



**VII. ADMINISTRATION REPORTS**

**Mayor Woodruff  
Township Administrator – John Bussiculo**

**VIII. APPROVAL OF MINUTES – Public Meeting – August 4, 2015  
Public Meeting – August 18, 2015**

**IX. HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident**

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

**X. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON AUGUST 18, 2015.**

**(1) “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.”**

**(2) “An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Lease with Our Lady of Mount Carmel Society.”**

**PUBLIC HEARING AND FINAL ADOPTION ON OCTOBER 6, 2015**

**(3) “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”.**

**XI .NEW BUSINESS- RESOLUTIONS**

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

**A. RESOLUTIONS**

1. Resolution approving Bill List dated September 1, 2015 in the amount of \$1,017,815.17.
2. Resolution authorizing contract with Gayle Corporation, P.O. Box, 542, Berwyn, PA, 19312, in the amount not to exceed \$13,400.00 for a Spare Pump at Diamond Hill Pump Station.

3. Resolution authorizing the release of a cash Performance Bond to eMedical and Mark S. Jensen DBA FSJ Contracting in the amount of \$27,300.00, for building façade and streetscape improvements at 369 Springfield Avenue, Block 208, Lot 21.
4. **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 Ridge Drive, on September 12, 2015 from 3:00 p.m.–10:00 p.m. with a rain date of September 19, 2015.
  - b. Resolution authorizing a block party on Baker Avenue, on September 19, 2015 from 1:00 p.m.–10:00 p.m.
  - c. Resolution approving a cash bond release in the amount of \$700.00 to Richard & Stacy Braun, 90 Berkshire Drive, Berkeley Heights, NJ.

**XII. INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for September 15, 2015:**

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Section 2.100.100 to be entitled “Outside Employment of Off-Duty Police Officers” of Chapter 2.100 entitled “Police Division” of Title 2 entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to revise same.”** Explanation: (This ordinance further amends and revises the requirements and procedures to retain the services of off-duty police officers 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. EXECUTIVE SESSION –**

1. **Attorney-client Privilege/Contract Negotiations – Verizon Telecommunications Tower.**
2. **Attorney/Client Privilege- Matula v. Berkeley Heights**

**XV. ADJOURNMENT**

**Ana Minkoff, Township Clerk**

**Mayor's Correspondence**  
**August 2015**

1. **NJLM** – League’s annual audit statement covering financial activities for FY 7/31/14-6/30-15
2. **Jamie Fox, Commissioner DOT** – announcing applications are being accepted for NJDOT FY 2016 State Aid Programs. cc: Bussiculo, Bocchino
3. **Boy Scouts of America** – invitation to 2015 Service Award
4. **Dawood Farahi, President Kean University** – invitation to Opening Day Address and Welcome Reception
5. **Summit Area YMCA** – letter expressing interest in discussing Township-owned property on Snyder Avenue for possible use
6. **Boy Scouts of America** – invitation to 10<sup>th</sup> Annual Berkeley Heights Good Scout Award Dinner
7. **NJSLOM** – 2015 League Conference Resolutions
8. **Boys & Girls Clubs of Union County** – Save the date for 60 year anniversary celebration in October
9. **2015 Governor’s Conference on Housing & Economic Development** – invitation
10. **UC Prosecutor’s Office** – CD of 2014 Annual Report
11. **The Rotarian** – Sept 2015 issue
12. **The Valerie Fund** – awareness campaign for Childhood Cancer and Sickle Cell Disease
13. **Union County College Foundation** – invitation to the 23<sup>rd</sup> Annual Scholarship Gala
14. **UC Dept of Human Services Division on Aging** – Sept 2015 Service Network issue

*Proclamation*  
*Township of Berkeley Heights*

Whereas, September 17<sup>th</sup>, 2015 marks the 228th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper that all citizens of the United States take time to read, study and understand the founding fathers intent as written in this great document of human liberty and to jealously protect and guard the freedoms set forth in the Bill of Rights; and

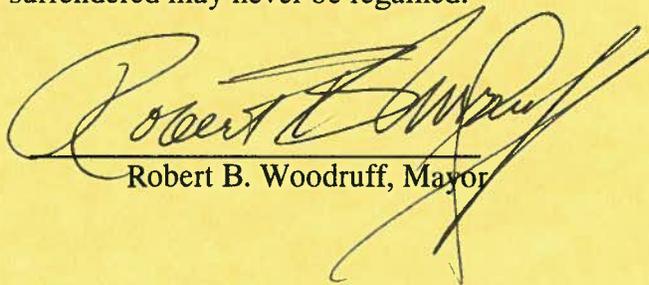
Whereas, it is fitting and proper to officially recognize the anniversary of this magnificent document, the basis for America's great heritage and establishing a country based on the rule of law, not of men; and

Whereas, through the efforts of the Daughters of the American Revolution, U.S. public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through September 23<sup>rd</sup> as Constitution Week

NOW, Therefore, I, Robert B. Woodruff, Mayor of the Township of Berkeley Heights of the State of New Jersey, do hereby proclaim the week of September 17-23, 2014:

**CONSTITUTION WEEK**

and call upon our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our Liberties, remembering that Liberties once surrendered may never be regained.

  
Robert B. Woodruff, Mayor

ATTEST:

  
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 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.

**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.

#### **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

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**

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

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

**NOTICE OF FINAL ADOPTION**

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE  
INTRODUCED ON AUGUST 18, 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, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on September 1, 2015.

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

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**

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

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

**NOTICE OF FINAL ADOPTION**

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE  
INTRODUCED ON August 18, 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, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on September 1, 2015.

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

## 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 Club 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:

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 direct the Township Treasurer to make payment of vouchers listed on the Bill List dated 09/1/15, in the amount of \$1,017,815.17 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 1<sup>st</sup> day of September, 2015.

**ATTEST:**

---

Ana Minkoff  
Township Clerk

Agenda Item # 2

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

**WHEREAS**, the Township accepted bids on August 13, 2015, for a Spare Pump at Diamond Hill Pump Station; and

**WHEREAS**, by letters dated August 26, 2015, the Waste Water Treatment Superintendent has recommended that the contract be awarded to Gayle Corporation, P.O. Box 542, Berwyn, PA, 19312 in the amount of \$13,400.00, be accepted and the Township Council concurs.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council, Township of Berkeley Heights, County of Union, that the appropriate municipal officials are authorized to execute a contract with Gayle Corporation and the Treasurer is authorized to pay properly completed vouchers for the provision of a spare pump at Diamond Hill Pump Station in the amount not to exceed \$13,400.00 for such work.

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to advertise the award of this contract in accordance with law.

**BE IT FURTHER RESOLVED** that the Township Clerk shall forward a copy of this Resolution to Gayle Corporation.

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

**APPROVED** this 1st day of September, 2015.

**ATTEST:**

---

Ana Minkoff  
Township Clerk

# 3

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

**RESOLUTION**

**WHEREAS**, eMedical was required to post a cash Performance Bond in the amount of \$27,300.00, in connection with work being performed at 369 Springfield Avenue and Michael Mistretta, Township Planner in a letter dated August 20, 2015 has recommended a full release of the cash Performance Bond in the amount of \$27,300.00, pending the receipt of a Maintenance Bond in the amount of \$3,412.50.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash Performance bond posted by eMedical in the amount of \$20,000 and sent to 369 Springfield Ave. Associates LLC., 369 Springfield Avenue, Berkeley Heights, NJ 07922 and to Mark S. Jensen DBA FSJ Contracting, 7 Wichser Lane, Warren, NJ 07059 in the amount of \$7,300.00, together with any applicable interest.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is to be forwarded to eMedical and Mark S. Jensen DBA FSJ Contracting, Township Treasurer and Township Engineer.

**APPROVED** this 1st day of September, 2015.

**ATTEST:**

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

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

**RESOLUTION**

**WHEREAS**, by letter dated August 24, 2015 a request was made by Jill Novotny requesting permission from the Township Council to hold a neighborhood block party on #17- 34 Ridge Drive West 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 #17-34 Ridge Drive West on Saturday, September 12, 2015 from 2:00 p.m. until 8:00 p.m., with a rain date of September 19, 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 Jill Novotny, Chief of Police, Fire Chief, and the Director of Public Works.

**APPROVED this 1<sup>st</sup> day of September, 2015.**

**ATTEST:**

---

Ana Minkoff  
Township Clerk

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

**RESOLUTION**

**WHEREAS**, a request was made by Thomas Pirone requesting permission from the Township Council to hold a neighborhood block party on Baker Avenue which would involve erecting barricades on a public street; and

**WHEREAS**, the Township Council wishes to support the request for a neighborhood block party 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 Baker Avenue on Saturday, September 19, 2015 from 1:00 p.m. until 10:00 p.m.

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

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

**APPROVED** this 1<sup>st</sup> day of September, 2015.

**ATTEST:**

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

4C

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

**RESOLUTION**

**WHEREAS**, Mr. & Mrs. Braun were required to post a Street Opening cash bond, Permit #3136, in the amount of \$700.00, in connection with work being performed at 90 Berkshire Drive, the Township Engineer has recommended by letter dated August 27, 2015 a full release of the cash bond in the amount of \$700.00.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash bond posted by Mr. & Mrs. Braun, in the amount of \$700.00, together with any applicable interest.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is to be forwarded to Richard & Stacy Braun, 90 Berkshire Drive, Berkeley Heights, NJ 07922, Township Treasurer and Township Engineer.

**APPROVED** this 1st day of September, 2015.

**ATTEST:**

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

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

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that John M. Joyce, is hereby appointed as an Active member of the Berkeley Heights Volunteer Fire Department effective September 1, 2015.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to John M. Joyce and the Fire Chief.

**APPROVED this 1st day of September, 2015.**

**ATTEST:**

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

EXPLANATORY STATEMENT: This Ordinance further amends and revises the requirements and procedures to retain the services of off-duty police officers of the Township of Berkeley Heights.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. \_\_\_\_\_

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Section 2.100.100 to be entitled "Outside Employment of Off-Duty Police Officers" of Chapter 2.100 entitled "Police Division" of Title 2 entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights* to revise same.

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

**Section 1.** Section 2.100.100 to be entitled "Outside Employment of Off-Duty Police Officers" of Chapter 2.100 entitled "Police Division" of Title 2 entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended to read as follows: [New language **bold and underlined**; deleted language ~~double strikethrough~~]

**2.100.100 – Outside Employment of Off-Duty Police Officers.**

- A. Police officers may work for outside private persons or entities on their off-duty hours provided that the Chief of Police determines, in his discretion, that there are sufficient police personnel available, that the outside employment assignment will not interfere with the needs of the Township, and that sufficient funds have been deposited in an escrow account with the Township Chief Financial Officer to cover the anticipated costs of such off-duty assignments.
- B. Establishment of an Escrow Account; Application and Advance Payment.
  - 1. The Township shall establish an escrow account dedicated to the payment of off-duty police officers for outside employment by private persons or entities.
  - 2. Any prospective person or entity shall apply to the Chief of Police, requesting off-duty police services. The application shall include the following:

- i. The date(s) that the off-duty police services and police vehicle will be needed.
  - ii. An estimate of the number of hours the person or entity anticipates using the off-duty police officer(s), and, if appropriate, a police vehicle(s).
  - iii. An executed services agreement in a form satisfactory to the Township Attorney.
  - iv. A check or cash to cover the cost of off-duty police services and use of any Township vehicle, based on the estimated number of hours set forth in the application, which shall be submitted to the Township prior to the start of the off-duty employment.
3. Prospective contractors who continuously request off-duty police service, or anticipate a need for periodic or long-term off-duty police services, may request to deposit monies with the Township on an ongoing basis to be depleted as such work is performed. Funds on deposit shall not earn interest.
4. In the event that the person's or entity's needs exceed the estimated sum in the escrow account, the Chief of Police or his designee shall immediately notify the person or entity that the funds in the escrow account are insufficient to pay for continued off-duty police services. In such event, the person or entity shall either replenish the escrow account with a check or cash sufficient to pay for continued services, or the Chief of Police shall immediately terminate the off-duty police services.
5. If the person's or entity's estimated costs exceed the actual costs incurred, then the Township shall promptly refund the remainder of the escrow account that was not used.
6. Upon written request with support therefor, the Township Council may waive the escrow deposit requirement at the Council's sole discretion.

C. Rates for Off-Duty Police Services.

1. Police officer - The hourly rate of pay for the provision of off-duty police services shall be \$82.00 per hour per officer, plus an administrative fee of \$5.00 per hour per officer. For large scale events (events involving 4 or more officers), shall require a supervisor, whose hourly rate shall be \$87.00 per hour. There shall be a minimum of four (4) hours charged for all off-duty police services provided.
2. For all off-duty police services provided that require services over a period of eight (8) hours per day, the hourly rate of pay for each hour exceeding 8 hours shall be \$100.00 per hour per officer (including supervisors).
3. Use of Borough Police Vehicle - \$50.00 per day.

4. Township events – The hourly rate of pay for the provision of off-duty police services for Township sponsored events shall be \$60.00 per hour per officer; and, for large scale events involving 4 or more officers the supervisor's hourly rate shall be \$65.00 per hour. There shall be no four (4) hour minimum for Township sponsored events.
5. Emergency Rates. For the provision of off-duty police services in an emergency situation (as set forth in Section 2.100.100D below), as well as all off-duty police services required between the hours of ~~6~~8:00 p.m. and 6:00 a.m., or where less than 24-hour notice was provided, or on State and Federal holidays, the hourly rate of pay shall be \$100.00 per hour per officer (including supervisors).
6. Upon written request with support therefor, the Township Council may waive, at the Councils' sole discretion, any applicable administrative and vehicle fee set forth herein.

D. Cancellation. The Police Department must be notified at least two (2) hours prior to the set start time for the off-duty police services. If the services are cancelled with less than 2-hour notice, but prior to the set start time, then a minimum of two (2) hours will be charged to the escrow account pursuant to the rates set forth in Section 2.100.100(C). If the services are cancelled at or after the set start time, then a minimum of four (4) hours will be charged to the escrow account pursuant to the rates set forth in Section 2.100.100(C).

E. Emergency Situation. In event of an emergency situation, where the written application and payment for off-duty police services cannot be made prior to the date such service is required, the application and payment for such service must be made by the responsible person or entity to the Township by the end of the following business day after the emergency situation has been resolved or concluded. If payment is not received by the Township by the end of the following business day, the responsible person or entity shall be charged a late fee of fifteen (15%) percent of the total amount due, which late fee will be assessed for every day such payment is late. For the purposes of this Section, "emergency situation" shall mean any situation, including any construction, maintenance or repair required to be performed as a result of an unforeseen event or act of God, whereby the private person or entity had no prior notice of the condition, and off-duty police services are required for the public safety and welfare, which determination is left in the sole discretion of the Chief of Police.

**Section 2.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance

actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

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

**Section 4.** This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

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

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 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 Section 2.100.100 to be entitled “Outside Employment of Off-Duty Police Officers” of Chapter 2.100 entitled “Police Division” of Title 2 entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to revise same.**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **September 1, 2015** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **September 15, 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**