

- D. Thomas Pirone**
- E. Jeanne Kingsley**
- F. Kevin Hall**

VIII. ADMINISTRATION REPORTS

Mayor Woodruff
Township Administrator – John Bussiculo

IX. APPROVAL OF MINUTES – Public Meeting – December 16, 2014

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

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

XI .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

A. RESOLUTIONS

1. Resolution approving Bill List dated February 24, 2014 in the amount of \$398,333.95.
2. Resolution authorizing tax settlement with PSEG Services Corp., for Block 902, Lot 11.
3. Resolution authorizing tax settlement with PSEG Services Corp., for Block 1901, Lot 34.
4. Resolution authorizing tax settlement with PSEG Services Corp., for Block 2201, Lot 20.
5. Resolution authorizing tax settlement with PSEG Services Corp., for Block 1502 Lot 45.
6. Resolution authorizing tax settlement with PSEG Services Corp., for Block 2303, Lot 20.
7. Resolution authorizing tax settlement with PSEG Services Corp., for Block 3303, Lot 13.
8. Resolution authorizing transfers within the 2014 Municipal Budget and Reserves.
9. Resolution authorizing the Collective Bargaining Agreement with the Superior Officers Association.

10. 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 the Tax Collector to refund the following 2014 tax overpayments:
- | | | |
|----------------------|---------------------|----------|
| Brian & Kelly Radano | 120 River Bend Road | \$147.03 |
|----------------------|---------------------|----------|

XII. ORDINANCES

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for March 10, 2015.

- (1) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 10.36 ENTITLED “PARKING RESTRICTIONS” OF TITLE 10 ENTITLED “VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO ESTABLISH AND AMEND THE PARKING REGULATIONS ON A PORTION OF VARIOUS ROADWAYS.”**(Explanation: This ordinance establishes and amends the parking regulations on portions of various roadways near the Governor Livingston High School.)
- (2) **“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.”**

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**

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 2/24/15, in the amount of \$398,333.95 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 24th day of February, 2015.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 2

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

RESOLUTION

WHEREAS, PSEG Services Corp. ("Taxpayer"), the owner of Block 902, Lot 11 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as Maple Avenue ("Property"), filed an appeal of its 2012 and 2013 tax assessments in the Tax Court of New Jersey, Docket Nos. 012644-2012 and 012144-2013.

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 902, Lot 11 was assessed at \$113,000 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 902, Lot 11; and

WHEREAS, the 2012 assessment shall be affirmed and remain unchanged for Block 902, Lot 11; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$84,100 instead of \$113,000 for Block 902, Lot 11; 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 entry of the Tax Court Judgments; and

WHEREAS, any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund"; 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 \$84,100 total tax assessment for the 2013 tax year for Block 902, Lot 11, 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 PSEG Services Corp. ("Taxpayer") Docket Nos. 012644-2012 and 012144-2013 which affirms the total tax assessment on Block 902, Lot 11 for the 2012 Tax Year; which reduces the total tax assessment on Block 902, Lot 11 from \$113,000 to a reduced total tax assessment of \$84,100 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 entry of the Tax Court Judgments; and

which provides that any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund".

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 24th day of February, 2015.

ATTEST:

Ana Minkoff, Township Clerk

(A0832282)

Peter J. Zipp, Esq. - Attorney I.D. 022131986
 Michael J. Caccavelli, Esq. - Attorney I.D. 032851996
ZIPP & TANNENBAUM, L.L.C.
 166 Gatzmer Avenue
 Jamesburg, New Jersey 08831
 (732) 605-1000
Attorneys for Plaintiff

TAX COURT OF NEW JERSEY

PSEG SERVICES CORP.
Plaintiff

**DOCKET NOS. 012644-2012
 and 012144-2013**

v.

Civil Action

BERKELEY HEIGHTS TOWNSHIP
Defendant

STIPULATION OF SETTLEMENT

Assigned Judge:
Honorable Patrick DeAlmeida, P.J.T.C.

First Calendar Date:

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

Block: 902
Lot: 11
Street Address: Maple Avenue
Year: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 113,000	\$ 113,000	\$ 113,000
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 113,000	\$ 113,000	\$ 113,000

Block: 902
Lot: 11
Street Address: Maple Avenue
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 113,000	\$ 113,000	\$ 84,100
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 113,000	\$ 113,000	\$ 84,100

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 represents 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. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2014 ("Freeze Act Year"), 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 case 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 based upon the assessment as set forth in the requested Tax Court judgment identified above for tax year 2013 (Base Year). No Freeze Act Year shall be the basis for application of the Freeze Act for any subsequent year.

5. Statutory interest, pursuant to *N.J.S.A. 54:3-27.2*, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the Judgment pursuant to *N.J.S.A. 54:3-27.2*.

ZIPP & TANNENBAUM, L.L.C.

BY: 
MICHAEL J. CACCAVELLI, ESQ.
Attorney for Plaintiff

**DIFRANCESCO BATEMAN COLEY YOSPIN
KUNZMAN DAVIS LEHRER & FLAUM, P.C.**

BY: _____
SANDRA BELLI, ESQ.
Attorney for Defendant

Dated:

Agenda Item No.: 3

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

RESOLUTION

WHEREAS, PSEG Services Corp. ("Taxpayer"), the owner of Block 1901, Lot 34 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as Locust Avenue ("Property"), filed an appeal of its 2012 and 2013 tax assessments in the Tax Court of New Jersey, Docket Nos. 012637-2012 and 012142-2013.

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 34 was assessed at \$135,000 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 34; and

WHEREAS, the 2012 assessment shall be affirmed and remain unchanged for Block 1901, Lot 34; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$120,500 instead of \$135,000 for Block 1901, Lot 34; 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 entry of the Tax Court Judgments; and

WHEREAS, any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund"; 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 \$120,500 total tax assessment for the 2013 tax year for Block 1901, Lot 34, 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 PSEG Services Corp. ("Taxpayer") Docket Nos. 012637-2012 and 012142-2013 which affirms the total tax assessment on Block 1901, Lot 34 for the 2012 Tax Year; which reduces the total tax assessment on Block 1901, Lot 34 from \$135,000 to a reduced total tax assessment of \$120,500 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 entry of the Tax Court Judgments; and

which provides that any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund".

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 24th day of February, 2015.

ATTEST:

Ana Minkoff, Township Clerk

(A0832284)

Peter J. Zipp, Esq. - Attorney I.D. 022131986
 Michael J. Caccavelli, Esq. - Attorney I.D. 032851996
ZIPP & TANNENBAUM, L.L.C.
 166 Gatzmer Avenue
 Jamesburg, New Jersey 08831
 (732) 605-1000
Attorneys for Plaintiff

TAX COURT OF NEW JERSEY

PSEG SERVICES CORP.

**DOCKET NOS. 012637-2012
 and 012142-2013**

Plaintiff

v.

Civil Action

BERKELEY HEIGHTS TOWNSHIP

STIPULATION OF SETTLEMENT

Defendant

Assigned Judge:
Honorable Patrick DeAlmeida, P.J.T.C.

First Calendar Date:

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

Block: 1901
Lot: 34
Street Address: Locust Avenue
Year: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 135,000	\$ 135,000	\$ 135,000
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 135,000	\$ 135,000	\$ 135,000

Block: 1901
Lot: 34
Street Address: Locust Avenue
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 135,000	\$ 135,000	\$ 120,500
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 135,000	\$ 135,000	\$ 120,500

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 represents 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. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2014 ("Freeze Act Year"), 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 case 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 based upon the assessment as set forth in the requested Tax Court judgment identified above for tax year 2013 (Base Year). No Freeze Act Year shall be the basis for application of the Freeze Act for any subsequent year.

5. Statutory interest, pursuant to *N.J.S.A. 54:3-27.2*, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the Judgment pursuant to *N.J.S.A. 54:3-27.2*.

ZIPP & TANNENBAUM, L.L.C.

BY: 
MICHAEL J. CACCAVELLI, ESQ.
Attorney for Plaintiff

**DIFRANCESCO BATEMAN COLEY YOSPIN
KUNZMAN DAVIS LEHRER & FLAUM, P.C.**

BY: _____
SANDRA BELLI, ESQ.
Attorney for Defendant

Dated:

Agenda Item No.: 4

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

RESOLUTION

WHEREAS, PSEG Services Corp. ("Taxpayer"), the owner of Block 2201, Lot 20 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as Locust Avenue ("Property"), filed an appeal of its 2012 and 2013 tax assessments in the Tax Court of New Jersey, Docket Nos. 012653-2012 and 012147-2013.

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 2201, Lot 20 was assessed at \$124,500 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 2201, Lot 20; and

WHEREAS, the 2012 assessment shall be affirmed and remain unchanged for Block 2201, Lot 20; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$111,100 instead of \$124,500 for Block 2201, Lot 20; 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 entry of the Tax Court Judgments; and

WHEREAS, any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund"; 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 \$111,100 total tax assessment for the 2013 tax year for Block 2201, Lot 20, 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 PSEG Services Corp. ("Taxpayer") Docket Nos. 012653-2012 and 012147-2013 which affirms the total tax assessment on Block 2201, Lot 20 for the 2012 Tax Year; which reduces the total tax assessment on Block 2201, Lot 20 from \$124,500 to a reduced total tax assessment of \$111,100 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 entry of the Tax Court Judgments; and

which provides that any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund".

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 24th day of February, 2015.

ATTEST:

Ana Minkoff, Township Clerk

(A0832286)

Peter J. Zipp, Esq. - Attorney I.D. 022131986
 Michael J. Caccavelli, Esq. - Attorney I.D. 032851996
ZIPP & TANNENBAUM, L.L.C.
 166 Gatzmer Avenue
 Jamesburg, New Jersey 08831
 (732) 605-1000
Attorneys for Plaintiff

TAX COURT OF NEW JERSEY

PSEG SERVICES CORP.
Plaintiff

**DOCKET NOS. 012653-2012
 and 012147-2013**

v.

Civil Action

BERKELEY HEIGHTS TOWNSHIP
Defendant

STIPULATION OF SETTLEMENT

Assigned Judge:
Honorable Patrick DeAlmeida, P.J.T.C.

First Calendar Date:

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

Block: 2201
Lot: 20
Street Address: Locust Avenue
Year: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 124,500	\$ 124,500	\$ 124,500
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 124,500	\$ 124,500	\$ 124,500

Block: 2201
Lot: 20
Street Address: Locust Avenue
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 124,500	\$ 124,500	\$ 111,100
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 124,500	\$ 124,500	\$ 111,100

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 represents 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. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2014 ("Freeze Act Year"), 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 case 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 based upon the assessment as set forth in the requested Tax Court judgment identified above for tax year 2013 (Base Year). No Freeze Act Year shall be the basis for application of the Freeze Act for any subsequent year.

5. Statutory interest, pursuant to *N.J.S.A. 54:3-27.2*, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the Judgment pursuant to *N.J.S.A. 54:3-27.2*.

ZIPP & TANNENBAUM, L.L.C.

BY: _____

MICHAEL J. CACCAVELLI, ESQ.
Attorney for Plaintiff

**DIFRANCESCO BATEMAN COLEY YOSPIN
KUNZMAN DAVIS LEHRER & FLAUM, P.C.**

BY: _____

SANDRA BELLI, ESQ.
Attorney for Defendant

Dated:

Agenda Item No.: 5

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

RESOLUTION

WHEREAS, PSEG Services Corp. ("Taxpayer"), the owner of Block 1502, Lot 45 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as Rear Kline Boulevard ("Property"), filed an appeal of its 2012 and 2013 tax assessments in the Tax Court of New Jersey, Docket Nos. 012501-2012 and 012143-2013.

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 1502, Lot 45 was assessed at \$136,000 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 1502, Lot 45; and

WHEREAS, the 2012 assessment shall be affirmed and remain unchanged for Block 1502, Lot 45; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$121,400 instead of \$136,000 for Block 1502, Lot 45; 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 entry of the Tax Court Judgments; and

WHEREAS, any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund"; 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 \$121,400 total tax assessment for the 2013 tax year for Block 1502, Lot 45, 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 PSEG Services Corp. ("Taxpayer") Docket Nos. 012501-2012 and 012143-2013 which affirms the total tax assessment on Block 1502, Lot 45 for the 2012 Tax Year; which reduces the total tax assessment on Block 1502, Lot 45 from \$136,000 to a reduced total tax assessment of \$121,400 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 entry of the Tax Court Judgments; and

which provides that any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund".

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 24th day of February, 2015.

ATTEST:

Ana Minkoff, Township Clerk

(A0832293)

Peter J. Zipp, Esq. - Attorney I.D. 022131986
 Michael J. Caccavelli, Esq. - Attorney I.D. 032851996
ZIPP & TANNENBAUM, L.L.C.
 166 Gatzmer Avenue
 Jamesburg, New Jersey 08831
 (732) 605-1000
Attorneys for Plaintiff

TAX COURT OF NEW JERSEY

PSEG SERVICES CORP.

Plaintiff

v.

BERKELEY HEIGHTS TOWNSHIP

Defendant

**DOCKET NOS. 012501-2012
 and 012143-2013**

Civil Action

STIPULATION OF SETTLEMENT

Assigned Judge:
Honorable Patrick DeAlmeida, P.J.T.C.

First Calendar Date:

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

Block: 1502
Lot: 45
Street Address: Rear Kline Boulevard
Year: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 136,000	\$ 136,000	\$ 136,000
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 136,000	\$ 136,000	\$ 136,000

Block: 1502
Lot: 45
Street Address: Rear Kline Boulevard
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 136,000	\$ 136,000	\$ 121,400
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 136,000	\$ 136,000	\$ 121,400

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 represents 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. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2014 ("Freeze Act Year"), 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 case 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 based upon the assessment as set forth in the requested Tax Court judgment identified above for tax year 2013 (Base Year). No Freeze Act Year shall be the basis for application of the Freeze Act for any subsequent year.

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2.

ZIPP & TANNENBAUM, L.L.C.

BY: 

MICHAEL J. CACCAVELLI, ESQ.
Attorney for Plaintiff

**DIFRANCESCO BATEMAN COLEY YOSPIN
KUNZMAN DAVIS LEHRER & FLAUM, P.C.**

BY: _____

SANDRA BELLI, ESQ.
Attorney for Defendant

Dated:

Agenda Item No.: 6

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

RESOLUTION

WHEREAS, PSEG Services Corp. ("Taxpayer"), the owner of Block 2303, Lot 20 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as Mountain Avenue ("Property"), filed an appeal of its 2012 and 2013 tax assessments in the Tax Court of New Jersey, Docket Nos. 012643-2012 and 012145-2013.

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 2303, Lot 20 was assessed at \$452,500 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 2303, Lot 20; and

WHEREAS, the 2012 assessment shall be affirmed and remain unchanged for Block 2303, Lot 20; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$403,900 instead of \$452,500 for Block 2303, Lot 20; 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 entry of the Tax Court Judgments; and

WHEREAS, any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund"; 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 \$403,900 total tax assessment for the 2013 tax year for Block 2303, Lot 20, 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 PSEG Services Corp. ("Taxpayer") Docket Nos. 012643-2012 and 012145-2013 which affirms the total tax assessment on Block 2303, Lot 20 for the 2012 Tax Year; which reduces the total tax assessment on Block 2303, Lot 20 from \$452,500 to a reduced total tax assessment of \$403,900 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 entry of the Tax Court Judgments; and

which provides that any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund".

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 24th day of February, 2015.

ATTEST:

Ana Minkoff, Township Clerk

(A0832289)

Peter J. Zipp, Esq. - Attorney I.D. 022131986
 Michael J. Caccavelli, Esq. - Attorney I.D. 032851996
ZIPP & TANNENBAUM, L.L.C.
 166 Gatzmer Avenue
 Jamesburg, New Jersey 08831
 (732) 605-1000
Attorneys for Plaintiff

TAX COURT OF NEW JERSEY

PSEG SERVICES CORP.
Plaintiff

**DOCKET NOS. 012643-2012
 and 012145-2013**

v.

Civil Action

BERKELEY HEIGHTS TOWNSHIP
Defendant

STIPULATION OF SETTLEMENT

Assigned Judge:
Honorable Patrick DeAlmeida, P.J.T.C.

First Calendar Date:

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

Block: 2303
Lot: 20
Street Address: Mountain Avenue
Year: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 452,500	\$ 452,500	\$ 452,500
Impvts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total	\$ 452,500	\$ 452,500	\$ 452,500

Block: 2303
Lot: 20
Street Address: Mountain Avenue
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 452,500	\$ 452,500	\$ 403,900
Impvts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total	\$ 452,500	\$ 452,500	\$ 403,900

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 represents 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. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2014 ("Freeze Act Year"), 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 case 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 based upon the assessment as set forth in the requested Tax Court judgment identified above for tax year 2013 (Base Year). No Freeze Act Year shall be the basis for application of the Freeze Act for any subsequent year.

5. Statutory interest, pursuant to *N.J.S.A. 54:3-27.2*, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the Judgment pursuant to *N.J.S.A. 54:3-27.2*.

ZIPP & TANNENBAUM, L.L.C.

BY: _____

MICHAEL J. CACCAVELLI, ESQ.

Attorney for Plaintiff

**DIFRANCESCO BATEMAN COLEY YOSPIN
KUNZMAN DAVIS LEHRER & FLAUM, P.C.**

BY: _____

SANDRA BELLI, ESQ.

Attorney for Defendant

Dated:

Agenda Item No.: 7

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

RESOLUTION

WHEREAS, PSEG Services Corp. ("Taxpayer"), the owner of Block 3303, Lot 13 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as 382 Mountain Avenue ("Property"), filed an appeal of its 2012 and 2013 tax assessments in the Tax Court of New Jersey, Docket Nos. 012505-2012 and 012146-2013.

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 3303, Lot 13 was assessed at \$189,000 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 3303, Lot 13; and

WHEREAS, the 2012 assessment shall be affirmed and remain unchanged for Block 3303, Lot 13; and

WHEREAS, the 2013 assessment, based upon said reduction, will be \$168,700 instead of \$189,000 for Block 3303, Lot 13; 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 entry of the Tax Court Judgments; and

WHEREAS, any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund"; 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 \$168,700 total tax assessment for the 2013 tax year for Block 3303, Lot 13, 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 PSEG Services Corp. ("Taxpayer") Docket Nos. 012505-2012 and 012146-2013 which affirms the total tax assessment on Block 3303, Lot 13 for the 2012 Tax Year; which reduces the total tax assessment on Block 3303, Lot 13 from \$189,000 to a reduced total tax assessment of \$168,700 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 entry of the Tax Court Judgments; and

which provides that any tax refunds shall be made payable to "PSEG Services Corp. and Zipp & Tannenbaum, LLC, Attorney Trust Fund".

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 24th day of February, 2015.

Attest:

Ana Minkoff

Township Clerk

(A0832291)

Peter J. Zipp, Esq. - Attorney I.D. 022131986
 Michael J. Caccavelli, Esq. - Attorney I.D. 032851996
ZIPP & TANNENBAUM, L.L.C.
 166 Gatzmer Avenue
 Jamesburg, New Jersey 08831
 (732) 605-1000
Attorneys for Plaintiff

TAX COURT OF NEW JERSEY

PSEG SERVICES CORP.
Plaintiff

**DOCKET NOS. 012505-2012
 and 012146-2013**

v.

Civil Action

BERKELEY HEIGHTS TOWNSHIP
Defendant

STIPULATION OF SETTLEMENT

Assigned Judge:
Honorable Patrick DeAlmeida, P.J.T.C.

First Calendar Date:

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

Block: 3303
Lot: 13
Street Address: 382 Mountain Avenue
Year: 2012

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 189,000	\$ 189,000	\$ 189,000
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 189,000	\$ 189,000	\$ 189,000

Block: 3303
Lot: 13
Street Address: 382 Mountain Avenue
Year: 2013

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 189,000	\$ 189,000	\$ 168,700
Impvts	\$ 0	\$ 0	\$ 0
Total	\$ 189,000	\$ 189,000	\$ 168,700

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 represents 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. The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year 2014 ("Freeze Act Year"), 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 case 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 based upon the assessment as set forth in the requested Tax Court judgment identified above for tax year 2013 (Base Year). No Freeze Act Year shall be the basis for application of the Freeze Act for any subsequent year.

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court Judgment.

6. All refunds as a result of the settlement set forth herein are to be made payable to "Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within 60 days of the date of entry of the Judgment pursuant to N.J.S.A. 54:3-27.2.

ZIPP & TANNENBAUM, L.L.C.

BY: 

MICHAEL J. CACCAVELLI, ESQ.

Attorney for Plaintiff

**DIFRANCESCO BATEMAN COLEY YOSPIN
KUNZMAN DAVIS LEHRER & FLAUM, P.C.**

BY: _____

SANDRA BELLI, ESQ.

Attorney for Defendant

Dated:

8

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 and made retroactive to December 31, 2014:

<u>Account Description</u>	<u>To:</u>	<u>From:</u>
Note Interest	\$ 11,559.49	
Capital Improvement Fund	4,000.00	
NJEIT Loan		\$ 11,559.49
Municipal Clerk O/E		4,000.00
TOTALS	<u>\$ 15,559.49</u>	<u>\$ 15,559.49</u>

APPROVED this 24th day of February, 2015.

ATTEST:

Ana Minkoff
Township Clerk

TOWNSHIP OF BERKELEY HEIGHTS
APPROPRIATION TRANSFER RESOLUTION
DECEMBER 31, 2014
EXPLANATORY STATEMENTS

Account Description / Number		Amount	
To:	From:	To:	From:
Note Interest	NJEIT Loan	\$ 11,559.49	\$ 11,559.49
		\$ 11,559.49	\$ 11,559.49
<u>Explanatory Statement:</u>			
Year end adjustment for interest overage.			
Capital Improvement Fund	Municipal Clerk O/E	\$ 4,000.00	4,000.00
		\$ 4,000.00	\$ 4,000.00
<u>Explanatory Statement:</u>			
Year end adjust to fully fund old ordinance.			
		\$ 15,559.49	\$ 15,559.49

Agenda Item# 9

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

RESOLUTION

WHEREAS, there are members of the Berkeley Heights Police Department who are represented by the Superior Officers Association ("SOA"); and

WHEREAS, the Mayor and representatives of the Township and the SOA have negotiated a new collective negotiation agreement for the period January 1, 2014 to December 31, 2017, the terms of which are set forth in the Collective Bargaining Agreement ("Agreement"), in the form attached hereto and made a part hereof; and

WHEREAS, representatives of the SOA have executed the Agreement, and the Township's negotiating representatives recommend that the Township Council ratify the Agreement; and

WHEREAS, Township Council finds it to be in the best interests of the Township to enter into the Agreement with the SOA.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby authorizes and approves the attached Collective Bargaining Agreement, specifying the terms of collective negotiation agreements with the Superior Officers Association for members of the Police Department for the period January 1, 2014, to December 31, 2017.

BE IT FURTHER RESOLVED that the appropriate municipal officials are authorized and directed to take all other actions necessary to fulfill the purpose of this Resolution and execute the Collective Bargaining Agreement.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the SOA; and

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

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 #1006 Lot #13 also known as 120 River Bend Road which requires a refund in the amount of \$147.03; and

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment for 2014 taxes in the amount of \$147.03 to Brian and Kelly Radano, 120 River Bend Road, Berkeley Heights, NJ 07922.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to Brian and Kelly Radano, Treasurer and Tax Collector.

APPROVED this 24th day of February, 2015.

Attest:

Ana Minkoff
Township Clerk

EXPLANATORY STATEMENT: This Ordinance establishes and amends the parking regulations on portions of various roadways near the Governor Livingston High School.

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 10.36 entitled "Parking Restrictions" of Title 10 entitled "Vehicles and Traffic" of *The Code of the Township of Berkeley Heights* to Establish and Amend the Parking Regulations on a Portion of Various Roadways.

WHEREAS, pursuant to N.J.S.A. 39:4-197(1)(f), the Township of Berkeley Heights is authorized to enact ordinances which regulate the parking of vehicles on streets and portions thereof; and

WHEREAS, it has been brought to the Township's attention that there is an issue of students parking on various roadways near the Governor Livingston High School; and

WHEREAS, it has also been brought to the Township's attention that during significant sporting and other events there is an issue of parking on various roadways near the Governor Livingston High School which prevents the proper flow of traffic as well as the safe ingress and egress of emergency vehicles to and from the school; and

WHEREAS, with the assistance of the Township Police Department, the Township investigated the vehicular parking **and traffic** issues on the roadways near the High School and potential resolutions for same; and

WHEREAS, the Township had a traffic study conducted by Dynamic Traffic, LLC, to evaluate the traffic and parking issues on the roadways near the High School, which yielded a report dated June 23, 2014; and

WHEREAS, the Dynamic Traffic report was reviewed by the Township Planner and the Township Police Department; and

WHEREAS, at the August 12, 2014 Township Council meeting, the Township Planner and Township Police Department made a presentation to the Mayor and Township Council summarizing the Dynamic Traffic report and identifying the recommend parking regulations resulting therefrom; and

WHEREAS, the Mayor and Township Council further discussed the recommended parking regulations at the August 26, 2014 Township Council meeting; and

WHEREAS, based on the recommendations from the Township Police Department, the Township Planner, the Dynamic Traffic report, as well as consideration of the comments from the public, the Township finds it to be in the best interests of the Township and its citizens to establish and amend the parking regulations on portions of Burlington Road, Chestnut Hill Drive, Crest Drive, Ford Place, Gallinson Drive, Hunterdon Boulevard, Mercer Road, Murray Hills Boulevard, Somerset Place, Summit Road, Sussex Road, and Watchung Boulevard.

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. Paragraph A entitled “No Parking, Standing or Stopping” of Section 10.36.010 entitled “Parking Restrictions” of Chapter 10.36 entitled “Parking Restrictions” 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~~]

10.36.010 – Parking restrictions.

- A. No Parking, Standing or Stopping.
 - 1. Berkeley Avenue.

- a. North Side from Plainfield Avenue to Harwood Avenue;
 - b. Both sides, from its intersection with Park Avenue for a distance of two hundred (200) feet south.
 - c. Both sides, from its intersection with Park Avenue north to its terminus at the Berkeley Heights Public Works Department parking lot, during the time period from eight a.m. to ten a.m., weekdays only.
 - d. Both sides from its intersection with Sherman Avenue north to its intersection with Springfield Avenue.
2. Bolton Boulevard.
- a. Both sides, from Park Avenue to Plainfield Avenue.
3. Briarwood Drive West.
- a. Both sides, between Fay Place and a point five hundred (500) feet north of the same, on school days between seven a.m. and six p.m. prevailing time.
4. **Burlington Road.**
- a. **North side, from the intersection with Murray Hill Boulevard to a point 200 feet south.**
5. **Chestnut Hill Drive.**
- a. **South side, from Murray Hill Boulevard, and extending to a point 25 feet past Ford Place in an Easterly direction;**
 - b. **North side from Murray Hill Boulevard to a point 100 feet from the intersection.**
64. Columbia Avenue.
- a. North side from the intersection of LaGrande Avenue westerly to the terminus of Columbia Avenue between the hours of four p.m. and eight p.m. weekdays and between the hours of one p.m. and eight p.m. Saturday and Sunday;
 - b. Southerly side from the westerly terminus of Columbia Avenue in an easterly direction along the property of the Board of Education (Block 1204 Lot 17) to the end of such property (approximately three hundred twenty-five (325) feet) no parking at any time.
 - c. Southerly side from the intersection with LaGrande Avenue westerly along the residential lots (approximately three hundred forty-five (345) feet) to the beginning of the property owned by the Board of Education (Block 1204 Lot 17) between the hours of four

p.m. and eight p.m. weekdays and between the hours of one p.m. and eight p.m. Saturday and Sunday.

75. Cottage Street.

- a. South side from the intersection with Plainfield Avenue to the commencement of the cul-de-sac, no parking at any time.

8. **Crest Circle.**

- a. **West side from Crest Drive through and including at the South end of Crest Circle and extending on East side after the cul-de-sac;**

9. **Crest Drive.**

- a. **North side, from Sussex Road to Gallinson Drive;**
- b. **South side, from Crest Circle East through and including the cul-de-sac at the easterly end located between Gallinson Drive and Countryside Drive, through and including the cul-de-sac at the easterly end of Crest Drive, and extending on the north side after the cul-de-sac**

106. Diamond Hill Road.

- a. Both sides, from the Somerset County line to a point five hundred (500) feet north of the north side of Valley Road;
- b. West side, for a distance of one hundred (100) feet from both sides of Twin Falls Road;
- c. East side, for a distance of one hundred (100) feet from both sides of South View Drive;
- d. East side, for a distance of one hundred (100) feet from both sides of McMane Avenue;
- e. West side, from a point fifty (50) feet north of the extension of the centerline of McMane Avenue to the south property line of the Diamond Hill Community Church premises;
- f. West side, from the southerly side line of Mountain Avenue for a distance of one hundred fifty (150) feet south.

117. Fairfax Drive.

- a. North side beginning at a point representing the extension of the southerly sideline of Windsor Way intersecting with the northerly sideline of Fairfax Drive and running in a westerly direction along Fairfax Drive a distance of one hundred fifty (150) feet between the hours of seven a.m. and six p.m. school days only;

- b. South side, beginning at the intersection of Windsor Way and Fairfax Drive and running in a westerly direction two hundred fifty (250) feet between the hours of seven a.m. and six p.m. school days only.

128. Fay Place.

- a. North side, for its entire length, from eight a.m. to four p.m., on school days.

13. **Ford Place.**

- a. North side for its entire length.**

14. **Gallinson Drive.**

- a. West side, from Crest Drive to Summit Road.**

159. Grandview Avenue.

- a. Both sides from Park Avenue to Plainfield Avenue.

1610. Harwood Avenue.

- a. West side from Berkeley Avenue to La Grande Avenue.

1711. Hunterdon Boulevard.

- a. South side, from Glenside Road to Murray Hill Boulevard; ~~North side, from Glenside Road to a point one hundred (100) feet east thereof;~~

- ~~b. South side, from Glenside Road to Murray Hill Boulevard~~

- b. North side from Murray Hill Boulevard to a point 100 feet West.**

1812. Industrial Road.

- a. Both sides, entire length, no parking at any time.

1913. LaGrand Avenue.

- a. Both sides, from the intersection of Grandview Avenue southerly to the terminus of LaGrand Avenue at Harwood Avenue, between the hours of four p.m. and eight p.m. weekdays, and between one p.m. and eight p.m. on Saturdays and Sundays.

2014. Locust Avenue.

- a. Both sides, from Dreier Avenue to Timber Drive, and on the southerly side of Locust Avenue, from Dreier Avenue to a point three hundred twenty-five (325) feet west of Dreier Avenue.

2115. Lone Pine Drive.

- a. Both sides, for its entire length.

2216. Maple Avenue.

- a. West side, from the southerly curblineline of Springfield Avenue to a point four hundred thirty-eight (438) feet southerly therefrom.

2317. Mercer Road.

- a. ~~West side no parking anytime. Both sides, between Hunterdon Boulevard and Watchung Boulevard, eight a.m. to nine a.m. and two thirty p.m. to four p.m., school days.~~

2418. Mountain Avenue.

- a. Either side, from the Borough of New Providence to the Somerset County line, at any time.

2519. Murray Hill Boulevard.

- a. ~~West side, from Mountain Avenue to Watchung Boulevard, any time, for a distance of one hundred (100) feet in a southerly direction from its intersection with Mountain Avenue; and~~
- b. East side, 25 feet from Summit Road and opposite at the intersection with Hunterdon Boulevard; ~~between Hunterdon Boulevard and Watchung Boulevard, eight a.m. to nine a.m. and two thirty p.m. to four p.m., school days.; and~~
- c. ~~West side, between Burlington Road and Watchung Boulevard, at any time.~~
- c. East side 100 feet from intersection with Watchung Boulevard.

2620. Park Avenue.

- a. North side, for a distance of one thousand five hundred forty (1,540) feet west from the center line of Plainfield Avenue, except that area in front of the municipal building, between the police department entrance of the parking lot and the easterly side of the municipal driveway opposite Bolton Boulevard;
- b. Both sides, for a distance of one hundred (100) feet from the north side of Mountain Avenue;

- c. South side, from a point twenty-five (25) feet east of the east side of Bolton Boulevard to a point seventy-five (75) feet west of the west side of the exit from the municipal driveway opposite Bolton Boulevard;
- d. North side, for a distance of sixty-six (66) feet east of a point ten (10) feet east of the east side of the entrance walkway to the township municipal building, except for periods of fifteen (15) minutes or less;
- e. South side, from the center line of Bolton Boulevard to the center line of Berkeley Avenue.

2721. Park Property.

- a. Township-owned property abutting Plainfield Avenue, Park Avenue and Bolton Boulevard.

2822. Passaic Avenue.

- a. East side from the intersection with Springfield Avenue south ninety-eight (98) feet to the intersection of the private driveway, no parking at any time.

2923. Plainfield Avenue.

- a. East side, from the southerly side line of Springfield Avenue to a point ninety (90) feet south thereof;
- b. East side between Bolton Boulevard and Hamilton Avenue. No standing or stopping between eight a.m. and nine a.m. and between two-thirty p.m. and three-thirty p.m., prevailing time, on school days between Roosevelt Avenue and Washington Avenue;
- c. West side, from a point fifty (50) feet north of the northerly property line of the Columbia School grounds south to Hamilton Avenue;
- d. Both sides, for a distance of three hundred (300) feet from both sides of Mountain Avenue;
- e. West side, from the southerly side line of Springfield Avenue to the northerly side line of Sherman Avenue;
- f. Both sides, for a distance of one hundred (100) feet from both sides of Emerson Lane intersection;
- g. Both sides, from April 15th to October 1st, annually, between four p.m. and eight p.m., prevailing time, Monday through Friday, and from one p.m. to eight p.m., prevailing time, Saturday and Sunday, from the tracks of the Delaware, Lackawanna and Western Railroad to a point two hundred (200) feet south of Cottage Street;
- h. Both sides, between the hours of eight a.m. and nine p.m., prevailing time, daily except Sunday, from the southerly side line of Sherman Avenue to a point fifty (50) feet north or the nearest rail of the tracks of the Delaware, Lackawanna and Western

- Railroad tracks, except parallel parking for periods of not more than one hour;
- i. East side, beginning at a point ninety (90) feet from the southerly side line of Springfield Avenue to the northerly side line of Sherman Avenue, between the hours of seven a.m. and nine p.m., prevailing time, except for periods of not more than fifteen (15) minutes;
 - j. Both sides, for longer than one hour, between its intersection with Springfield Avenue and its intersection with Washington Street, from eight a.m. to ten a.m., Monday through Friday.
 - k. West side, between a point two hundred seventy (270) feet north of the north side line of Berkeley Avenue and a point one hundred ten (110) feet south of the south side line of Berkeley Avenue, except during funeral and wedding processions for those vehicles attending;
 - l. East side, between a point one hundred forty (140) feet south of the promulgation of the southerly side line of Berkeley Avenue and a point one hundred fifty (150) feet north of the promulgation of the northerly side line of Berkeley Avenue, except during funeral and wedding processions for those vehicles attending.

3024. River Road.

- a. Both sides from the intersection with Springfield Avenue north one hundred twenty-five (125) feet, no parking at any time.

3125. Rogers Place.

- a. Both sides, for its entire length.

3226. Roosevelt Avenue.

- a. South side, within one hundred (100) feet of the intersection of Plainfield Avenue;
- b. South side, from the intersection of Hamilton Avenue to a point six hundred (600) feet west of the same;
- c. North side, for its entire length.

3327. Scott Avenue.

- a. Both sides, from April 15th to October 1st, annually, between four p.m. and eight p.m., prevailing time, Monday through Friday, and from one p.m. to eight p.m., prevailing time, Saturday and Sunday.

3428. Sherman Avenue.

- a. North side, from Plainfield Avenue to Station Street except for two designated parallel parking spaces beginning thirty (30) feet west

of the westerly sideline of Plainfield Avenue and two designated parallel parking spaces beginning one hundred twenty-eight (128) feet east of the easterly sideline of Station Street which spaces shall be restricted to one hour parking;

- b. South side in any area not designated as a space within the municipal parking lot;
- c. North side, from the westerly sideline of Station Street to the easterly sideline of Berkeley Avenue except for parallel parking spaces as designated in the areas beginning a distance of forty (40) feet west of the westerly sideline of Station Street extending to a point one hundred sixty (160) feet west of the westerly sideline of Station Street and from a point two hundred sixty (260) feet west of the westerly sideline of Station Street to a point three hundred fifty (350) feet west of the westerly sideline of Station Street all of which spaces shall be restricted to two hour parking, daily except Sunday.
- d. North side from Plainfield Avenue easterly to terminus no parking any time.

3529. Snyder Avenue.

- a. Both sides, for a distance of three hundred (300) feet from both sides of Springfield Avenue, and three hundred (300) feet north of Mountain Avenue;
- b. Both sides, including no standing or stopping on school days from **eight a.m. to three p.m., prevailing time, for a distance of two hundred (200) feet from both sides of the entrance driveway to Hughes School;**
- c. Both sides between Ferndale Drive and the New Jersey Transit Railroad;
- d. Westerly side, southerly from the intersection of Snyder Avenue and the New Jersey Transit Corporation Railroad (Lot 9 in Block 703) to the northerly side of Hamilton Avenue;
- e. Southbound, from the south-west corner of the intersection of Springfield Avenue to Industrial Avenue;
- f. Northbound, from north-east corner of Locust Avenue to north-east corner of Ferndale Drive.

3630. Somerset Place.

- ~~a. East side no parking Both sides, between Hunterdon Boulevard and Watchung Boulevard, eight a.m. to nine a.m. and two thirty p.m. to four p.m., school days.~~
- b. West side no parking from eight a.m. to nine a.m. and two thirty p.m to four p.m. school days.**

3731. Springfield Avenue.

- a. North side, for a distance of seventy-five (75) feet from both side of Delmore Avenue;
- b. Both sides, for a distance of one hundred (100) feet from both sides of Snyder Avenue;
- c. Both sides, from the east end of the bridge over the Passaic River to the Morris County line;
- d. North side, for a distance of one hundred eight (108) feet east from the easterly side of Plainfield Avenue.
- e. North side, for a distance of one hundred fifty (150) feet west from the westerly side line of Plainfield Avenue;
- f. South side, from the easterly curblineline of Plainfield Avenue to a point one hundred fifty-five (155) feet east therefrom;
- g. South side, for a distance of one hundred fifty (150) feet west from the westerly side line of Plainfield Avenue;
- h. North side, from the easterly side line of Station Street to a point one hundred fifty (150) feet west of the westerly side line of Plainfield Avenue and from a point one hundred eight (108) feet east of the easterly side line of Plainfield Avenue to the westerly side line of Summit Avenue, between the hours of eight a.m. and nine p.m. Fridays, and between the hours of eight a.m. and six p.m. other days, prevailing time, except for periods of not more than one hour;
- i. South side, from a point one hundred fifty (150) feet west of the westerly side line of Plainfield Avenue to a point two hundred (200) feet west of the westerly side line of Plainfield Avenue and from a point one hundred fifty (150) feet east of the easterly side line of Plainfield Avenue to the westerly side line of Summit Avenue, between the hours of eight a.m. and nine p.m. Fridays, and between the hours of eight a.m. and six p.m. other days prevailing time, except for periods of not more than one hour and from a point two hundred (200) feet west of the westerly side line of Plainfield Avenue to the easterly side line of Station Avenue during the same times except for periods of not more than two hours.
- j. North side, two hundred fifty (250) feet east of Passaic Avenue to a point three hundred seventy-five (375) feet east of Passaic Avenue;
- k. North side, from a point four hundred sixty (460) feet east of the easterly side line of Kuntz Avenue to a point two hundred sixty (260) feet east of the easterly curblineline of Summit Avenue;
- l. South side, from a point two hundred eighty (280) feet east of the easterly curblineline of Summit Avenue to a point four hundred sixty (460) feet east of the easterly side line of Kuntz Avenue extended;
- m. South side, from a point one hundred thirty (130) feet west of the westerly curblineline of Summit Avenue to a point eighty (80) feet westerly therefrom.

3832. Station Street.

- a. West side from Springfield Avenue to Sherman Avenue;
- b. East side from Springfield Avenue to Sherman Avenue except for multi-passenger vehicles operated by governmental authorities, nonprofit organizations or under contract to same (e.g. SAGE, Red Cross, Union County Paratransit), or vehicles with handicapped plates, in the designated loading zone, for periods not to exceed ten (10) minutes for the purpose of picking up or discharging passengers only;
- c. Both sides from its intersection with Springfield Avenue north to its terminus at Grant Street.

3933. Summit Avenue.

- a. Both sides, from Sherman Avenue to the Passaic River.

40. **Summit Road.**

- a. **South side, between Murray Hill Boulevard and Gallinson Drive.**

41. **Sussex Road.**

- a. **South side, from the northerly terminus of the roadway to the terminus of the cul-de-sac on the easterly side of the roadway.**

4234. Valley Road.

- a. Both sides, from the Somerset County line easterly to a point five hundred (500) feet east of the east side of Diamond Hill Road.

4335. Watchung Boulevard.

- a. North side, **the entire length of the roadway, including the cul-de-sac between Murray Hill Boulevard and Somerset Place;**
- b. **South side** ~~Both sides, from Somerset Place to the westerly terminus, eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days.~~ **Murray Hill Boulevard.**
From the Western most entrance of the Governor Livingston High School parking lot to the terminus of the cul-de-sac from eight a.m. to nine a.m. and two-thirty p.m. to four p.m. school days.

4436 Windsor Way.

- a. Northerly side, for a distance of one hundred (100) feet in an easterly direction from its intersection with Park Avenue.

~~4537~~. Old Farm Road.

- a. Both sides, from its intersection with Mercier Place to its terminus at Emerson Lane.

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 the public roadways 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 _____, 2015.

ADOPTED the _____ day of _____, 2015.

Robert Woodruff, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2015

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS,
COUNTY OF UNION, STATE OF NEW JERSEY, AMMENDING, REVISING
AND SUPPLEMENING CHAPTER 10.36 ENTITLED “PARKING
RESTRICTIONS” OF TITLE 10 ENTITLED “VEHICLES AND TRAFFIC” OF
THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO ESTABLISH
AND AMEND THE PARKING REGULATIONS ON A PORTION OF
VARIOUS ROADWAYS.”**

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 **February 24, 2015** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **March 10, 2015** 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**

Explanation: This Ordinance amends the Township's current Salary Ordinance (Ordinance #6-2014) to update and add the salary ranges for the various positions.

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 ~~double strikethrough~~.]

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
			<u>135,150.00</u>
	Township Administrator	60,000.00	127,500.00
			<u>54,060.00</u>
	Executive Assistant	25,000.00	51,000.00
			<u>48,654.00</u>
	Administrative Assistant	25,000.00	45,900.00
			<u>95,145.00</u>
	Township Clerk	50,000.00	89,760.00
		<u>63,600.00</u>	
		60,000.00	
		<u>54,060.00</u>	
Deputy Township Clerk	25,000.00	51,000.00	

			<u>108,120.00</u>
Finance Department	Treasurer/Chief Financial Officer	60,000.00	102,000.00
			<u>54,060.00</u>
	Tax Assessor	20,000.00	51,000.00
			<u>65,090.00</u>
	Tax Collector	20,000.00	61,407.00
Municipal Court Legal	Municipal Judge	10,000.00	35,700.00
	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	<u>108,970.00</u>
			102,802.00
	Asst. Dir. of Public Works	45,000.00	<u>82,712.00</u>
			78,030.00
			<u>65,508.00</u>
	Zoning Official (Tree Inspector & Code Review Officer)	30,000.00	61,800.00
			<u>86,496.00</u>
	Construction Official	60,000.00	81,600.00
Stipends	Dispatcher/Asst Terminal Agency Coordinator	1.00	2,500.00
	<u>Board of Health Secretary</u>	<u>1.00</u>	<u>4,000.00</u>
Fire	Fire Official	1.00	13,000.00

			<u>127,200.0</u>
Sewer Plant	Superintendent of Wastewater Management	85,000.00	120,000.0
	Acting Superintendent of Wastewater Management	50,000.00	<u>79,500.0</u> 75,000.0
Police Dept	Chief	90,000.00	156,060.0
	Police Secretary	28,000.00	<u>54,060.0</u> 51,000.0
	Confidential Secretary	28,000.00	<u>59,466.0</u> 56,100.0
	Special Police (per hr)	7.75 <u>8.38</u>	30.00
	Special Police Matrons (per hr)	7.25 <u>8.38</u>	30.00
	Crossing Guards (per hr)	7.25 <u>8.38</u>	30.00
Emergency Management	Emergency Management Coordinator	500.00	5,500.00
	Assistant Emergency Management Coordinator	500.00	1,500.00
Part Time <u>Hourly</u> Employees		<u>8.38 Hr.</u>	
	Level 1 - Under 20 Hrs, Seasonal	7.25/Hr	18.00/Hr
	Level 2 - Under 20 Hrs, Permanent Casual	10.00/Hr	30.00/Hr
	Level 3 - Under 20 Hrs, Permanent Casual 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 4 <u>6</u> - Over 20 Hrs, Permanent <u>Part Time</u> 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:

Robert Woodruff
Mayor

ATTEST:

Ana Minkoff
Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2015

“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 **February 24, 2015** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **March 10, 2015** 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**