



**VII. ADMINISTRATION REPORTS**

**Mayor Woodruff  
Township Administrator – John Bussicolo**

**VIII. APPROVAL OF MINUTES –**

**Public Meeting –May 10, 2016  
Executive Session – September 9, 2014, September 23, 2014, October 21, 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 ORDINANCES INTRODUCED ON MAY 10, 2016.**

**(1)“REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS, SERIES 2003 AND SERIES 2009A, APPROPRIATING \$5,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF GENERAL IMPROVEMENT REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,700,000 FOR FINANCING THE COST THEREOF.”**

**\*\*\*\*\*Final adoption of this ordinance will be on June 14, 2016\*\*\*\*\***

**(2) “An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Procedure Ordinances to Amend the Design Standards Set Forth in Part 19. “**

**XI .NEW BUSINESS- RESOLUTIONS**

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

**A. RESOLUTIONS**

1. Resolution approving Bill List dated May 24, 2016 in the amount of \$486,831.29.
2. Resolution determining the form and other details of not to exceed \$5,7000,000.00 general improvement refunding bonds, series 2016, or such other amount as determined by the Chief Financial Officer to accomplish the refunding on the terms required by the Local Finance Board pursuant to N.J.A.C 5:30-2.5.

3. Resolution authorizing the Township to join the Municipal Pipeline Group and authorize the retention of the Scarinci Hollenbeck law firm to preserve the Township's rights and interests in the proposed Pilgrim Oil Pipeline Project.
4. Resolution authorizing a contract with Keystone Engineering Group for the provision of Services for Design of a Supervisory Control and Data Acquisition (SCADA) System for the Water Pollution Control Plant in the amount not to exceed \$87,000.00.
5. Resolution authorizing the Street Fair on Sunday, June 26, 2016.

**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 Maintenance Bond, for work performed at Enrite Service Station, 525 Springfield Avenue in the amount of \$5,418.60.
- b. Resolution authorizing a release of a Cash Bond in the amount of \$700.00 to Joachim Goritschnig, in connection with work performed at 303 Timber Drive.
- c. Resolution authorizing a release of a Cash Bond in the amount of \$700.00 to Julie & Alexander Stuart, in connection with work performed at 88 Hillside Avenue .
- d. Resolution authorizing the Tax Collector to refund the following 2016 tax overpayment:
 

1 <sup>ST</sup> Constitution Bank	6 Harding Drive	\$2,592.18
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- e. Resolution authorizing Garden State Fireworks to hold fireworks displays on July 12 thru July 16, 2016 and on December 31, 2016.

**XII. INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for June 14, 2016:**

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Township’s Municipal Complex Pursuant to the Local Redevelopment and Housing Law.”**

**XIII. CITIZENS HEARING - 3 minutes per resident**

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

**XIV. EXECUTIVE SESSION –**

1. Attorney/Client Privilege- Litigation- Matula v. Berkeley Heights
2. Attorney-Client Privilege / Contract Negotiations – Connell

**XV. ADJOURNMENT**

**Ana Minkoff  
Township Clerk**

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REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS, SERIES 2003 AND SERIES 2009A, APPROPRIATING \$5,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF GENERAL IMPROVEMENT REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,700,000 FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of Berkeley Heights, in the County of Union, New Jersey (the "Township"), is hereby authorized to refund all or a portion of the (i) \$910,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2003, originally issued in the principal amount of \$4,000,000, dated October 1, 2003, which amount matures on October 1 in each of the years 2016 through 2018, inclusive (the "2003 Refunded Bonds") and which are subject to redemption on or after October 1, 2013 at the option of the Township at a redemption price of 100% of the principal amount of the 2003 Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption; and (ii) \$4,134,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2009A, originally issued in the principal amount of \$7,604,000, dated December 1, 2009, which amount matures on December 1 in each of the years 2019 through 2027, inclusive (the "2009 Refunded Bonds" and, together with the 2003 Refunded Bonds, the "Refunded Bonds") and which are subject to redemption on or after December 1, 2019 at the option of the Township at a redemption price of 100% of the principal amount of the 2009 Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof and the costs of issuance associated therewith, negotiable refunding bonds are hereby authorized to be issued in one or more series in the aggregate principal amount not exceeding \$5,700,000 (the "Refunding Bonds") pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The Township desires to provide for all or a portion of the principal amount of the Refunded Bonds outstanding and the interest and redemption premium, if any, thereon in order to provide for savings in debt service as a result of lower interest rates in the bond markets.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township is increased by the authorization of the Refunding Bonds provided in this refunding bond ordinance by \$5,700,000, and that an amount representing the

principal amount of the Refunded Bonds equal to \$5,044,000 will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by that law.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, which consent will be so endorsed in accordance with N.J.A.C. 5:30-2.5.

**APPROVED** this 10<sup>th</sup> day of May, 2016.

**ATTEST:**

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Ana Minkoff

Township Clerk

## NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Berkeley Heights, in the County of Union, State of New Jersey, on May 10, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at 29 Park Avenue, Berkeley Heights on May 24, 2016 at 7:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title: REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS, SERIES 2003 AND SERIES 2009A, APPROPRIATING \$5,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF GENERAL IMPROVEMENT REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,700,000 FOR FINANCING THE COST THEREOF.**

**Purposes: To refund all or a portion of the (i) \$910,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2003, originally issued in the principal amount of \$4,000,000, dated October 1, 2003, which amount matures on October 1 in each of the years 2016 through 2018, inclusive (the "2003 Refunded Bonds") and which are subject to redemption on or after October 1, 2013 at the option of the Township at a redemption price of 100% of the principal amount of the 2003 Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption; and (ii) \$4,134,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2009A, originally issued in the principal amount of \$7,604,000, dated December 1, 2009, which amount matures on December 1 in each of the years 2019 through 2027, inclusive (the "2009 Refunded Bonds" and, together with the 2003 Refunded Bonds, the "Refunded Bonds") and which are subject to redemption on or after December 1, 2019 at the option of the Township at a redemption price of 100% of the principal amount of the 2009 Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption.**

**Appropriation: \$5,700,000**

**Bonds/Notes Authorized: \$5,700,000**

**Grant Appropriated: N/A**

**Section 51 Costs: \$125,000**

**Useful Life: N/A**

**Ana Minkoff, Clerk**

**This Notice is published pursuant to N.J.S.A. 40A:2-17.**

## BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Berkeley Heights, in the County of Union, State of New Jersey on May 24, 2016 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

**Title:** REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS, SERIES 2003 AND SERIES 2009A, APPROPRIATING \$5,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF GENERAL IMPROVEMENT REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,700,000 FOR FINANCING THE COST THEREOF.

**Purposes:** To refund all or a portion of the (i) \$910,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2003, originally issued in the principal amount of \$4,000,000, dated October 1, 2003, which amount matures on October 1 in each of the years 2016 through 2018, inclusive (the "2003 Refunded Bonds") and which are subject to redemption on or after October 1, 2013 at the option of the Township at a redemption price of 100% of the principal amount of the 2003 Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption; and (ii) \$4,134,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2009A, originally issued in the principal amount of \$7,604,000, dated December 1, 2009, which amount matures on December 1 in each of the years 2019 through 2027, inclusive (the "2009 Refunded Bonds" and, together with the 2003 Refunded Bonds, the "Refunded Bonds") and which are subject to redemption on or after December 1, 2019 at the option of the Township at a redemption price of 100% of the principal amount of the 2009 Refunded Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption.

**Appropriation:** \$5,700,000

**Bonds/Notes Authorized:** \$5,700,000

**Grant Appropriated:** N/A

**Section 51 Costs:** \$125,000

**Useful Life:** N/A

**Useful Life:** 15.03 years

Ana Minkoff, Clerk

**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 5/24/16, in the amount of \$486,831.29 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 24th day of May, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

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

**RESOLUTION**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$5,700,000 GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2016, OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY OR SUCH OTHER AMOUNT AS DETERMINED BY THE CHIEF FINANCIAL OFFICER TO ACCOMPLISH THE REFUNDING ON THE TERMS REQUIRED BY THE LOCAL FINANCE BOARD PURSUANT TO N.J.A.C. 5:30-2.5 AND CONSISTENT WITH THE REFUNDING PROVISIONS OF THE INTERNAL REVENUE CODE AND PROVIDING FOR THE SALE AND THE DELIVERY OF SUCH BONDS TO RBC CAPITAL MARKETS, LLC.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. An amount not to exceed \$5,700,000 of General Improvement Refunding Bonds of the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township"), in specific amounts to be determined as provided herein and as more fully described in a refunding bond ordinance finally adopted by the Township pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* on May 24, 2016, and entitled, "Refunding Bond Ordinance of the Township of Berkeley Heights, in the County of Union, New Jersey, Providing for the Refunding of All or a Portion of General Obligation General Improvement Bonds, Series 2003 and Series 2009A, Appropriating \$5,700,000 Therefor and Authorizing the Issuance by the Township of General Improvement Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$5,700,000 for Financing the Cost Thereof", shall be issued as "General Improvement Refunding Bonds, Series 2016" (the "Bonds").

Section 2. The Bonds are hereby authorized to be sold to RBC Capital Markets, LLC, Parsippany, New Jersey (the "Underwriter") at a purchase price determined by the parameters set forth below and otherwise consistent with the parameters set by the Local

Finance Board in the Division of Local Government Services, Department of Community Affairs (the "Local Finance Board") pursuant to *N.J.A.C. 5:30-2.5* (the "LFB Refunding Parameters"):

- (a) the principal amount of the Bonds does not exceed \$5,700,000;
- (b) the net present value savings is at least three percent of the par amount of the Refunded Bonds (as defined herein);
- (c) the debt service on the Bonds shall be structured such that no annual debt service payment is more than the annual debt service payment on the Refunded Bonds in the same year;
- (d) the final year of maturity of the Bonds does not exceed the final year of maturity of the Refunded Bonds;
- (e) the debt service savings are substantially level in each year across the life of the refunding;
- (f) the True Interest Cost of the Bonds does not exceed an interest rate that would enable the Township to complete the refunding within the LFB Refunding Parameters; and
- (g) the Underwriter's discount does not exceed \$5.50 per \$1,000 of Bonds issued.

Section 3. The Mayor and/or the Chief Financial Officer are hereby authorized and directed, without further authorization, to enter into and execute a bond purchase contract (the "Purchase Contract") on behalf of the Township with the Underwriter in the form satisfactory to Bond Counsel (as defined herein) and upon terms consistent with the above parameters. Upon execution of the Purchase Contract, the signature of the Mayor and/or the Chief Financial Officer shall be conclusively presumed to evidence any necessary approvals for the sale of the Bonds. If the Chief Financial Officer, after consultation with the Underwriter, determines that the above parameters cannot be satisfied in the present market, the Bonds shall not be sold until such time as said parameters may be amended, in whole or in part, or a sale on different terms is otherwise approved by resolution of this Township Council.

Section 4. (a) The Bonds shall be issued in the par amounts consistent with the parameters set forth in Section 2 hereof and determined by the Chief Financial Officer to be necessary to pay costs of issuance and to provide an escrow fund that, when invested, will be sufficient to provide for the timely payment of the redemption price of and interest on the following outstanding bonds:

- (i) \$910,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2003, originally issued in the principal amount of \$4,000,000, dated October 1, 2003, which amount matures on October 1 in each of the years 2016 through 2018, inclusive (the "2003 Refunded Bonds"); and
- (ii) \$4,134,000 outstanding principal amount of General Obligation General Improvement Bonds, Series 2009A, originally issued in the principal amount of \$7,604,000, dated December 1, 2009, which amount matures on December 1 in each of the years 2019 through 2027, inclusive (the "2009 Refunded Bonds" and, together with the 2003 Refunded Bonds, the "Refunded Bonds").

(b) The Bonds shall be dated and shall bear interest at the rates per annum as the Chief Financial Officer shall determine.

(c) The Bonds shall be numbered and have such prefix or prefixes as determined necessary by the Chief Financial Officer and be sold and issued with such serial maturities or with such term bond maturities payable from mandatory sinking fund payments made by the Township as determined in the Purchase Contract.

(d) The Bonds shall mature in each of the years 2016 to 2027, inclusive, or such other years and in the principal amounts as may be determined by the Chief Financial Officer and shall bear interest on the dates as may be determined by the Chief Financial Officer.

(e) The Bonds may be subject to redemption prior to their stated maturities on terms approved by the Chief Financial Officer.

(f) The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each

certificate will be registered in the name of CEDE & Co., as nominee of The Depository Trust Company, Jersey City, New Jersey, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with the Securities Depository. The Securities Depository will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records recording the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases may be made in the principal amount of \$5,000 through book-entries made on the books and the records of the Securities Depository and its participants.

(g) The principal of and the interest on the Bonds will be paid to the Securities Depository by the Township on the respective principal and interest payment dates and will be credited on the respective principal and interest payment dates to the participants of the Securities Depository as listed on the records of the Securities Depository as of the 15<sup>th</sup> day prior to such principal and interest payment dates (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal of the Township (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

Section 5. The Mayor and/or Chief Financial Officer are each hereby authorized and directed to pay all costs of issuance in connection with the sale of the Bonds pursuant to a certificate of the Mayor and/or Chief Financial Officer to be executed upon delivery of the Bonds, each such cost in an amount not to exceed the amount set forth in Exhibit A attached hereto or, if in any greater amount, only upon the prior approval of the Township in accordance with the customary procedure for approval and payment of bills.

Section 6. The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to market the Bonds:

[FORM OF BOND]

REGISTERED  
NUMBER GIR- \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF UNION

TOWNSHIP OF BERKELEY HEIGHTS

GENERAL IMPROVEMENT REFUNDING BOND, SERIES 2016

PRINCIPAL AMOUNT:

DATED DATE:

MATURITY DATE:

INTEREST PAYMENT DATES:

INITIAL INTEREST PAYMENT DATE:

RATE OF INTEREST PER ANNUM:

CUSIP NUMBER:

TOWNSHIP OF BERKELEY HEIGHTS, in the County of Union, New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to CEDE & Co., as nominee of The Depository Trust Company, which will act as Securities Depository, on the MATURITY DATE, the PRINCIPAL AMOUNT, and to pay interest on such sum from the DATED DATE of this bond until the MATURITY DATE at the RATE OF INTEREST PER ANNUM semiannually on the INTEREST PAYMENT DATES in each year until maturity, commencing on the INITIAL INTEREST PAYMENT DATE. Interest on this bond will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the 15<sup>th</sup> day prior to each INTEREST PAYMENT DATE next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest. The participants are responsible for maintaining the records regarding the beneficial ownership interest in the bonds on behalf of the individual purchasers except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants.

[The Bonds are not subject to redemption prior to their stated maturity.

The Bonds maturing prior to \_\_\_\_\_, 20\_\_ are not subject to optional redemption prior to maturity. The Bonds maturing on or after \_\_\_\_\_, 20\_\_ are subject to redemption on or after \_\_\_\_\_, 20\_\_ at \_\_\_\_\_% of the principal amount

thereof (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed Bond Registrar. Any failure of the securities depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township; the bonds to be redeemed having the same maturity shall be selected by the securities depository in accordance with its regulations.

So long as CEDE & Co., as nominee of DTC, is the registered owner of the Bonds, the Township shall send redemption notices only to CEDE & Co.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date. Payment shall be made upon surrender of the bonds redeemed.

As long as The Depository Trust Company is the securities depository for the Bonds as provided herein, the procedures of The Depository Trust Company will determine the method of selection for redemption within a maturity. Otherwise, it will be by lot or by a similar method.]

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, a refunding bond ordinance of the Township, finally adopted May 24, 2016, and entitled, "Refunding Bond Ordinance of the Township of Berkeley Heights, in the County of Union, New Jersey, Providing for the Refunding of All or a Portion of General Obligation General Improvement Bonds, Series 2003 and Series 2009A, Appropriating \$5,700,000 Therefor and Authorizing the Issuance by the Township of General Improvement Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$5,700,000 for Financing the Cost Thereof" and a resolution of the Township adopted May 24, 2016.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the Township of Berkeley Heights has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be

attested by the manual or facsimile signature of its Township Clerk and this bond to be dated the Dated Date as specified above.

ATTEST:

TOWNSHIP OF BERKELEY HEIGHTS

By: [executed at delivery of bonds]  
Township Clerk

By: [executed at delivery of bonds]  
Mayor

By: [executed at delivery of bonds]  
Chief Financial Officer

[END OF FORM OF BOND]

Section 7. The law firm of McManimon, Scotland & Baumann, LLC ("Bond Counsel") is authorized to arrange for the printing of the Bonds. The proper officials of the Township are hereby authorized and directed to execute the Bonds and to deliver them to the purchaser upon receipt of payment therefor.

Section 8. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Bond Counsel, complete except for omission of its date. The Clerk is hereby authorized and directed to certify the truth and the correctness of the copy of such opinion by executing on each of the Bonds by facsimile signature a certificate in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 9. The Bonds are being issued to refund the Refunded Bonds. The Chief Financial Officer shall take all steps necessary to redeem the Refunded Bonds on the first available redemption date at the applicable redemption price, deposit the proceeds of the Bonds with a bank for the purpose of defeasing the Refunded Bonds, invest the proceeds of the Bonds for this purpose and assist with the redemption of the Refunded Bonds. The Chief Financial

Officer is hereby authorized to enter into an agreement with a bank (the "Escrow Deposit Agreement") to effectuate the purpose of this Section 9.

Section 10. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986 (the "Code") in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, and that it will refrain from taking any action that would adversely affect the tax exemption of the Bonds under the Code.

Section 11. The Township hereby approves the preparation and the distribution of the Official Statement on behalf of the Township in the form approved or to be approved by the Chief Financial Officer. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Mayor or the Chief Financial Officer. The Preliminary Official Statement shall be prepared in final form in connection with the issuance of the Bonds and the Mayor and/or the Chief Financial Officer of the Township are authorized to execute any certificates necessary in connection with the distribution of the Official Statement. Final Official Statements shall be delivered to the Underwriter of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the Underwriter's confirmations that request payment for the Bonds.

Section 12. The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with the Securities Depository, as may be necessary in order to provide that the Bonds will be eligible for deposit with the Securities Depository and to satisfy any obligation undertaken in connection therewith.

Section 13. In the event that the Securities Depository may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor securities depository is appointed, the Bonds which were previously issued in

book-entry form shall be converted to Registered Bonds (the "Registered Bonds") in denominations of \$5,000. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of such Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

Section 14. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(i) On or prior to 270 days from the end of each fiscal year, beginning with the fiscal year ending December 31 of the year in which the Bonds are issued to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Dataport (the "MSRB"), annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (i) Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township, (ii) property valuation information, and (iii) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;

(ii) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB notice of any of the following events with respect to the Bonds (herein "Material Events"):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability. Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation

by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person;

(iii) in a timely manner to the MSRB notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution.

(b) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(c) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(d) In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this certificate, the Township shall not be liable for monetary damages. The sole remedy is hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

(e) The undertaking may be amended by the Township from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, which in the opinion of nationally recognized bond counsel complies with the Rule.

(f) There can be no assurance that there will be a secondary market for the sale or purchase of the Bonds. Such factors as prevailing market conditions, financial condition or

market position of firms who may make the secondary market and the financial condition of the Township may affect the future liquidity of the Bonds.

Section 15. The Mayor, the Chief Financial Officer, the Clerk and other appropriate representatives of the Township are hereby authorized to take all steps necessary to provide for the issuance of the Bonds and the refunding of the Refunded Bonds, including preparing and executing such agreements and documents on behalf of the Township, satisfying in full the requirements of notice of redemption of the Refunded Bonds and taking all steps necessary or desirable to implement this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby.

Section 16. This resolution shall take effect immediately.

**APPROVED this 24<sup>th</sup> day of May, 2016.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

[Remainder of page intentionally left blank. Exhibit A to this Resolution follows.]

**EXHIBIT A**

**FEES IN CONNECTION WITH THE ISSUANCE OF THE REFUNDING BONDS**

McElroy, Deutsche, Mulvaney & Carpenter, LLP, as General Counsel	\$5,000
McManimon, Scotland & Baumann, LLC, as Bond Counsel	\$25,000
RBC Capital Markets, LLC, as Underwriter	\$5.50/bond
Samuel Klein & Co., as Auditor	\$12,500
Verification Agent (To Be Determined)	\$5,000
Escrow Agent (To Be Determined)	\$4,500
Printer (To Be Determined)	\$2,000
Rating Agency (To Be Determined)	\$15,000
Bond Insurance	*
Miscellaneous	\$10,000

\* To the extent the Underwriter determines that the purchase of a bond insurance policy results in a lower interest rate on the Bonds and produces a savings which is greater than the cost of such bond insurance policy, the Underwriter is authorized to purchase such bond insurance policy to raise the credit rating on the Bonds, lower the interest rate on the Bonds and increase the total net debt service savings produced by the refunding.

To the extent that there are other fees or in excess of the amounts referenced above, they shall be approved by separate action by the Township Council before such payment is made.

Agenda Item No.: 3

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

**RESOLUTION**

**WHEREAS**, there Township of Berkeley Heights has expressed its opposition to the proposed Pilgrim Oil Pipeline Project, which would extend through a portion of the Township; and

**WHEREAS**, the Township has been asked to join a municipal group working together to advance and assert their common claims and positions relating to the siting and approval of the proposed Pilgrim Oil Pipeline Project (the "Municipal Pipeline Group"); and

**WHEREAS**, to participate in the Municipal Pipeline Group, the Township must entered into a Joint Defense and Confidentiality Agreement outlining the terms, conditions and responsibilities of participation in the Municipal Pipeline Group; and

**WHEREAS**, the Municipal Pipeline Group has retained the law firm of Scarinci Hollenbeck to represent the Group in connection with preserving each municipality's interests in the proposed Pilgrim Oil Pipeline Project, which requires each participating municipality to retain the law firm individually as well as make its share of payments towards the legal work directly; and

**WHEREAS**, the Scarinci Hollenbeck firm provided a proposal dated March 11, 2016 for the provision of legal services for the Municipal Pipeline Group, and the municipality's individual responsibilities with regard to same (the "Proposal") for a total amount of fee (including all participating municipalities) not to exceed \$63,000.00, along with additional costs for attendance at meetings or subsequent reports; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 *et seq.*, more specifically N.J.S.A. 40A:11-5 allows for the awarding of a contract for "professional services" without public advertising for bids; and

**WHEREAS**, prior to the execution of a contract Scarinci Hollenbeck will have completed and submitted a Business Entity Disclosure Certification which certifies that no member with a controlling interest of 10% or more has made any reportable contributions to a political or candidate committee in the Mayor or Township Council of the Township of Berkeley Heights in the previous year, and that the contract will prohibit such persons from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, this was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township to join the Municipal Pipeline Group, enter into the Joint Defense and Confidentiality Agreement,

and authorize the retention of the Scarinci Hollenbeck law firm to preserve the Township's rights and interests in the proposed Pilgrim Oil Pipeline Project.

**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 Township hereby agrees to participate in the Municipal Pipeline Group for the joint defense and preservation of the Township's rights and interests in the proposed Pilgrim Oil Pipeline Project.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Joint Defense and Confidentiality Agreement in substantially the form attached hereto.
2. The Township hereby authorizes the retention of the Scarinci Hollenbeck law firm pursuant to the terms of the Proposal and the Joint Defense and Confidentiality Agreement, which retention is being awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5.
3. A certificate showing the availability of funds for the Township's contribution towards the retention of the Scarinci Hollenbeck law firm herein authorized has been provided and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable \_\_\_\_\_.
4. The Business Disclosure Entity Certification from the Scarinci Hollenbeck law firm shall be placed on file with this Resolution.
5. A notice of this action shall be printed in the official newspapers required by law within ten (10) days of its passage.
6. The appropriate Township officials are hereby authorized to take all actions to actively participate in the Municipal Pipeline Group and comply with the terms of the Joint Defense and Confidentiality Agreement to preserve the Township's rights and interests in the proposed Pilgrim Oil Pipeline Project.

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

**APPROVED** this 24<sup>th</sup> day of May, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

#-4

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

**RESOLUTION**

**WHEREAS**, the Township accepted Request for Qualifications for Engineering Services for Design of a Supervisory Control and Data Acquisition (SCADA) System on April 5, 2016 for the Water Pollution Control Plant; and

**WHEREAS**, by letter dated May 4, 2016 the Superintendent of Wastewater has recommended that the contract be awarded to Keystone Engineering Group, 590 East Lancaster Avenue, Frazer, PA 19355, be accepted and the Township Council concurs.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council, of the Township of Berkeley Heights, County of Union, that the appropriate municipal officials are authorized to execute a contract with Keystone Engineering Group for the provision of Services for Design of a Supervisory Control and Data Acquisition (SCADA) System Contract in an amount not to exceed \$87,000.00 and the Treasurer is authorized to pay properly completed vouchers up to such amount. The Township Clerk shall advertise the award of this contract in accordance with law.

**BE IT FURTHER RESOLVED** that a copy of this Resolution is to be forwarded to the Superintendent of Wastewater, Township Treasurer, and Keystone Engineering Group

**BE IT FURTHER RESOLVED** that this resolution shall take effect upon publication and pursuant to law.

**APPROVED this 24th day of May, 2016.**

**ATTEST:**

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**Ana Minkoff  
Township Clerk**

#5

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

**WHEREAS**, the Township of Berkeley Heights and the Suburban Chamber of Commerce will hold its third Annual Berkeley Heights Street Fair on Sunday, June 26, 2016; and

**WHEREAS**, the Township Council believes that the event is in the best interest of the community.

**NOW, THEREFORE BE IT RESOLVED** that permission is hereby granted for the third Annual Berkeley Heights Street Fair on Sunday, June 26, 2016 from 7:00 a.m. to 6:00 p.m.

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be forwarded to the Police Department, Fire Department, Rescue Squad, Union County, and the Public Works Department.

**APPROVED this 24th day of May, 2016.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

6.2

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

**RESOLUTION**

**WHEREAS**, Enrite Service Station was required to post a Maintenance Bond, in the amount of \$5,418.60, in connection with work being performed at 525 Springfield Avenue, the Township Engineer has recommended by letter dated May 12, 2016, a full release of the cash bond in the amount of \$5,418.60, Account # S17-48-799-950.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council, of the Township of Berkeley Heights, hereby authorizes the Township Treasurer to release and return the Maintenance Bond posted by Berkeley Heights Realty, Inc. in the amount of \$5,418.60, 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 24th day of May, 2016.

**ATTEST:**

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

56

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

**RESOLUTION**

**WHEREAS**, Joachim Goritschnig was required to post a Cash Bond, in the amount of \$700.00, in connection with work being performed at 303 Timber Drive, the Township Engineer has recommended by letter dated May 16, 2016, a full release of the cash bond in the amount of \$700.00, Account # S17-48-325-960.

**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 Joachim Goritschnig 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 24th day of May, 2016.

**ATTEST:**

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

6c

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

**RESOLUTION**

**WHEREAS**, Julie & Alexander Stuart were required to post a Cash Bond, in the amount of \$700.00, in connection with work being performed at 88 Hillside Avenue, the Township Engineer has recommended by letter dated May 6, 2016, a full release of the cash bond in the amount of \$700.00, Account # S17-48-275-185.

**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 Julie & Alexander Stuart. 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 24th day of May, 2016.

**ATTEST:**

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

Agenda Item

#

6d

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

**RESOLUTION**

**WHEREAS**, the Tax Collector has advised that there was an overpayment of a portion of 2016 property taxes for property known as Block #2102 Lot #1 also known as 6 Harding Drive, which requires a refund in the amount of \$2,592.18; and

**NOW, THEREFORE BE IT RESOLVED** that the Treasurer is authorized to refund the overpayment for 2016 taxes in the amount of \$2,592.18 to 1<sup>st</sup> Constitution Bank, 2650 Route 130 North, Cranbury, NJ 08512.

**BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to, Treasurer and Tax Collector.

**APPROVED** this 24th day of May, 2016.

**Attest:**

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**Ana Minkoff  
Township Clerk**

6e

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

**RESOLUTION**

**WHEREAS**, Garden State Fireworks has requested permission to hold fireworks displays for Our Lady of Mt. Carmel Society during their annual feast July 12 - July 16, 2016 with a rain date of the next clear night; and

**WHEREAS**, the fireworks displays will be held on the evenings of July 12 – 16<sup>th</sup> (with a rain date of the next clear night) at River Road. There will also be a display of fireworks the morning of July 16, 2016, at Lone Pine Way and Mt. Carmel Field at 7:00 a.m.; and on December 31, 2016.

**WHEREAS**, the Township Council believes that it is appropriate to grant permission for such displays 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 fireworks displays during the Mt. Carmel annual feast July 12-16<sup>th</sup> (with a rain date of the next clear night. Also at Lone Pine Way on the morning of July 16<sup>th</sup> and at River Road on December 31, 2016 at midnight provided that it satisfies all comments and concerns, if any, of the Rescue Squad, Fire Department and Police Department 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, Our Lady of Mt. Carmel Society, Police Department, Rescue Squad, and Fire Department.

**APPROVED this 24th day of May, 2016.**

**ATTEST:**

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**Ana Minkoff  
Township Clerk**

EXPLANATORY STATEMENT: This ordinance authorizes and adopts a Redevelopment Plan for the redevelopment of the Township's municipal complex pursuant to the Local Redevelopment and Housing Law.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

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

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Township's Municipal Complex Pursuant to the Local Redevelopment and Housing Law.

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located within the municipality constitute areas in need of non-condemnation redevelopment, and the adoption of a redevelopment plan governing the redevelopment project; and

**WHEREAS**, the Township Council of the Township of Berkeley Heights, by way of a Resolution No. 271-2013, authorized and directed the Berkeley Heights Planning Board (the "Planning Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the property identified as Block 608, Lots 1 and 4, and Block 504, Lots 5 and 6, as shown on the Tax Map of the Township, including that portion of the Columbus Avenue right-of-way extending from the western limit of Block 504, Lot 6, to the New Jersey Transit property line to the north, and that portion of the Berkeley Avenue right-of-way extending from the New Jersey Transit boundary line to the north to the Park Avenue right-of-way to the south, in the Township of Berkeley Heights (the "Redevelopment Area"), constitute an area in need of non-condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, on January 30, 2014, the Planning Board authorized Michael J. Mistretta, P.P., Lic. No. 00575900, of Harbor Consultants, Inc. (the "Planning Consultant") to conduct an investigation to determine whether the Redevelopment Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Redevelopment Area (the "Study"); and

**WHEREAS**, the Planning Consultant prepared a Study, entitled "Preliminary Investigation Report for the Redevelopment of the Township of Berkeley Heights Municipal Complex," dated January 2014 (the "Report"), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of non-condemnation redevelopment, as well as a map of the Study Area; and

**WHEREAS**, upon proper notice, and in compliance with the Redevelopment Law, the Planning Board conducted a public hearing on March 26, 2014 to determine whether the

Redevelopment Area met the criteria as an area in need of redevelopment, at which hearing the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Study and the Report to the Planning Board; and

**WHEREAS**, in addition to the presentation of the Planning Consultant, at the public hearing the Planning Board heard testimony and evidence from members of the general public, who also were given an opportunity to cross-examine the Planning Consultant and address questions to the Planning Board concerning the potential designation of the Redevelopment Area as an area in need of non-condemnation redevelopment; and

**WHEREAS**, the Planning Consultant concluded that the Redevelopment Area satisfies the criteria (c), (d) and (h) of the Redevelopment Law, N.J.S.A. 40:A:12A-5, and that the Redevelopment Area is an area in need of non-condemnation redevelopment; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Board found that the Planning Consultant's conclusions in the Report and his testimony provide substantial evidence to support the findings that the Study Area satisfies criteria (c), (d) and (h) of the Redevelopment Law, N.J.S.A. 40:A:12A-5, that the public questions and comments did not erode the Planning Consultant's testimony or conclusions, and that the collective designation of the Study Area as an area in need of non-condemnation redevelopment is necessary for the effective redevelopment of the Redevelopment Area; and the Planning Board unanimously voted to recommend that the Township Council find that the Redevelopment Area be designated as an area in need of non-condemnation redevelopment meeting criteria (c), (d) and (h) of the Redevelopment Law, N.J.S.A. 40:A:12A-5; and

**WHEREAS**, on April 9, 2014, the Planning Board adopted a Resolution memorializing the public hearing and decision on March 26, 2014; and

**WHEREAS**, after review and consideration of the Planning Board's recommendation, including all documents submitted therewith, the Township Council agreed with the conclusion of the Planning Board that the Redevelopment Area meets the aforementioned criteria for redevelopment area designation, finding that such conclusion is supported by substantial evidence; and, by Resolution No. 120-2014, adopted on April 22, 2014, designated the Redevelopment Area as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law, and

**WHEREAS**, upon submission of the Township's designation of the Redevelopment Area as an area in need of redevelopment to the Commissioner of the New Jersey Department of Community Affairs for review and approval, the Township received a letter dated May 9, 2014 from Richard E. Constable, III, DCA Commissioner, approving the redevelopment designation and applauding the Township's actions relating to same; and

**WHEREAS**, the Township authorized Harbor Consultants, Inc., Township Planners, in consultation with Arcari Iovino Architects, P.C., GRA Architects, Inc., and the appropriate Township officials, to prepare a redevelopment plan for the development of a new municipal complex on the Redevelopment Area; and

**WHEREAS**, during the Township’s development of the redevelopment plan, it held numerous public hearings and work sessions, inviting members of the public to comment on the various proposals for the redevelopment of the municipal complex, many of which were thereafter incorporated into the plan; and

**WHEREAS**, Harbor Consultants, Inc., presented a redevelopment plan entitled “Municipal Complex Redevelopment Plan for the Township of Berkeley Heights,” dated May 19, 2016, prepared by Harbor Consultants, Inc. (the “Redevelopment Plan”), in the form substantially attached hereto, to the Township Council for its consideration and adoption pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

**WHEREAS**, the Township Council of the Township of Berkeley Heights finds it to be in the best interests of the Township and its citizens to adopt the Redevelopment Plan for the Redevelopment Area for the redevelopment of the Township municipal complex.

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

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The redevelopment plan entitled “Municipal Complex Redevelopment Plan for the Township of Berkeley Heights,” dated May 19, 2016, prepared by Harbor Consultants, Inc. (the “Redevelopment Plan”), in the form substantially attached hereto, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**Section 3.** The zoning district map in the zoning ordinances of the Township is hereby amended to include the boundaries described in the Redevelopment Plan and the provisions therein.

**Section 4.** All of the provisions of the Redevelopment Plan shall superseded the applicable development regulations of the Township’s ordinances, as and where indicated, for the Redevelopment Area.

**Section 5.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular Township business hours.

**Section 6.** 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.

**Section 7.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Berkeley Heights, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General

Ordinances of the Township of Berkeley Heights are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 8.** The Township Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

**Section 9.** After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Berkeley Heights for its review in accordance with N.J.S.A. 40A:12A-7(e). The Planning Board is directed to make and transmit to the Township Council, within 45 days after referral, a report including an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 10.** This Ordinance, after adoption, 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 11.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

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, Adopting a Redevelopment Plan for the Township's Municipal Complex Pursuant to the Local Redevelopment and Housing Law.**

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 May 24, 2016 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on June 14 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**