

VIII. ADMINISTRATION REPORTS

Mayor Woodruff

Township Administrator – John Bussiculo

IX. APPROVAL OF MINUTES – Public Meeting – November 24, 2015

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

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

XI. NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

A. RESOLUTIONS

1. Resolution approving Bill List dated January 12, 2016 in the amount of \$522,525.87.
2. Resolution authorizing the submission of a strategic plan for the Berkeley heights Municipal Alliance grant for fiscal year July 1, 2016 – June 30, 2017.
3. **CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.
 - a. Resolution authorizing the release of cash bond in the amount of \$700.00 to Robert Calichman, 5 Harrison Drive, Berkeley Heights, permit #3203.
 - b. Resolution authorizing the release of cash bond in the amount of \$700.00 to Robert Calichman, 5 Harrison Drive, Berkeley Heights, permit #3202.
 - c. Resolution authorizing the release of cash bond in the amount of \$700.00 to Brian Vincent, 253 Emerson Lane, Berkeley Heights, NJ.
 - d. Resolution removing Rob Doney, 44 Apple Tree Row, from the active roster of the Berkeley Heights Fire Department.
 - e. Resolution removing Justin Giannone, 1341 Stony Brook Lane, Mountainside, from the active roster of the Berkeley Heights Fire Department.
 - f. Resolution authorizing redemption of Tax Sale Certificate #15-00001 to US Bank CUST BV001 for Block #1301, Lot #34, located at 108 Bolton Blvd. in the amount of \$120.00.

XII. INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for January 26, 2016:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Residential Lease with Jim Hopkins for the Property Located at 31 Snyder Avenue for the 2016 Term.”

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 –

Attorney/Client Privilege-Litigation-Affordable Housing

XV. ADJOURNMENT

Ana Minkoff, Township Clerk

TOWNSHIP COUNCIL CORRESPONDENCE

December 2015

1. Correspondence received on December 3rd from the Warren Township Planning Board regarding a December 14th Public Hearing on the application of Emmanuel Chinese Christian Church.
2. Correspondence received on December 3rd from the New Jersey DEP regarding the Water Pollution Control Plant Settlement Agreement - Phosphorus violation (March 2015.)
3. Correspondence received on December 7th from the New Jersey DEP regarding the Alcatel Lucent USA, Inc. Murray Hill Facility - September 2015 NJPDES Permit-by-Rule DGW Authorization Modification.
4. Correspondence received on December 11th from the Union County Board of Chosen Freeholders regarding an adoption of an ordinance to amend the Union County District Solid Waste Management Plan (modifying the inclusion of a Class B Recycling Facility currently operated by Rockrete Recycling Corporation in the City of Elizabeth.)
5. Correspondence received on December 18th from the New Jersey Department of Environmental Protection regarding 320 Springfield Avenue - Classification Exception Area/Well Restriction Area Associated with Historic Fill.
6. Correspondence received on December 21st from the Union County Solid Waste Advisory Council regarding the scheduling of a special meeting to take place on Monday, December 28th.
7. Correspondence received on December 22nd from the Union County Clerk's Office regarding Ordinance Number 768-2015 (regarding an amendment to the Solid Waste Management Plan.)
8. Correspondence received on December 24th from the NJDEP regarding A. Singer and Partners, LLC- Withdrawal Flood Hazard Application.
9. Correspondence received on December 31st from Eastern States Environmental Associates Inc. (cover letter only,) regarding an application for a permit or approval to the NJ DEP under the Freshwater Wetlands Protection Act Rules, NJAC 7:7A on behalf of Township of Berkeley Heights for the Municipal Complex and Public Works Facility Property.
10. Correspondence received on December 31st from Eastern States Environmental Associates Inc., (cover letter only,) regarding an application for a permit or approval to the NJ DEP under the Freshwater Wetlands Protection Act Rules, NJAC 7:7A on behalf of Township of Berkeley Heights for the Church of the Little Flower Property.

Mayor's Correspondence
December 2015

1. **BHVRs** – invitation to installation and awards dinner dance
2. **John Carlini** – letter expressing thanks for using his musical composition as theme music for the Mayor's Roundtable
3. **Union County Clerk's Office** – holiday greeting card
4. **Waters, McPherson, McNeill, PC** – announcing that John Kraft and Jason Capizzi have joined their firm
5. **Millspray Military Technologies** – marketing letter
6. **NJCM** – updated agenda for 2016 Winter Summit
7. **Van Cleef Engineering Associates** – letter accepting offer to continue to be On-Call Licensed Operator in 2016
8. **National Stop the Violence Alliance** – request for proclamation themed Building Communities of Trust – Bridging the Gap between Law Enforcement and Community
9. **Utility Workers Union of America Local 423** – letter advising that the collective bargaining agreement between NJAWC and their laborers is set to expire in Jan 2016 and they are in negotiations
10. **Neglia Associates** – Holiday card
11. **Margaret McMenamin UCC President** – Holiday card
12. **Ralph LaRossa, CEO Pres PSEG** – year end summary letter about lower gas prices and modernization of their infrastructure
13. **Tom and Rhonda Kean** – holiday card
14. **The Rotarian** – January 2016 issue
15. **NJCM** – 2016 Winter Summit Agenda
16. **UC Dept of Human Services** – Municipal Alliance Award FY 2017 July 16-Jun 17
17. **UC Dept of Engineering** – letter acknowledging transfer of responsibility of Lone Pine traffic light to Berkeley Heights.
18. **Anthony Padovano Jr.** – letter with recommendations for Fire Official and Fire Inspectors for 2016

Agenda Item # 1

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 1/12/16, in the amount of \$522,525.87 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 12th day of January, 2016.

ATTEST:

Ana Minkoff
Township Clerk

#2

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

RESOLUTION

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Berkeley Heights Council of the Township of Berkeley heights, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Berkeley Heights Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Berkeley Heights Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union;

NOW, THEREFORE, BE IT RESOLVED by the Township of Berkeley Heights, County of Union, State of new Jersey hereby recognizes the following:

1. The Berkeley Heights Township Council does hereby authorize submissions of a strategic plan for the Berkeley Heights Municipal Alliance grant for fiscal year July 1, 2016- June 30, 2017 in the amount of:

DEDR	\$14,123.00
Cash Match	\$3,531.00
In-Kind	\$10,592.00

2. The Berkeley Heights Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED this 12th day of January, 2016.

ATTEST:

Ana Minkoff
Township Clerk

3a

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

RESOLUTION

WHEREAS, Robert Calichman was required to post a cash bond, Permit #3203, in the amount of \$700.00, in connection with work being performed at 5 Harrison Drive, the Township Engineer has recommended by letter dated December 24, 2015 a full release of the cash bond in the amount of \$700.00, Account # S17-48-388-228.

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 Robert Calichman 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 Robert Calichman, Township Treasurer and Township Engineer.

APPROVED this 12th day of January, 2016.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, Megan Calichman was required to post a cash bond, Permit #3202, in the amount of \$700.00, in connection with work being performed at 5 Harrison Drive, the Township Engineer has recommended by letter dated December 24, 2015 a full release of the cash bond in the amount of \$700.00, Account # S17-48-388-210.

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 Megan Calichman 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 Megan Calichman, Township Treasurer and Township Engineer.

APPROVED this 12th day of January, 2016.

ATTEST:

Ana Minkoff
Township Clerk

3c

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

RESOLUTION

WHEREAS, Brian Vincent was required to post a cash bond, Permit #3219, in the amount of \$700.00, in connection with work being performed at 253 Emerson Lane, the Township Engineer has recommended by letter dated December 24, 2015 a full release of the cash bond in the amount of \$700.00, Account # S17-48-388-301.

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 Brian Vincent. 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 Brian Vincent Township Treasurer and Township Engineer.

APPROVED this 12th day of January, 2016.

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

Rob Doney, 44 Apple Tree Row, Berkeley Heights, NJ

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Justin Giannone and the Fire Chief.

APPROVED this 12th day of January, 2016.

ATTEST:

Ana Minkoff
Township Clerk

3e

Agenda Item#

**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;

Justin Giannone, 1341 Stony Brook Lane, Mountainside, NJ

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Justin Giannone and the Fire Chief.

APPROVED this 12th day of January, 2016.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights issued Tax Sale Certificate #15-00001 to lien holder: US Bank CUST BV001 Trst & Crdtrs for Block #1301, Lot #34, located at 108 Bolton Blvd, Berkeley Heights, New Jersey; and

WHEREAS, the owner of such property have now redeemed such certificate and the lien holder: US Bank CUST BV001 Trst & Crdtrs, 50 South 16th Street, Suite 2050, Philadelphia, PA,19102-2513 is entitled to receive redemption in the amount of \$120.00 to be paid by or on behalf of the homeowner.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, that the Treasurer is authorized to pay out the sum of \$120.00 in redemption of Tax Sale Certificate #15-00001 upon the submission of a properly completed voucher and surrender of such certificate.

Copies of this Resolution are to be forwarded to, US Bank CUST BV001 Trst & Crdtrs, Tax Collector and the Treasurer.

APPROVED this 12th day of January, 2016.

ATTEST:

Ana Minkoff
Township Clerk

EXPLANATORY STATEMENT: This Ordinance authorizes the residential lease agreement with Jim Hopkins for the property located at 31 Snyder Avenue for the 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 Residential Lease with Jim Hopkins for the Property Located at 31 Snyder Avenue for the 2016 Term.

WHEREAS, the Township of Berkeley Heights is the owner of the residential property located at 31 Snyder Avenue (the "Property"); and

WHEREAS, the Township previously authorized the preparation of request for bids for leases of the Property to be leased under certain terms and conditions; and

WHEREAS, the Township awarded a Residential Lease Agreement for the Property to Jim Hopkin, which was thereafter renewed, and currently expires on December 31, 2015; and

WHEREAS, the Township desires to renew and extend the Residential Lease Agreement for the Property for an additional twelve (12) months under the same terms and conditions, except for a reasonable rental increase and late payment fee; and

WHEREAS, the New Jersey Anti-Eviction Act, N.J.S.A. 2A:18-61.1, sets forth the grounds for removal of a tenant; and

WHEREAS, the Township issued a Notice to Quit and Demand for Lease Changes to Mr. Hopkins regarding the termination of the lease, the increase in rent and change of terms of the Residential Lease Agreement pursuant to the Anti-Eviction Act; and

WHEREAS, at this juncture, the Township does not believe that there is a statutory basis to remove this tenant, unless the tenant fails to accept the lease extensions with the amended terms and conditions; and

WHEREAS, Mr. Hopkins accepted the amended lease terms, including the increase in rent in the amount of \$15,581.04 per year to expire on December 31, 2016; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14 of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Township is authorized to lease real estate or an interest in land, such as a lease, by ordinance; and

WHEREAS, the Mayor and Township Council of the Township of Berkeley Heights find it in the best interest of the Township to renew and extend the Residential Lease Agreement with Mr. Hopkins for the Property.

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 renewal of the residential lease with Jim Hopkins for the property located at 31 Snyder Avenue for the term of January 1, 2016 through December 31, 2016 for the rental amount of \$15,581.04 per year, payable in equal monthly payments of \$1,298.42, pursuant to the terms and conditions set forth in the Residential Lease Agreement attached hereto.
2. The Mayor and Township Clerk of the Township of Berkeley Heights are hereby authorized and directed to sign and execute the Residential 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 _____, 2016.

ADOPTED the _____ day of _____, 2016.

Robert Woodruff, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2016

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Residential Lease with Jim Hopkins for the Property Located at 31 Snyder Avenue for the 2016 Term.”

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 **January 12, 2016** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **January 26, 2016** 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**