

IX. APPROVAL OF MINUTES –

Public Meeting – November 1, 2016

Executive Session – February 9, 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 November 22, 2016 in the amount of \$787,986.33.
2. Resolution authorizing transfers within the 2016 Municipal Budget and Reserves.
3. Resolution rejecting the bids received in connection with the Wastewater Treatment Plant Intermediate Pumps Replacement project pursuant to N.J.S.A. 40A:11-13.2(a).
4. Resolution in support of Clean Water Supplies.
5. Resolution authorizing the sale of surplus property, on the State-approved online auction website of www.Govdeals.com.
6. Resolution authorizing the Memorandum of Agreement with the County of Union to memorialize the agreed upon terms of the passenger vehicle under the “seniors in Motion” grant initiative.
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 Tax Collector to refund the following 2016 tax overpayment:

1. Brookside Partnership	261 Springfield Avenue	\$3,213.68
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XII. INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for December 20, 2016:

- (1) “An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Adopting a Redevelopment Plan for the Property Identified as Block 1901, Lot 35, located at 100 Locust Avenue, Pursuant**

EXPLANATORY STATEMENT: This ordinance authorizes and adopts a Redevelopment Plan for the redevelopment of the property identified as Block 1901, Lot 35, located at 100 Locust Avenue, in connection with the terms of the Affordable Housing Settlement Agreement with the property owner, pursuant to the Local Redevelopment and Housing Law.

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

- (2) “An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Title 2 Entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled “Peppertown Park Renewal Committee” to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township’s Peppertown Park.”**

- (3) Bond Ordinance Amending sections 3(b), 3(e) and 3(h) of Bond Ordinance numbered 11-2016 of the Township of Berkeley Heights, in the County of Union, New Jersey finally adopted August 9, 2016, in order to amend the descriptions of the projects”**

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.

IV. EXECUTIVE SESSION –

XV. ADJOURNMENT

**Ana Minkoff
Township Clerk**

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, authorize the Township Treasurer to make payment of vouchers listed on the Bill List dated 11/22/16 for an amount of \$787,986.33 such vouchers having been received by the Township Council, he is satisfied that appropriate procedure has been followed in the processing of said vouchers.

APPROVED this 22nd day of November, 2016.

ATTEST:

Ana Minkoff
Township Clerk

#2

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in the meeting assembled, that the following transfers within the 2016 Municipal Budget and Reserves are hereby authorized:

<u>Account Description</u>	<u>To:</u>	<u>From:</u>
Financial Administration O/E	\$ 8,000.00	
Tax Collection O/E	1,000.00	
Tax Assessment O/E	3,500.00	
Affordable Housing O/E	150,000.00	
Liability Insurance O/E	10,000.00	
Buildings & Grounds O/E	6,000.00	
Tax Appeals O/E	10,000.00	
General Administration O/E		\$ 15,000.00
Financial Administration S&W		30,000.00
Tax Collector S&W		1,000.00
Tax Assesment S&W		3,500.00
Engineering Services O/E		18,000.00
Planning Board O/E		15,000.00
Police Department S&W		35,000.00
Crossing Guards S&W		12,000.00
Streets & Roads O/E		3,000.00
Buildings & Grounds S&W		3,000.00
Community on Cable O/E		5,000.00
Recreation Services S&W		20,000.00
Sewer Plant S&W		28,000.00
TOTALS	\$ 188,500.00	\$ 188,500.00

APPROVED this 22nd day of November, 2016.

ATTEST:

Ana Minkoff
Township Clerk

TOWNSHIP OF BERKELEY HEIGHTS
APPROPRIATION TRANSFER RESOLUTION
NOVEMBER 22, 2016
EXPLANATORY STATEMENTS

Account Description / Number		Amount	
To:	From:	To:	From:
Financial Administration O/E		\$ 8,000.00	
	General Administration O/E		\$ 8,000.00
		\$ 8,000.00	\$ 8,000.00
<u>Explanatory Statement:</u>			
Retroactive Pension appropriations from 2014 came due for PERS (\$3,832.44) & PFRS (\$12,364.46)			
Tax Collector O/E		\$ 1,000.00	
	Tax Collector S&W		\$ 1,000.00
		\$ 1,000.00	\$ 1,000.00
<u>Explanatory Statement:</u>			
An additional continuing education event was attended. This will fulfill all requirements. A year end supplies order also needs to be processed.			
Tax Assessment O/E		\$ 3,500.00	
	Tax Assessment S&W		\$ 3,500.00
		\$ 3,500.00	\$ 3,500.00
<u>Explanatory Statement:</u>			
Several large settlements in 2016 caused an increase in usage of professional services.			
Affordable Housing O/E		\$ 150,000.00	
	General Administration O/E		\$ 7,000.00
	Financial Administration S&W		30,000.00
	Engineering Services O/E		18,000.00
	Planning Board O/E		15,000.00
	Police Department S&W		35,000.00
	Crossing Guards S&W		12,000.00
	Recreation Services S&W		20,000.00
	Sewer Plant S&W		13,000.00
		\$ 150,000.00	\$ 150,000.00
<u>Explanatory Statement:</u>			
Legal decision regarding COAH caused unanticipated and unavoidable spending for legal defense of the Township.			

TOWNSHIP OF BERKELEY HEIGHTS
APPROPRIATION TRANSFER RESOLUTION
NOVEMBER 22, 2016
EXPLANATORY STATEMENTS - CONT'D

Account Description / Number		Amount	
To:	From:	To:	From:
Liability Insurance O/E	Sewer Plant S&W	\$ 10,000.00	
			\$ 10,000.00
		<u>\$ 10,000.00</u>	<u>\$ 10,000.00</u>
<u>Explanatory Statement:</u> Increased activity in insurance deductibles account.			
Buildings & Grounds O/E	Streets & Roads O/E	\$ 6,000.00	
	Buildings & Grounds S&W		\$ 3,000.00
			3,000.00
		<u>\$ 6,000.00</u>	<u>\$ 6,000.00</u>
<u>Explanatory Statement:</u> Aging facilities caused increased maintenance to same.			
Reserve for Tax Appeals	Sewer Plant S&W	\$ 10,000.00	
	Community on Cable O/E		\$ 5,000.00
			5,000.00
		<u>\$ 10,000.00</u>	<u>\$ 10,000.00</u>
<u>Explanatory Statement:</u> Low ratio of assessed value to market value caused a large number of tax appeals and subsequent professional fees.			
		<u>\$ 188,500.00</u>	<u>\$ 188,500.00</u>

#3

TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, on October 5, 2016, the Township of Berkeley Heights received and opened three (3) bids in connection with the Wastewater Treatment Plant Intermediate Pumps Replacement Project as follows:

	A.C. Schultes, Inc.	Rapid Pump & Meter Service Co., Inc.	Raymond Electrical Contractor, Inc.
Total Bid	\$267,650.00	\$282,490.00	\$374,600.00

; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, specifically N.J.S.A. 40A:11-13.2(a), provides that the Township may reject all bids if the lowest bid substantially exceeds the cost estimates for the goods or services; and

WHEREAS, the lowest bid for the amount of \$267,650.00, substantially exceeds the Superintendent's estimate, for this project; and

WHEREAS, as all of the bids received substantially exceeds the cost estimate for this project, it is not in the interests of the Township to accept such bids.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, in Union County, New Jersey, that all of the bids received in connection with the Wastewater Treatment Plant Intermediate Pumps Replacement project are hereby rejected pursuant to N.J.S.A. 40A:11-13.2(a), as substantially exceeding the cost estimates for this project.

BE IT FURTHER RESOLVED by the Township Council of the Township of Berkeley Heights, in Union County, New Jersey, that the Clerk is hereby authorized to take the necessary steps to republish and rebid the Wastewater Treatment Plant Intermediate Pumps Replacement project.

BE IT FURTHER RESOLVED that all bid securities submitted to the Township in connection with the bids received shall be returned to the appropriate bidder.

Approved this 22nd day of November, 2016.

ATTEST:

Ana Minkoff, Township Clerk

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

Resolution in Support of Clean Water Supplies

Whereas water is a necessary and fundamental building block of all life;

Whereas clean drinking water is a fundamental right of New Jersey citizens;

Whereas all drinking water in New Jersey is supplied by underground aquifers, rivers, and/or reservoirs replenished by rain, snow melt, or fed by rivers and streams;

Whereas an ample supply of clean water is critical to agricultural production in the Garden State;

Whereas an ample supply of clean water is necessary for a healthy economy and a robust business climate for key industries in New Jersey, such as hospitality, tourism, manufacturing, healthcare and others;

Whereas New Jersey's ecosystems and wildlife rely on an adequate supply of clean water in creeks, streams, rivers, and ponds, and wetlands

Whereas in 2015, 12 of the 21 counties in New Jersey entered into a state of drought watch and seven drought warnings, watches, and emergencies have been declared in New Jersey since the year 2000;

Whereas in 1981, the New Jersey Legislature adopted Chapter 262, known as the Water Supply Management Act;

Whereas the Water Supply Management Act requires the development of a Statewide Water Supply Plan;

Whereas the Water Supply Management Act requires the New Jersey Department of Environmental Protection to update the Water Supply Master Plan at least every 5 years;

Whereas the last completed and publicly available version of the Water Supply Plan occurred in 1996;

Whereas, for over a decade under an outdated State Water Supply Plan, land use planning and development have been proceeding in New Jersey without publicly available updated scientific or policy guidance regarding the availability of adequate water supplies;

Whereas municipalities depend on the Governor of New Jersey and New Jersey Department of Environmental Protection to adopt policies and regulations allocating a safe, sustainable supply of New Jersey's water resources in accordance with the Water Supply Plan;

Therefore be it resolved that the municipality of Berkeley Heights respectfully requests that the Governor of New Jersey and the New Jersey Department of Environmental Protection release an update to the New Jersey Water Supply Master Plan immediately for public review and comment and, following such comment, finalize, adopt and implement the Plan.

And be it further resolved that the Township of Berkeley Heights will send a letter to the Governor's office, the New Jersey Department of Environmental Protection and to our New Jersey Assembly and Senate members alerting them to our concerns about the lack of a current Water Supply Plan in New Jersey.

Approved this 22nd day of November, 2016.

ATTEST:

Ana Minkoff
Township Clerk

Agenda Item No.: 5

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

RESOLUTION

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

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

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

WHEREAS, the *Township* intends to utilize the online auction services of GovDeals located at www.GovDeals.com; and

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

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

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

BE IT FURTHER RESOLVED that the terms and conditions of the agreement entered into between GovDeals and the Township of Berkeley Heights are available at www.GovDeals.com and in the Township Clerk's office.

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

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

APPROVED this 22nd day of November , 2016.

ATTEST:

Ana Minkoff, Township Clerk

Auction List

<u>Item</u>	<u>VIN/SN</u>	<u>Asset Tag</u>
2001 Ford Crown Vic	2FAFP71WX1X191937	937
2008 Ford Crown Vic	AFAFP71Vs8X179437	899
2003 Parker Performance Trailer	13ZSA101331001947	
ATD Sand Blaster		132
8 foot Meyer Plow	355309983	113
Toro 345 Hydraulic Power Unit		310
Debris Blower Attachment 2670 for above	80208	209
Whelan Light Bar		938
Kustom Signals Pro-1000DS Radar Unit	DS25224	943
Kustom Signals Pro-1000DS Radar Unit	DS25191	950
Kustom Signals Pro-1000DS Radar Unit	DS25232	1007
Motorola MSC2000 Mobile Radio		900
Dell Optiplex GX620(no hard drive)	JSDPR71	1041
Dell Optiplex GX620 (no hard drive)	HPPPL81	1033
Dell Optiplex 755 (no hard drive)	GHX44G1	1032
Dell Optiplex 780 (no hard drive)	1JX44G1	1028
Dell Optiplex 755 (no hard drive)	JHX44G1	935
Dell Optiplex 780 (no hard drive)	DWCHQN1	1022
Dell Optiplex 780 (no hard drive)		

6

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

RESOLUTION

WHEREAS, the County of Union has established a “Seniors in Motion” grant initiative to increase and enhance public transportation options for Union County residents age 60 years and above that will assist senior adults traveling to and from local medical appointments, food shopping, employment, educational instruction, recreational and social programs, and other related activities of dialing living; and

WHEREAS, the County’s grant provides for either a 12 or 15 passenger vehicle (van) as chosen by the municipality to said municipality, which vehicle shall be dedicated to the transportation of residents age 60 years and above; and

WHEREAS, the Township of Berkeley Heights sought to participate in the County’s “Seniors in Motion” grant initiative and receive such passenger vehicle (van) from the County to be dedicated to the transportation of residents age 60 years and above; and

WHEREAS, the County has provided a Memorandum of Agreement setting forth the terms and conditions of the grant, which Memorandum of Agreement has been reviewed and approved on behalf of the Township; and

WHEREAS, the Township Council finds it to be in the best interest of the Township to enter into the Memorandum of Agreement with the County to memorialize the agreed upon terms of the grant of the passenger vehicle (van) under the County’s “Seniors in Motion” grant initiative.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Memorandum of Agreement with the County of Union to memorialize the agreed upon terms of the grant of the passenger vehicle (van) under the County’s “Seniors in Motion” grant initiative, substantially in the form attached hereto.
2. The appropriate Township officials are hereby authorized to take all actions to take any and all actions required to effectuate the terms of this Resolution.

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

APPROVED this 22nd day of November, 2016.

ATTEST:

**Ana Minkoff
Township Clerk**

Agenda Item

7a

**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 #301 Lot #25 also known as 261 Springfield Avenue, which requires a refund in the amount of \$3,213.68; and

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment for 2016 taxes in the amount of \$3,213.68 to Archer & Greiner P.C., 101 Carnegie Center, 3rd Floor, Suite 300, Princeton, NJ 08540.

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

APPROVED this 22nd day of November, 2016.

Attest:

**Ana Minkoff
Township Clerk**

EXPLANATORY STATEMENT: This ordinance authorizes and adopts a Redevelopment Plan for the redevelopment of the property identified as Block 1901, Lot 35, located at 100 Locust Avenue, in connection with the terms of the Affordable Housing Settlement Agreement with the property owner, 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 Property Identified as Block 1901, Lot 35, located at 100 Locust Avenue, Pursuant to the Local Redevelopment and Housing Law.

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 20, 2015, Berkeley Developers, LLC ("Berkeley Developers") filed a Motion to Intervene in the Compliance Action seeking to construct a three hundred (300) unit luxury residential rental development, with sixty (60) of such units being set aside for low and moderate income housing, on the property identified as Block 1901, Lot 35, located at 100 Locust 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 Berkeley Developers, the parties have agreed upon the general terms of an one hundred and ninety-six (196) unit age-restricted, residential rental development of the 100 Locust Avenue property, with a fifteen (15%) percent inclusionary affordable housing component, subject to the terms and conditions set forth in the Memorandum of Understanding and Locust Avenue Project Settlement Agreement, dated October 13, 2016, entered by the parties, which contemplated the development by way of redevelopment; and

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 with 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 (the "Council") of the Township of Berkeley Heights (the "Township"), by way of a Resolution No. 103-2016, 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 (also referred to as the "Study Area" and "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, the Planning Board authorized Michael J. Mistretta, P.P., of Harbor Consultants, Inc. (the "Planning Consultant") to conduct an investigation to determine whether the Study 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 Study Area (the "Study"); and

WHEREAS, the Planning Consultant prepared a Study dated May 2016 (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 August 17, 2016 to determine whether the Study 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 Study Area as an area in need of non-condemnation redevelopment; and

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

WHEREAS, the Planning Board did not receive any written comments or objections to the Study or Report prior to the close of the public hearing on August 17, 2016; 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 of the Redevelopment Law, N.J.S.A. 40:A:12A-5 as determined by the Planning Consultant, 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 Study Area be designated a an area in need of non-condemnation redevelopment meeting the criteria of the Redevelopment Law, N.J.S.A. 40:A:12A-5; and

WHEREAS, on September 7, 2016, the Planning Board adopted a Resolution memorializing the public hearing and decision on August 17, 2016; 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 Study Area meets the aforementioned criteria for redevelopment area designation, finding that such conclusion is supported by substantial evidence; and, by Resolution No. 195-2016, adopted on August 23, 2016, designated the Study 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 Study 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 September 9, 2016 from Charles A. Richman, 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 the appropriate Township officials, to prepare a redevelopment plan for the development of a the Redevelopment Area, being a portion of the Study Area; and

WHEREAS, Harbor Consultants, Inc., presented a redevelopment plan entitled "Redevelopment Plan for the 100 Locust Avenue," dated November 17, 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 Redevelopment Area.

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 "Redevelopment Plan for 100 Locust Avenue," dated November 17, 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 supersede 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 Property Identified as Block 1901, Lot 35, located at 100 Locust Avenue, 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 **November 22, 2016** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **December 20, 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**

EXPLANATORY STATEMENT: This ordinance amends and updates the Township's Administrative Code (Title 2 of *The Code of the Township of Berkeley Heights* to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township's Peppertown Park.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. _____

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Title 2 Entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled "Peppertown Park Renewal Committee" to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township's Peppertown Park.

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

Section 1. Title 2 entitled "Administration and Personnel" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended as to create new Chapter 2.97 entitled "Peppertown Park Renewal Committee" to read as follows:

Chapter 2.97 PEPPERTOWN PARK RENEWAL COMMITTEE

Sections:

- 2.97.010 Purpose.
- 2.97.020 Definitions.
- 2.97.030 Establishment--Membership.
- 2.97.040 Appointments; Term of Office; Vacancies.
- 2.97.050 Removal of Members.
- 2.97.060 Organization--Officers.
- 2.97.070 Meetings.
- 2.97.080 Powers and duties.

2.97.010 Purpose.

The purpose of this Chapter is to create an advisory committee, which shall assist in coordinating and fundraising for the renewal, restoration and ongoing maintenance of the Township's Peppertown Park, and to perform such other duties as may be deemed necessary by the Mayor and Council.

2.97.020 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated

“Peppertown Park” means the area of the Township designated as the Peppertown Park, located at 205 Plainfield Avenue, at the corner of Sherman Avenue and Plainfield Avenue, in the Township of Berkeley Heights.

2.97.030 Establishment--Membership.

There is hereby established the “Berkeley Heights Peppertown Park Renewal Committee.” The membership of the Committee shall consist of fourteen (14) members: which shall include at least one (1) member of the Recreation Commission, one (1) member of the Environmental Commission, one (1) member of the Beautification Committee, and a representative of the Township Council. Members of the Committee shall serve without compensation.

2.97.040 Appointments; Term of Office; Vacancies.

The appointment and terms of the members of the Committee shall be as follows:

A. The representative of the governing body on the Committee shall be appointed by and serve at the pleasure of the Township Council, or shall terminate at the completion of their respective term of office.

B. The (13) remaining members of the Committee shall be appointed by the Mayor, and shall serve for a period of two (2) years, except that the respective terms of office of the originally appointed members shall be as follows in order to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first three years after their appointments:

1. Six members shall serve for terms of two years; and
2. Seven members shall serve for terms of one year.

C. The term of each member shall begin on the first day of January, and each member shall continue in office until his or her successor shall be appointed, except upon the filling of a vacancy, and for the initial term of appointees, which shall commence once appointed, and relate back to January of such year for purposes of counting the term of the initial appointment.

D. In the event of a vacancy, the Mayor shall fill said vacancy of a member, or the Township Council of a governing body member, by appointment for the remainder of the unexpired term. A vacancy shall occur if the member resigns from office, in the event of death or the inability to service, or in the event of the member’s absence from fifty (50%) percent or more of the regularly scheduled meetings of the Committee in any twelve month period, in which latter event removal shall automatically occur.

2.97.050 Removal of Members.

The Mayor or Township Council may remove any member of the Committee for cause, on written charges serviced upon the member, and after a hearing before the governing body, at which the member shall be entitled to be heard in person or by counsel.

2.97.060 Organization--Officers.

A. The Committee shall elect a chairperson, vice chairperson and secretary at its organizational meeting in January, which officers shall serve for a term of one year and remain in office until their successor is appointed.

B. The secretary shall keep minutes of all meetings of the Committee, which minutes and copies of official correspondence of the Committee shall be kept on file in the office of the Township Clerk.

2.97.070 Meetings.

The Committee shall hold regular meetings in the Township municipal building as set in its organizational meeting.

2.95.080 Powers and duties.

The Committee shall have the following powers and duties:

A. To develop a plan and strategies to renew, restore and to continue the ongoing maintenance of the Peppertown Park. With the review and advice of the Mayor, the Township Council shall have the sole authority to approve and execute the plan of the Committee by Resolution. Once approved, the Committee shall have the authority to implement the plan as directed by the Mayor and Township Council.

B. To review and recommend to the Mayor and Township Council planting, trees, shrubbery and other landscaping, along with signage, decorations, holiday lights, and the like for the Township's Peppertown Park; and, with the consent of the Mayor and Council, organize and engage in seasonal plantings and decorations on public properties. If Township funds or employees are required for such plantings or decoration, specific approval for such funding or use of Township employees is required by the Township Council by Resolution.

C. To recruit and direct organizational and individual interest in and support for the renewal, restoration and maintenance of the Peppertown Park.

D. To act as a coordinating agency for successful organizational corporate and individual efforts for the renewal, restoration and maintenance of the Peppertown Park.

E. To work with the Township, as well as local merchants, corporations and individuals to raise funds for the renewal, restoration and maintenance of the Peppertown Park; which funds

shall be kept and held by the Township, with the Township Council having authority over the expenditure of same.

F. To work with the Township, the Township Recreation Commission, as well as local merchants, to sponsor activities and events in the Township's Peppertown Park.

G. The Township Council has the authority and discretion, but not the obligation, to provide for funding towards the proposed budget. The Committee shall have the authority to obtain funding for the proposed budget through fund raising efforts, including the application for grants. All funds received shall be utilized by the Committee and the Township for the purposes set forth herein. All expenditures by the Committee shall be subject to the approval of the Township Council.

Section 2. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 5. This Ordinance shall not take effect until after final passage, approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7, and publication in accordance with all applicable laws and statutes.

INTRODUCED the _____ day of _____, 2016.

ADOPTED the _____ day of _____, 2016.

Robert Woodruff, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2016

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Title 2 Entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled “Peppertown Park Renewal Committee” to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township’s Peppertown Park.”

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 **November 22, 2016** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **December 6, 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**

BOND ORDINANCE AMENDING SECTIONS 3(b), 3(e) AND 3(h) OF BOND ORDINANCE NUMBERED 11-2016 OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY FINALLY ADOPTED AUGUST 9, 2016, IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS.

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 One. Section 3(b) of Bond Ordinance numbered 11-2016 of the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township"), finally adopted August 9, 2016 ("Bond Ordinance #11-2016"), is hereby amended to include a ride-on blower to read as follows:

<p>"b) The acquisition of various public works equipment, including, but not limited to, a stainless steel stand-alone, a broom/pusher for street sweeper, a mower with plow and blower attachments and a ride-on blower, including all related costs and expenditures incidental thereto.</p>	<p>\$60,000</p>	<p>\$56,950</p>	<p>15 years"</p>
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Section Two. Section 3(e) of Bond Ordinance numbered 11-2016 of the Township is hereby amended to include trickling filters to read as follows:

<p>“e) Improvements to the wastewater treatment plant systems and facilities, including, but not limited to, pump replacements, sanitary sewer pipe, sanitary sewer manholes, grinders, trickling filters, intermediate pumps, and electrical system improvements, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.</p>	<p>\$423,000</p>	<p>\$401,850</p>	<p>40 years”</p>
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Section Three. Section 3(h) of Bond Ordinance numbered 11-2016 of the Township is hereby amended to include a pick-up truck to read as follows:

<p>“h) Acquisition of various public works vehicles, including, but not limited to, a hook truck, mason dump and a pick-up truck, including all related costs and expenditures incidental thereto.</p>	<p>\$135,000</p>	<p>\$128,250</p>	<p>5 years”</p>
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Section Four. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Five. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCED the _____ day of _____, 2016.

ADOPTED the _____ day of _____, 2016.

Robert B. Woodruff, Mayor

ATTEST:

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 **November 22, 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 in the Township on November 22, 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 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: BOND ORDINANCE AMENDING SECTIONS 3(b), 3(e) AND 3(h) OF BOND ORDINANCE NUMBERED 11-2016 OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY FINALLY ADOPTED AUGUST 9, 2016, IN ORDER TO AMEND THE DESCRIPTIONS OF THE PROJECTS.

Purposes: A) To amend Section 3(b) of Bond Ordinance numbered 11-2016 of the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township"), finally adopted August 9, 2016 ("Bond Ordinance #11-2016"), to include a ride-on blower to read as follows:

"b) The acquisition of various public works equipment, including, but not limited to, a stainless steel stand-alone, a broom/pusher for street sweeper, a mower with plow and blower attachments and a ride-on blower, including all related costs and expenditures incidental thereto.	\$60,000	\$56,950	15 years"
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B) To amend Section 3(e) of Bond Ordinance numbered 11-2016 of the Township to include trickling filters to read as follows:

"e) Improvements to the wastewater treatment plant systems and facilities, including, but not limited to, pump replacements, sanitary sewer pipe, sanitary sewer manholes, grinders, trickling filters, intermediate pumps, and electrical system improvements, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$423,000	\$401,850	40 years"
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C) To amend Section 3(h) of Bond Ordinance numbered 11-2016 of the Township to include a pick-up truck to read as follows:

"h) Acquisition of various public works vehicles, including, but not limited to, a hook truck, mason dump and a pick-up truck, including all related costs and expenditures incidental thereto.	\$135,000	\$128,250	5 years"
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Appropriation: \$0

Bonds/Notes Authorized: \$0

Grant Appropriated: N/A

Section 20 Costs: \$0

Useful Life: N/A

Ana Minkoff, Clerk

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