

VIII. APPROVAL OF MINUTES –

Public Meeting –January 26, 2016, February 9, 2016

Executive Session – October 22, 2013, December 3, 2013, December 17, 2013

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 FEBRUARY 23, 2016.

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Acceptance of the Dedication of the Right-of-Way Known as Treetop Court in the Township of Berkeley Heights.”

XI. NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

A. RESOLUTIONS

1. Resolution approving Bill List dated March 8, 2016 in the amount of \$418,771.57.
2. Resolution authorizing the Township to enter into the Agreement of Sale with Little Flower Church setting forth the terms and conditions and contingencies of the land transaction.
3. Resolution authorizing a tax settlement with Berkeley Developers, 100 Locust Avenue, Block 1901, Lot 35.

XII. INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for March 22, 2016:

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.

EXPLANATORY STATEMENT: This Ordinance amends and revises the fees for 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. ADJOURNMENT

Ana Minkoff, Township Clerk

TOWNSHIP COUNCIL CORRESPONDENCE

February 2016

1. Correspondence received from E2 Project Management LLC on February 8th regarding Verizon Wireless applications with the State of New Jersey DEP Division of Land Use Regulation.
2. Correspondence received from Union County Freeholders on February 9th regarding Introduction of Solid Waste Management Plan Ordinance (Ordinance Number 771-2016.)
3. Correspondence received on February 8th from Eastern States Environmental Associates Inc. regarding Berkeley Heights YMCA and correspondence/applications with the NJDEP (three cover letters only.)
4. Correspondence received from Peak Environmental LLC on February 11th regarding a Response Action Outcome at 100 Locust Avenue.
5. Correspondence received from The ARC, Union County, on February 16th regarding a Grant –Request for Affordable Community Housing for Individuals with Intellectual Disabilities.
6. Borough of New Providence Resolution #2016-04, received February 22nd, regarding a) adopting 2016 Downtown Master Plan Element, and 2) Amending the Master Plan for the Borough of New Providence.
7. Correspondence received from the Mary Kay McMillin Early Childhood Center, on February 22nd, regarding an invitation to read to one of their classes during March.
8. Correspondence received from the Township of Warren on February 22nd, regarding the recently-approved Warren Township Master Plan Amendment to the Land Use Element approved by the Warren Township Planning Board.
9. Correspondence received on February 25th from the County of Union regarding an adopted Solid Waste Management Plan Ordinance (Ordinance Number 771-2016.)
10. Correspondence received on February 25th from Mr. Vince Bury, congratulating the newly-promoted Police Sergeants.

Mayor's Correspondence
February 2016

1. **UC Freeholders** – invitation to Black History Month celebration at UCC
2. **Amy Wagner UC Deputy Director Dept Economic Development** – invitation to be on steering advisory committee for the UC transportation master plan
3. **Community Access Unlimited** – Winter issue of The Independent Citizen
4. **Joanne Rajoppi UC Clerk** – election brochures and vote by mail ballots
5. **Colleen Mahr Fanwood Mayor** – invitation to presentation of the BeSMART Gun Safety program that she is hosting along with Fanwood Police Chief Trigo
6. **NJCM** - Itinerary for 53rd Annual Spring Conference
7. **Rutgers** – flyer on Powers and Duties of Municipal Governing Body course
8. **The Arc of UC** – letter looking for partnership towards affordable housing for individuals with intellectual disabilities
9. **Mayor Steven Fulop** – invitation to 3rd annual Prisoner Reentry Conference
10. **The Rotarian** – March 2016 issue
11. **Anne Corley Hand** – invitation to participate in Read Across America at the MKM school
12. **NJCM** – invitation to 53rd Annual Spring Conference
13. **PSEG** – New Jersey's energy future brochure
14. **UC Dept of Human Services Division on Aging & Disability** – The Service Network March 2016 issue
15. **Gateway Regional Chamber of Commerce** – invitation to 27th Annual Mayor's Dinner
16. **NJLM** – 22nd Annual Mayor's Hall of Fame nomination form
- 17.

EXPLANATORY STATEMENT: This Ordinance authorizes and accepts the dedication of the right-of-way known as Treetop Court in 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, Authorizing the Acceptance of the Dedication of the Right-of-Way Known as Treetop Court in the Township of Berkeley Heights.

WHEREAS, in connection with the subdivision of the properties previously known as Lots 6 and 7 in Block 3201, located along Mountain Avenue, into five (5) new residential lots currently known as Lots 6.01, 6.02, 6.03, 6.04 and 7 in Block 3201, which was approved by the Township Planning Board in 2005, a new right-of-way known as Treetop Court was established; and

WHEREAS, as a condition of the Board’s approval, the Treetop Court right-of-way was to be dedicated to the Township of Berkeley Heights as a public roadway; and

WHEREAS, the Treetop Court right-of-way was dedicated to the Township by recorded map, recorded with the Union County Clerk on October 4, 2005, Instrument No. 837; however, the dedication was never official accepted by the governing body of the Township; and

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.* (“LLBL”), and N.J.S.A. 40:67-1, by ordinance the Township is authorized to accept dedications of property for use as public rights-of-way; and

WHEREAS, the Mayor and Township Council finds it to be in the best interest of the Township and its citizens to now authorize the acceptance of the dedication of the Treetop Court right-of-way.

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

1. Subject to the conditions of the Board's grant of subdivision approval in 2005, the Township of Berkeley Heights hereby accepts the dedication of a portion of the property previously identified as Lots 6 and 7 in Block 3201 (before subdivision), to be utilized as a public right-of-way to be known as Treetop Court.
2. The Township Administrator, Clerk, Attorney, and other appropriate Township official are hereby authorized and directed to take all required actions to complete the Township's acceptance of the dedication of the right-of-way.
3. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
4. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
5. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.
6. This Ordinance shall not take effect until after final passage, approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7, and publication in accordance with all applicable laws and statutes.

INTRODUCED the _____ day of _____, 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 Acceptance of the Dedication of the Right-of-Way Known as Treetop Court in the Township of Berkeley Heights.

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on **February 23, 2016** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **March 8, 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**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
D'AQUILA	✓			
DELIA	✓			
FAECHER				✓
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 FEBRUARY 23, 2016:**

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Acceptance of the Dedication of the Right-of-Way Known as Treetop Court in the Township of Berkeley Heights”.

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 February 23, 2016.

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

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 3/8/16, in the amount of \$418,771.57 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 8th day of March, 2016.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 2

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights (the "Township") and the Church of the Little Flower ("Little Flower") are in continued negotiations regarding the potential exchange of land in the Township of Berkeley Heights; and

WHEREAS, the Township owns the property identified as Block 1301, Lot 26, located at 290 Plainfield Avenue, consisting of approximately 1.33± acres, upon which the Berkeley Heights Public Library (the "Library") is currently situated (the "Township Property"); and

WHEREAS, Little Flower owns the property identified as Block 1301, Lot 19, located at 110 Roosevelt Avenue, consisting of approximately 15.60± acres (the "Little Flower Property"); and

WHEREAS, the Township and Little Flower have negotiated an exchange of the Township Property and the Little Flower Property, along with all improvements thereon; and

WHEREAS, the Township has declared the Township Property and the Little Flower Property as areas in need of redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, pursuant to the Redevelopment Law, as well as N.J.S.A. 40A:12-13 and N.J.S.A. 40A:12-16, the Township is authorized to exchange any lands or any rights or interests therein owned by the Township, for other lands or rights or interests therein desired for public use; and

WHEREAS, the Township and Little Flower entered into a Memorandum of Understanding setting forth the general terms and contingencies relating to the potential land exchange, which was subsequently amended by First Amendment to Memorandum of Understanding, Second Amendment to the Memorandum of Understanding, and Third Amendment to Memorandum of Understanding (collectively the "MOU"); and

WHEREAS, the MOU is currently set to expire on March 11, 2016; and

WHEREAS, the Township and Little Flower wish to enter into an Agreement of Sale memorializing the terms and conditions of the land transaction negotiated and agreed upon; and

WHEREAS, the Agreement of Sale, in the form attached hereto, has been reviewed and approved by the Township Attorney, along with the attorney for Little Flower Church; and

WHEREAS, the Township Council finds it to be in the best interest of the Township to enter into the Agreement of Sale with Little Flower Church setting forth the terms and conditions and contingencies of the land transaction.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute the attached Agreement of Sale in substantially the form attached hereto, memorializing the terms and conditions and contingencies of the land transaction for the Township Property and the Little Flower Property, which transaction shall proceed pursuant to the Redevelopment Law.
2. All appropriate Township officials are hereby authorized and directed to proceed with all required actions to satisfy all contingencies contained in the Agreement of Sale and proceed to the closing on this transaction.
3. No funds shall be expended or appropriated for this land transaction until the final Ordinance authorizing same is adopted, which shall appropriate the required funding for the closing on this transaction.

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

APPROVED this 8th day of March, 2016.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 3

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

RESOLUTION

WHEREAS, Berkeley Developers, LLC ("Taxpayer"), the owner of Block 1901, Lot 35 on the Township of Berkeley Heights' Tax Assessment Maps, commonly known as 100 Locust Avenue ("Property"), filed an appeal of its 2014 and 2015 tax assessments in the Tax Court of New Jersey, Docket Nos. 006476-2014 and 007763-2015.

WHEREAS, the Township Council of the Township of Berkeley Heights met and discussed the aforesaid tax appeal and the recommendations of its Township Tax Assessor and its Special Tax Counsel, DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.

WHEREAS, Block 1901, Lot 35 was assessed at \$5,208,600 for the years under appeal; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals have been negotiated which reduces the total tax assessment levied upon Taxpayer's property located at Block 1901, Lot 35; and

WHEREAS, the 2014 total tax assessment, based upon said reduction, will be \$3,900,000 instead of \$5,208,600 for Block 1901, Lot 35; and

WHEREAS, the 2015 total tax assessment, based upon said reduction, will be \$3,600,000 instead of \$5,208,600 for Block 1901, Lot 35; and

WHEREAS, Taxpayer has agreed that any refunds due shall be without interest provided the tax refund is paid within 60 days of the entry of the Tax Court Judgment and shall be paid by refunds or credits, at the discretion of the Tax Collector; and

WHEREAS, the Township Council leaves the allocation between land and improvements of the aforesaid tax assessment reduction to the Township of Berkeley Heights' Tax Assessor's discretion with the direction that the same be set so as to be most beneficial to the Township; and

WHEREAS, the aforesaid reduction has no general application to other properties within the Township of Berkeley Heights as a result of the aforesaid specific fact situation; and

WHEREAS, the Township Council makes this settlement with Taxpayer without prejudice to its dealing with any other Berkeley Heights Township's taxpayers' request for tax assessment reduction; and

WHEREAS, the Mayor and Township Council have reviewed a copy of the proposed Stipulation of Settlement, which is annexed hereto and incorporated herein by this reference.

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

1. The Township of Berkeley Heights' Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$3,900,000 total tax assessment reduction for the 2014 Tax Year for Block 1901, Lot 35, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.
2. The Township of Berkeley Heights' Tax Assessor is hereby directed to establish the allocation between land and improvements of a \$3,600,000 total tax assessment reduction for the 2015 Tax Year for Block 1901, Lot 35, which is most beneficial to the Township of Berkeley Heights and advise the Special Tax Counsel of that allocation.
3. The Special Tax Counsel, Martin Allen, is hereby authorized to execute a Stipulation of Settlement relative to the tax appeal of Berkeley Developers, LLC ("Taxpayer") Docket Nos. 006476-2014 and 007763-2015 which reduces the total tax assessment on Block 1901, Lot 35 from \$5,208,600 to a reduced total tax assessment of \$3,900,000 for the 2014 Tax Year; which reduces the total tax assessment on Block 1901, Lot 35 from \$5,208,600 to a reduced total tax assessment of \$3,600,000 for the 2015 Tax Year; which further provides that any refunds due shall be without interest provided the tax refund is paid within

60 days of entry of the Tax Court Judgment; which further provides that any tax savings shall be paid by refunds or credits, at the discretion of the Tax Collector.

4. The settlement outlined above shall be without prejudice to the Township of Berkeley Heights' dealings with any other Township taxpayers' request for tax assessment reductions.

APPROVED this 8th day of March, 2015.

ATTEST:

Ana Minkoff

Township Clerk

Michael J. Donnelly, Esq.
Attorney ID No. 004641999
LASSER HOCHMAN, L.L.C.
Attorneys for Plaintiff
75 Eisenhower Parkway
Roseland, New Jersey 07068
(973) 226-2700

TAX COURT OF NEW JERSEY
DOCKET NO. 006476-2014
DOCKET NO. 007763-2015

BERKELEY DEVELOPERS, LLC,

Plaintiff,

Civil Action

vs.

STIPULATION OF SETTLEMENT
(Without Affidavit)

TOWNSHIP OF BERKELEY HEIGHTS,

Defendant.

Assigned Judge: Novin
First Calendar Date:

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

Block: 1901
Lot: 35
Street Address: 100 Lucust Avenue
Year: 2014

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$1,528,500	None	\$1,528,500
Improvements:	\$3,680,100	Direct	\$2,371,500
Total:	\$5,208,600	Appeal	\$3,900,000

Year: 2015

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Tax Court Judgment</u>
Land:	\$1,528,500	None	\$1,528,500
Improvements:	\$3,680,100	Direct	\$2,071,500
Total:	\$5,208,600	Appeal	\$3,600,000

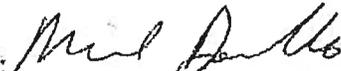
2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

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

5. It is further stipulated and agreed that the tax savings shall be paid by refunds or credits, at the discretion of the Tax Collector of Berkeley Heights.

LASSER HOCHMAN, L.L.C.

By: 
MICHAEL J. DONNELLY, ESQ.
Attorney for Plaintiff

TOWNSHIP OF BERKELEY HEIGHTS

By: _____
SANDRA BELLI, ESQ.
Attorney for Defendant

Dated: February 10, 2016

EXPLANATORY STATEMENT: This Ordinance amends and revises the fees for 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 ~~\$58.00~~ \$58.00 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 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 _____, 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, 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 **March 8, 2016** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **March 22, 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**