

VIII. ADMINISTRATION REPORTS

Mayor Woodruff

Township Administrator – John Bussicolo

IX. APPROVAL OF MINUTES –

Public Meeting –June 14, 2016

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

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

XI .NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

A. RESOLUTIONS

1. Resolution approving Bill List dated June 28, 2016 in the amount of \$414,807.97.
2. Resolution authorizing the Planning Board to undertake a preliminary investigation, to determine whether the properties identified as Block 702, Lot 17, Block 702, Lot 18, the Sherman Avenue Right-of -Way, the Lone Pine Drive Right-of -Way, the Sherman Avenue Easement/Right-of-Way (located on a portion of Block 702, Lots 13, 14, 15, and 17) is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5.
3. Resolution consenting to the TWA application, by the Township Engineer, in connection with the approved development of the property identified as Block 610, Lot8, located along Springfield Avenue.
4. Resolution approving the renewal application of the Alcoholic Beverage Licenses for a period of one (1) year expiring June 30, 2017.
5. Resolution awarding a contract to DLS Contracting, Inc., for improvements to Snyder Avenue in the amount not to exceed \$206,214.75.
6. Resolution authorizing an Agreement with the County of Union to modify the Cooperative Agreement dated June 10, 2014.

7. 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 in the amount of \$700.00 to Armstrong, Inc. 38 Basking Ridge Road, Millington, NJ for work performed at 59 Emerson Lane.

XII. 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.

XIII. EXECUTIVE SESSION –

1. Attorney/Client Privilege – Litigation – Matula v. Berkeley Heights

XIV. ADJOURNMENT

**Ana Minkoff
Township Clerk**

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 6/28/16, in the amount of \$414,807.97 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 28th day of June, 2016.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, in compliance with the New Jersey Supreme Court decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 2, 2015, the Township filed an action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Berkeley Heights, County of Union, Docket No. UNN-L-2405-15, seeking a Judgment of Compliance and Repose approving its Fair Share Plan, in addition to related reliefs (the "Compliance Action"); and

WHEREAS, on or about August 24, 2015, Berkeley Heights Developers, LLC ("BH Developers") filed a Motion to Intervene in the Compliance Action seeking to construct a one hundred eighty (180) unit luxury residential rental development, with twenty seven (27) of such units being set aside for low and moderate income housing, on the property identified as Block 702, Lot 17, commonly known as 434 Springfield Avenue (the "Property"), which intervention was granted by the Court on October 9, 2015; and

WHEREAS, after ongoing discussions, negotiations and mediations between the Township and BH Developers, the parties have agreed upon the general terms of a residential rental development of the Property consisting of one hundred and fifty (150) units, which shall have an inclusionary affordable housing component of 15% amounting to 23 of the total units being developed as very low, low and moderate income affordable housing units, subject to the terms and conditions set forth in the Memorandum of Understanding which was entered by the parties on February 23, 2016; and

WHEREAS, in connection with the Memorandum of Understanding, the Township finds it appropriate to commence the process to determine if the Property is in need of redevelopment; and

WHEREAS, the Township finds that in addition to the Property, it must investigate whether some of the adjacent properties identified as Block 702, Lot 18, the Sherman Avenue Right-of-Way, the Lone Pine Drive Right-of-Way, the Sherman Avenue Easement/Right-of-Way (located on a portion of Block 702, Lots 13, 14, 15, and 17) (collectively, the "Study Area") are in need of redevelopment to properly evaluate this area of the Township's downtown; and

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to

undertake a preliminary investigation to determine whether a proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to P.L. 2003, Chapter 159, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a ‘Non-Condensation Redevelopment Area’) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a ‘Condensation Redevelopment Area’); and

WHEREAS, the Township Council of the Township of Berkeley Heights finds it to be in the best interest of the Township and its residents to authorize the Township Planning Board to undertake such preliminary investigation of the Study Area as a Non-Condensation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Berkeley Heights, in the County of Union, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Harbor Consultants, Inc., pursuant to the notice, hearing and other requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended, in order to recommend to the Township Council whether the properties identified as Block 702, Lot 17, Block 702, Lot 18, the Sherman Avenue Right-of-Way, the Lone Pine Drive Right-of-Way, the Sherman Avenue Easement/Right-of-Way (located on a portion of Block 702, Lots 13, 14, 15, and 17), in the Township of Berkeley Heights, or any portion thereof, as identified on the map prepared by Harbor Consultants, Inc., dated July 21, 2016, attached hereto and made a part hereof (collectively, the “Study Area”), are an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, c.159, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, also know as a “Non-Condensation Redevelopment Area.”

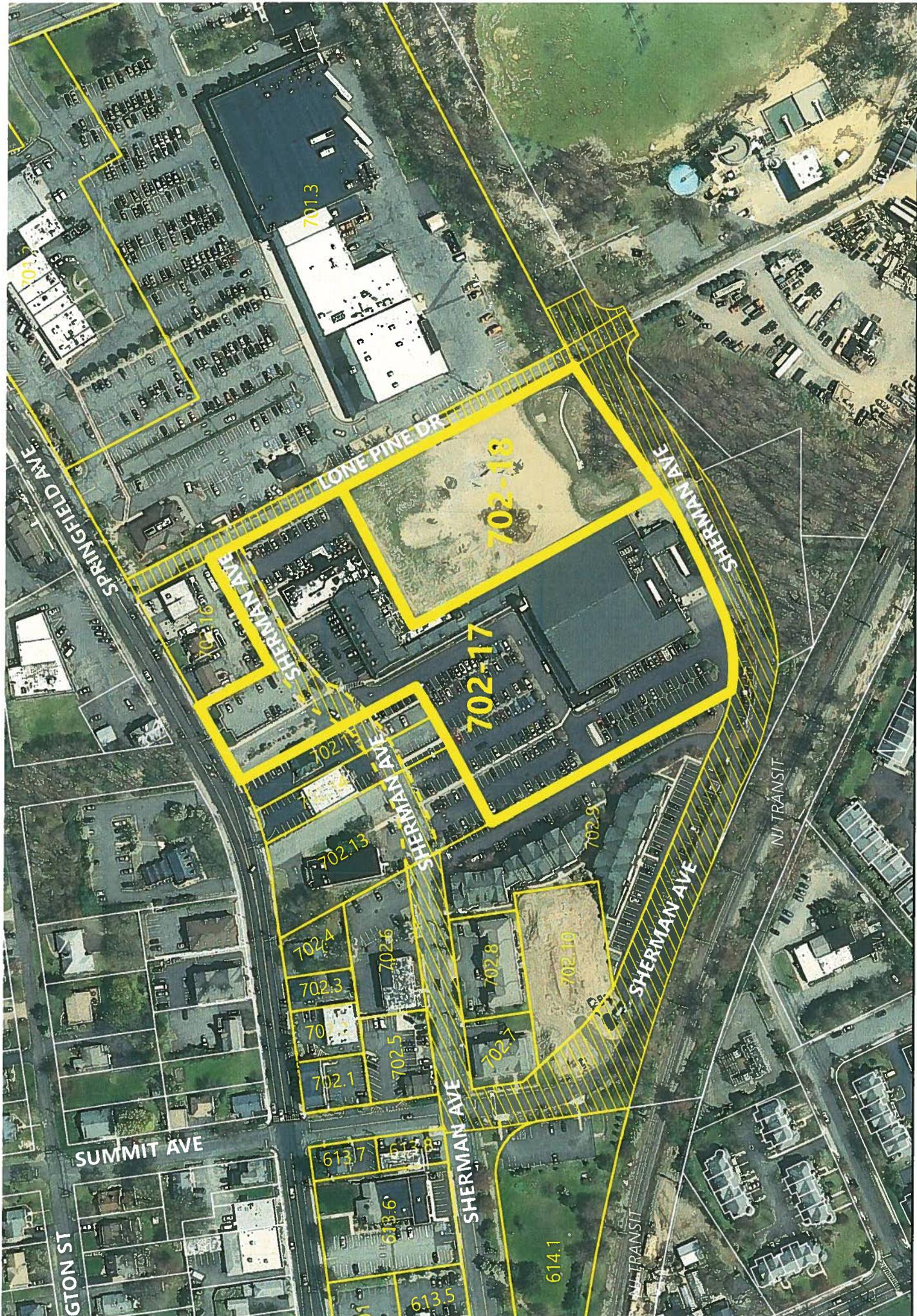
BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Township Planning Board.

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

APPROVED this 28th day of June, 2016.

Attest:

Ana Minkoff
Township Clerk



Street Address	Block and Lot	Lot Area
428-434 Springfield Ave	Block 702, Lot 17	4.8 +/- Acres
Lone Pine Drive	Block 702, Lot 18	2.0 +/- Acres
Sherman Ave R.O.W.		2.63 +/- Acres

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights owns and operates a sanitary sewer system throughout the Township; and

WHEREAS, the owner of the property identified as Block 610, Lot 8, located along Springfield Avenue received approval from the Township Board of Adjustment, memorialized by Resolution on April 14, 2016, for the construction of residential townhouses on the property; and

WHEREAS, the proposed development requires the extension of 241 linear feet of 8-inch diameter PVC pipe and (3) new sanitary manholes; and

WHEREAS, the property owner must therefore apply for a Treatment Works Approval ("TWA") from the New Jersey Department of Environmental Protection ("NJDEP") for approval to extend the sanitary sewer main; and

WHEREAS, consent to the TWA application is required from the Township in order for the NJDEP to process and approve the application; and

WHEREAS, the Township Engineer has reviewed the TWA application and recommends the Township's consent to same; and

WHEREAS, the Township Council of the Township of Berkeley Heights find it to be in the best interest of the Township and its citizens to authorize the Township's consent to the proposed TWA Application for approval to extend the sanitary sewer main.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Berkeley Heights, in the County of Union, and the State of New Jersey that that the Township hereby consents to the TWA application in connection with the approved development of the property identified as Block 610, Lot 8, located along Springfield Avenue, subject to the property owner's and/or applicant's compliance with the terms and conditions of the Board of Adjustment's approval, compliance with the Township's Ordinances, and obtaining any and all required permits from the State, County and Township prior to commencing the work to extend the sanitary sewer main, if approved by the NJDEP.

BE IT FURTHER RESOLVED that the Township Engineer, is hereby authorized to execute the NJDEP's form Statements of Consent, a copy of which is attached hereto, to be filed with the TWA application herein referenced.

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

APPROVED this 28th day of June, 2016.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, renewal applications for 2016-2017 Alcoholic Beverage Licenses in proper form, together with the appropriate license fees, have been received from the following:

<u>PLENARY RETAIL CONSUMPTION LICENSES:</u>	<u>LICENSE NUMBER</u>
D. Heights, LLC t/a Delicious Heights 428 Springfield Avenue	#2001-33-005-007
Berkeley Plaza Caterers, Inc. 735 Springfield Avenue	# 2001-33-009-002
Druid Associates, LLC 279 Springfield Avenue	#2001-38-007-001
Nagoya Group LLC 538 Springfield Avenue	#2001-33-006-007

PLENARY RETAIL DISTRIBUTION LICENSES:

Sadal Wines, Inc. 440-442 Springfield Avenue	#2001-44-001-003
Berkeley Wine Co., LLC 500 Springfield Avenue	#2001-44-002-007

CLUB LICENSES:

Veterans of Foreign Wars Post #6259 15 Locust Avenue	#2001-31-013-001
Our Lady of Mt. Carmel Society of Berkeley Heights 56 River Road	#2001-31-011-001

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, that the aforementioned Alcoholic Beverage Licenses are hereby renewed for a period of one (1) year expiring June 30, 2017.

Copies of this Resolution are to be forwarded to the Alcoholic Beverage Control Commission, the above licensees, Board of Health, Construction Code Official, Police Department, and Fire Department.

APPROVED this 28th day of June, 2016.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item # 5

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

WHEREAS, the Township accepted bids on May 18, 2016, for Improvements to Snyder Avenue; and

WHEREAS, by letters dated June 14, 2016, the Township Engineer has recommended that the contract be awarded to DLS Contracting, Inc., 633 Franklin Avenue, Suite 170, Nutley, NJ 07110-1209, in the amount of \$206,214.75 be accepted and the Township Council concurs.

NOW, THEREFORE BE IT RESOLVED by the Township Council, Township of Berkeley Heights, County of Union, that the appropriate municipal officials are authorized to execute a contract with DLS Contracting, Inc., and the Treasurer is authorized to pay properly completed vouchers for the provision of the Improvements to Snyder Avenue in the amount not to exceed \$206,214.75 for such work.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to advertise the award of this contract in accordance with law.

BE IT FURTHER RESOLVED that the Township Clerk shall forward a copy of this Resolution to DLS Contracting, Inc.

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

APPROVED this 28th day of June, 2016.

ATTEST:

Ana Minkoff
Township Clerk

#6

A RESOLUTION OF THE TOWNSHIP OF BERKELEY HEIGHTS TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED JUNE 10, 2014

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnerships program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Berkeley Heights and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that the agreement entitled **“COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,”** dated June 10, 2014, for the Purpose of Inserting a Description of Activities for Fiscal Year 2016-2017 of the Union County Community Development Block Grant program, the HOME Investment Partnerships program, and the Emergency Solutions Grants program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED this 28th day of June, 2016.

ATTEST:

Ana Minkoff
Township Clerk

Robert Woodruff
Mayor

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

RESOLUTION

WHEREAS, Armstrong, Inc., was required to post a Cash Bond, in the amount of \$700.00, in connection with work being performed at 59 Emerson Lane, the Township Engineer has recommended by letter dated June 15, 2016, a full release of the cash bond in the amount of \$700.00, Account # S17-48-800-360.

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 Armstrong, Inc., 38 Basking Ridge Road, Millington, NJ 07946, 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 28th day of June, 2016.

ATTEST:

Ana Minkoff
Township Clerk