Adequate notice of this meeting has been provided by forwarding a copy to the Courier News, Star Ledger and posting on the Township website, 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 4, 2022. This meeting will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:
Gentiana Brahimaj
Manuel Couto – Vice President
Paul Donnelly
John Foster
Jeanne Kingsley - President
Jeff Varnerin
Angie Devanney- Mayor

AGENDA FOR PUBLIC MEETING

Meeting will be held IN-PERSON and livestreamed via Zoom.

To view the meeting via Zoom, use the link: http://zoom.us/s/3575747364
if you need to enter a meeting ID, it is: 357-574-7364.

I. CALL TO ORDER – 7:00 p.m.

II. ROLL CALL

III. FLAG SALUTE

IV. PROCLAMATION
   - Charlie’s First Hair Cut – Chaz and Natalia Hazlitt
   - Robin Greenwald - Retirement

V. CONFERENCE SESSION
   - Bias Incident Protocol
   - Budget Presentation

VI. REGULAR AGENDA

VII. APPROVAL OF MINUTES – Public Meeting –
   April 11, 2022, and April 19, 2022
VIII. Public Hearing and Final Adoption of Ordinances Introduced on April 5, 2022:

Comments on ordinances up for final adoption are welcome during public hearing for each particular ordinance. Before making a comment, all speakers must identify their name and address. Each speaker shall be limited to 3 minutes.

Alternatively, you may submit written comments in advance of the meeting either via electronic mail (to: aminkoff@bhtwp.com) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter’s full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the public meeting.

“CALENDAR YEAR 2022 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).”

Public Hearing and Final Adoption of Ordinances Introduced on April 19, 2022:

1. "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,830,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,349,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”

2. "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,262,690 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,136,421 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.”

IX. 2022 MUNICIPAL BUDGET ADOPTION – Introduced on April 5, 2022

a. Public Hearing and Final Adoption on 2022 Municipal Budget as Advertised.

b. Resolution adopting the 2022 budget.

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.
Alternatively, written comments may also be submitted in lieu of verbal comments. You may submit written comments in advance of the meeting either via electronic mail (to: aminkoff@bhtwp.com) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter’s full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the meeting.

XI. NEW BUSINESS – RESOLUTIONS OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

1. Resolution approving Bill List dated May 3, 2022, in the amount of $576,872.48.

2. Resolution appointing Joe Popolo to serve as Acting Construction Official.

3. Resolution appointing Liza Viana as Acting Treasurer/Chief Financial Officer.

4. Resolution awarding a contract to Neglia Engineering Associates for surveying and Engineering services for Kline Place and Fickler Place, in an amount not to exceed $36,850.00.

5. Resolution awarding a contract to H.J. Cannon Group, Inc. for investigation and analysis of the on-going and current building issues related to the construction of the new municipal building, in an amount not to exceed $43,360.00.

6. Resolution awarding a contract to Neglia Engineering Associates for surveying, engineering and construction management services for miscellaneous drainage improvements – various streets, in an amount not to exceed $35,360.00.

7. Resolution authorizing the application of the 2022 First Responder grant from the Gary Sinise Foundation, in the amount of $35,153.50, for radios for the Berkeley Heights Volunteer Rescue Squad.

8. 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 a tax overpayment in the amount of $903.70, for the property located at 15 La Secla Place.

b. Amending resolution No. 133-2022, tax overpayment in the amount of $1,738.26, for the property located at 11 Park Edge.

c. Resolution authorizing the application of a Blue light permit to Austin Amiano, a member of the Berkeley Heights Volunteer Fire Department.
XIII. INTRODUCTION OF ORDNANCES:
   Public Hearing and Final Adoption scheduled for June 8, 2022

1. "AN ORDINANCE ESTABLISHING REQUIREMENTS AND REGULATIONS FOR OUTDOOR DINING."

XIV. TOWNSHIP COUNCIL REPORTS
   A. Gentiana Brahimaj
   B. Manuel Couto – Vice President
   C. Paul Donnelly
   D. John Foster
   E. Jeanne Kingsley – President
   F. Jeff Varnerin

ADMINISTRATION REPORTS
   Mayor Devanney
   Township Administrator – Liza Viana

XV. 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.

   Alternatively, written comments may also be submitted in lieu of verbal comments. You may submit written comments in advance of the meeting either via electronic mail (to: aminkoff@bhtwp.com) or by written letter (to: Township Clerk, 29 Park Avenue, Berkeley Heights, NJ 07922), including commenter’s full name and address, which must be received by the Township Clerk by 4:00 P.M. on the date of the meeting.

XVI. EXECUTIVE SESSION –

XVII. ADJOURNMENT

Ana Minkoff, Township Clerk
Proclamation
Township of Berkeley Heights

WHEREAS, Robin Greenwald, the Construction Code Official, possesses institutional knowledge and expertise obtained during her nineteen plus year career in Berkeley Heights; and

WHEREAS, throughout her lengthy career, Robin Greenwald has inspected buildings, done plan reviews, issued construction permits and certificates of occupancy for residents and businesses that are too numerous to count; and

WHEREAS, several of the monumental projects in Berkeley Heights that Robin oversaw include the construction of Connell Corporate Center and our new Municipal Building; and

WHEREAS, Robin has received accolades from residents for protecting them from contractors who were not equipped to do jobs on their homes; and

WHEREAS, in addition to heading the Construction Department, Robin Greenwald has served as Township Official on the Planning Board for several years; and

WHEREAS, Robin Greenwald retired from her position as the Township’s Construction Code Official effective May 2, 2022.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Township Council of the Township of Berkeley Heights, and on behalf of all our citizens do hereby extend this expression of thanks for Robin Greenwald’s service and wish her much health and happiness during her retirement.

APPROVED this 3rd day of May 2022.

ATTEST: 

[Signature]
Ana Minkoff, Township Clerk

Angie D. DeVanney, Mayor
TOWNSHIP OF BERKELEY HEIGHTS
Ordinance 2022-

CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Berkeley Heights in the County of Union finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.00% increase in the budget for said year, amounting to $160,366.06 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Berkeley Heights, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Berkeley Heights shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to $561,281.21 and that the CY 2022 municipal budget for the Township of Berkeley Heights be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCED: April 5, 2022
PUBLIC HEARING: May 3, 2022

ATTEST: 

By: 

Ana Minkoff, Township Clerk

Angie Devanney, Mayor
NOTICE OF
INTRODUCTION

Ordinance -2022

CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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 April 5, 2022 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on May 3, 2022 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

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<thead>
<tr>
<th>ROLL CALL</th>
<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
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<tr>
<td>BRAHIMAJ</td>
<td>✓</td>
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<td>COUTO</td>
<td>✓</td>
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<td>DONNELLY</td>
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<td>FOSTER</td>
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<td>KINGSLY</td>
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<tr>
<td>MAYOR DEVANNEY</td>
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TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

NOTICE OF FINAL ADOPTION

CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

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 May 3, 2022.

Ana Minkoff,
Township Clerk
Township of Berkeley Heights
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,830,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,349,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $1,830,000, including a grant in the amount of $410,000 from the State of New Jersey Department of Transportation for the purpose described in Section 3(c)(1) (the "State Grant") and further including the aggregate sum of $71,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of
provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of $1,349,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Appropriation &amp; Estimated Cost</th>
<th>Estimated Maximum Amount of Bonds &amp; Notes</th>
<th>Period of Usefulness</th>
</tr>
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<tbody>
<tr>
<td>a) <strong>Sewer:</strong></td>
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<tr>
<td>1) The replacement of equipment, including, but not limited to, pump station pumps and nitrification basin mixers and further including all related costs and expenditures incidental thereto.</td>
<td>$145,000</td>
<td>$137,750</td>
<td>15 years</td>
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<tr>
<td>b) <strong>Department of Public Works:</strong></td>
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<tr>
<td>1) Various renovation projects, including, but not</td>
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</table>
limited to, the installation of an automatic gate at the Department of Public Works yard and renovations to the break/lunchroom area including an additional bathroom and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost 1</th>
<th>Cost 2</th>
<th>Duration</th>
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<tbody>
<tr>
<td>1) Road segment reconstruction to various streets, including, but not limited to, Cedar Green Lane and Station Street and further including all work and materials necessary therefor and incidental thereto.</td>
<td>$70,000</td>
<td>$66,500</td>
<td>10 years</td>
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<tr>
<td>2) Path improvements, including all work and materials necessary therefor and incidental thereto.</td>
<td>$20,000</td>
<td>$19,000</td>
<td>10 years</td>
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<tr>
<td>4) Various paving projects, including, but not limited to, paving of the Rescue Squad lot and further including all work and materials necessary therefor and incidental thereto.</td>
<td>$50,000</td>
<td>$47,500</td>
<td>10 years</td>
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<tr>
<td>O) <strong>Engineer:</strong> 1) Improvements to Kline Place and Fickler Place, including, but not limited to, paving, milling and reconstruction and further including all work and materials necessary (includes a grant from the State of</td>
<td>$825,000</td>
<td>$394,250</td>
<td>10 years</td>
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therefor and incidental thereto.

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<tr>
<th>New Jersey Department of Transportation in the amount of $410,000)</th>
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<tbody>
<tr>
<td>2) Milling, paving, reconstruction, drainage and other improvements to various roads, including, but not limited to, Orchard Lane, Mercier Place and Old Farm Road and further including all work and materials necessary therefor and incidental thereto.</td>
</tr>
<tr>
<td>$150,000</td>
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<tr>
<td>3) Various drainage projects and improvements to various roads, including, but not limited to, Lenape Lane, Ken Drive and Martin Lane and further including all work and materials necessary therefor and incidental thereto.</td>
</tr>
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<td>$60,000</td>
</tr>
<tr>
<td>4) Milling, paving, reconstruction, drainage improvements and other road projects to various roads, including, but not limited to, Forest Avenue and Eaton Court and further including all work and materials necessary therefor and incidental thereto.</td>
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<td>$450,000</td>
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</table>
d) **Fire Department:**

1) Various repairs, including, but not limited to, repairs to the front apron and further including all work and materials necessary therefor and incidental thereto.

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<td>$20,000</td>
<td>$19,000</td>
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2) Various paving projects, including, but not limited to, paving of the Firehouse parking lot and further including all work and materials necessary therefor and incidental thereto.

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<td></td>
<td>$15,000</td>
<td>$14,250</td>
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</table>

Total: $1,830,000 $1,349,000

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose and the State Grant, as applicable.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The
chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. 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 bond 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 6. The following additional matters are hereby determined, declared, recited and stated:
(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.51 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $1,349,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $366,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond
ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.
Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. 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 ______________________, 2022.

ADOPTED the _______ day of ______________________, 2022.

By: ______________________

Angie Devanney, 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 April 19, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at 29 Park Avenue, Berkeley Heights, on May 3, 2022 at 7:00 o’clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost at www.berkeleyheights.gov, or by contacting the Clerk at aminkoff@bhtwp.com, 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 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,830,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,349,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

<table>
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<tr>
<th>Purpose</th>
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<th>Estimated Maximum Amount of Bonds &amp; Notes</th>
<th>Period of Usefulness</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Sewer: The replacement of equipment, including, but not limited to, pump station pumps and nitrification basin mixers and further including all related costs and expenditures incidental thereto.</td>
<td>$145,000</td>
<td>$137,750</td>
<td>15 years</td>
</tr>
<tr>
<td>b) Department of Public Works: 1) Various renovation projects, including, but not limited to, the installation of an automatic gate at the Department of Public Works yard and renovations to the break/lunchroom area</td>
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</tr>
</tbody>
</table>
including an additional bathroom and further including all work and materials necessary therefor and incidental thereto.

2) Road segment reconstruction to various streets, including, but not limited to, Cedar Green Lane and Station Street and further including all work and materials necessary therefor and incidental thereto.

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<tr>
<th></th>
<th>$25,000</th>
<th>$23,750</th>
<th>10 years</th>
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<td></td>
<td>$70,000</td>
<td>$66,500</td>
<td>10 years</td>
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<td>$20,000</td>
<td>$19,000</td>
<td>10 years</td>
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<td></td>
<td>$50,000</td>
<td>$47,500</td>
<td>10 years</td>
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</table>

3) Path improvements, including all work and materials necessary therefor and incidental thereto.

4) Various paving projects, including, but not limited to, paving of the Rescue Squad lot and further including all work and materials necessary therefor and incidental thereto.

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<th>$825,000</th>
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<tbody>
<tr>
<td>(includes a grant from the State of New Jersey Department of Transportation in the amount of $410,000)</td>
<td>$825,000</td>
<td>$394,250</td>
<td>10 years</td>
</tr>
</tbody>
</table>

c) **Engineer:**

1) Improvements to Kline Place and Fickler Place, including, but not limited to, paving, milling and reconstruction and further including all work and materials necessary therefor and incidental thereto.
2) Milling, paving, reconstruction, drainage and other improvements to various roads, including, but not limited to, Orchard Lane, Mercier Place and Old Farm Road and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th></th>
<th>$150,000</th>
<th>$142,500</th>
<th>10 years</th>
</tr>
</thead>
</table>

3) Various drainage projects and improvements to various roads, including, but not limited to, Lenape Lane, Ken Drive and Martin Lane and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th></th>
<th>$60,000</th>
<th>$57,000</th>
<th>10 years</th>
</tr>
</thead>
</table>

4) Milling, paving, reconstruction, drainage improvements and other road projects to various roads, including, but not limited to, Forest Avenue and Eaton Court and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th></th>
<th>$450,000</th>
<th>$427,500</th>
<th>10 years</th>
</tr>
</thead>
</table>

d) **Fire Department:**

1) Various repairs, including, but not limited to, repairs to the front apron and further including

<table>
<thead>
<tr>
<th></th>
<th>$20,000</th>
<th>$19,000</th>
<th>10 years</th>
</tr>
</thead>
</table>
all work and materials necessary therefor and incidental thereto.

2) Various paving projects, including, but not limited to, paving of the Firehouse parking lot and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th></th>
<th>$15,000</th>
<th>$14,250</th>
<th>10 years</th>
</tr>
</thead>
</table>

Total: $1,830,000  $1,349,000

Appropriation: $1,830,000

Bonds/Notes Authorized: $1,349,000

Grant Appropriated: $410,000 grant from the State of New Jersey Department of Transportation

Section 20 Costs: $366,000

Useful Life: 10.51 years

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

Ana Minkoff, Clerk
BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Berkeley Heights, in the County of Union, State of New Jersey on **May 3, 2022** and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost by email to aminkoff@bhtwp.com, or at 29 Park Avenue, Clerk’s office, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,830,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,349,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

Purposes:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Appropriation &amp; Estimated Cost</th>
<th>Estimated Maximum Amount of Bonds &amp; Notes</th>
<th>Period of Usefulness</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) <strong>Sewer:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The replacement of equipment,</td>
<td>$145,000</td>
<td>$137,750</td>
<td>15 years</td>
</tr>
<tr>
<td>including, but not limited to,</td>
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<tr>
<td>pump station pumps and</td>
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<td>nitrification basin mixers and</td>
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<td></td>
<td></td>
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<tr>
<td>further including all related</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>costs and expenditures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>incidental thereto.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) <strong>Department of Public Works:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Various renovation projects,</td>
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<tr>
<td>including, but not limited to,</td>
<td></td>
<td></td>
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<tr>
<td>the installation of an</td>
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<td></td>
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<tr>
<td>automatic gate at the</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Department of Public Works yard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and renovations to the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>break/lunchroom area</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
including an additional bathroom and further including all work and materials necessary therefor and incidental thereto.

2) Road segment reconstruction to various streets, including, but not limited to, Cedar Green Lane and Station Street and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th></th>
<th>$25,000</th>
<th>$23,750</th>
<th>10 years</th>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>$70,000</th>
<th>$66,500</th>
<th>10 years</th>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>$20,000</th>
<th>$19,000</th>
<th>10 years</th>
</tr>
</thead>
</table>

3) Path improvements, including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th></th>
<th>$50,000</th>
<th>$47,500</th>
<th>10 years</th>
</tr>
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</table>

4) Various paving projects, including, but not limited to, paving of the Rescue Squad lot and further including all work and materials necessary therefor and incidental thereto.

c) **Engineer:**

1) Improvements to Kline Place and Fickler Place, including, but not limited to, paving, milling and reconstruction and further including all work and materials necessary therefor and incidental thereto.

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|                      | (includes a grant from the State of New Jersey Department of Transportation) | | |
2) Milling, paving, reconstruction, drainage and other improvements to various roads, including, but not limited to, Orchard Lane, Mercier Place and Old Farm Road and further including all work and materials necessary therefor and incidental thereto.

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<td>10 years</td>
<td></td>
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3) Various drainage projects and improvements to various roads, including, but not limited to, Lenape Lane, Ken Drive and Martin Lane and further including all work and materials necessary therefor and incidental thereto.

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<td></td>
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4) Milling, paving, reconstruction, drainage improvements and other road projects to various roads, including, but not limited to, Forest Avenue and Eaton Court and further including all work and materials necessary therefor and incidental thereto.

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<tbody>
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<td></td>
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<td></td>
<td>10 years</td>
<td></td>
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</table>

d) **Fire Department:**
1) Various repairs, including, but not limited to repairs to the front apron and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost 1</th>
<th>Cost 2</th>
<th>Life Span</th>
</tr>
</thead>
<tbody>
<tr>
<td>$20,000</td>
<td>$19,000</td>
<td>10 years</td>
<td></td>
</tr>
</tbody>
</table>

2) Various paving projects, including, but not limited to, paving of the Firehouse parking lot and further including all work and materials necessary therefor and incidental thereto.

<table>
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<tr>
<th>Description</th>
<th>Cost 1</th>
<th>Cost 2</th>
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<tbody>
<tr>
<td>$15,000</td>
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<td></td>
</tr>
</tbody>
</table>

Total: $1,830,000 $1,349,000

Appropriation: $1,830,000

Bonds/Notes Authorized: $1,349,000

Grant Appropriated: $410,000 grant from the State of New Jersey Department of Transportation

Section 20 Costs: $366,000

Useful Life: 10.51 years

Ana Minkoff, Clerk
BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,262,690 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,136,421 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Berkeley Heights, in the County of Union, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $1,262,690 and further including the aggregate sum of $126,269 as the several down payments for the improvements or purposes which exceeds the amount required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.
Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of $1,136,421 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Appropriation &amp; Estimated Cost</th>
<th>Estimated Maximum Amount of Bonds &amp; Notes</th>
<th>Period of Usefulness</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) <strong>Sewer:</strong></td>
<td></td>
<td>$131,690</td>
<td>15 years</td>
</tr>
<tr>
<td></td>
<td>The replacement of equipment, including, but not limited to, a grinder submersible motor and a wet well muffin monster and further including all related costs and expenditures incidental thereto.</td>
<td>$119,063</td>
<td></td>
</tr>
<tr>
<td>b) <strong>Engineer (Roads):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Repairs and other road improvements to various roads, including, but not limited to, portions of Kent Drive, Lenape Lane, Orchard Lane, Old Farm Road, Middle Way,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chestnut Hill Drive, Runnymede Road and Gallinon Drive and further including all work and materials necessary therefor and incidental thereto.</td>
<td>$1,080,000</td>
<td>$972,672</td>
<td>10 years</td>
</tr>
<tr>
<td>---</td>
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<td>---</td>
<td>---</td>
</tr>
<tr>
<td>c) <strong>Engineer (Bridges):</strong> Repairs to various head walls, including, but not limited to, the head walls at Columbia Park and 32 Liberty Avenue Bridges and further including all work and materials necessary therefor and incidental thereto.</td>
<td>$51,000</td>
<td>$44,686</td>
<td>15 years</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$1,262,690</strong></td>
<td><strong>$1,136,421</strong></td>
<td></td>
</tr>
</tbody>
</table>

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all
such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. 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 bond 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the
cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.72 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $1,136,421, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $252,538 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.
Section 8. Any grant moneys received, including any grants from the Federal Emergency Management Agency or otherwise, for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited
obligations of the Township, and the Township shall be obligated to levy \textit{ad valorem} taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. 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 \underline{_____} day of \underline{____________________}, 2022.

ADOPTED the \underline{_____} day of \underline{____________________}, 2022.

By: \underline{______________________}

Angie Devanney, 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 April 19, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at 29 Park Avenue, Berkeley Heights, on May 3, 2022, at 7:00 o’clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost at www.berkeleyheights.org, or by contacting aminkoff@bhtwp.com, 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 PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING $1,262,690 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,136,421 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Appropriation &amp; Estimated Cost</th>
<th>Estimated Maximum Amount of Bonds &amp; Notes</th>
<th>Period of Usefulness</th>
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<tbody>
<tr>
<td>a) Sewer:</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>$131,690</td>
<td>$119,063</td>
<td>15 years</td>
</tr>
<tr>
<td>b) Engineer (Roads):</td>
<td>Repairs and other road improvements to various roads, including, but not limited to, portions of Kent Drive, Lenape Lane, Orchard Lane, Old Farm Road, Middle Way, Chestnut Hill Drive, Runnymead Road and</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Gallinson Drive and further including all work and materials necessary therefor and incidental thereto.

<table>
<thead>
<tr>
<th></th>
<th>$1,080,000</th>
<th>$972,672</th>
<th>10 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>c) <strong>Engineer (Bridges):</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repairs to various head walls, including, but not limited to, the head walls at Columbia Park and 32 Liberty Avenue Bridges and further including all work and materials necessary therefor and incidental thereto.</td>
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<td></td>
<td></td>
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<td>$51,000</td>
<td>$44,686</td>
<td>15 years</td>
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</table>

**Total:**

<table>
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<tr>
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<th>$1,262,690</th>
<th>$1,136,421</th>
</tr>
</thead>
</table>

Appropriation: $1,262,690

Bonds/Notes Authorized: $1,136,421

Grant Appropriated: N/A

Section 20 Costs: $252,538

Useful Life: 10.72 years

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

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**ROLL CALL**

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<tr>
<th></th>
<th>AYE</th>
<th>NAY</th>
<th>ABSTAIN</th>
<th>ABSENT</th>
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</thead>
<tbody>
<tr>
<td>BRAHIMA</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUTO</td>
<td>✓</td>
<td></td>
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<tr>
<td>DONNELLY</td>
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<tr>
<td>FOSTER</td>
<td>✓</td>
<td></td>
<td>✓</td>
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<tr>
<td>KINGSLEY</td>
<td>✓</td>
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<td>VARNERIN</td>
<td>✓</td>
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<td>TIE:</td>
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<tr>
<td>MAYOR DEVANNEY</td>
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BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Berkeley Heights, in the County of Union, State of New Jersey on **May 3, 2022** and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost, by emailing aminkoff@bhtwp.com, or at 29 Park Avenue, Clerk’s office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

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<th>Purpose</th>
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<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Cost 1</td>
<td>Cost 2</td>
<td>Duration</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>--------</td>
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</tr>
<tr>
<td>c) <strong>Engineer (Bridges):</strong> Repairs to various head walls, including, but not limited to, the head walls at Columbia Park and 32 Liberty Avenue Bridges and further including all work and materials necessary therefor and incidental thereto.</td>
<td>$51,000</td>
<td>$44,686</td>
<td>15 years</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td>$1,262,690</td>
<td>$1,136,421</td>
<td></td>
</tr>
</tbody>
</table>

Appropriation: $1,262,690

Bonds/Notes Authorized: $1,136,421

Grant Appropriated: N/A

Section 20 Costs: $252,538

Useful Life: 10.72 years

Ana Minkoff, Clerk
### General Revenues

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
<td>$1,442,033.48</td>
</tr>
<tr>
<td>Miscellaneous Revenues</td>
<td>$2,924,390.00</td>
</tr>
<tr>
<td>Total</td>
<td>$4,366,423.48</td>
</tr>
</tbody>
</table>

### Voted Revenues

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes</td>
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<tr>
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</tr>
<tr>
<td>Total</td>
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</tr>
</tbody>
</table>

### Summary of Revenues

- General Revenues: $4,366,423.48
- Voted Revenues: $4,366,423.48

### Recorded Vote

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1.</td>
<td>$1,442,033.48</td>
</tr>
<tr>
<td>2.</td>
<td>$2,924,390.00</td>
</tr>
<tr>
<td>3.</td>
<td>$4,366,423.48</td>
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</tbody>
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**Resolution:**

**Section 2 - Upon Adoption for Year 2022**

- The budget and financial statement for the Township for the year 2023 are hereby adopted and approved.
- This resolution shall be filed with the County Registrar of Voters for the Township.
- The Clerk of the Township shall cause a copy of this resolution to be published in the official newspaper of the Township. 

**Adopted by the Township Council Members:**

[Signatures]

**Date:** [Signature Date]
<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Appropriations</td>
</tr>
<tr>
<td>$25,699.16</td>
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<tr>
<td>$21,274.63</td>
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<td>$2,728,492.04</td>
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<tr>
<td>$4,900</td>
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**SUMMARY OF APPROPRIATIONS**
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 05/03/2022, in the amount of $576,872.48 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 3rd day of May, 2022.

ATTEST:

_______________________________________
Ana Minkoff
Township Clerk
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the need has arisen for the Township of Berkeley Heights to appoint an Acting Construction Official, and

WHEREAS, N.J.A.C. 5:23-4.4(6) provides that an Acting Construction Official may be appointed for a period not to exceed 60 day, except where granted permission otherwise by the Department of Community Affairs; and

WHEREAS, N.J.A.C. 5:23-4.4(6) further requires that the Township notify the Department of Community Affairs within seven days after an Acting Construction Official is appointed; and

WHEREAS, the Township has identified Joe Popolo to serve as Acting Construction Official.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, that Joe Popolo shall be appointed Acting Construction Official effective May 3, 2022; and

BE IT FURTHER RESOLVED, that the Township Administrator shall notify the Department of Community Affairs within seven days of the appointment becoming effective pursuant to N.J.A.C. 5:23-4.4(6); and

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

APPROVED this 3rd day of May, 2022.

ATTEST:

Ana Minkoff
Township Clerk
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, pursuant to N.J.S.A. 40A:9-140.10, every municipality must have a chief municipal financial officer appointed by the governing body of the municipality to handle the financial administration of the municipality, including the requirements under the Local Budget Law (N.J.S.A. 40A:4-1, et seq.); and

WHEREAS, due to a vacancy in the position of Township Treasurer/Chief Financial Officer, the Township of Berkeley Heights needs to appoint an individual to perform all of the functions of said position under the Local Budget Law and related statutes and regulations, including, but not limited to, the signing and certification of Township budget-related documents, during such vacancy; and

WHEREAS, pursuant to N.J.S.A. 40A:9-140.13(f), a person who does not hold a municipal finance officer certificate may serve as a temporary chief financial officer; and

WHEREAS, the Township of Berkeley Heights is governed pursuant to the Mayor-Council-Administrator form of government, N.J.S.A. 40:69A-149.1, et seq., of the Optional Municipal Charter Law, N.J.S.A. 40:69A-1, et seq. (the “Faulkner Act”); and

WHEREAS, pursuant to N.J.S.A. 40:69A-149.8, the Mayor nominated Liza Viana, subject to the advice and consent of the Township Council, to perform all of the functions of Township Treasurer/Chief Financial Officer under the Local Budget Law and related statutes, regulations and the Township Code, including, but not limited to, the signing and certification of Township budget-related documents, on a temporary basis until such time as an individual is appointed to fill the position on a permanent basis which is anticipated to take place as early as May 17, 2022; and

WHEREAS, the Township Council desires to consent to the Mayor’s nomination and appointment.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Berkeley Heights that the Township Council hereby consents to the Mayor’s appointment of Liza Viana to perform the functions of Township Treasurer/Chief Financial Officer on a temporary basis until such time as an individual is appointed to fill the position on a permanent basis; and

BE IT FURTHER RESOLVED that Liza Viana is hereby authorized during the term of her temporary appointment to perform all functions of the position of Township Treasurer/Chief Financial Officer under the Local Budget Law and related statutes, regulations and the Township Code, including, but not limited to, the signing and certification of Township budget-related documents; and
BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

APPROVED this 3rd day of May, 2022.

ATTEST:

Ana Minkoff
Township Clerk
TOWNSHIP OF BERKELEY HEIGHTS
COUNTY OF UNION, NEW JERSEY

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO NEGRIA ENGINEERING ASSOCIATES FOR SURVEYING AND ENGINEERING SERVICES FOR NJDOT FY22 ROAD PROGRAM – KLINE PLACE AND FICKLER PLACE

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional engineering services to provide Surveying and Engineering Services for NJDOT FY22 Road Program – Kline Place and Fickler Place; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bid and that the contract itself must be available for inspection; and

WHEREAS, on January 4, 2022, Neglia Engineering Associates was deemed qualified to provide professional general engineering services to the Township of Berkeley Heights as part of 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; and

WHEREAS, Neglia Engineering Associates has provided proposal dated March 30, 2022, to provide surveying and engineering services for NJDOT FY 2022 Road Program – Kline Place and Fickler Place: and

WHEREAS, said proposal consisted of the following services: Surveying and Engineering services, for Kline Place and Fickler Place. The total cost proposed is $36,850.00; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights that the Mayor and/or the Township Administrator of the Township of Berkeley Heights are hereby authorized to execute and attest to an agreement with Neglia Engineering Associates for Surveying and Engineering services for Kline Place and Fickler Place, at a fee not to exceed $36,850.00, pursuant to their proposal dated March 30, 2022. This contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5(1)(a)(l) of the Local Public Contracts Law and 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 the Chief Financial Officer has issued a Certificate Available Funds which is incorporated herein by reference, for an amount not to exceed $36,850.00.
BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

APPROVED this 3rd day of May, 2022.

ATTEST:

_____________________________
Ana Minkoff
Township Clerk

CERTIFICATE OF AVAILABILITY OF FUNDS

I certify that there are sufficient legally appropriated funds for the amount of this contract, $36,850.00, in Account # C-04-94-033-621, and that these funds have not been certified as available for any other pending contract.
TOWNSHIP OF BERKELEY HEIGHTS
COUNTY OF UNION, NEW JERSEY

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional services for the investigation and analysis of the on-going and current building issues related to the construction of the new municipal building; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires a resolution authorizing the award of the contract for professional services without competitive bid and that the contract itself must be available for inspection; and

WHEREAS, H.J. Cannon Group, Inc. has provided proposal dated April 25, 2022, to conduct an investigation and analysis of the on-going and current building issues related to the construction of the new municipal building, the total cost proposed is $43,360.00; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights that the Mayor and/or the Township Administrator of the Township of Berkeley Heights are hereby authorized to execute and attest to an agreement with H.J. Cannon Group, Inc. (HJCG) for investigation and analysis of the on-going and current building issues related to the construction of the new municipal building, at a fee not to exceed $43,360.00, pursuant to their proposal dated April 25, 2022. This contract is awarded without competitive bids as a "professional services contract" in accordance with N.J.S.A. 40A:11-5(1)(a)(l) of the Local Public Contracts Law and 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.

APPROVED this 3rd day of May, 2022.

ATTEST:

Ana Minkoff
Township Clerk
TOWNSHIP OF BERKELEY HEIGHTS
COUNTY OF UNION, NEW JERSEY

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
NEGGLIA ENGINEERING ASSOCIATES FOR SURVEYING AND ENGINEERING
AND CONSTRUCTION MANAGEMENT SERVICES FOR MISCELLANEOUS
DRAINAGE IMPROVEMENTS – VARIOUS STREETS

WHEREAS, the Township of Berkeley Heights is in need of contracting for
professional engineering services to provide surveying, Engineering and Construction
Management Services for miscellaneous Drainage Improvements – Various Streets.

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires
a resolution authorizing the award of the contract for professional services without
competitive bid and that the contract itself must be available for inspection; and

WHEREAS, on January 4, 2022, Neglia Engineering Associates was deemed
qualified to provide professional general engineering services to the Township of
Berkeley Heights as part of 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; and

WHEREAS, Neglia Engineering Associates has provided proposal dated April
28, 2022, to provide surveying, engineering and construction management, miscellaneous
drainage improvements, various streets: and

WHEREAS, said proposal consisted of the following services: Surveying and
Engineering and construction services for various streets. The total cost proposed is
$35,360.00; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the
Township of Berkeley Heights that the Mayor and/or the Township Administrator of the
Township of Berkeley Heights are hereby authorized to execute and attest to an
agreement with Neglia Engineering Associates for Surveying, Engineering and
construction services for miscellaneous drainage improvements – various streets, at a fee
not to exceed $35,360.00, pursuant to their proposal dated April 28 2022. This contract is
awarded without competitive bids as a "professional services contract" in accordance
with N.J.S.A. 40A:11-5(1)(a)(l) of the Local Public Contracts Law and 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 the Chief Financial Officer has issued a
Certificate Available Funds which is incorporated herein by reference, for an amount
not to exceed $35,360.00.
BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

APPROVED this 3rd day of May, 2022.

ATTEST:

__________________________
Ana Minkoff
Township Clerk
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION AUTHORIZING THE APPLICATION OF THE 2022 FIRST RESPONDER GRANT FROM THE GARY SINISE FOUNDATION

WHEREAS, the governing body of the Township of Berkeley Heights, County of Union, desires to further the public interest by obtaining a grant from the Gary Sinise Foundation in the amount of up to $35,153.50 for radios for the Berkeley Heights Volunteer Rescue Squad.

WHEREAS the $35,153.50 funding request is part of the First Responder Grant Program from the Gary Sinise Foundation and will be used to purchase five (5) Motorola 8000 radios, that are used by the emergency medical services personnel to communicate with each other, other emergency services and with Union County Emergency Dispatch.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Berkeley Heights does hereby authorize the Berkeley Heights Grants Committee to make application for such a grant; and for the Township Administrator to execute any amendments thereto, and expend the funds pursuant to the fully executed grant agreement.

BE IT FURTHER RESOLVED that the Township Administrator and Mayor are hereby authorized to sign the grant agreement on behalf of the Township of Berkeley Heights and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

APPROVED this 3rd day of May 2022.

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 2022 property taxes for property known as Block# 302, Lot# 2 also known as 15 La Secla Place, which requires a refund in the amount of $903.70; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the second (2nd) quarter 2022 taxes in the amount of $903.70, to Frank and Janette Perlzik, Jr., 15 La Secla Place, Berkeley Heights, NJ 07922.

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

APPROVED this 3rd day of May 2022.

Attest:

Ana Minkoff
Township Clerk
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, members of the Berkeley Heights Volunteer 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, Austin Amiano is a member of the Berkeley Heights Volunteer 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 initial application for Austin Amiano, for a blue light permit.

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

APPROVED this 3rd day of May, 2022.

ATTEST:

Ana Minkoff
Township Clerk
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

AMENDING RESOLUTION NO. 133-2022

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2022 property taxes for property known as Block# 301.19, Lot# 1/C also known as 11 Park Edge, which requires a refund in the amount of $1738.26; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the second (2nd) first (1st) quarter 2022 taxes in the amount of $1738.26, to Marshall and Ann DeRusto faro Jane L. Davis, 11 Park Edge, Berkeley Heights, NJ 07922.

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

APPROVED this 3rd day of May 2022.

Attest:

Ana Minkoff
Township Clerk
AN ORDINANCE ESTABLISHING REQUIREMENTS AND REGULATIONS
FOR OUTDOOR DINING

WHEREAS, appropriately regulated outdoor dining benefits the residents of the
Township of Berkeley Heights; and

WHEREAS, the Township of Berkeley Heights desires to amend the Township
Code to institute comprehensive outdoor dining requirements and regulations.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the
Township of Berkeley Heights in the County of Union and State of New Jersey that the
Township Code be amended as follows:

A new Section 6.3.11 of Appendix A titled “Outdoor Dining” is hereby created
and shall read as follows:

SECTION I

A. PURPOSE: It has been determined that the establishment of outdoor dining utilizing
a part of the sidewalk in front of or on the side of a business will promote the public
interest by creating an attractive pedestrian environment for its businesses and will
foster a pleasant and distinctive ambience within the Township. The purpose of this
Article is to establish the appropriate regulations to license and regulate this activity in
order to ensure that the health, safety and welfare of the Township is protected.

B. DEFINITIONS: As used in this section, the following terms shall have the meaning
indicated:

a) OUTDOOR DINING
   Shall mean the use of an outdoor area by a restaurant (as defined by Article 2.1 of
   the Municipal Land Use Procedures Ordinance), with the following characteristics:
   1) The outdoor area is directly adjacent to the building in which the restaurant
      is located, and is enclosed within the area bounded by the public street, the
      building line of the principal facade of such building, and lines extending in
      a perpendicular direction from the outermost points of the building line
      where it intersects with adjacent property lines to the public street.
   2) Containing readily removable tables, chairs, temporary railings and/or
      planters; and
   3) Unenclosed by fixed walls, ceilings, or fences, except for retractable
      awnings, removable barriers, umbrellas or other nonpermanent enclosures.
b) **PERSON**
   Any individual, partnership, corporation, limited liability company, association, or other entity.

c) **PRINCIPAL FAÇADE**
   The "principal façade" shall be the façade of the principal building facing the street right-of-way. Corner properties may have more than one principal façade.

**SECTION II – APPLICABILITY**
Outdoor dining shall be permitted in the DD, HB-2, and HB-3 zones as a permitted accessory use that is customarily incidental to a permitted restaurant or similar establishment where food and drink are prepared, served, and consumed, primarily within the principal building. All outdoor dining must also conform with the specific rules and regulations set forth in Section VII of this Article.

**SECTION III – LICENSE AND ENFORCEMENT**

A. **LICENSE REQUIREMENTS**
No person shall operate outdoor dining within the Township of Berkeley Heights without first obtaining an outdoor dining license from the Zoning Officer and satisfying all of the requirements of this chapter. Licenses shall be issued in accordance with the following:

a) The Township of Berkeley Heights shall issue such license upon the adherence to all conditions set forth in this chapter and all applicable Township and State laws and regulations.

b) The license shall not be transferable; a new license shall be required in the case of a change in ownership or restaurant tenant.

c) All outdoor dining licenses shall be issued for 9 months commencing March 1 and ending November 30th of each calendar year. Licenses must be renewed each calendar year.

d) All new applications and renewal applications must be received by the Zoning Officer no later than January 31 of the calendar year in which the licensee intends to operate outdoor dining. Any renewal applications submitted after January 31 shall be subject to a late fee as established in Subsection B below.

e) The Township reserves the right to revoke, or modify the conditions of, any outdoor dining license issued under this Ordinance to address any compliance, safety, or health issues, or in order to ensure consistency with any other applicable county, state, or federal laws, directives, or guidance.
B. LICENSE FEES
   a) Annual operation fee. An application for an initial outdoor dining license or a renewal license shall be accompanied by an annual operation fee in the amount of $150 for outdoor dining seating 12 or fewer patrons and an annual operation fee in the amount of $250 for outdoor dining seating over 12 patrons.
   b) Waiver. For the first year following the passage of this chapter, the fee shall be waived for any applicant who provides proof that he/she has purchased outdoor dining partitions at a reasonable cost to comply with this chapter.
   c) Late fee. A late fee of $50 will be assessed for renewal applications received after January 31, and $100 for those received after February 28. All fees are nonrefundable.

C. TEMPORARY SUSPENSIONS
   a) Notwithstanding anything to the contrary contained in this Ordinance or any other laws and ordinances of the Township of Berkeley Heights, the Township may temporarily suspend an outdoor dining license in the event of emergency, if access to the sidewalk is needed in connection with public work to be performed in the area, or for other reasons or purposes including, but not limited to, the facilitation of Town-sponsored events.
   b) In the case of snow or other inclement weather that has the potential to create dangerous or hazardous conditions, all outdoor dining equipment must be removed immediately from the sidewalk.

D. ENFORCEMENT; REVOCATION OF LICENSE.

Enforcement of the requirements and specifications for outdoor dining shall be the responsibility of the Police Department, Fire Official, Health Officer, Zoning Officer and/or Code Enforcement Officer.

   a) Upon a determination by an enforcement entity (as listed above) that a licensee has violated one or more of such provisions, the entity shall give written notice to the licensee to correct such violation within 24 hours of the receipt of such notice by the licensee.
   b) In the event that the licensee fails or refuses to correct such violation within such period, the licensee's outdoor dining license shall thereupon, and automatically, be revoked.
   c) Upon the revocation of such license, the licensee, upon written request, shall be entitled to a hearing before the Township Council of Berkeley Heights within 45 days of the date of its request.
SECTION IV – NEW APPLICATIONS

Any restaurant wishing to establish and utilize an outdoor dining area pursuant to this Ordinance must submit an application to the Berkeley Heights Zoning Officer, either via the Township website, mail, or hand delivery to Township offices. The application shall be on prescribed forms and shall be filled out completely and submitted with the following attachments and exhibits:

a) A scaled drawing of the proposed outdoor dining area, not necessarily by a licensed professional), including the following details:
   1) The location of all temporary structures, equipment, and apparatus to be used in connection with the operation of outdoor dining, including but not limited to tables, chairs, signs, planters, awnings, lighting and electrical outlets, heating devices, partitions, and other enclosures.
   2) The location of any fire hydrant, plug or standpipe, utility pole, parking meter stanchion, or other permanent fixtures located on the sidewalk between the principal facade and the curb.
   3) The width of the portion of the sidewalk that provides clear, unobstructed passageway for pedestrians between the outdoor dining area and any permanent fixtures.

b) A detailed narrative and plan of relevant information, describing method of service, proposed hours of service outdoors, and method of litter control and trash handling for outdoor service;

c) An indication of whether the applicant intends to serve alcohol in the outdoor dining area, or permit patrons to bring their own wine or beer for consumption in the outdoor dining area pursuant to Section VII(M) of this Ordinance;

d) Photographs or diagrams of tables, chairs, signs, and other furniture or structures to be utilized, showing style, design, materials, size and colors;

e) Details of any proposed propane heaters, including fire pits, for review and approval by the Berkeley Heights Fire Department;

f) A narrative as to how temporary structures, equipment, and apparatus will be secured overnight or stored in situations requiring their temporary removal from the sidewalk;

g) Proof of insurance that complies with the requirements of Section VIII of this Ordinance;

h) An executed indemnification agreement that complies with the requirements of Section IX of this Ordinance;
i) An executed maintenance agreement that complies with the requirements of Section X of this Ordinance;

j) Proof that the applicant has ownership of any private property upon which the outdoor dining is to be located, or written consent from the person or entity that owns or controls such property or properties.

SECTION V – RENEWAL APPLICATIONS

Any business that has been previously licensed for outdoor dining shall apply annually for renewal of its license. Renewal applications shall include:
   a) Photographs of outdoor dining setup from prior year;
   b) Proof of insurance that complies with the requirements of Section VIII of this Ordinance;
   c) Proof that the applicant has ownership of any private property upon which the outdoor dining is to be located, or written consent from the person or entity that owns or controls such property or properties.

SECTION VI – REVIEW AND APPROVAL OF APPLICATIONS

All applications submitted pursuant to this Ordinance shall be reviewed by the Zoning Officer. Following receipt of a complete application, the Zoning Officer shall review the application in accordance with the requirements set forth herein and issue a decision in writing within twenty business days. The Zoning Officer may consult other Township officials and committees, such as the Board of Health, Township Engineer, Downtown Beautification Committee and Fire Official, to determine compliance. If the application is not complete, the Zoning Officer will so notify the applicant within 20 business days of the submission and identify the areas in which the application lacks compliance with the requirements. Appeal of any action taken by the Zoning Officer may be made to the Zoning Board of Adjustment.

SECTION VII – RULES AND REGULATIONS

A. An outdoor dining area and all associated furniture, apparatus, decoration, and appurtenance used in connection with its operation shall be sited according to the following standards:
   a) Shall not be positioned in a manner that may obstruct any fire exit from any building or placed in such a way as to impede the safe and speedy ingress and egress to or from any building or structure, and may be subject to further direction by the Fire Official.
   b) Shall not be positioned in a manner that may interfere with vehicular safety, or with necessary access for fire-fighting equipment and ambulances or personnel.
   c) Shall provide a minimum of 4 feet of paved sidewalk area that remains for the exclusive use of pedestrians, which area shall be unobstructed by any
fire hydrant, plug or standpipe, utility pole, parking meter stanchion, or other permanent fixture.

d) During the months when outdoor dining is not permitted, no furniture, apparatus, decoration, appurtenances, or other equipment associated with outdoor dining shall be placed outside. All equipment must be stored indoors when outdoor dining is not permitted.

B. An outdoor dining area and all associated furniture, apparatus, decoration, and appurtenance shall be subject to the following design standards:

a) Easily removable tables, chairs or other seating shall be provided. Tables and chairs shall be spaced at least six feet apart measured from the backs of opposite facing chairs.

b) Outdoor lighting shall be permitted in the form of individual table lighting or lighting attached to the building façade wall or underneath umbrellas, awnings, canopies, or other similar furnishings.

c) Removable shade coverings such as umbrellas, awnings, and pop-up canopies may be included. Any shade covering utilized for outdoor dining purposes shall have a minimum clearance of 7 feet and be anchored securely against wind. No shade covering shall negatively affect vehicular or pedestrian visibility; no part of the shade covering shall extend into the required 4 foot unobstructed sidewalk access area.

d) Outdoor dining areas shall not be enclosed by walls or similar structures. Partitions or planters are allowed to screen and delineate the outdoor dining area, provided that such partitions or planters shall be at least 3 feet in height measured from the grade and shall not utilize materials with little or no precedent in Berkeley Heights, such as exposed concrete, exterior insulation finish systems (EIFS). Recommended types of partitions or planters are provided below:
C. Seating provided within outdoor dining areas shall be exempt from the calculation of off-street parking requirements.

D. No existing parking spaces are allowed to be eliminated to accommodate outdoor dining without approval from the Planning Board or Zoning Board of Adjustment.

E. The outdoor dining area shall be operated and maintained in accordance with the applicant’s sketches, narrative, and plan as finally approved.

F. The outdoor dining area shall be operated and maintained by the same person who operates and maintains the related restaurant of which the outdoor dining area is a part and an extension.

G. No furniture, apparatus, decoration, or appurtenance used in connection with the operation of the outdoor dining area shall be constructed or installed in such a way that poses a danger to the public.

H. No heating or cooking of food shall be allowed in outdoor dining areas. The licensee of an outdoor dining facility may apply to the Berkeley Heights Fire Department for approval to use propane heaters in the outdoor dining area. Such approval shall specify the number of heaters approved by the Fire Department and what provision are to be made for storage of the propane tanks when not in use. A copy of the Fire Department approval shall be filed with the Zoning Officer.

I. The Zoning Officer may require low barriers of a temporary nature (such as bollards) to be placed at the edge of the outdoor dining area during business hours in order to protect the outdoor patrons from vehicle movements within parking areas or streets adjacent to the establishment.

J. The Zoning Officer may permit minimum signage, including the size, shape, material and related characteristics thereof, to be placed in and/or around the outdoor dining area for any of the following purposes:
   a) Defining the boundaries of the outdoor seating area or any waiting area;
   b) Setting forth rules or guidelines applicable to restaurant patrons;
   c) Promoting safety for vehicular and/or pedestrian traffic; or
   d) Any other purpose deemed appropriate and/or necessary by the Zoning Officer.

K. The sidewalk or other area utilized for the outdoor dining area shall be kept clean and free of litter. Trash receptacles shall be provided as needed.

L. Noise shall be kept at such a level as to comply with the NJ Noise Control Act. Live acoustic music is permitted but shall be limited to 4:00 p.m. to 10:00 p.m. weeknights; noon to 10:00 p.m. Saturday and Sunday.

M. Unless approved in advance by the Township or the New Jersey Division of Alcohol and Beverage Control with respect to premises already possessing a liquor
license, no alcoholic beverages of any kind shall be served in conjunction with the outdoor dining. With respect to any outdoor dining area not covered by an existing liquor license, patrons of such unlicensed premises may be permitted by the ownership of the restaurant to bring only wine and beer for consumption at such outdoor dining area, consistent with N.J.S.A. 2C:33-27.

N. Outdoor dining areas shall not be permitted to operate in a manner or during times which unduly interfere with the peace and quiet of nearby residences. The Township may revoke, or amend the conditions of, a previously issued permit to eliminate such interference.

O. Outdoor dining areas shall be permitted to operate only during the hours that the associated restaurant is permitted to operate. Notwithstanding the above, all outdoor dining shall cease operations at 11pm; if the associated restaurant’s permitted operating hours extend beyond 11pm, only indoor dining shall be allowed past 11pm.

P. Operators of outdoor dining areas shall be required to comply with all applicable regulations of the Township’s Board of Health.

SECTION VIII – INSURANCE REQUIRED

No outdoor dining area permit shall be issued unless the applicant provides a certificate of insurance, issued by a company duly authorized to transact business under the laws of the State of New Jersey, evidencing insurance which provides for the payment of not less than $1,000,000 to satisfy all claims for damage by reason of bodily injuries to or the death of any person as a direct or indirect result of the operation of the outdoor cafe or for injury to any person occurring on the premises occupied by such cafe, and further provides for the payment of not less than $10,000 to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such cafe. Such certificate shall provide that the insurance company shall notify the Township of Berkeley Heights 10 days prior to cancellation or substantial change in coverage, and shall name the Township of Berkeley Heights as an additional insured thereunder.

SECTION IX – INDEMNIFICATION AGREEMENT

No outdoor dining area permit shall be issued unless the applicant shall have first executed and filed an indemnification agreement in a form approved by the Township Attorney of the Township of Berkeley Heights pursuant to which the applicant, in further consideration of the issuance of the permit, shall agree to forever defend, protect, indemnify and save harmless the Township of Berkeley Heights, its officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of or which may arise out of the applicant’s operation of such outdoor dining area.
SECTION X – MAINTENANCE AGREEMENT

For outdoor dining areas involving any Township sidewalk or property, no outdoor dining area permit shall be issued unless the applicant shall have first executed and filed a maintenance agreement in a form approved by the Township Attorney of the Township of Berkeley Heights pursuant to which the applicant shall agree, at the option of the Township, to either repair at its sole cost and expense, any damage caused to the sidewalk or other location by the operation of the outdoor dining area or to reimburse the Township in full for all costs and expenses incurred by it in making any such repairs, with and if so required by the Township Council for the Township of Berkeley Heights. The Township may require a bond to be filed by the licensee in an amount to be fixed by the Township.

SECTION XI – EXISTING OUTDOOR DINING

This Ordinance shall not affect or invalidate any current and valid approvals to operate an outdoor dining area pursuant to a previously approved site plan by the Planning Board or Zoning Board of Adjustment. Any expansion or alteration of the previously approved outdoor dining area shall require an outdoor dining license pursuant to this ordinance.

SECTION XII – REPEAL OF SECTION 6.3.2.G OF APPENDIX A

Section 6.3.2.G of Appendix A is hereby repealed.

SECTION XIII – REFERRAL TO PLANNING BOARD

This Ordinance shall be referred to the Planning Board for review consistent with the requirements of N.J.S.A. 40:55D-26.a.

SECTION XIV – REPEAL

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION XV – SEVERABILITY

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.

INTRODUCED the ______ day of ________________, 2022.
ADOPTED the ______ day of ________________, 2022.

ATTEST: ___________________________________ By: ___________________________
Ana Minkoff, Township Clerk Angie Devanney, Mayor
NOTICE OF
INTRODUCTION

Ordinance -2022

AN ORDINANCE ESTABLISHING REQUIREMENTS AND REGULATIONS
FOR OUTDOOR DINING."

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, do hereby
certify that the foregoing Ordinance was introduced on First Reading at a meeting of the
Township Council of the Township of Berkeley Heights, County of Union and State of New
Jersey, on **May 3, 2022** and that said Ordinance shall be submitted for consideration and final
passage at the Public Hearing to be held on **June 8, 2022** 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