

VIII. ADMINISTRATION REPORTS

Mayor Woodruff

Township Administrator – John Bussiculo

- IX. APPROVAL OF MINUTES –**
- Public Meeting – July 7, 2015**
 - Public Meeting – July 21, 2015**
 - Executive Session Minutes -February 5, 2013**
 - Executive Session Minutes - February 19, 2013**
 - Executive Session Minutes – March 19, 2013**

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

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

XI. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON AUGUST 4, 2015.

- (1) **“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,664,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,580,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**

XII .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

A. RESOLUTIONS

1. Resolution approving Bill List dated August 18, 2015 in the amount of \$247,633.72.
2. Resolution authorizing the application for “Kids Recreation Trust Fund” grant for The Township of Berkeley Heights. (**Amending Resolution #160-2015**)
3. Resolution supporting the Drive Sober or Get Pulled Over 2015 Statewide Crackdown.
4. Resolution authorizing the execution of the Hold harmless Agreement with the County of Union.

5. **CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.
 - a. Resolution authorizing a block party on Rutgers Avenue, which will be blocked from Oakland Street to Hamilton Avenue on September 26, 2015 from 2:00 p.m.–8:00 p.m. with a rain date of October 10, 2015.

XIII. INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for September 1, 2015:

- (1) **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Ordinance to Prohibit Unregulated Pipelines in Any Zone of the Township”.**
- (2) **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Title 2 Entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled “Memorial Park Renewal Committee” to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township’s Memorial Park.”**
- (3) **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Lease with Our Lady of Mount Carmel Society.”**

XIV. CITIZENS HEARING - 3 minutes per resident

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

XV. ADJOURNMENT

**Ana Minkoff
Township Clerk**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,664,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,580,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,664,250 and further including the aggregate sum of \$84,250 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,580,000 pursuant to the Local Bond Law. In anticipation

of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of various police department equipment, including but not limited to, weapons, computers, breathalyzer equipment, a server and school flasher signs, including all related costs and expenditures incidental thereto.	\$176,500	\$167,600	5 years
b) The acquisition of various public works equipment, including but not limited to, a stand-alone salter, concrete mixers, and a garage vehicle lift, including all related costs and expenditures incidental thereto.	\$29,000	\$27,500	15 years
c) The acquisition of various fire department equipment, including but not limited to, turnout gear, hose, air packs, technical rescue jackets, and haz-mat suits, including all related costs and expenditures incidental thereto.	\$59,700	\$56,475	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
d) The acquisition of various rescue squad equipment, including but not limited to, a power stretcher system, a power lifter and carbon monoxide monitors, including all related costs and expenditures incidental thereto.	\$12,050	\$11,425	5 years
e) The acquisition of various wastewater treatment equipment, including but not limited to, sanitary sewer easement cleaning and inspection equipment, including all related costs and expenditures incidental thereto.	\$265,000	\$251,750	15 years
f) Improvements to the sewer plant systems and facilities, including but not limited to, pump replacements, sanitary sewer pipe, sanitary sewer manholes, trickling filters, barrier walls, odor control system and SCADA system, including all related costs and expenditures incidental thereto.	\$300,000	\$285,000	40 years
g) Acquisition of sport utility vehicles and related equipment, including all related costs and expenditures incidental thereto.	\$129,000	\$122,500	5 years
h) Acquisition of various public works trucks, including but not limited to, single axel dump bodies, including all related costs and expenditures incidental thereto.	\$43,000	\$40,750	5 years
i) Acquisition of various fire department trucks, including but not limited to, an engine/pumper, including all related costs and expenditures incidental thereto.	\$650,000	\$617,000	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
TOTALS	<u>\$1,664,250</u>	<u>\$1,580,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township

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

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15.03 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,580,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance.

The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED: _____

ADOPTED: _____

Ana Minkoff, Township Clerk
Township of Berkeley Heights

Robert B. Woodruff
Mayor
Township of Berkeley Heights

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on **August 4, 2015**. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Public Meeting room at 29 Park Avenue in the Township of Berkeley Heights on **August 18, 2015 at 7:00 p.m.** During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,664,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,580,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Purposes:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of various police department equipment, including but not limited to, weapons, computers, breathalyzer equipment, a server and school flasher signs, including all related costs and expenditures incidental thereto.	\$176,500	\$167,600	5 years
b) The acquisition of various public works equipment, including but not limited to, a stand-alone salter, concrete mixers, and a garage vehicle lift, including all related costs and expenditures incidental thereto.	\$29,000	\$27,500	15 years
c) The acquisition of various fire department equipment, including but not limited to, turnout gear, hose, air packs, technical rescue jackets, and haz-mat suits, including all related costs and expenditures incidental thereto.	\$59,700	\$56,475	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
d) The acquisition of various rescue squad equipment, including but not limited to, a power stretcher system, a power lifter and carbon monoxide monitors, including all related costs and expenditures incidental thereto.	\$12,050	\$11,425	5 years
e) The acquisition of various wastewater treatment equipment, including but not limited to, sanitary sewer easement cleaning and inspection equipment, including all related costs and expenditures incidental thereto.	\$265,000	\$251,750	15 years
f) Improvements to the sewer plant systems and facilities, including but not limited to, pump replacements, sanitary sewer pipe, sanitary sewer manholes, trickling filters, barrier walls, odor control system and SCADA system, including all related costs and expenditures incidental thereto.	\$300,000	\$285,000	40 years
g) Acquisition of sport utility vehicles and related equipment, including all related costs and expenditures incidental thereto.	\$129,000	\$122,500	5 years
h) Acquisition of various public works trucks, including but not limited to, single axel dump bodies, including all related costs and expenditures incidental thereto.	\$43,000	\$40,750	5 years
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TOTALS	<u>\$1,664,250</u>	<u>\$1,580,000</u>	

Appropriation: \$1,664,250

Bonds/Notes Authorized: \$1,580,000

Grant Appropriated: N/A

Section 20 Costs: \$150,000

Useful Life: 15.03 years

Ana Minkoff, Clerk

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

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

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Berkeley Heights, in the County of Union, State of New Jersey on **August 18, 2015** and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,664,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,580,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
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<u>Purpose</u>	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	<u>Period of Usefulness</u>
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<u>Purpose</u>	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	Period of <u>Usefulness</u>
TOTALS	<u>\$1,664,250</u>	<u>\$1,580,000</u>	

Appropriation: \$1,664,250

Bonds/Notes Authorized: \$1,580,000

Grant Appropriated: N/A

Section 20 Costs: \$150,000

Useful Life: 15.03 years

Ana Minkoff, Clerk

Agenda Item # |

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 8/18/15, in the amount of \$247,633.72, 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 18th day of August, 2015.

ATTEST:

Ana Minkoff
Township Clerk

2

**TOWNSHIP OF BERKELY HEIGHTS
UNION COUNTY, NEW JERSEY
(AMENDING RESOLUTION #160-2015)**

RESOLUTON AUTHORIZING THE APPLICATION FOR "KIDS RECREATION TRUST FUND" GRANT FOR THE TOWNSHIP OF BERKELEY HEIGHTS

WHEREAS, the Township of Berkeley Heights, County of Union and State of New Jersey desires to apply for and obtain a matching grant from Union County for \$67,000.00 \$75,000.00 for renovations and improvements to the Memorial Park.

NOW THEREFORE BE IT RESOLVED that the Mayor and the Township Council of the Township of Berkeley Heights does hereby authorize the filing of such a grant application and, upon receipt of the grant agreement from Union County, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from Union County, does further authorize the expenditure of funds, pursuant to the terms of said agreement between the Township of Berkeley Heights and Union County.

BE IT FURTHER RESOLVED matching dollars for the grant will come from the following sources:

Township other Trust Fund:
Donations for the Memorial Park Committee ~~\$67,000.00~~ \$75,000.00

BE IT FURTHER RESOLVED that the Recreation Director, is hereby authorized to file the grant application.

APPROVED this 18th day of August, 2015.

ATTEST:

Ana Minkoff
Township Clerk

Resolution
Supporting the *Drive Sober or Get Pulled Over 2015*
Statewide Crackdown

Whereas, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

Whereas, impaired driving crashes cost the United States almost \$50 Billion a year; and

Whereas, 27% of motor vehicles fatalities in New Jersey in 2013 were alcohol-related; and

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

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which 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 2015 Statewide Crackdown*, and

Whereas, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be is resolved that Berkeley Heights declares it's support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015 and pledges to increase awareness of the danger of drinking and driving.

APPROVED this 18th day of August 2015

ATTEST

Ana Minkoff
Township Clerk

#4

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

RESOLUTION

WHEREAS, The County of Union operates a leaf composting facility and has offered the use of the facility to the Township at a rate of \$2.00 per yard – loose and \$4.00 per yard – compacted; and

WHEREAS, as a condition of the use of such facility the Township is required to execute a Hold harmless Agreement holding the County of Union harmless from the negligence of any Township employees while using such facility.

NOW, THEREFORE BE IT RESOLVED that the appropriate municipal officials are authorized to execute the Hold Harmless Agreement annexed to the Memorandum of Understanding from the County of Union to allow use of the composting facility.

BE IT FURTHER RESOLVED that copies of this resolution be forward to the Twp. Clerk and the Director of Public Works.

APPROVED this 18th day of August, 2015.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, by letter dated July 11, 2015 a request was made by Christine Del Duca requesting permission from the Township Council to hold a neighborhood block party on Rutgers Avenue, blocked off from Oakland Street to Hamilton Avenue, on Saturday, September 26, 2015 from 2:00 p.m until 8:00 p.m. which would involve erecting barricades on a public street; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for Rutgers Avenue blocked off from Oakland Street to Hamilton Avenue on Saturday, September 26, 2015 from 2:00 p.m. until 8:00 p.m., with a rain date of October 10, 2015.

BE IT FURTHER RESOLVED that said approval is subject and contingent upon the approval of the Berkeley Heights Police Department, Fire Department and other appropriate officials; and

BE IT FURTHER RESOLVED that a copy of this Resolution is to be forwarded to Christine Del Duca, Chief of Police, Fire Chief, and the Director of Public Works.

APPROVED this 18th day of August, 2015.

ATTEST:

Ana Minkoff
Township Clerk

EXPLANATORY STATEMENT: This ordinance amends the Township's Land Use Ordinances to modify and amend the Township Lnd Use Procedure Ordinances to prohibit unregulated pipelines in all zones of the Township.

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 the Township Land Use Ordinance to Prohibit Unregulated Pipelines in Any Zone of the Township.

WHEREAS, there are certain pipelines are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities; and

WHEREAS, these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, result in environmental degradation to the environment, including the land, water and air; and

WHEREAS, these pipelines do not directly provide the public with necessities, such as water, electricity, natural gas, telephone and telegraph communication services; and

WHEREAS, these pipelines may pose a threat to the infrastructure that provides these public utility services; and

WHEREAS, these pipelines are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities, there is limited accountability to the public; and

WHEREAS, the Mayor and Township Council of the Township of Berkeley Heights find it to be in the best interests of health, safety and welfare of the Township and its citizens to provide that pipelines that are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities are specifically prohibited within the Township of Berkeley Heights.

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

Section 1. Section 6.4.1 entitled "Uses Prohibited to All Zones" of Article 6.4 entitled "Prohibited Uses" of Part 6 entitled "Zoning" of the Township of Berkeley Heights of

the Municipal Land Use Procedures Ordinance is hereby supplemented and amended to read as follows: [New language **bold and underlined**, deleted language ~~double-strikethrough~~.]

Section 6.4.1 Uses Prohibited to All Zones

The following uses and activities are specifically prohibited in all zones:

- F. ~~Reserved.~~ **Pipelines which are not public utilities that distribute services to end users and are unregulated by the State of New Jersey Board of Public Utilities are prohibited within any zone in the Township.**

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Berkeley Heights are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Berkeley Heights for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. 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 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

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, Amending, Revising and Supplementing the Township Land Use Ordinance to Prohibit Unregulated Pipelines in Any Zone of the Township.

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on August 18, 2015 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on September 1, 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**

EXPLANATORY STATEMENT: This ordinance amends and updates the Township's Administrative Code (Title 2 of *The Code of the Township of Berkeley Heights* to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township's Memorial Park .(Ordinance #3-2015)

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 Title 2 Entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled "Memorial Park Renewal Committee" to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township's Memorial Park.

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

Section 1. Title 2 entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended as to create new Chapter 2.95 entitled "Memorial Park Renewal Committee" to read as follows: [New language **bold and underlined**; deleted language ~~double strikethrough~~]

Chapter 2.95 MEMORIAL PARK RENEWAL COMMITTEE

Sections:

- 2.95.010 Purpose.
- 2.95.020 Definitions.
- 2.95.030 Establishment--Membership.
- 2.95.040 Appointments; Term of Office; Vacancies.
- 2.95.050 Removal of Members.
- 2.95.060 Organization--Officers.
- 2.95.070 Meetings.
- 2.95.080 Powers and duties.

2.95.010 Purpose.

The purpose of this Chapter is to create an advisory committee, which shall assist in coordinating and fundraising for the renewal, restoration and ongoing maintenance of the Township's

Memorial Park, and to perform such other duties as may be deemed necessary by the Mayor and Council.

2.95.020 Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated

“Memorial Park” means the area of the Township designated as the Memorial Park, located at 205 Plainfield Avenue, at the corner of Park Avenue and Plainfield Avenue, in the Township of Berkeley Heights.

2.95.030 Establishment--Membership.

There is hereby established the “Berkeley Heights Memorial Park Renewal Committee.” The membership of the Committee shall consist of nine (9) members: one (1) member of the governing body, and eight (8) members, which may include Township employees and prior elected officials. Members of the Committee shall serve without compensation.

2.95.040 Appointments; Term of Office; Vacancies.

The appointment and terms of the members of the Committee shall be as follows:

A. The representative of the governing body shall be appointed by and serve at the pleasure of the Township Council, or shall terminate at the completion of their respective term of office.

B. The four (9) members of the committee shall be appointed by the Mayor, and shall serve for a period of two (2) years, except that the respective terms of office of the originally appointed members shall be as follows in order to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first three years after their appointments:

1. Five members shall serve for terms of two years; and
2. Four members shall serve for terms of one year.

C. The term of each member shall begin on the first day of January, and each member shall continue in office until his or her successor shall be appointed, except upon the filling of a vacancy, and for the initial term of appointees, which shall commence once appointed, and relate back to January of such year for purposes of counting the term of the initial appointment.

D. In the event of a vacancy, the Mayor shall fill said vacancy of a member, or the Township Council of a governing body member, by appointment for the remainder of the unexpired term. A vacancy shall occur if the member resigns from office, in the event of death or the inability to service, or in the event of the member’s absence from fifty (50%) percent or more of the regularly scheduled meetings of the Committee in any twelve month period, in which latter event removal shall automatically occur.

2.95.050 Removal of Members.

The Mayor or Township Council may remove any member of the Committee for cause, on written charges serviced upon the member, and after a hearing before the governing body, at which the member shall be entitled to be heard in person or by counsel.

2.95.060 Organization--Officers.

A. The Committee shall elect a chairperson, vice chairperson and secretary at its organizational meeting in January, which officers shall serve for a term of one year and remain in office until their successor is appointed.

B. The secretary shall keep minutes of all meetings of the Committee, which minutes ~~and copies of official correspondence of the Committee~~ shall be kept on file in the office of the Township Clerk.

2.95.070 Meetings.

The Committee shall hold regular monthly meetings at the same time and day of each month in the Township municipal building as set in its organizational meeting, which meeting shall be open to the public unless closed to the public by the Committee pursuant to an exception authorized under the Open Public Meetings Act. Special meetings may be called by the chairperson on three days' notice to each member of the Committee. The Committee may make and amend rules and regulations concerning the conduct of its meetings.

2.95.080 Powers and duties.

The Committee shall have the following powers and duties:

A. To develop a plan and strategies to renew, restore and to continue the ongoing maintenance of the Memorial Park. With the review and advise of the Mayor, Township Council shall have the sole authority to approve and execute the plan of the Committee by Resolution. Once approved, the Committee shall have the authority to implement the plan as directed by the Mayor and Township Council.

B. To review and recommend to the Mayor and Township Council planting, trees, shrubbery and other landscaping, along with signage, decorations, holiday lights, and the like for the Township's Memorial Park; and, with the consent of the Mayor and Council, organize and engage in seasonal plantings and decorations on public properties. If Township funds ~~or employees~~ are required for such plantings or decoration, specific approval for such funding ~~or use of Township employees~~ is required by the Township Council by Resolution.

C. To recruit and direct organizational and individual interest in and support for the renewal, restoration and maintenance of the Memorial Park.

D. To act as a coordinating agency for successful organizational corporate and individual efforts for the renewal, restoration and maintenance of the Memorial Park.

E. To work with the Township, as well as local merchants, corporations and individuals to raise funds for the renewal, restoration and maintenance of the Memorial Park; which funds

The Mayor or Township Council may remove any member of the Committee for cause, on written charges served upon the member, and after a hearing before the governing body, at which the member shall be entitled to be heard in person or by counsel.

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D. To act as a coordinating agency for successful organizational corporate and individual efforts for the renewal, restoration and maintenance of the Memorial Park.

E. To work with the Township, as well as local merchants, corporations and individuals to raise funds for the renewal, restoration and maintenance of the Memorial Park; which funds

shall be kept and held by the Township, or Memorial Park Renewal, Inc. with the Township Council having authority over the expenditure of same.

F. To work with the Township, the Township Recreation Commission, as well as local merchants, to sponsor activities and events in the Township's Memorial Park.

G. The Committee shall, annually submit a proposed budget to the Township Council, and purchase equipment and supplies subject to review and approval by the Township Administrator and Treasurer/Chief Financial Officer. The Township Council has the authority and discretion, but not the obligation, to provide for funding towards the proposed budget. The Committee shall have the authority to obtain funding for the proposed budget through fund raising efforts, including the application for grants. All funds received shall be utilized by the Committee and the Township for the purposes set forth herein.

~~H. The Committee shall, annually, submit to the Township Administrator an annual report of the programs and activities of the Committee undertaken during the prior year.~~

I. The Committee shall assist the Township Administrator with researching and applying for grants, as appropriate, for use by the Committee pursuant to this Chapter.

Section 2. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

Section 4. This Ordinance shall not take effect until after final passage and publication in accordance with all applicable laws and statutes.

INTRODUCED the _____ day of _____, 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, Amending, Revising and Supplementing Title 2 Entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled “Memorial Park Renewal Committee” to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township’s Memorial Park.

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **August 18, 2015** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **September 1, 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**

EXPLANATORY STATEMENT: This ordinance authorizes the lease agreement with Our Lady of Mount Carmel Society for the use of its Hall by the Senior Citizens Club of Berkeley Heights for the 2015-2016 term.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. _____

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

WHEREAS, the Township of Berkeley Heights desires to lease from the Our Lady of Mount Carmel Society (“Mount Carmel”), a portion of the property known as Mount Carmel Hall located at 56 River Road in Berkeley Heights, New Jersey (“Property”) from 9:30 a.m. to 3 p.m. on Tuesdays and Wednesdays from September 1, 2015, to August 31, 2016, except for July 2016; and

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

WHEREAS, the Township and the Society have negotiated the terms of the lease attached hereto, which terms are acceptable to the Township, for the total lease amount of \$16,346 for the period from September 1, 2015, to August 31, 2016, except for July 2016; and

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

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

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

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

1. The Township hereby authorizes the entering into a lease with Our Lady of Mount Carmel Society ("Mount Carmel"), a portion of the property known as Mount Carmel Hall located at 56 River Road in Berkeley Heights, New Jersey ("Property") from 9:30 a.m. to 3 p.m. on Tuesdays and Wednesdays from September 1, 2015, to August 31, 2016, except for July 2016 pursuant to the terms and conditions set forth in the License Agreement.
2. The Mayor and Township Clerk of the Township of Berkeley Heights are hereby authorized and directed to sign and execute the Lease Agreement in the form attached hereto, along with any other documents required to effectuate the lease.
3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.
4. This Ordinance shall take effect immediately upon final passage and publication according to law.

INTRODUCED the _____ day of _____, 2015.

ADOPTED the _____ day of _____, 2015.

Robert B. 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, Authorizing the Lease with Our Lady of Mount Carmel Society.

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on August 18, 2015 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on September 1, 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**

LEASE AGREEMENT

This lease is made on this ___ day of _____, 2015, between the tenant, **TOWNSHIP OF BERKELEY HEIGHTS**, a Municipal Corporation of the State of New Jersey, whose address is 29 Park Avenue, Berkeley Heights, New Jersey (referred to as the "Tenant") and the landlord, **OUR LADY OF MOUNT CARMEL SOCIETY**, whose address is 56 River Road, Berkeley Heights, New Jersey (referred to as the "Landlord").

1. **PROPERTY**: The Tenant agrees to rent from the Landlord, and the Landlord agrees to lease to the Tenant the property known as Mount Carmel Hall, 56 River Road, Berkeley Heights, New Jersey (referred to as the "Property") for use by the Senior Citizens Club of Berkeley Heights.
2. **TERM**: The term of this Lease is for one (1) year commencing September 1, 2015, and ending August 31, 2016 (the "Term"). In the event the Tenant secures a substitute location for the Senior Citizen Club, the Lease may be cancelled by Tenant on thirty (30) days written notice to Landlord.
3. **RENT**: The Tenant agrees to pay Sixteen Thousand Three Hundred Forty Six Dollars (\$16,346) as rent for the Term of the Lease, to be paid as follows: One Thousand Four Hundred Eighty Six and 00/100 (\$1,486.00) Dollars per month for the Term, except for the month of July 2016.
4. **USE OF PROPERTY**: The Tenant may use the Property only for the following purposes: a meeting place for the Senior Citizens Club of Berkeley Heights to be utilized every Tuesday and Wednesday, except during the month of July.
5. **HOURS**: The Landlord shall make the premises available between the hours of 9:30 a.m. and 3:00 p.m. every Tuesday and Wednesday except during the month of July 2016.
6. **HEATING/COOLING**: The Landlord shall turn the Heating/Cooling system on a minimum of one (1) hour before the Senior Citizens Club meeting to the temperature of 70 degrees Fahrenheit.
7. **CHAIRS/TABLES**: Landlord agrees to make available chairs, tables, or other items within Landlord's control, available to the Tenant that may be needed to conduct meetings. Landlord agrees to set up and breakdown the chairs, tables and other items in the Landlord's control prior to and at the conclusion of each Tuesday and Wednesday meeting of the Senior Citizens Organization.
8. **EMERGENT USE**: In the event that a member of Our Lady of Mount Carmel Society has an emergent need for use of the premises on a Tuesday or Wednesday, the Tenant and Landlord will cooperate in attempting to accommodate such need. In the event a meeting is cancelled for such a reason, the rent shall be abated for such day.

9. **AVAILABILITY OF FUNDS**: This lease is subject to the appropriation of funds by the Tenant, including the receipt of grant funding from the County of Union, and shall not be effective until such funds have been received and appropriated.
10. **MAINTENANCE**: The Landlord shall be responsible for all maintenance of the Property, including the removal of snow and ice to permit reasonable access to the Property and parking for use by the Senior Citizens Organization for its Tuesday and Wednesday meetings. The parties acknowledge that Tenant no longer will be responsible for the salting of the parking lot, driveways and walkways for the Property in connection with this Lease.
11. **INDEMNIFICATION**: The Landlord shall indemnify, hold harmless and defend the Tenant from and against any and all claims, demands, damages, judgments, fines, penalties, losses, costs and expenses, including reasonable attorneys' fees, incurred by the Tenant as a result of: (a) any accident occurring within the Property; (b) the negligent or willful acts or omissions of the Landlord, its agents, contractors and employees; or (c) a breach of the provisions of this Lease by the Landlord, its agents, contractors or employees. The Landlord shall obtain a commercial general liability insurance policy of not less than two million dollars (\$2,000,000) naming the Tenant as an additional insured. Within ten days of the date first stated above, the Landlord shall provide proof of such insurance to the Tenant.

ATTEST:

TOWNSHIP OF BERKELEY HEIGHTS

Ana Minkoff, Township Clerk

By: Robert B. Woodruff, Mayor

ATTEST:

OUR LADY OF MOUNT CARMEL SOCIETY

By: