

**Township of Berkeley Heights
Union County, New Jersey
February 5, 2019**

XX

Adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News, Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 1, 2019. This meeting will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

- Peter Bavoso
- Manuel Couto
- Jeanne Kingsley
- Alvaro Medeiros- President
- Susan Poage – Vice President
- Stephen Yellin
- Angie Devanney- Mayor

AGENDA FOR PUBLIC MEETING

- I. CALL TO ORDER - 7:00 PM**

- II. ROLL CALL**

- III. FLAG SALUTE**

- IV. CONFERENCE SESSION – Recreation Commission**

- V. REGULAR AGENDA**

- VI. TOWNSHIP COUNCIL REPORTS**
 - A. Peter Bavoso**
 - B. Manuel Couto**
 - C. Jeanne Kingsley**
 - D. Alvaro Medeiros- President**
 - E. Susan Poage – Vice President**
 - F. Stephen Yellin**

- VII. ADMINISTRATION REPORTS**
 - Mayor Devanney**
 - Township Administrator – Liza Viana**

VIII. APPROVAL OF MINUTES – Public Meeting – October 9, 2018

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. NEW BUSINESS- RESOLUTIONS

OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

A. RESOLUTIONS

1. Resolution approving Bill List dated February 5, 2019 in the amount of \$988,904.97.
2. Resolution appointing Integra Realty Services as Real Estate Appraisal & Consulting Services for the Township of Berkeley Heights in an amount not to exceed \$30,000.00. _____
3. Resolution authorizing an Interlocal Services Agreement with the City of Elizabeth, to provide Sexually Transmitted Diseases Services.
4. Resolution authorizing the submission of a treatment works approval application to the NJDEP for the Berkeley Heights YMCA, LLC, Block 2201, Lot 19.
5. Resolution urging the New Jersey Legislators to consider enacting legislation that would allow for a grace period on property tax payments for affected federal workers.

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 removing Christopher Parisaca from the active duty roster of the Berkeley Heights Fire Department.
- b. Resolution removing Noah Truncale from the active duty roster of the Berkeley Heights Fire Department.
- c. Resolution removing Kyle Ulen from the active duty roster of the Berkeley Heights Fire Department.
- d. Resolution removing Glen Campbell from the active duty roster of the Berkeley Heights Fire Department.

- e. Resolution endorsing the Blue Light permit for Andrew Gallitelli, a member of the Berkeley Heights Volunteer Fire Department.
- f. Resolution authorizing the refund of a tax overpayment to Roger & Rochelle Levy, for a property located at 43 Webster Drive in the amount of \$92.41.
- g. Resolution authorizing the redemption of tax sale certificate #14-00002, to John Venutolo, 25 Hughes Place, Summit NJ, in the amount of \$113.61.

XI. INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for February 19, 2019.

- 1. **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Acceptance of the Dedication of an Extension of the Street Known as Wardle Avenue in the Township of Berkeley Heights. “**

EXPLANATORY STATEMENT: This Ordinance authorizes and accepts the dedication of an extension of the street known as Wardle Avenue in the Township of Berkeley Heights

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- Personnel – DPW**

XIV ADJOURNMENT

Ana Minkoff, Township Clerk

TOWNSHIP COUNCIL CORRESPONDENCE
January 2019

1. Correspondence received from Union County Board of Chosen Freeholders regarding the 2018 Kids Recreation Grant Program (cover letter only, executed agreement on file in the Clerk's office);
2. Correspondence received from The City of Summit regarding a recently adopted ordinance (18-3181) amending the affordable housing multi-family set-aside;
3. Correspondence received from New Jersey American Water providing Public Notice for a public hearing regarding a petition to change the levels of its Purchased Water Adjustment clause and Purchased Wastewater Treatment Adjustment clause;
4. Correspondence received from SAGE Eldercare providing a summary of the Meals on Wheels Program for 2018;
5. Correspondence received from the Township of Warren providing notification of their public hearing and filing of the proposed amendment to their Master Plan Housing Element and Fair Share Plan;
6. Correspondence received from Comcast regarding the receipt of Berkeley Heights Ordinance granting Renewal of Municipal Consent to Comcast of New Jersey II, LLC;

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 2/5/19, in the amount of \$988,904.97 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 5th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

2

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

WHEREAS, the Township of Berkeley Heights will require the services of **Professional Real Estate Appraisal and Consulting Services** for the calendar year 2019; and

WHEREAS, the Township has determined to undertake a fair and open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq. through the issuance of Requests for Qualifications (“RFQ’s”) for contract awards for such services required on and after the Township’s 2019 Reorganization through December 31, 2019; and

WHEREAS, as part of the fair and open process, Township received qualifications and proposals from various firms in response to the RFQ’s, and has determined that **Integra Realty Services** is qualified to provide **Professional Real Estate Appraisal and Consulting Services** to the Township; and

WHEREAS, the Township Council desires to consent to the Mayor's appointment of **Integra Realty Resources** to such position for a term to expire December 31, 2019; and

WHEREAS, the subject contract is exempt from the public bidding requirements under the Local Public Contracts Law (N.J.S.A. 40A: 11-5 et seq.), but such requires that the resolution authorizing the award of a contract for professional services without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED that **Integra Realty Resources** is appointed **Professional Real Estate Appraisal and Consulting Services** for the List of Assignments, which is annexed hereto and incorporated herein by this reference, for the Township of Berkeley Heights for the calendar year commencing January 1, 2019 and ending December 31, 2019, in an amount not to exceed \$30,000.00; and

BE IT FURTHER RESOLVED that the appropriate Township Officials are hereby authorized to execute an Agreement with **Integra Realty Resources**; and

BE IT FURTHER RESOLVED that this Resolution and the subject contract is being awarded pursuant to a Fair and Open process in accordance with the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.5, et seq.; and

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

A copy of this Resolution shall be published according to law within ten (10) days of the date of passage and copies forwarded to the Township Clerk, Office of the Treasurer and the appointee.

APPROVED this 5th day of February, 2019.

ATTEST:

Ana Minkoff, Township Clerk

List of Assignments

Project ID	Prop. Type	Service
Church of the Little Flower/BH Library	Religious	Acquisition Analysis
Church of the Little Flower	Religious	Feasibility Analysis
Elite Properties PILOT Analysis	Residential Multi Family	PILOT Study
Kings Site Redevelopment Area	Retail	PILOT Study
Lockhern Property Urban Renewal, LLC	Apartment	PILOT Study
MCRT Feasibility Study	Residential Multi Family	PILOT Study
12 Russo Place	Commercial	Tax Appeal
191 Springfield Avenue	Apartment	Tax Appeal
22 Russo Place, LLC	Commercial	Tax Appeal
310 Snyder Avenue Condo Complex, LLC	Condo/Townhouse	Tax Appeal
372 - 82 Springfield Ave	Retail	Tax Appeal
472 Springfield Avenue, LLC	Mixed Use	Tax Appeal
485-493 Springfield Avenue	Commercial	Tax Appeal
501 Heritage Square	Commercial	Tax Appeal
Berkeley Developers, LLC	Office	Tax Appeal
Berkeley Development, LP	Commercial	Tax Appeal
Berkeley Heights Self Storage	Commercial	Tax Appeal
Berkeley Swim Club	Pool	Tax Appeal
Brookside Partnership	Office	Tax Appeal
Commerce Bank/Central	Commercial	Tax Appeal
Connell Corporate Center 1	Office	Tax Appeal
Connell Corporate Center 2	Office	Tax Appeal
Connell Corporate Center 4	Office	Tax Appeal
Connell Corporate Center 3	Office	Tax Appeal
Connell East, LLC	Office	Tax Appeal
First State Prop./Hilltop Community Bank	Commercial	Tax Appeal
Free Acres Association	Vacant Land	Tax Appeal
GRE Mountain Heights, LLC	Office	Tax Appeal
Hill Court, LLC	Industrial	Tax Appeal

Project ID	Prop. Type	Service
James-Dale Enterprises	Commercial	Tax Appeal
JDP Development Co., LLC	Mixed Use	Tax Appeal
Life Time Fitness	Commercial	Tax Appeal
Lockhern Associates	Retail	Tax Appeal
Lucent Technologies, Inc.	Office	Tax Appeal
One Russo Place, LLC	Industrial	Tax Appeal
PSE&G Services Corp.	Vacant Land	Tax Appeal
Reheis Chemical	Industrial	Tax Appeal
Runnells Specialized Hospital	Hospital	Tax Appeal
Snyder Avenue Berkeley Heights, LLC	Industrial	Tax Appeal
Springfield Property, LLC	Commercial	Tax Appeal
Station Court LLC	Apartment	Tax Appeal
Strategic Long Term Care of NJ	Nursing Home/Assisted Living	Tax Appeal
Summit Federal Savings & Loan Assoc.	Commercial	Tax Appeal
Summit Medical Group	Medical /Outpatient Center	Tax Appeal

3

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

RESOLUTION

**RESOLUTION ENTERING INTO AN INTERLOCAL SERVICES AGREEMENT WITH
THE CITY OF ELIZABETH, DEPARTMENT OF HEALTH AND HUMAN SERVICES,
DIVISION OF HEALTH FOR SEXUALLY TRANSMITTED DISEASE SERVICES**

WHEREAS, the Township of Berkeley Heights is desirous in obtaining services from the City of Elizabeth for Sexually Transmitted Disease (STD) Services; and

WHEREAS, said services are to include testing, reporting all cases to the Health Officer, Department of Health, City of Rahway, treatment, disease prevention, and counseling to all patients infected with STDs, at the Sexually Transmitted Disease Clinic; and

WHEREAS, the City of Elizabeth, Department of Health and Human Services, in conjunction with Trinitas Hospital, is ready, willing and able to furnish said services; and

WHEREAS, the City of Elizabeth, Department of Health and Human Services fee is \$160.00 per patient for services rendered at the Sexually Transmitted Disease (STD) clinic; and

WHEREAS, the Sexually Transmitted Disease Services will be for a period of January 1, 2019 through December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Township of Berkeley Heights, County of Union, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute an agreement between the Township of Berkeley Heights and the City of Elizabeth to provide Sexually Transmitted Disease Services.

Approved this 5th day of February, 2019.

ATTEST:

Ana Minkoff
Township of Berkeley Heights

LETTER OF AGREEMENT
January 1, 2019 through December 31, 2019

THIS AGREEMENT, made this 1st day of January 2019, between the Township of Berkeley Heights of County of Union, a municipal corporation of the State of New Jersey, hereinafter referred to as the "MUNICIPALITY", having its offices at 29 Park Ave, Berkeley Heights, NJ and the City of Elizabeth, Department of Health and Human Services, Division of Health.

WHEREAS, the Township of Berkeley Heights is desirous in obtaining services from the City of Elizabeth, Department of Health and Human Services as herein set forth; and

WHEREAS, the City of Elizabeth, Department of Health and Human Services, is ready, willing and able to furnish said services under the conditions set forth herein:

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, the Township of Berkeley Heights and the City of Elizabeth, Department of Health and Human Services mutually agree and covenant as follows:

The Municipality agrees to pay the City of Elizabeth, Department of Health and Human Services the sum of **\$160.00 per patient for services** rendered at the Sexually Transmitted Disease (STD) Clinic. The total sum shall be payable upon receipt of a report of a confirmed sexually transmitted disease in a Township of Berkeley Heights resident.

The City of Elizabeth, Department of Health and Human Services Hospital shall provide STD services Tuesdays from 8:30 A.M. to 11:30AM, Wednesdays from 10:30AM. to 1:00PM. and Fridays from 8:30AM to 11:00AM at Peterstown Community Center, 418 Palmer Street, Elizabeth, NJ.

The City of Elizabeth, Department of Health and Human Services shall secure prompt reporting of all cases of STD and forward reports to the Department of Health, and Health Officer of the Township of Berkeley Heights.

The City of Elizabeth, Department of Health and Human Services shall interview and investigate priority STD cases and report results of these services on appropriate forms.

The City of Elizabeth, Department of Health and Human Services shall provide counseling to all patients infected with STD's and treated at the STD Clinic, to include, but not limited to, disease prevention, sex partner referral, need for follow-up testing, and appropriate action to take when symptoms appear.

The City of Elizabeth, Department of Health and Human Services hereby agrees and covenants to indemnify the Township of Berkeley Heights against, and to hold the Township of Berkeley Heights harmless from any and all obligations or liabilities, indebtedness, claims, demands, suits, causes of action resulting from the performance of the within contract insofar as such consequences result from the acts of the City of Elizabeth, Department of Health and Human Services, its agents, servants and employees.

The City of Elizabeth, Department of Health and Human Services operates this clinic in compliance of the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, N.J.A.C. 8:52.

The Township of Berkeley Heights reserves the right to cancel the aforementioned contract upon sixty (60) days written notification to the City of Elizabeth, Department of Health and Human Services.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized officers and their seals affixed and duly attested the day and year first above written.

Signature

Signature

Angie D. Devanney
Mayor

J. Christian Bollwage
Mayor

Attest

Attest

Ana Minkoff
Township Clerk

Yolanda Roberts
City Clerk

#4

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNT, NEW JERSEY
RESOLUTION**

**“RESOLUTION OF THE TOWNSHIP OF BERKELEY HEIGHTS
AUTHORIZING SUBMISSION OF A TREATMENT WORKS APPROVAL
APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION (NJDEP) FOR BERKELEY HEIGHTS YMCA, LLC
BLOCK 2201, LOT 19”**

WHEREAS, Berkeley Heights YMCA, LLC received approval for the construction of a new YMCA facility located at 59 Locust Avenue (Block 2201, Lot 19); and

WHEREAS, the project’s estimated sewage generation is in excess of 8,000 gallons per day and therefore requires a Treatment Works Approval (TWA) from the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, Neglia Engineering Associates has reviewed a Treatment Works Approval Application prepared by Dynamic Engineering Consultants, PC, on behalf of Berkeley Heights YMCA, LLC; and recommends the Township’s consent to the same; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, consents to the submission of a Treatment Works Approval application to the NJDEP for the subject project and authorizes the Mayor and/or Township Engineer to execute same, where applicable, per appropriate application section.

Approved this 5th day of February, 2019.

ATTEST:

Ana Minkoff

Township Clerk

#5

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

RESOLUTION

WHEREAS, New Jersey residents who are federal workers are suffering a hardship as a result of the government shutdown that is preventing them from receiving a paycheck; and

WHEREAS, a municipality is prohibited by statute from waiving interest on delinquent real estate tax payments or providing a greater grace period to pay them without penalty; and

WHEREAS, legislation is pending that would allow for a grace period on property tax payments for affected federal works and would provide zero-interest loans against their pension to allow for federal workers to pay for expenses; and

WHEREAS, the legislation would further permit deferred property tax payments, which would be due on the next quarterly property tax due date, without penalty.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights in the County of Union that:

1. The Township of Berkeley Heights urges the New Jersey Legislator to consider enacting legislation that would allow for a grace period on property tax payments for affected federal workers, that would provide zero-interest loans against their pensions to allow federal workers to pay for expenses and would further permit deferred property tax payments, which would be due on the next quarterly property tax due date, with penalty.
2. A copy of this resolution shall be forwarded to the twenty-one municipalities in the County of Union, the Union County Board of Chosen Freeholders, all Union County legislators (Assembly and Senate), and the Governor of the State of New Jersey.

APPROVED this 5th day of February 2019.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department and be placed on the inactive list:

Christopher Parisaca, 484 Kenbury Road, Branchburg

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

APPROVED this 5th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department and be placed on the inactive list:

Noah Truncale, 59 Crest Drive, Berkeley Heights

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

APPROVED this 5th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department and be placed on the inactive list:

Kyle Ulen, 483 Mountain Avenue, Gillette

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

APPROVED this 5th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

IT IS HEREBY RESOLVED that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department and be placed on the inactive list:

Glen Campbell, 49 Delmore Avenue, Berkeley Heights

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

APPROVED this 5th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, members of the Berkeley Heights Fire Department are permitted by law to operate blue emergency lights on their vehicle when responding to an emergency; and

WHEREAS, the Township is required to endorse any application for "blue light" permit; and

WHEREAS, Andrew Gallitelli is a member of the Berkeley Heights Fire Department and has requested that the Township endorse the blue light permit application.

NOW, THEREFORE, BE IT RESOLVED that the appropriate municipal officials are hereby authorized to endorse the renewal of an application for Andrew Gallitelli, for a blue light permit.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Berkeley Heights Fire Department.

APPROVED this 5th day of February, 2019.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2018 property taxes for property known as Block #1816 Lot # 15, also known as 43 Webster Drive, which requires a refund in the amount of \$92.41; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of fourth quarter 2018 taxes in the amount of \$92.41, to Roger & Rochelle Levy, 43 Webster Drive Berkeley Heights, NJ 07922.

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

APPROVED this 5th day of February, 2019.

Attest:

**Ana Minkoff
Township Clerk**

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

RESOLUTION

WHEREAS, the Township of Berkeley Heights issued Tax Sale Certificate #14-00002 to lien holder John Venutolo for Block #2705, Lot #9.01 located at Emerson Lane- Rear, Berkeley Heights, New Jersey; and

WHEREAS, the owner of such property has now redeemed such certificate and the lien holder: John Venutolo, 25 Hughes Place, Summit, NJ 07901, is entitled to receive redemption in the amount of \$113.61 to be paid by or on behalf of the homeowner.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Berkeley Heights, that the Treasurer is authorized to pay out the sum of \$113.61 in redemption of Tax Sale Certificate #14-00002 upon the submission of a properly completed voucher and surrender of such certificate.

Copies of this Resolution are to be forwarded to the Tax Collector.

APPROVED this 5th day of February, 2019.

ATTEST:

**Ana Minkoff
Township Clerk**

EXPLANATORY STATEMENT: This Ordinance authorizes and accepts the dedication of an extension of the street known as Wardle Avenue in the Township of Berkeley Heights

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. _ _ _ _ _

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Acceptance of the Dedication of an Extension of the Street Known as Wardle Avenue in the Township of Berkeley Heights.

WHEREAS, pursuant to N.J.S.A. 40:67-1, *et seq.*, the Township of Berkeley Heights (“Township”) is authorized to accept by ordinance dedications of property for use as public rights-of-way; and

WHEREAS, in connection with the subdivision of property currently known as Lot 7 in Block 2500 into two lots to be known as Lots 7.01 and 7.02, by Luxury Investment Properties, LLC (“Developer”), in the Township pursuant to plans for development which were conditionally approved by the Township Planning Board (“Board”) in May 2018, an existing street known as Wardle Avenue was sought to be extended and to be dedicated by the Developer to the Township; and

WHEREAS, the Wardle Avenue extension was dedicated to the Township by the Developer; however, the dedication has not been officially accepted by the Township; and

WHEREAS, the Township Engineer has inspected the subject subdivision plat entitled “Final Map for Lot 7 Block 2005 484 Plainfield Avenue & Wardle Avenue” prepared by Murphy & Hollows Associates LLC dated May 2, 2018, last revised November 16, 2018, and has confirmed that the subject street extension has been constructed in accordance with the approved Plans and Specifications for this Project and is otherwise in conformance with applicable

Township regulations.

WHEREAS, the Mayor and Township Council find it to be in the best interest of the Township and its citizens to now authorize the acceptance of the dedication of the Wardle Avenue extension.

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

1. Subject to the conditions of the Board's grant of subdivision approval in May 2018, the Township of Berkeley Heights hereby accepts the dedication of an extension of the street known as Wardle Avenue, as set forth more fully on the subdivision plans entitled: "Final Map for Lot 7 Block 2005 484 Plainfield Avenue & Wardle Avenue" prepared by Murphy & Hollows Associates LLC dated May 2, 2018, last revised November 16, 2018, to be utilized as a public street and as part of the public road system of the Township of Berkeley Heights, which street shall continue to be known as Wardle Avenue.
2. The Township Clerk is hereby authorized and directed to publish notice of the adoption of this Ordinance as provided by law and to file a certified copy of this Ordinance in the office of the County Clerk of Union County as provided by law.
3. The Township Administrator, Clerk, Attorney, and other appropriate Township officials are hereby authorized and directed to take all other required actions which may be required to complete the Township's acceptance of the dedication of the street.
4. 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 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.
5. This Ordinance is not meant to repeal any provisions of the Code or any other ordinance other than those designated herein, and all ordinances or portions of ordinances which are inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.
6. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten 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 her approval or objection to same

within ten days after it has been presented to her, then this Ordinance shall be deemed approved.

7. This Ordinance shall take effect upon passage and publication according to law.

INTRODUCED the _____ day of _____, 2019.

ADOPTED the _____ day of _____, 2019.

By: _____
Angie Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2019

**An Ordinance of the Township of Berkeley Heights, County of Union,
State of New Jersey, Authorizing the Acceptance of the Dedication of an
Extension of the Street Known as Wardle Avenue in the Township of
Berkeley Heights.**

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 **February 5, 2019** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **February 19, 2019** 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**