



**VIII. APPROVAL OF MINUTES –**

**Public Meeting – October 13, 2016, October 18, 2016**

**Executive Session – November 24, 2015, December 1, 2015, December 15, 2015  
January 12, 2016, January 26, 2016**

**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 OCTOBER 18, 2016.**

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Lease with Our Lady of Mount Carmel Society. “**

**XI. NEW BUSINESS- RESOLUTIONS**

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

**A. RESOLUTIONS**

1. Resolution approving Bill List dated November 1, 2016 in the amount of \$406,706.60.
2. Resolution authorizing the grant application for the improvements on Springfield Avenue Streetscape Beautification Project.

**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 –**

**Attorney - Client Privilege / Litigation - Affordable Housing**

**XIV. ADJOURNMENT**

**Ana Minkoff  
Township Clerk**

**Mayor's Correspondence**  
**October 2016**

1. **UC Open Space, Rec and Historic Preservation Trust Fund**—announcing awarding of Kids Rec Trust Grant and Greening UC Grants for 2016 and invitation to ceremonial check award at Freeholder Meeting 10/13/16
2. **GL Band Parent Organization** – invitation to 45<sup>th</sup> annual Pageant of Champions
3. **Alzheimer's NJ** – notice of caregiver workshop held in conjunction with UC and UCCollege
4. **Frank Guzzo Director UC Dept of Human Services** – announcing Senior Focus grant to be used to make improvements for municipal owned senior centers
5. **NJLM** – Sept 2015 legislative update
6. **Rutgers** – postcard about Global Executive Online MPA program
7. **Neglia Engineering** – invitation for NJLOM conference
8. **YMCA** – Corporate Membership/Wellness Partnership program information
9. **SAGE Eldercare** – Invitation to Meals on Wheels 50<sup>th</sup> Anniversary dinner
10. **Rotarian** – November issue
11. **UCC** – 2016 Annual Report
12. **Victoria Drake, UC Trust Fund Administrator** – notification of Greening Union County grant award and contracts for signature
13. **Victoria Drake, UC Trust Fund Administrator** – notification of Kids Rec Trust Grant award and contracts for signature
14. **DiFrancesco, Bateman et.al** –invitation to a breakfast at NJLOM conference
15. **Michael Russo, DOT** – advising that Christie's Executive Order related to Transportation Trust Funds has been lifted

**TOWNSHIP COUNCIL CORRESPONDENCE**  
**October 2016**

1. Correspondence received September 30th from Phoenix Environmental Management, Inc., regarding an ongoing investigation at the former Hoglund site located at 343 Snyder Avenue (pursuant to NJDEP regulations.)
2. Correspondence received October 7<sup>th</sup> from the NJS Department of Environmental Protection (Division of Parks and Forestry) regarding a grant award for the amount of \$25,000.
3. Correspondence received October 14<sup>th</sup> from Dubois Environmental Consultants, LLC, (cover letter only,) regarding a request to the New Jersey Department of Environmental Protection for a Freshwater Wetlands Letter of Interpretation – Regulatory Line Verification for Block 4002, Lot 15 (40 Watchung Way.)
4. Correspondence received October 17<sup>th</sup> from the Township of Union regarding an approved Resolution No. 2016-327. This resolution opposed the Legislature’s approval of a 23-cent gas tax hike.
5. Correspondence received October 19<sup>th</sup> from Eastern States Environmental Associates Inc. (cover letter only,) regarding the Church of the Little Flower’s application for a permit or approval to the New Jersey Department of Environmental Protection (NJDEP) under the Freshwater Wetlands Protection Act Rules.
6. Correspondence received October 20<sup>th</sup> from the NJS Department of Transportation, regarding the lifting of the suspension of projects pursuant to Governor’s Executive Order No. 210.

EXPLANATORY STATEMENT: This ordinance authorizes the lease agreement with Our Lady of Mount Carmel Society for the use of its Hall by the Senior Citizens Club of Berkeley Heights for the 2016-2017 term.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

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

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Lease with Our Lady of Mount Carmel Society.

**WHEREAS**, the Township of Berkeley Heights desires to lease from the Our Lady of Mount Carmel Society (“Mount Carmel”), a portion of the property known as Mount Carmel Hall located at 56 River Road in Berkeley Heights, New Jersey (“Property”) from 9:30 a.m. to 3 p.m. on Tuesdays and Wednesdays from September 1, 2016, to August 31, 2017, except for July 2017; and

**WHEREAS**, the Township intends to use the Property for meetings of the Senior Citizens Club of Berkeley Heights (the “Senior Citizens Club”); and

**WHEREAS**, the Township and the Society have negotiated the terms of the lease attached hereto, which terms are acceptable to the Township, for the total lease amount of \$16,676.00 for the period from September 1, 2016, to August 31, 2017, except for July 2017; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-4 and -5 of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., the Township is authorized to acquire real estate or an interest in land, such as a lease, by ordinance; and

**WHEREAS**, the Lease Agreement, in the form attached hereto, has been reviewed and approved by the Township Attorney, along with representatives of Mount Carmel; and

**WHEREAS**, the Mayor and Township Council of the Township of Berkeley Heights find it in the best interest of the Township to authorize the Lease Agreement with Mount Carmel for the use of the Property by the Senior Citizens Club.

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

1. The Township hereby authorizes the entering into a lease with Our Lady of Mount Carmel Society ("Mount Carmel"), a portion of the property known as Mount Carmel Hall located at 56 River Road in Berkeley Heights, New Jersey ("Property") from 9:30 a.m. to 3 p.m. on Tuesdays and Wednesdays from September 1, 2016, to August 31, 2017, except for July 2017 pursuant to the terms and conditions set forth in the License Agreement.
2. The Mayor and Township Clerk of the Township of Berkeley Heights are hereby authorized and directed to sign and execute the Lease Agreement in the form attached hereto, along with any other documents required to effectuate the lease.
3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.
4. This Ordinance shall take effect immediately upon final passage and publication according to law.

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert B. Woodruff, Mayor

ATTEST:

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

**NOTICE OF  
INTRODUCTION**

**Ordinance -2016**

**An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Lease with Our Lady of Mount Carmel Society."**

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 **October 18, 2016** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **November 1, 2016** at **7:00** p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff  
Township Clerk**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
D'AQUILA	✓			
DELIA	✓			
FAECHER	✓			
KINGSLEY	✓			
PASTORE	✓			
PIRONE	✓			
TIE:				
MAYOR WOODRUFF				

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

**NOTICE OF FINAL ADOPTION**

**Public hearing and final adoption of ordinance introduced on October 18, 2016:**

**An Ordinance of the Township of Berkeley Heights, County of Union,  
State of New Jersey, Authorizing the Lease with Our Lady of Mount  
Carmel Society.**

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 November 1, 2016.

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

## LEASE AGREEMENT

This lease is made on this \_\_\_ day of \_\_\_\_\_, 2016, between the tenant, **TOWNSHIP OF BERKELEY HEIGHTS**, a Municipal Corporation of the State of New Jersey, whose address is 29 Park Avenue, Berkeley Heights, New Jersey (referred to as the "Tenant") and the landlord, **OUR LADY OF MOUNT CARMEL SOCIETY**, whose address is 56 River Road, Berkeley Heights, New Jersey (referred to as the "Landlord").

1. **PROPERTY**: The Tenant agrees to rent from the Landlord, and the Landlord agrees to lease to the Tenant the property known as Mount Carmel Hall, 56 River Road, Berkeley Heights, New Jersey (referred to as the "Property") for use by the Senior Citizens Club of Berkeley Heights.
2. **TERM**: The term of this Lease is for one (1) year commencing September 1, 2016, and ending August 31, 2017 (the "Term"). In the event the Tenant secures a substitute location for the Senior Citizen Club, the Lease may be cancelled by Tenant on thirty (30) days written notice to Landlord.
3. **RENT**: The Tenant agrees to pay Sixteen Thousand Six Hundred Seventy Six Dollars (\$16,676) as rent for the Term of the Lease, to be paid as follows: One Thousand Five Hundred Sixteen and 00/100 (\$1,516.00) Dollars per month for the Term, except for the month of July 2017.
4. **USE OF PROPERTY**: The Tenant may use the Property only for the following purposes: a meeting place for the Senior Citizens Club of Berkeley Heights to be utilized every Tuesday and Wednesday, except during the month of July.
5. **HOURS**: The Landlord shall make the premises available between the hours of 9:30 a.m. and 3:00 p.m. every Tuesday and Wednesday except during the month of July 2017.
6. **HEATING/COOLING**: The Landlord shall turn the Heating/Cooling system on a minimum of one (1) hour before the Senior Citizens Club meeting to the temperature of 70 degrees Fahrenheit.
7. **CHAIRS/TABLES**: Landlord agrees to make available chairs, tables, or other items within Landlord's control, available to the Tenant that may be needed to conduct meetings. Landlord agrees to set up and breakdown the chairs, tables and other items in the Landlord's control prior to and at the conclusion of each Tuesday and Wednesday meeting of the Senior Citizens Organization.
8. **EMERGENT USE**: In the event that a member of Our Lady of Mount Carmel Society has an emergent need for use of the premises on a Tuesday or Wednesday, the Tenant and Landlord will cooperate in attempting to accommodate such need. In the event a meeting is cancelled for such a reason, the rent shall be abated for such day.

9. **AVAILABILITY OF FUNDS:** This lease is subject to the appropriation of funds by the Tenant, including the receipt of grant funding from the County of Union, and shall not be effective until such funds have been received and appropriated.
10. **MAINTENANCE:** The Landlord shall be responsible for all maintenance of the Property, including the removal of snow and ice to permit reasonable access to the Property and parking for use by the Senior Citizens Organization for its Tuesday and Wednesday meetings. The parties acknowledge that Tenant no longer will be responsible for the salting of the parking lot, driveways and walkways for the Property in connection with this Lease.
11. **INDEMNIFICATION:** The Landlord shall indemnify, hold harmless and defend the Tenant from and against any and all claims, demands, damages, judgments, fines, penalties, losses, costs and expenses, including reasonable attorneys' fees, incurred by the Tenant as a result of: (a) any accident occurring within the Property; (b) the negligent or willful acts or omissions of the Landlord, its agents, contractors and employees; or (c) a breach of the provisions of this Lease by the Landlord, its agents, contractors or employees. The Landlord shall obtain a commercial general liability insurance policy of not less than two million dollars (\$2,000,000) naming the Tenant as an additional insured. Within ten days of the date first stated above, the Landlord shall provide proof of such insurance to the Tenant.

ATTEST:

TOWNSHIP OF BERKELEY HEIGHTS

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

\_\_\_\_\_  
By: Robert B. Woodruff, Mayor

ATTEST:

OUR LADY OF MOUNT CARMEL SOCIETY

\_\_\_\_\_  
By:

Agenda Item # 1

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

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 11/1/16, in the amount of \$406,706.60 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 1st day of November, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

#2

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

**RESOLUTION**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORTATION ALTERNATIVES PROGRAM FOR THE TOWNSHIP OF BERKELEY HEIGHTS SPRINGFIELD AVENUE STREETScape BEAUTIFCATION PROJECT**

**WHEREAS:** The Federal Transportation Alternatives Program strives to ensure the transportation enhancements are a crucial part of the transportation policy; and

**WHEREAS:** Transportation Alternatives Program funding is to be used to support non-traditional projects; and

**WHEREAS:** The Township of Berkeley Heights formed the Township Beautification Committee, which has established a plan to support the Township's Master Plan; and

**WHEREAS:** Springfield Avenue was identified in the study as critical transportation corridors; and

**WHEREAS:** The Township of Berkeley Heights wishes to apply for funding in order to make necessary streetscape and beautification upgrades, specifically lighting improvements on Springfield Avenue that will result in a safe, accessible and attractive region for shoppers to walk and visit the downtown business district of the Township; and

**WHEREAS:** The Township of Berkeley Heights' Engineer and Director of Public works, Robert Bocchino, will serve as the project manager throughout this project; and

**WHEREAS:** The Township of Berkeley Heights will assume the responsibility with the regard to maintenance and the upkeep of is project; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and the Council in in the Township of Berkeley Heights, in the County of Union, State of New Jersey, formally approve the grant application for the improvements on Springfield Avenue; and

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are hereby authorized to submit an electronic grant application identified as TA-2016-Berkeley Heights Township-00121 to the New Jersey Department of Transportation on the behalf of the Township of Berkeley Heights.

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Berkeley Heights and that their signatures will constitute acceptance of terms and conditions of the grant agreement and will approve the execution of the grant agreement.

**Approved this 1<sup>st</sup> day of November, 2016.**

**ATTEST:**

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