



**VII. ADMINISTRATION REPORTS**

**Mayor Woodruff**

**Township Administrator – John Bussiculo**

**VIII. APPROVAL OF MINUTES –**

**Public Meeting – October 6, 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 OCTOBER 6, 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.”**

**XI .NEW BUSINESS- RESOLUTIONS**

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

**A. RESOLUTIONS**

1. Resolution approving Bill List dated October 20, 2015 in the amount of \$306,011.42.
2. Resolution approving the Corrective Action Plan and authorizing the Chief Financial Officer to implement such plan.
3. Resolution adopting the Certification of the Annual Audit for the year 2014.

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 removing Jon Scribner, 31 Snyder Road, from the active duty roster of the Berkeley Heights Volunteer Fire Co.
  - b. Resolution authorizing a block party at Cornell Avenue on October 30, 2015 from 1:00 to 6:00 p.m.
  - c. Resolution authorizing the Tax Collector to refund the following third quarter 2015 tax overpayment:
    - 1. Wilson H. & Marion J. McGough      100 Emerson Lane      \$1,801.29
  - d. Resolution authorizing Garden State Fireworks to hold a fireworks display at Snyder Avenue Park on October 30, 2015 from 8:45 to 9:10 p.m. for a Berkeley Heights Youth Soccer Club game.

**X111. 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- Litigation- Affordable Housing**

**XV. ADJOURNMENT**

**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 #10-2015)

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)~~ **fifteen (15)** members: one (1) member of the governing body, and ~~eight (8)~~ **fourteen (14)** 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 (4)~~ **fourteen (14)** 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~~ **Eight** members shall serve for terms of two years; and
2. ~~Four~~ **Seven** 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 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 are required for such plantings or decoration, specific approval for such funding 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 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 October 6, 2015 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on October 20, 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 OCTOBER 6, 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 October 20, 2015.

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

Agenda Item # 0

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

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 10/20/15, in the amount of \$306,011.42 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 20th day of October, 2015.

**ATTEST:**

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Ana Minkoff  
Township Clerk

# 2

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

**RESOLUTION**

**WHEREAS**, the auditors for the Township have made certain recommendations and noted certain exceptions in the audit for the year 2014 and the Treasurer/Chief Financial Officer has prepared an action plan to address each of those recommendations and exceptions and has requested review and approval by the Township Council.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council hereby approves the Corrective Action Plan and authorizes the Chief Financial Officer to implement such plan.

Copies of this Resolution are to be forwarded to the Chief Financial Officer and Director of Division of Local Government Services.

**APPROVED this 20th day of October, 2015.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

#3

## GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Council* of the *Township of Berkeley Heights* hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *OCTOBER 20, 2015*.

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Ana Minkoff, Township Clerk

Agenda Item# 4a

**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 the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

**Jon Scribner, 31 Snyder Avenue, Berkeley Heights, NJ**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Jon Scribner and the Fire Chief.

**APPROVED this 20th day of October, 2015.**

**ATTEST:**

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

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

**RESOLUTION**

**WHEREAS**, by letter received on October 16, 2015 a request was made by Michael Tomich requesting permission from the Township Council to hold a neighborhood block party on Cornell Avenue, between Hillcrest Avenue and Sawmill Road which would involve erecting barricades on a public street; and

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

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights that it does hereby approve of a neighborhood block party for Cornell Avenue, on Saturday, October 31, 2015 from 1:00 p.m. until 6:00 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 Michael Tomich, Chief of Police, Fire Chief, and the Director of Public Works.

**APPROVED this 20th day of October, 2015.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

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

**RESOLUTION**

**WHEREAS**, the Tax Collector has advised that there was an overpayment of a portion of 2015 property taxes for property known as Block #3102 Lot #12 also known as 100 Emerson Lane, which requires a refund in the amount of \$1809.29; and

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer is authorized to refund the overpayment for 2015 taxes in the amount of \$1809.29 to Wilson H. and Marion J. McGough, 100 Emerson Lane, Berkeley Heights, NJ 07922.

**BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted Wilson H. and Marion J. McGough, Treasurer and Tax Collector.

**APPROVED** this 20<sup>th</sup> day of October, 2015.

**Attest:**

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**Ana Minkoff  
Township Clerk**

4d

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

**RESOLUTION**

**WHEREAS**, Garden State Fireworks has requested permission to hold a fireworks displays for a Berkeley Heights Youth Soccer Club game, at Snyder Avenue Field on October 30, 2015 between 8:45 – 9:10 p.m. In the event of rain this resolution will be extended for 10 days; and

**WHEREAS**, the Township Council believes that it is appropriate to grant permission for such display under the normal terms and conditions.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights that permission is granted to Garden State Fireworks to hold a fireworks display on October 30, 2015, at Snyder Avenue Field between 8:45- 9:10 p.m., provided that it satisfies all comments and concerns, if any, of the Rescue Squad, Fire Department and Police Department and County of Union, raised prior to, or on the night of the display including any raised as a result of the weather conditions at the time of the display.

Copies of this resolution are to be forwarded to Garden State Fireworks, Police Department, Rescue Squad, Fire Department and County of Union.

**APPROVED this 20<sup>th</sup> day of October, 2015.**

**ATTEST:**

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