



**VIII. APPROVAL OF MINUTES –**

**Public Meeting – February 23, 2016, March 8, 2016**

**Executive Session - January 23, 2014, February 25, 2014 and March 11, 2014**

**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 MARCH 8, 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.

**XI. NEW BUSINESS- RESOLUTIONS**

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

**A. RESOLUTIONS**

1. Resolution approving Bill List dated March 22, 2016 in the amount of \$558,895.40
2. Resolution authorizing the Township to sell the surplus property on the State approved online auction website of ([www.GovDeals.Com](http://www.GovDeals.Com)).
3. Resolution requesting that the County of Union adopt an ordinance, resolution or other appropriate instrument to impose parking regulations on a portion of Springfield Avenue.
4. Resolution authorizing an agreement with Econsult Solutions Inc.
5. Resolution authorizing a transfer within the 2015 Municipal Budget and Reserves.

**6. 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 a cash bond to Mr. & Mrs. Oliveira, 43 Shadow Lane, for a street opening permit, in the amount of \$700.00.
- b. Resolution authorizing the release of a cash bond to Mr. Paul Vikan, 84 Berkshire Drive, for a street opening permit, in the amount of \$700.00.
- c. Resolution authorizing the release of a cash bond to Tokash Enterprise, Inc., 292 Washington Street, for a street opening permit, in the amount of \$700.00.
- d. Resolution removing Bill Masullo, 1613 Springfield Avenue, New Providence, from the active roster of the Berkeley Heights Volunteer Fire Department.

**XI. INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for April 5, 2016:**

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2015, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45,14)”**

**XII. INTRODUCTION OF 2016 MUNICIPAL BUDGET**

**Approval of 2016 Municipal Budget for introduction and establishing April 19, 2016 as date of public hearing and final adoption.**

**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**

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 \$85.00 per hour per officer, plus an administrative fee of ~~\$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 \$90.00 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~~75.00 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**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
D'AGUILA	✓			
DELLA	✓			
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 MARCH 8, 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, 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 March 22, 2016.

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

Agenda Item # |

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

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 3/22/16, in the amount of \$558,895.40 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 22nd day of March, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

Agenda Item No.: 2

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

**RESOLUTION**

**AUTHORIZING THE SALE OF SURPLUS PERSONAL  
PROPERTY NO LONGER NEEDED FOR PUBLIC USE  
ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, the Township of Berkeley Heights has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

**WHEREAS**, the *Township* intends to utilize the online auction services of GovDeals located at [www.GovDeals.com](http://www.GovDeals.com); and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9; and

**WHEREAS**, Township Council finds it to be in the best interests of the Township to authorize the sale of the surplus property identified on Schedule A by online public auction.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township is hereby authorized to sell the surplus personal property as indicated on Schedule A on the State-approved online auction website of GovDeals ([www.GovDeals.com](http://www.GovDeals.com)).

**BE IT FURTHER RESOLVED** that the terms and conditions of the agreement entered into between GovDeals and the Township of Berkeley Heights are available at [www.GovDeals.com](http://www.GovDeals.com) and in the Township Clerk's office.

**BE IT FURTHER RESOLVED** that a certified copy of the within Resolution be forwarded by the Township Clerk to the New Jersey Division of Local Government Services and GovDeals.

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

**APPROVED** this 22nd day of March , 2016.

**ATTEST:**

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

<u>Asset ID</u>	<u>Inventory ID</u>	<u>Description</u>	<u>VIN #</u>
41		Lot of LED Traffic Signals (red/yellow/green)	
42		Lot of Multi-Colored C9 Lightbulbs	
43		Lot of (3) Tires	
44	Truck 3 - Rec Dept	1988 Dodge D350 2WD Truck	1B6MD3457J5789853
45	#4	2003 Ford Crown Victoria Police Interceptor	2FAFP71WX3X125049
46		Billy Goat Leaf Vacuum	
47		Giant Vac Tow-Behind Leaf Vacuum	
48		Dayton 100-Amp Arc Welder	
49		(2) Lightbars	
50		2008 Ford Crown Victoria Police Interceptor	2FAFP71V98X179439
51		2005 Ford Crown Victoria Police Interceptor	2FAHP71WX5X125614
52		Parts Washer	

EXPLANATORY STATEMENT: This Resolution requests the County of Union to impose certain parking restrictions along a portion of the County's right-of-way known as County Route 512 (Springfield Avenue) in the Township.

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

**RESOLUTION**

**WHEREAS**, the County of Union has a right-of-way known as County Route 512 or Springfield Avenue that transverses through the Township of Berkeley Heights; and

**WHEREAS**, the Township has received complaints from property owners and businesses located along Springfield Avenue of vehicles being parked for long periods of time, possibly by commuters utilizing the New Jersey Transit train station in the Township; and

**WHEREAS**, the Township has investigated the complaints and determined there are vehicles being parked along Springfield Avenue for extended periods of time; and

**WHEREAS**, the Township believes that these vehicles being parked along Springfield Avenue are vehicles of commuters utilizing the train station, which is adversely affecting the commercial businesses on Springfield Avenue; and

**WHEREAS**, pursuant to N.J.S.A. 39:4-201, the County of Union is authorized to enact resolutions which regulate the parking of vehicles on streets and portions thereof; and

**WHEREAS**, the Township feels that the imposition of certain parking restrictions along a portion of Springfield Avenue will address the long term parking issue; and

**WHEREAS**, the Township Council finds it in the best interest of the Township and the public to officially request that the County adopt parking regulations along a portion of Springfield Avenue as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that the Township of Berkeley Heights hereby requests that the County of Union adopt an ordinance, resolution or other appropriate instrument to impose the following parking restrictions on a portion of the County's right-of-way identified as County Route 512 or Springfield Avenue:

- Both sides of County Route 512 (Springfield Avenue), between the intersections of Station Court to Passaic Avenue, there shall be a parking limit of not more than two (2) hours from Monday through Friday between 8:00 a.m. and 6:00 p.m.

**BE IT FURTHER RESOLVED** that any existing County or State parking restrictions affecting those portions of County Route 512 (Springfield Avenue) at intersections with other right-of-ways shall not be affected by this new parking restriction.

**BE IT FURTHER RESOLVED** that if the County of Union does not enact the requested parking regulation, the Township hereby requests the County to grant the Township consent to impose such a parking restriction by local ordinance pursuant to N.J.S.A. 39:4-197.2.

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby directed to provide a certified copy of this Resolution to the Administrator, Clerk and Board of Freeholders of the County of Union.

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

**APPROVED** this 22nd day of March, 2016.

**ATTEST:**

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**Ana Minkoff**  
**Township Clerk**

# 4

**RESOLUTION FOR APPROVING ENTERING INTO  
AGREEMENT WITH ECONSULT INDIVIDUALLY**

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

**WHEREAS**, the Township Council of the Township of Berkeley Heights entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained to prepare an expert report (the “Burchell Report”); and

**WHEREAS**, the Township of Berkeley Heights contributed \$2,000 to become a member of a consortium of municipalities (hereinafter “Municipal Group”) so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter “Research Agreement”) for the purpose of having Dr. Burchell prepare a fair share report (hereinafter “Burchell Report”); and

**WHEREAS**, Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA required a modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification, and said Amendment was entered into by the Township of Berkeley Heights; and

**WHEREAS**, the Amendment authorized the execution of an agreement with Econsult Solutions, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepared its own revised report; and

**WHEREAS**, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

**WHEREAS**, the MSSDA as amended, entitled Members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

**WHEREAS**, any Member of the Municipal Group could retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular

judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

**WHEREAS**, the purpose of this resolution is to retain ESI individually; and

**WHEREAS**, the proposed individual agreement, attached hereto, envisions that ESI will split its work if it prepares a report that benefits multiple municipalities; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Berkeley Heights as follows:

1. The Township of Berkeley Heights hereby authorizes its attorney to sign the agreement, attached hereto, on its behalf.
2. This Resolution shall take effect immediately.

**APPROVED this 22<sup>nd</sup> day of March 22, 2016.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

A5

**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, Union County, New Jersey, in the meeting assembled, that the following transfers within the 2015 Municipal Budget and Reserves are hereby authorized:

<u>Account Description</u>	<u>To:</u>	<u>From:</u>
Financial Administration O/E	\$ 250.00	
Tax Assessment O/E	2,750.00	
Affordable Housing O/E	100.00	
Streets & Roads O/E	750.00	
Public Health Services O/E	2,400.00	
Electricity O/E	15,500.00	
Legal O/E		\$ 21,750.00
TOTALS	<u>\$ 21,750.00</u>	<u>\$ 21,750.00</u>

**APPROVED** this 22<sup>nd</sup> day of March, 2016.

ATTEST:

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

TOWNSHIP OF BERKELEY HEIGHTS  
APPROPRIATION RESERVES TRANSFER RESOLUTION  
EXPLANATORY STATEMENT

Account Description / Number		Amount	
To:	From:	To:	From:
Financial Administration O/E	Legal O/E	\$ 250.00	\$ 250.00
		\$ 250.00	\$ 250.00
<u>Explanatory Statement:</u>			
Final year end billings.			
Tax Assessment O/E	Legal O/E	\$ 2,750.00	\$ 2,750.00
		\$ 2,750.00	\$ 2,750.00
<u>Explanatory Statement:</u>			
Final year end billings.			
Affordable Housing O/E	Legal O/E	\$ 100.00	\$ 100.00
		\$ 100.00	\$ 100.00
<u>Explanatory Statement:</u>			
Final year end billings.			
Streets & Roads O/E	Legal O/E	\$ 750.00	\$ 750.00
		\$ 750.00	\$ 750.00
<u>Explanatory Statement:</u>			
Final year end billings.			
Public Helath Services O/E	Legal O/E	\$ 2,400.00	\$ 2,400.00
		\$ 2,400.00	\$ 2,400.00
<u>Explanatory Statement:</u>			
Final year end billings.			
Electricity O/E	Legal O/E	\$ 15,500.00	\$ 15,500.00
		\$ 15,500.00	\$ 15,500.00
<u>Explanatory Statement:</u>			
Final year end billings.			
		\$ 21,750.00	\$ 21,750.00

6a

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

**RESOLUTION**

**WHEREAS**, Mr. & Mrs. Antonio Oliveira were required to post a cash bond, Permit #3234, in the amount of \$700.00, in connection with work being performed at 43 Shadow Lane, the Township Engineer has recommended by letter dated March 11, 2016 a full release of the cash bond in the amount of \$700.00, Account # S17-48-388-468.

**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. Oliveira 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 Township Treasurer and Township Engineer.

**APPROVED** this 22nd day of March, 2016.

**ATTEST:**

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

6b

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

**RESOLUTION**

**WHEREAS**, Mr. Paul Vikan was required to post a cash bond, Permit #3213, in the amount of \$700.00, in connection with work being performed at 84 Berkshire Drive, the Township Engineer has recommended by letter dated March 11, 2016 a full release of the cash bond in the amount of \$700.00, Account # S17-48-388-260.

**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. Paul Vikan 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 the Township Treasurer and Township Engineer.

**APPROVED** this 22nd day of March, 2016.

**ATTEST:**

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

6 C

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

**RESOLUTION**

**WHEREAS**, Tokash Enterprise, Inc. was required to post a cash bond, Permit #2767, in the amount of \$700.00, in connection with work being performed at 292 Washington Street, the Township Engineer has recommended by letter dated March 11, 2016, a full release of the cash bond in the amount of \$700.00, Account # S17-48-326-510.

**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 Tokash Enterprises, Inc. 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 the Township Treasurer and Township Engineer.

**APPROVED** this 22nd day of March, 2016.

**ATTEST:**

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

Agenda Item# 6d

**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;

**Bill Masullo, 1613 Springfield Avenue, New Providence, NJ**

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

**APPROVED** this 22nd day of March, 2016.

**ATTEST:**

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

**TOWNSHIP OF BERKELEY HEIGHTS  
CALENDAR YEAR 2016  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Township of Berkeley Heights, in the County of Union, finds it advisable and necessary to increase its CY 2016 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$491,638.17 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Berkeley Heights, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Berkeley Heights shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$491,638.17, and that the CY 2016 municipal budget for the Township of Berkeley Heights be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

\_\_\_\_\_  
Robert Woodruff, Mayor

\_\_\_\_\_  
Ana Minkoff, Municipal Clerk

Introduced:  
Public Hearing:  
Adopted:

I, HEREBY certify that the foregoing is a true copy of an Ordinance introduced by the Governing Body of the Township of Berkeley Heights, New Jersey at a meeting on the 22nd day of March, 2016.

\_\_\_\_\_  
Ana Minkoff, Municipal Clerk

**NOTICE OF  
INTRODUCTION**

**Ordinance -2016**

**TOWNSHIP OF BERKELEY HEIGHTS  
CALENDAR YEAR 2016 ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

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 22, 2016** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **April 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**