAIC AVENUE, SUITE 103A, FAIRFIELD, NJ 07004

Telephone Number (973) 396-4444

ONE RUSSO PLACE, L.L.C.

Plaintiff,

v.

Berkeley Heights Twp

Defendant.

Tax Court of New Jersey

Docket No. 003934-2012; 011035-2013

**Civil Action
Stipulation of Settlement**

(Local Property Tax)

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

Block 1901	Lot 36	Unit Qualifier
Street Address 1 RUSSO PLACE		Year 2012

	Original Assessment	County Tax Board Assessment	Request Tax Court Judgment
Land	\$ 394000	\$394000	\$ 394000
Improvements	\$ 619400	\$619400	\$ 571000
Total	\$1,013,400	\$1,013,400	\$965,000

The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) 2014 and _____, and therefore agree that the provisions of N.J.S.A. 54:51 A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for the application of the Freeze Act for any subsequent year(s).

The provisions of N.J.S.A. 54:51 A-8 (Freeze Act) shall not apply.

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) 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 represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

4. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refunds are paid within sixty (60) days of the date of the entry of the Tax Court judgment.
5. All tax overpayment refunds due as a result of the settlement set forth herein are to be made payable to "One Russo Place, L.L.C. and Spiotti & Esposito, P.C., as attorneys."

Please see page 3 for additional settlement years

September 29, 2014

Date



Signature of Plaintiff or Attorney for Plaintiff
James L. Esposito, Esquire
SPIOTTI & ESPOSITO, P.C.

Date

Signature of Defendant or Attorney for Defendant
Sandra Belli, Esquire
DIFRANCESCO, BATEMAN, COLEY,
YOSPIN, KUNZMAN, DAVIS & LEHRER, P.C.

Stipulation of Settlement-Additional Properties Schedule

Docket No: 003934-2012; 011035-2013

Block 1901	Lot 36	Unit Qualifier
Street Address 1 RUSSO PLACE		Year 2013

	Original Assessment	County Tax Board Assessment	Request Tax Court Judgment
Land	\$ 394000	\$ 394000	\$ 394000
Improvements	\$ 619400	\$ 619400	\$ 561000
Total	\$1,013,400	\$1,013,400	\$955,000

Agenda Item No.: 4

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights owns a public park located along Park Avenue, above a quarter of a mile west of the town hall, which was previously dedicated and named the Bicentennial Park in 1976 in honor of the 200th anniversary of the birth of the nation; and

WHEREAS, in September 2002, the Township rededicated and renamed this park to the 9/11 Memorial Park to serve as a monument in dedication to the two Berkeley Heights residents, as well as the more than 3,000 other American citizens, who were killed during the terrorist attack on September 11, 2001.; and

WHEREAS, the park was renovated by the employees of the Berkeley Heights Department of Public Works, with a memorial stone in the center, a twisted piece of steel from the World Trade Center that reaches toward the sky on the left, and a piece of limestone from the Pentagon in a field of stones on the right; and

WHEREAS, the Mayor and Township Council wish to memorialize the September 2002 dedication and officially rename the park from the Bicentennial Park to the 9/11 Memorial Park.

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 memorializes and authorizes the Township's September 2002 dedication and renaming of the Bicentennial Park to the 9/11 Memorial Park.

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

APPROVED this 7th day of October, 2014.

ATTEST:

**Ana Minkoff
Township Clerk**

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

RESOLUTION

WHEREAS, by letter received on September 19, 2014 a request was made by Nancy Miller requesting permission from the Township Council to hold a neighborhood Halloween Parade and block party on Beech Avenue which would involve erecting barricades on a public street; and

WHEREAS, the Township Council wishes to support the request for a neighborhood block party and Parade 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 and parade for Beech Avenue, on Friday, October 31, 2014 from 3:15 p.m. until 5:00 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 Nancy Miller, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 7th day of October, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, by letter received on September 19, 2014 a request was made by Linda Nessenson requesting permission from the Township Council to hold a neighborhood block party on Branko Road/North Road which would involve erecting barricades on a public street; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for Branko Road/North Road, on Saturday, October 19, 2014 from 10:00 a.m.. until 4:00 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 Linda Nessenson, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 7th day of October, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, by letter received on September 29, 2014 a request was made by Sharon Dougherty requesting permission from the Township Council to hold a neighborhood block party on top of Twin Falls Road which would involve erecting barricades on a public street; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for top of Twin Falls Road, on Saturday, October 11, 2014 from 5:00 p.m. until 10:00 p.m., with a rain date of Sunday, October 12, 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 Sharon Dougherty, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 7th day of October, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, Bob McEwan Construction Corp. was required to post a cash bond in the amount of \$45,248.16, in connection with work being performed at Berkeley Station (Sherman Avenue) and the Township Engineer, having inspected the work, has recommended by letter dated October 1, 2014 that the remainder amount of the bond in the amount of \$13,574.45 be returned .

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 a portion of the cash bond posted by Bob McEwan Construction Corp, 18 Van Beuren Road, Morristown, New Jersey, 07960 in the amount of \$13,574.45, together with any applicable interest.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to Bob McEwan Construction Corp, Township Treasurer and Township Engineer.

APPROVED this 7th day of October, 2014.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, Elite Construction of Warren, were required to post a cash bond in the amount of \$2,000.00 in connection with street opening (Driveway) at 4 Treetop Court and the Township Engineer, having inspected the work, has recommended by letter dated September 25, 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 Elite Construction of Warren, together with any applicable interest.

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

APPROVED this 7th day of October, 2014

ATTEST:

Ana Minkoff
Township Clerk