TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD APRIL 5, 2022

CALL TO ORDER
At 7:00 p.m. the Mayor called the meeting to order and the Township Clerk stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this 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.

ROLL CALL
The following Council members were present:

   Manuel Couto  
   Paul Donnelly  
   John Foster  
   Jeanne Kingsley  
   Jeff Varnerin  
   Angie D. Devanney, Mayor

The following Council members were absent:

   Gentiana Brahimaj

Also present were:

   Township Attorney: Alex Fisher  
   Township Administrator: Liza Viana  
   Township Clerk: Ana Minkoff

FLAG SALUTE
Mayor Devanney asked everyone present to stand for the Flag Salute.

PROCLAMATION

Governor Livingston Hockey Team
The Mayor read a Proclamation which publicly congratulated the Governor Livingston Ice Hockey Team for its outstanding athletic achievements during the 2022 Season.

Members of the Governor Livingston Hockey Team came forward to receive their proclamations.

Autism Awareness Month
The Mayor read a Proclamation which publicly designated April 2022 as Autism Awareness Month within the Township of Berkeley Heights.

CONFERENCE SESSION

2022 Municipal Budget Presentation
Ms. Poulos, Township CFO, and Ms. Viana, Township Administrator, presented on the 2022 Municipal Budget.

Mayor Devanney opened the discussion on this topic to the public.
Mr. Sincaglia of 22 Robbins Avenue asked for clarification on the budget CAP. Ms. Poulos responded and a discussion followed.


Approval of Minutes

Mover: Mr. Foster
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption Scheduled for April 19, 2022.

The Clerk presented and read:

1. “AN ORDINANCE RESERVING CERTAIN PARKING SPACES AT THE BERKELEY HEIGHTS MUNICIPAL BUILDING FOR COMBAT WOUNDED/PURPLE HEART MILITARY VETERANS.”

That the Ordinance as read by the Township Clerk be offered on first reading and that April 19, 2022 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mr. Couto
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

Public Hearing and Final Adoption Scheduled for May 3, 2022.

The Clerk presented and read:

2. “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).”

That the Ordinance as read by the Township Clerk be offered on first reading and that May 3, 2022 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mrs. Kingsley
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj  
Result: Approved

INTRODUCTION OF 2022 MUNICIPAL BUDGET

Approval of 2022 Municipal Budget for introduction and establishing May 3, 2022, as date of public hearing and final adoption.

Approval of Introduction of 2022 Municipal Budget and establishing May 3, 2022 as the date of the public hearing and final adoption  
Mover: Mayor Devanney  
Seconder: Mrs. Kingsley  
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin  
Nays: None  
Abstain: None  
Absent: Mrs. Brahimaj  
Result: Approved

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON MARCH 15, 2022.

The Clerk presented and read:

1. An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending Chapter 2.128 entitled “Personnel System” of Title 2 entitled “Administration and Personnel” of The Code of the Township of Berkeley Heights to Amend the Township’s Holidays. (EXPLANATORY STATEMENT: This Ordinance amends the Township Code on holidays to make Juneteenth a holiday).

Opening of the Public Hearing on Ordinance as read by the Township Clerk  
Mover: Mr. Varnerin  
Seconder: Mr. Foster  
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin  
Nays: None  
Abstain: None  
Absent: Mrs. Brahimaj

Mayor Devanney read a statement regarding the procedures for public comment.

No voices were heard.

Closing of the Public Hearing on Ordinance as read by the Township Clerk  
Mover: Mr. Varnerin  
Seconder: Mr. Couto  
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin  
Nays: None  
Abstain: None  
Absent: Mrs. Brahimaj
Adoption on final passage of Ordinance as read by the Township Clerk and hearing held hereon and
direction of the Township Clerk to advertise same in the Courier News

Mover: Mr. Varnerin
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimag

Result: Adopted

The Clerk presented and read:

2. **An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, extending the effective period of Ordinance 4-2021, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic.**

Opening of the Public Hearing on Ordinance as read by the Township Clerk

Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimag

No voices were heard.

Closing of the Public Hearing on Ordinance as read by the Township Clerk

Mover: Mrs. Kingsley
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimag

Adoption on final passage of Ordinance as read by the Township Clerk and hearing held hereon and
direction of the Township Clerk to advertise same in the Courier News

Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimag

Result: Adopted

The Clerk presented and read:

3. **AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS.**
Opening of the Public Hearing on Ordinance as read by the Township Clerk
Mover: Mr. Couto
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj

No voices were heard.

Closing of the Public Hearing on Ordinance as read by the Township Clerk
Mover: Mr. Couto
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj

Adoption on final passage of Ordinance as read by the Township Clerk and hearing held hereon and direction of the Township Clerk to advertise same in the Courier News
Mover: Mr. Couto
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj

Result: Adopted

HEARING ON AGENDA ITEMS ONLY
Opening of the Hearing on Agenda Items Only
Mover: Mr. Donnelly
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj

No voices were heard.

Closing of the Hearing on Agenda Items Only
Mover: Mr. Donnelly
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated April 5, 2022, in the amount of $1,185,388.69.
Approval of Resolution
Mover: Mr. Foster
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

2. Resolution authorizing the application of the 2022 Rebuilding American Infrastructure with sustainability and Equity (Raise) grant program, in the amount of $25,000,000.00, with a 20% match from the township, for the “West Side Drainage Project.

Approval of Resolution
Mover: Mrs. Kingsley
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved


Approval of Resolution
Mover: Mr. Varnerin
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

4. Resolution authorizing the Application of the 2022 New Jersey Department of Transportation Local aid Infrastructure Fund, in the amount of $2,087,125.80 to fund the drainage, curbing and repaving of certain section of Orchard Lane, Mercier Place and Old Farm Road.

Approval of Resolution
Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

5. Resolution authorizing amending the 2022 temporary appropriations.

Approval of Resolution
Mover: Mr. Foster
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

7. Resolution amending the contract with FSD Enterprises L.L.C, for professional services for consulting services for wireless telecommunications, in an amount not to exceed $25,000.00.

Approval of Resolution
Mover: Mrs. Kingsley
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

8. Resolution authorizing Agreement with Chief of Police, Jason Massimino.

Approval of Resolution
Mover: Mr. Varnerin
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved


Approval of Resolution
Mover: Mr. Couto
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

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.

10. Consent Agenda Resolutions (a)

a. Resolution authorizing the release of cash performance bonds for work performed on Plainfield Avenue, to the Church of the Little Flower.

Approval of Consent Agenda Resolutions # 10 a
Mover: Mr. Donnelly
Seconder: Mrs. Kingsley
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

TOWNSHIP COUNCIL REPORTS
Councilmembers provided Council Reports and Committee updates.

ADMINISTRATION REPORTS
Mayor Devanney provided the Mayor’s Report.
Ms. Viana provided the Administrator’s Report

Approval of Township Council and Administration Reports
Mover: Mr. Foster
Seconder: Mr. Varnerin
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Result: Approved

CITIZENS HEARING
Opening of the Citizens Hearing
Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj
Township Council Minutes
Council Meeting – April 5, 2022

Mr. Kane of 46 Sycamore Avenue asked about traffic concerns regarding the Watchung development proposed for Bonnie Burn Road. Mr. Foster responded and a discussion followed.

Closing of the Citizens Hearing
Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mr. Varnerin
Nays: None
Abstain: None
Absent: Mrs. Brahimaj

ADJOURNMENT
Moved by Mr. Varnerin to adjourn and all were in favor.
(8:08 p.m.)

Approved: April 19, 2022

Anna Minkoff
Township Clerk
April 5, 2022 Town Council Reports

**Council President Jeanne Kingsley**

**Planning Board:**
Meeting for April 6th is cancelled. Next meeting is scheduled for April 20th, the proposed subdivision for 162 Kline Blvd is scheduled to be heard.

**Downtown Beautification Committee:**
The committee is working with Keenan, the township planner, on revising the draft outdoor dining ordinance based on the feedback received from the council and residents at the March 15th meeting. The ordinance needs to be reviewed by the township attorney and then can be put on the agenda for introduction.
Spring Fill A Basket is here and we need community members to once again sponsor a beautiful hanging flower basket for our downtown. If interested in sponsoring a basket, please look on the township website for the form and information.
The next meeting is April 12th.

**Communication Committee:**
The April E-newsletter was distributed yesterday. The website survey is still available and if you have not participated, please take 2 minutes and give us your thoughts on how we can improve the township website to better meet your needs. We want to hear from you!

**Warren Update on Emerson Lane Proposed Project:**
I attending the Warren Planning Board meeting on March 28th with Councilman Couto. The attorney for the applicant started the meeting by stating that the application had been modified to no longer require any variances. The Warren PB attorney requested that K Hov be held responsible to fix Emerson Lane to Warren Township standards and also requested that higher rated noise blocking windows be used on the Route 78 side of building number 1 - K Hov agreed to both of these requests. The architect for K Hov spent a significant amount of time reviewing the building design elements and the project lay out on the property. They are constructing 104 two bedroom units and 88 3 bedroom units for a total of 192 units contained in 15 buildings for the project. The exterior of the buildings are a combination of vinyl siding, hardy plank and stone. Several board members expressed concerns about the amount of vinyl siding being used on the buildings and requested to have additional stone included to be more...
“Warren like”. The applicant did not agree to this request. The landscape architect for K How also presented their plans and noted that the focus was on buffering and screening, environmentally suitability of the design and to make the property visually appealing. They noted that the first 2 years of a plants life are the most important to water and watch – and after nature can take over. The meeting was carried to April 11th and the Board intends to vote on the application.

**Council Vice President Manny Couto**

**Veterans Park Renewal Committee:**
The first meeting was held and Ted Romankow will be the President, Art Barbera the Treasurer, and Midge Vincendese the Secretary. There is an issue with the power at the park and Ted Romankow is with the Electric company trying to find out where the electrical short is to get the power back on the tree lights will be on again. So far the tree looks healthy and the committee will continue to monitor and check on the new tree that was donated to the township last fall by Fiserv.

**Economic Development Committee:**
The committee chair, Brian Kraut had compiled a list of available properties in Berkeley Heights in the hopes of a fast response in case a new business wanted to relocate to our town. The committee is also compiling case studies of what went right with the businesses that moved into the township in the last 24 months. Hearing their success stories highlights ways to better enhance what is working.
The committee is continuing to work on a video to highlight Berkeley Heights, it has been a collaborative endeavor between the EDC, the subcommittee, the DBC’s Gail Nelson, and the Communication Committee Athena Sapir. Several local female celebrities are willing to do voiceovers. Heather O’Rourke from Channel 7 and Cathy Engelbert the Commissioner of the WNBA.

**Watchung Development:**
Watchung planning board meetings were attended by Jeff Varnerin, John Foster, and myself where the 27 planned units on Drift Road and Plainfield Ave (turns into Bonnie Burn), the old office building were trimmed down to 24 units but it will need to be notified and posted. The issue that was on most questioned by the public was the access to the property with the driveway on Plainfield and an emergency-only driveway on Drift Road. One is a county road, and the other is controlled by the DOT due to its location off a state highway. This is still being monitored.

**Warren Development:**
The Warren Planning board meeting was attended by myself and Jeanne Kingsley. There is still one more meeting before the project is decided on, and that will be on April 11th, in-person only. So far, the agreements that were put in place before the project was approved, between Warren, BH, Fair Share housing, and the developer are in place and there
will be a conservation easement on our side of the development. The Warren Fire Department has approved the street widths, the fire hydrant locations, and turn around radius for fire equipment access. So far NO approvals or discussion on sidewalks on Emerson lane, but the developer wishes to keep trees in place and add new trees to create a buffer between the homes and street traffic. When the project is started, the main access will be off of Emerson lane, but as the project continues a second driveway will be opened on Hillcrest Road. Water will be provided by NJ American Water and the high-pressure line would be coming in from the Warren side, most likely along rt 78. Road improvements on Emerson lane were discussed (repaving, but not expanding the width of the road).

_Councilwoman Gentiana Brahimaj_
No official committee report.

_Councilman Paul Donnelly_
Grants Committee:

The Grants Committee has not met yet since our last meeting, however, since our last call for volunteers to join the committee and help out, we’ve now appointed our former Councilman Alvaro Medieros and Richard Lander, a retired Project Manager here in town – both of whom will be great additions to the committee.

And, once again, I will make a call out to the folks in the community – We are continuing to look for volunteers to join the Grants Committee. The more people that can help us out, the more Grants that we have a chance of winning to fund some much-needed projects around town.

If you’re interested, please reach out to our town administrator, Liza or any of us on Council, and we will put you in the right direction. Thanks again.

_Councilman John Foster_

_Historic Preservation Committee_

Sub Committee for Fundraising met on March 31st.

The following fundraising ideas were discussed:

- Shop for the Cause to take place on April 21, 2022 with the help of Pam Yoss and her pop up store Lavendar and Sage. All proceeds from that day both in store and online will go to the Historical Committee.
- Discussion on getting Union County involved in putting up plaques for the Nike Missle Base in Watchung Stables as a historic site. Two other places in town to get plaques, Train station and the radar station that was located at GL.
• They will be looking to do a town wide garage sale on 9/17/22 and a possible 50/50 over the summer months at all of the events in town such as concerts and street fairs.
• Looking to get artist who painted the train station mural to do one of the Littel-Lord farmstead as a possible Christmas gift in the shape of ornaments or other ideas.
• Next Subcommittee meeting on 4/28/22 at 6pm

Next full committee meeting via zoom is on April 7th at 7pm

Truth, Community Healing & Inclusion Committee

The committee had to postpone their March meeting due to scheduling conflicts. The next meeting is scheduled for April 25th at 7 pm.

The Multi-Cultural Street Fair Sub-Committee met and discussed all of the many cultures in town and started working on how to get them represented for a street fair in late September or Early October. Date to be determined. There are many ideas on how to promote this and those who attended the meeting broke up into small groups to work on developing ideas to highlight and celebrate the various cultures within our community. One idea was a cricket match on Memorial Field. The next meeting is April 7th at 7 pm.

Councilman Jeff Varnerin

Board of Health:
Met on March 16th and discussed the following:
  a. COVID Reporting
     1. We are currently in green with a 1.7% on 7d infectivity rate (~5 cases/wk) and there has been a total of 2666 cases and 79 deaths. >30d since an outbreak at LTC
     2. Vaccination rates are >95% for adults, >70% 12-17 yo and ~50% 5-11 yo. And there continue to be vaccine clinics at Kean U, Warinanco Skating Rink in Roselle Park and Plainfield HS
  b. We discussed the “Wonder” trucks expansion into Berkeley Heights. For those who are not yet aware, the business model is a central kitchen (in Cranford) and the trucks warm up the food in front of your house. This model is not covered by the current “food truck” inspections. We are monitoring the situation to determine if any actions are needed to provide inspection oversight.
  c. Statewide plastic bag ban is coming soon. We are sending information to businesses to inform their efforts to remain compliant.
  d. We have an opening on the Board of Health so if anyone is interested please reach out to our mayor at adevanney@bhtwp.com.

The next meeting will be in person May 18th at 7:30pm at the municipal building.

Watchung Board of Adjustments:
Watchung Zoning Board meeting met last Thursday via zoom, to continue the discussion of the redevelopment of 1375 Plainfield Ave. The number of units has been reduced (previously 21 units as highlighted at last meeting).
AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS

BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, pursuant to N.J.S.A. 40A:5-19 and N.J.S.A. 40A:9-10, that the Township’s Salary Ordinance be amended as follows: [New language bold and underlined, and deleted language in double strike-through.]

SECTION 1.

The annual salaries and wages of the elected and appointed officials of the Township and certain non-union Township employees in the various municipal departments of the Township of Berkeley Heights shall be fixed from time to time by the Township Council by Resolution and, except as provided herein shall not be less than the minimum amounts nor more than the maximum amounts hereinafter set forth for each position.

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<tr>
<td>Chief</td>
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<tr>
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<td>Confidential Assistant Secretary</td>
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<td>Records Clerk</td>
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<td>Special Police (per hour)</td>
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<tr>
<td>Special Police Matrons (per hour)</td>
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<td>Crossing Guards (per hour)</td>
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EMERGENCY MANAGEMENT
Emergency Management Coordinator 500.00 10,000.00
Assistant Emergency Management Coordinator 500.00 7,500.00

HOURLY EMPLOYEES
Level 1 – Seasonal (per hour) 8.44 13.00 18.00 20.00
Level 2 – Casual 10.00 13.00 30.00 50.00
Level 3 – Casual w/License* 20.00 $5.00 65.00
Level 4 – Part Time w/License* 20.00 45.00
*This includes all subcode officials

SECTION 2.

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

SECTION 3.

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

SECTION 4.

The provisions of this Ordinance shall be effective according to law.

Introduced: March 15, 2022
Adopted: April 5, 2022

Angie Devanney
Mayor

ATTEST:

Aha Minkoff
Township Clerk
NOTICE OF INTRODUCTION

Ordinance -2022

"AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS"

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on March 15, 2022 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on April 5, 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
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

NOTICE OF FINAL ADOPTION

Ordinance -2022

"AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM RATE OF SALARY AND COMPENSATION OF ELECTED AND APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF BERKELEY HEIGHTS"

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 April 5, 2022.

Ana Minkoff,
Township Clerk
Township of Berkeley Heights

ROLL CALL

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<th>ROLL CALL</th>
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<td>TIE: Mayor Devaney</td>
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*Unofficial Vote*
EXPLANATORY STATEMENT: This Ordinance extends the effective period of Ordinance 8-2020, Ordinance 25-2020, and Ordinance 4-2021 which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic.

TOWNSHIP OF BERKELEY HEIGHTS
ORDINANCE NO. 2022-___

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, extending the effective period of Ordinance 4-2021, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic.

WHEREAS, consistent with directives and guidance from the Governor’s Office and Centers for Disease Control and Prevention (CDC) regarding restaurant operations during the COVID-19 pandemic, the Township Council for the Township of Berkeley Heights ("Township") adopted Ordinance 8-2020 on June 9, 2020, permitting restaurants to seek approval to establish and operate temporary outdoor dining areas and Ordinance 25-2020 and Ordinance 4-2021 extending the effective period; and

WHEREAS, following the adoption of Ordinance 8-2020, and Ordinance 25-2020, and Ordinance 4-2021, the Township has worked with restaurants with respect to the establishment and operation of temporary outdoor dining areas during the COVID-19 pandemic, in order to ensure that all such dining areas are operated safely and in accordance with all applicable rules, directives, and guidance; and

WHEREAS, although the effective period of Ordinance 4-2021 expired on December 1, 2021, the Township Council believes that it would be in the best interest of the Township to extend the effective period through December 1, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Township Council for the Township of Berkeley Heights as follows:

SECTION I – AMENDMENT

Ordinance 4-2021, adopted on April 6, 2021 is hereby amended only at Section XIII (Expiration Date) to delete the expiration date of “on December 1, 2021” and replace it with “on December 1, 2022”.

SECTION II – REPEAL

This Ordinance is not meant to repeal any provisions of the Code, and all ordinances, portions of ordinances and provisions of the Township Code which are inconsistent or in conflict with the provisions of this Ordinance are temporarily suspended only for the purpose and duration set forth in this Ordinance and only to the extent of such inconsistency or conflict.

SECTION III – 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.

SECTION IV – PRESENTATION

This Ordinance shall be presented for the Mayor’s approval and signature, which approval shall be granted or denied within ten days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either an approval or objection to same within ten days after presentation, then this Ordinance shall be deemed approved.

SECTION V - EFFECTIVE DATE

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

INTRODUCED the \textit{15th} day of \textit{March}, 2022.

ADOPTED the \textit{5th} day of \textit{April}, 2022.

ATTEST:

\underline{Annie Minkoff, Township Clerk}

\begin{center}
\textit{By: Angie Devanney, Mayor}
\end{center}
NOTICE OF INTRODUCTION

Ordinance -2022

"An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, extending the effective period of Ordinance 4-2021, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic."

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 March 15, 2022 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on April 5, 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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<th>ROLL CALL</th>
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<td>MAYOR DEVANNEY</td>
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TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

NOTICE OF FINAL ADOPTION

Ordinance -2022

"An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, extending the effective period of Ordinance 4-2021, which authorizes restaurants to establish and operate approved temporary dining areas during the COVID-19 pandemic."

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 April 5, 2022.

Ana Minkoff,
Township Clerk
Township of Berkeley Heights
EXPLANATORY STATEMENT: This Ordinance amends the Township Code on holidays to make Juneteenth a holiday.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. __ __ __


WHEREAS, the Mayor and the Township Council of the Township of Berkeley Heights find it to be in the best interests of the Township and its citizens to designate Juneteenth as a holiday.

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

Section 1. Title 10 of The Code of the Township of Berkeley Heights (“Administration and Personnel”) is hereby amended at Section 2.128,100 (“Holidays”) at paragraph A only, to read as follows: [New language bold and underlined; deleted language striken through]

2.128.100 – Holidays.

A. Full-time township employees receive pay for the following holidays not worked: New Year’s Day, Lincoln’s Birthday, Washington’s Birthday, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Martin Luther King’s Birthday, Veterans Day, Thanksgiving Day, the day after Thanksgiving Day, one-half day Christmas Eve and Christmas Day. Lincoln’s Birthday shall be a floating holiday.

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

Section 3. This Ordinance is not meant to repeal any provisions of the Code or any other ordinance other than those designated herein, and all ordinances or portions of ordinances which are inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.
Section 4. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten days after it has been presented to her, then this Ordinance shall be deemed approved.

Section 5. This Ordinance shall take effect upon passage and publication according to law.

INTRODUCED the 15th day of March, 2022.
ADOPTED the 5th day of April, 2022.

By: ________________________
Angie DeVanney, Mayor

ATTEST:

______________________________
Ana Minkoff, Township Clerk
NOTICE OF
INTRODUCTION

Ordinance 2022


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 March 15, 2022 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on April 5, 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
TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY

NOTICE OF FINAL ADOPTION

Ordinance -2022

"An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending Chapter 2.128 entitled "Personnel System" of Title 2 entitled "Administration and Personnel" of The Code of the Township of Berkeley Heights to Amend the Township's Holidays."

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 April 5, 2022.

Ana Minkoff,
Township Clerk
Township of Berkeley Heights

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