

**Township of Berkeley Heights
Union County, New Jersey
December 16, 2014**

~~~~~

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 –**
  
- IV. PROCLAMATION- Joseph G. Bruno**
  
- OPEN SESSION**
  
- V. FLAG SALUTE**
  
- VI. REGULAR AGENDA**
  
- VII. TOWNSHIP COUNCIL REPORTS**
  - A. Edward Delia**
  - B. Kevin Hall**
  - C. Thomas Pirone**
  - D. Robert Woodruff**
  - E. Craig Pastore**
  - F. Jeanne Kingsley**
  
- VIII. ADMINISTRATION REPORTS**
  - Mayor Bruno**
  - John Bussiculo - Township Administrator**

**IX. 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.

**X. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON DECEMBER 2, 2014.**

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.128.110 ENTITLED “VACATIONS” OF CHAPTER 2.128 ENTITLED “PERSONNEL SYSTEM” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS.”**

Explanation: This Ordinance amends the terms of the accumulation of vacation for Township Employees to have same based on the pro—rata employment for each year.

**XI. NEW BUSINESS- RESOLUTIONS**

**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**RESOLUTIONS**

1. Resolution approving Bill List dated December 16, 2014 in the amount of \$357,689.90.
2. Resolution authorizing transfers within the 2014 Municipal Budget and Reserves.
3. Resolution supporting the Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown.
4. Resolution authorizing the Township Engineer to submit a grant application through the Flood Hazard Risk Reduction and Resiliency Grant Program with the NJDEP.

**XII. 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.

**XIII. ADJOURNMENT**

**Ana Minkoff, Township Clerk**

**TOWNSHIP COUNCIL CORRESPONDENCE**  
**DECEMBER - 2014**

1. Copy of Ordinance #761-2014 received on December 9, 2014 from the County of Union Board of Chosen Freeholders – ordinance passed on first reading on November 25, 2014 with final adoption scheduled for December 11, 2014 regarding amendment of the laws of Union County.
2. Copy of letter received on December 9, 2014 from the State of NJDEP to Robert Tokash regarding soil remedial action permit regarding 310 Snyder Avenue.
3. Copy of letter received on December 11, 2014 from the State of NJDEP to Wouter & Andrea Weening regarding heating oil underground storage tank at 272 Garfield Street.

**Mayor's Correspondence**  
**December 2014**

1. **NJ Blue Now** – Nov 2014 magazine
2. **Students for Liberty** – letter describing their mission and requesting donation
3. **9/11 Memorial Museum** – donation request
4. **The Rotarian** – Dec 2014 issue
5. **Asian Indian Christian Church** – invitation to 25<sup>th</sup> anniversary service
6. **The Governor and Mrs. Christie** – invitation to Holiday Tour of Drumthwacket
7. **Victor Mondelli** – letter from resident suggesting the town discriminated against him with regard to his road side wood stand
8. **NJCM** – Winter summit information
9. **NJLM** – Bill Dressel retiring as Executive Director from LOM
10. **UC Clerk's Office** – Holiday greetings
11. **Steven M. Fulop** – invitation to Jersey City Mayor's Christmas Concert
12. **Paycom** – marketing information
13. **Raritan Valley Truck Sales** – marketing information regarding Snow Dragon snow melter
14. **Arbor Day Foundation** – Tree City USA Bulletin
15. **Kraft and Capizzi** – letter informing you that they submitted a proposal for Bond Counsel services
16. **PSEG** – Update on their foundation
17. **Comcast** – NJ Edition Fall 2014 of Comcast Connections
18. **SSI Schaefer Systems International** – thank you for interest at LOM
19. **Fr. Andrew Prachar** – donation to beautification committee for crèche
20. **Dr. Margaret McMenamin, President UCC** – holiday card
21. **Family Support Organization of UC** – invitation to holiday gala
22. **Kraft and Capizzi** – biographies for attorneys at their firm

EXPLANATORY STATEMENT: This Ordinance amends the terms of accumulation of vacation for Township employees to have same based on the pro-rata employment for each year.

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 2.128.110 entitled "Vacations" of Chapter 2.128 entitled "Personnel System" of Title 2 entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights*.

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 2.128.110 entitled "Vacations" of Chapter 2.128 entitled "Personnel System" of Title 2 entitled "Administration and Personnel" 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~~]

2.128.110 – Vacations.

- A. Permanent full-time employees shall receive for continuous service with the Township ~~or continuous service in the same or similar position with another municipality or employer~~ the following annual vacation with pay commencing January 1, 1975:

| Completed Service (years) | Vacation (days) |
|---------------------------|-----------------|
| 21+                       | 24              |
| 15                        | 22              |
| 10                        | 20              |
| 5                         | 15              |
| 1                         | 10              |

For newly hired or appointed permanent full-time employees, the Mayor shall have the discretion to take into account prior public and/or private

**work experience of the employee in counting towards the level of completed years of service at which the employee shall begin for vacation purposes at the start of his/her employment with the Township. Thereafter, said employee shall earn additional vacation time based on his/her years of continuous service with the Township pursuant to the chart above.**

**First Year of Employment.** Annual vacation time shall be earned at the rate of one working day a month for each month of service completed during the first year of employment **unless otherwise authorized in writing by the Mayor.** This schedule will become effective two months after the date of appointment.

- B. Part-time employees, other than seasonal or casual employees, after completion of one year of continuous with the Township or continuous service in the same or similar position with another municipality or employer, shall receive the normal pay for the pay period to which they are then entitled notwithstanding the occurrence of the vacation, and they shall be permitted to take their vacations in accordance with the following schedule:

| Completed Service (years)' | Vacation (days) |
|----------------------------|-----------------|
| 20                         | 22              |
| 15                         | 20              |
| 10                         | 18              |
| 5                          | 15              |
| 1                          | 10              |

Seasonal or casual employees shall not be entitled to this benefit.

- C. ~~The vacation allowance must be taken during the current calendar year as permitted or directed by the Department Head, unless the Department Head determines that it cannot be taken because of the pressure of work. Under circumstances, explained, proven and accepted by the Council and Township Administrator employees may be permitted to carry forward into the next succeeding calendar year an approved number of unused, annual vacation days. Vacation days accumulated by an employee on or before December 31, 2012, may be carried forward into succeeding calendar years, and is not subject to approval by the Council and Township Administrator. Employees shall select their vacation periods in the order of their seniority within their Department, subject to the approval of the Department Head. Vacation shall be taken in the calendar year earned. Unused vacation not to exceed five (5) working days may be carried forward to be used in the next succeeding calendar year only.~~

- D. Any vacation time to be taken by any employee shall be reported to the Administrator's office by the employee with the Department Head's notation of approval, at least (30) days prior to the taking of such vacation time, unless otherwise approved by the Department Head. Failure to comply with this provision shall result in the employee being required to pay to the Township the amount originally paid to him or her as vacation time pay. The vacation time shall be recorded on permanent employee attendance record cards which are recorded and kept on file in the Administrator's office.
- E. Payment of earnings which would be received during vacation time may be made in advance of their earning period, provided that the request is made to the administrator no less than three weeks prior to the start of a vacation.
- F. At the time of separation from service, an employee may be entitled to any full day's vacation pay accumulated and not previously used, on a pro rata monthly basis for the year of separation, including unused vacation days accumulated in previous years and carried over into the year of separation. Employees may not be paid for unused vacation leave unless approved by the Council, upon recommendation from the Administrator.

**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 2.128.110 ENTITLED "VACATIONS" OF CHAPTER 2.128 ENTITLED "PERSONNEL SYSTEM" OF TITLE 2 ENTITLED "ADMINISTRATION AND PERSONNEL" OF THE CODE 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 December 2, 2014 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on December 16, 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 DECEMBER 2, 2014:**

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING SECTION 2.128.110 ENTITLED “VACATIONS” OF CHAPTER 2.128 ENTITLED “PERSONNEL SYSTEM” OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS.”**

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 December 16, 2014.

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

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

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 12/16/14, in the amount of \$357,689.90 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 16<sup>th</sup> day of December, 2014.

**ATTEST:**

---

Ana Minkoff  
Township Clerk

**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, Union County, New Jersey, in the meeting assembled, that the following transfers within the 2014 Municipal Budget and Reserves are hereby authorized:

| Account Description          | To:                 | From:               |
|------------------------------|---------------------|---------------------|
| Financial Administration O/E | \$ 1,000.00         |                     |
| Engineering Services O/E     | 20,000.00           |                     |
| Police Department O/E        | 7,500.00            |                     |
| Sewer Plant O/E              | 10,000.00           |                     |
| Gasoline O/E                 | 15,000.00           |                     |
| Financial Administration S&W |                     | \$ 1,000.00         |
| Code Enforcement O/E         |                     | 20,000.00           |
| Police Department S&W        |                     | 7,500.00            |
| Sewer Plant S&W              |                     | 10,000.00           |
| Solid Waste Collection O/E   |                     | 15,000.00           |
| <b>TOTALS</b>                | <b>\$ 53,500.00</b> | <b>\$ 53,500.00</b> |

**APPROVED** this 16th day of December, 2014.

ATTEST:

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS**  
**APPROPRIATION TRANSFER RESOLUTION**  
**DECEMBER 16, 2014**  
**EXPLANATORY STATEMENTS**

| Account Description / Number                                                                                  |                              | Amount       |              |
|---------------------------------------------------------------------------------------------------------------|------------------------------|--------------|--------------|
| To:                                                                                                           | From:                        | To:          | From:        |
| Financial Administration O/E                                                                                  | Financial Administration S&W | \$ 1,000.00  | \$ 1,000.00  |
|                                                                                                               |                              | \$ 1,000.00  | \$ 1,000.00  |
| <b><u>Explanatory Statement:</u></b>                                                                          |                              |              |              |
| Additional costs incurred by IRS interest and penalties from 2010 late payment of taxes.                      |                              |              |              |
| Engineering Services O/E                                                                                      | Code Enforcement O/E         | \$ 20,000.00 | \$ 20,000.00 |
|                                                                                                               |                              | \$ 20,000.00 | \$ 20,000.00 |
| <b><u>Explanatory Statement:</u></b>                                                                          |                              |              |              |
| Transfer to cover possible redevelopment costs for additional plans for current municipal complex site plans. |                              |              |              |
| Police Department O/E                                                                                         | Police Department S&W        | \$ 7,500.00  | \$ 7,500.00  |
|                                                                                                               |                              | \$ 7,500.00  | \$ 7,500.00  |
| <b><u>Explanatory Statement:</u></b>                                                                          |                              |              |              |
| Transfer to cover unbudgeted annual maintenance contract costs for dispatch system.                           |                              |              |              |
| Sewer Plant O/E                                                                                               | Sewer Plant S&W              | \$ 10,000.00 | \$ 10,000.00 |
|                                                                                                               |                              | \$ 10,000.00 | \$ 10,000.00 |
| <b><u>Explanatory Statement:</u></b>                                                                          |                              |              |              |
| Transfer to cover unanticipated grease trap program professional services and heating unit failure.           |                              |              |              |
| Gasoline O/E                                                                                                  | Solid Waste Collection O/E   | \$ 15,000.00 | 15,000.00    |
|                                                                                                               |                              | \$ 15,000.00 | \$ 15,000.00 |
| <b><u>Explanatory Statement:</u></b>                                                                          |                              |              |              |
| Transfer to cover possible 2014 fuel purchases. Transfer for cash flow purposes. Awaiting reimbursements.     |                              |              |              |
|                                                                                                               |                              | \$ 53,500.00 | \$ 53,500.00 |

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

**RESOLUTION**

**WHEREAS**, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

**WHEREAS**, 22% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

**WHEREAS**, an enforcement crackdown is planned to combat impaired driving; and

**WHEREAS**. The season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

**WHEREAS**, the project will involve increased impaired driving enforcement from December 5, 2014 through January 2, 2015; and

**WHEREAS**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways:

**THEREFORE**, be it resolved that the Township of Berkeley Heights declares its support for the *Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown* from December 5, 2014 through January 2, 2015 and pledges to increase awareness of the dangers of drinking and driving.

**APPROVED this 16th day of December, 2014.**

**ATTEST:**

---

Ana Minkoff  
Township Clerk

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

**RESOLUTION**

**WHEREAS**, the Township Engineer requests approval to submit a grant application and execute a grant contract through the Flood Hazard Risk Reduction and Resiliency Grant Program with the New Jersey Department of Environmental Protection, for the clearing and de-snagging of the Berkeley Heights streams and water courses; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Berkeley Heights formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as application ID #FHR0000025 from the New Jersey Department of Environmental Protection on behalf of the Township of Berkeley Heights; and

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berkeley Heights and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**APPROVED** this 16<sup>th</sup> day of December, 2014.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk