

**Township of Berkeley Heights
Union County, New Jersey
February 6, 2024**

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 will not substantially go past 10:30 p.m.

COUNCIL MEMBERS:

Manuel Couto
Paul Donnelly
John Foster - President
Margaret Illis
Bill Machado
Susan Poage – Vice President
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/j/3575747364> **Passcode: 360071**

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. **CONFERENCE SESSION -**
 - 1. **Recreation Commission – Jake’s Law/Green Acres playground presentation for grant submission.**
 - 2. **Discussion on proposed Tree Ordinance**

V. **REGULAR AGENDA**

VI. **Public Hearing and Final Adoption of Ordinance Introduced on January 18, 2024:**

Comments on ordinances, up for final adoption, are welcome during the 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.

1. AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS CHAPTER 8.68.400 ENTITLED "PERMIT FOR KEEPING OF CERTAIN ANIMALS"
2. AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO CREATE A NEW CHAPTER, CHAPTER 2.87 ENTITLED "THE BERKELEY HEIGHTS VETERANS AFFAIRS COMMITTEE"

VI. 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.

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

1. Resolution approving Bill List dated February 6, 2024, in the amount of \$1,399,242.30.
2. Resolution of support authorizing the Sustainable Jersey Grant Application, in the amount of \$20,000, to cover the costs of hiring a consultant to revise and update the Natural Resources Inventory.
3. Resolution authorizing the application the Community Energy Plant Grant Program of the New Jersey Board of Public Utilities, in the amount of \$10,000, for energy conservation planning.
4. Resolution supporting the Safe Routes to School Program.
5. Resolution authorizing a Green Acres Application grant from the Recreation Commission, for an All-inclusive Playground Improvements at Columbia Park, requesting funding in the amount of \$363,750, with a matching grant in the amount of \$121,250.
6. Resolution awarding a Professional Services contract to Winning Strategies Washington – Hoboken Strategy Group, Inc. in an amount not to exceed \$132,000.
7. Resolution appointing Rich Lander to the Grants Committee for a term to expire on December 31, 2025.

8. Resolution appointing Dana Campbell and Kunal Sharma to the Downtown Beautification Committee for a term to expire on December 31, 2026.
9. Resolution awarding a professional services contract to David Shapiro for Tax Assessor Inspections, in an amount not to exceed \$10,000.
10. **CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.
 - a. Resolution authorizing the refund of a tax overpayment in the amount of \$4,752.07, for the property located at 75 Grandview Avenue.
 - b. Resolution authorizing a release of a Performance Bond in the amount of \$89,211.00, for work performed at 450 Springfield Avenue.
 - c. Resolution authorizing a Blue light permit to Michael Tomich, from the Volunteer Fire Department.
 - d. Resolution appointing Nicholas Domingos to the Active roster of the Berkeley Heights Volunteer Fire Department.

VIII. INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for February 20, 2024.

1. AN ORDINANCE REPEALING CHAPTERS 2.95 OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS.

2. AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS, CHAPTER 2.90 ENTITLED “THE HISTORIC PRESERVATION COMMITTEE”

IX. TOWNSHIP COUNCIL REPORTS

- A. Manuel Couto – Vice President
- B. Paul Donnelly
- C. John Foster - President
- D. Margaret Illis
- E. Bill Machado
- F. Susan Poage – Vice President

ADMINISTRATION REPORTS

Mayor Devanney
Liza Viana

X. 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.

XI. EXECUTIVE SESSION –

XII. ADJOURNMENT

Ana Minkoff, Township Clerk

**NJDEP Green Acres – Jake’s Law
Township of Berkeley Heights
Playground at Columbia Park
Environmental Impact Assessment**

1. DESCRIPTION OF THE PROPOSED PROJECT

a. Briefly describe the total development project

The Township of Berkeley Heights requests funding to replace the existing playground structure at Columbia Park with a completely inclusive playground. The inclusive playground is a priority for the Township, and leadership have received a number of requests for the construction of this amenity. The general scope of the project includes the demolition and removal of park of the existing playground at Columbia Park, as well as the construction of the completely inclusive playground at the same site.

b. State objectives of the project

The project objective is to enhance recreational opportunities for all in the Township of Berkeley Heights and surrounding areas through the construction of a completely inclusive playground. This will be achieved via the replacement of the current, non-inclusive playground at Columbia Park with completely inclusive equipment that complies with the New Jersey Administrative Code for Completely Inclusive Playgrounds as highlighted per the NJDEP Green Acres program.

c. Fully describe multi-phase projects

This criterion is not applicable, as this is not a multi-phase project.

2. DESCRIPTION OF THE ENVIRONMENT

Describe existing environmental features:

a. Vegetation

There is no notable vegetation at Columbia Park. The Township has selected this site to minimize impacts on the environment and will not include the removal of any trees.

b. Wildlife, including State and federal threatened and endangered species and critical habitats

Columbia Park is an established park in a developed suburban area. There are no State and federal threatened endangered species nor critical habitats in the park space. Currently, wildlife primarily consists of animals such as deer, fox, birds, squirrels, or rabbits.

c. Geology, topography, and soils

The proposed project site topography is generally flat and hosts an existing playground site. Topography is flat and there are no significant geological or soil features of note in or around the project limits.

d. Water resources/hydrology

The proposed project will not disrupt any water resources. Although Columbia Park borders wetlands, the proposed playground will replace an existing playground site and there will be no impact to the wetlands. The closest edge of the current playground is over 200 feet from the edge of the wetlands, and the water resource and playground are separated a second playground ground, grass and an established walking path.

e. Historic/archeological resources

There are no historic/archaeological resources in or near the project site per the LUCY mapping tool.

f. Transportation/access to site

Columbia Park is accessible to the public. The park is accessible for pedestrians via the Township's sidewalk network, and there is parking lot available off of Hamilton adjacent to the park. Plainfield Avenue runs along the eastern side of the park, which provides a central transportation line spanning the Township from north to south.

g. Adjacent land uses/description of the surrounding neighborhood

Columbia Park is located in a developed residential area, and the surrounding neighborhood is primarily composed of private residences. The park is located in the western area in the Township, with Plainfield Avenue running along the eastern side of the park. Plainfield Avenue provides a linkage to the rest of the Township, as well as other small businesses and schools in the area.

3. ENVIRONMENTAL IMPACT ANALYSIS OF PROPOSED ACTION

Impacts are defined as direct or indirect changes to the existing environment, whether beneficial or adverse, that are anticipated to result from the proposed action or related future actions and uses. Any off-site impacts, such as increased traffic on neighborhood roads or increased noise levels in surrounding areas, should be described. Whenever possible, environmental impacts should be quantified (i.e., number of trees to be removed, cubic yards of cut/fill, etc.).

a. Discuss all affected resources and the significance of each impact

There are no anticipated impacts on any resources through the replacement of the existing playground at Columbia Park. The proposed project would replace an existing facility without expanding the footprint of the space.

b. Discuss short-term and long-term project impacts

Anticipated short-term impacts include soil disturbance during removal and installation of the requested inclusive playground equipment and necessary resurfacing. There are no anticipated long-term project impacts.

c. Discuss anticipated increase in recreation and overall use of site over time

The Township expects an increase in recreational opportunities at Columbia Park through the expanded access the inclusive equipment will provide. The proposed inclusive

playground will open up access and expand opportunities for all individuals, regardless of ability. This is positive and requested improvement in the Township, and the Township hopes that all residents and those visiting from nearby areas will take advantage of using the playground.

d. Identify adjacent environmental features that may be affected by the proposal

The Township does not anticipate that any adjacent environmental features will be affected by this proposal. The wetlands are the nearest environmental feature, and the Township intends to constrain all construction efforts explicitly within the playground space.

e. List any permits required for project and brief status (i.e., waterfront development)

The project will not require any major permits.

f. For development that would impact an undisturbed portion of the project site, the local government must submit a Natural Heritage Data Request Form to the DEP's Office of Natural Lands Management (form available at the website or by writing to Natural Heritage Program, PO Box 404, Trenton, New Jersey 08625-0404). Please attach and discuss the results of the search.

This criterion is not applicable; the proposed project will not impact any undisturbed portions of the project site as it will replace an existing playground site.

g. Discuss if/how the project may be impacted by sea level rise and any related design considerations.

There is no anticipated impact by sea level rise.

4. ALTERNATIVES TO THE PROPOSED ACTION

a. Identify alternate sites

The Township has not identified any alternative sites for this project. The Township has targeted this location due to the need to upgrade the existing facility and reduce environmental impacts on the Township's open spaces.

b. Discuss alternate levels and types of development

There are no alternate levels and types of development for this project.

c. Compare environmental impacts of each alternative

The Township has not identified any alternatives for this project. As a result, this criterion is not applicable. There are no environmental impacts anticipated from this project.

5. MITIGATING MEASURES

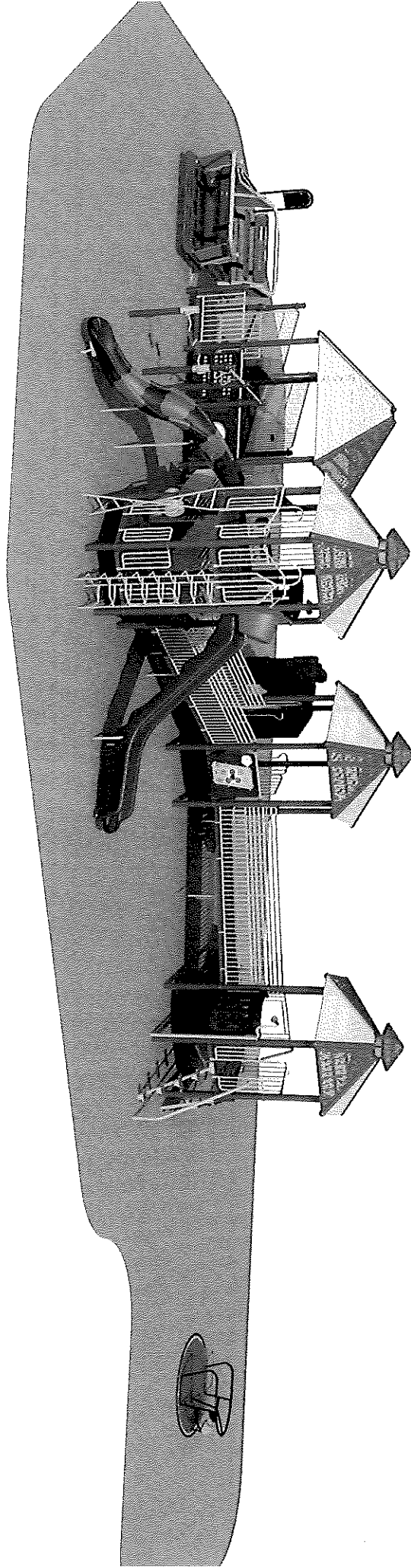
Describe the measures that will be undertaken to mitigate adverse impacts

The Township recognizes the importance of undertaking measures to mitigate adverse impacts on the environment and culture around Columbia Park. The proposed project has been a priority for the Township, and as a result the Township has reached out for comment on the project to ensure resident feedback has been taken into consideration. To ensure the project

is well designed and adheres to the requirements set forth under Green Acres, the Township has developed a concept plan and cost estimate to ensure the project is appropriately designed and within budget. The Township will provide continued maintenance from the Department of Public Works to ensure litter or other debris is addressed, as mirrored in its current operations.

6. AUTHOR(S) AND QUALIFICATIONS

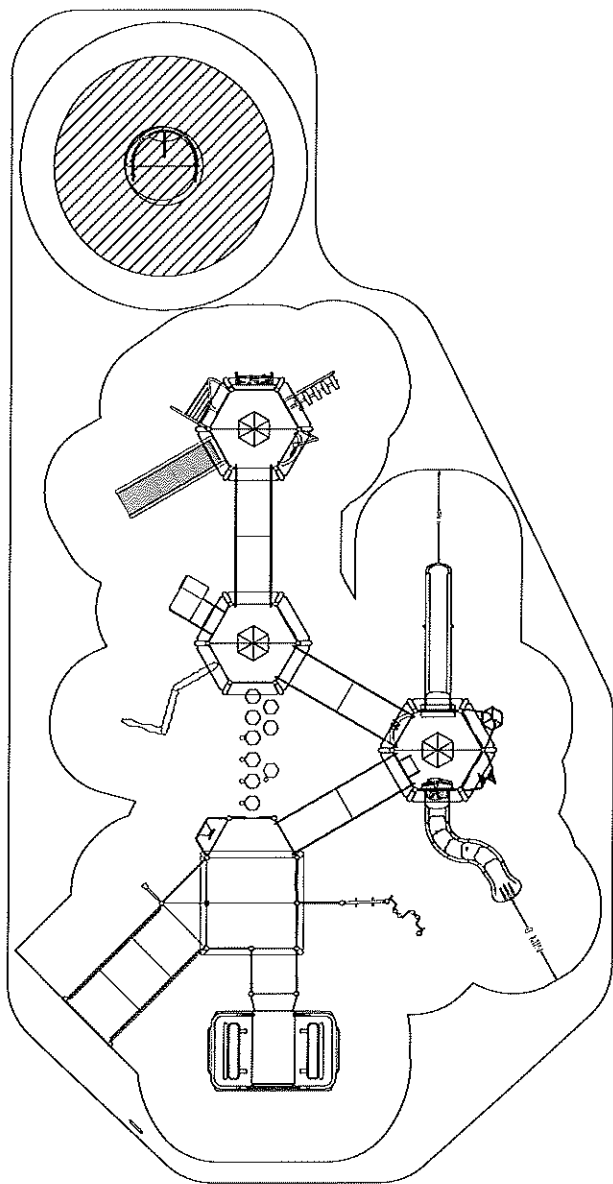
Debra Varnerin
Chair, Berkeley Heights Recreation Commission



All Inclusive Playground at Columbia Park
 345 Plainfield Ave
 Berkeley Heights, NJ 07922
 B: 1204 L: 17

Hamilton Avenue

Kids Choice Ramp Structure



This project will consist of replacing a portion of the existing playground equipment with an inclusive set that will allow access for wheelchairs. The project will also replace the existing mulch with a solid surface which will allow people with all types of disabilities access to all the equipment. The playground is already surrounded by a 4' high aluminum fence.

NORTH



Miracle Recreation Equipment Company
 878 E. Hwy 60
 Monett, MO
 PHONE NO: (417) 393-0199
 FAX NO:
 GROUND SPACE: 89'-0" x 41'-0"
 PROTECTIVE AREA: 100'-0" x 52'-0"
 DRAWN BY: Jeff Mathison

| | |
|-------------------------------------|--|
| R0095_45264513774 | To promote safe and proper equipment use by children. Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each play system's main entry point(s) to inform parents and supervisors of the age appropriateness of the play system and general rules for safe play. |
| <input checked="" type="checkbox"/> | COMPLIES TO ASTM/CPSC |
| <input checked="" type="checkbox"/> | COMPLIES TO ADA |

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.
 AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS

| | |
|--|-------------------------------------|
| AGE GROUP: 2-12 | ELEVATED PLAY ACTIVITIES - TOTAL: 2 |
| ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP: 1 | SCED 0 |
| GROUND LEVEL ACTIVITIES: 4 | SCED 1 |
| GROUND LEVEL QUANTITY: 4 | SCED 2 |

5-12



Chapter 12.16 TREES

Sections:

12.16.010 Title.

This chapter shall be known and may be cited as the Tree Removal Replacement Chapter of the Code of the Township of Berkeley Heights.

(Ord. 30-04 § 1 (part))

12.16.020 Findings.

The council of the township finds that the indiscriminate, uncontrolled and excessive destruction or removal of trees within the township has caused or contributed to drainage problems, soil erosion or increased dust and noise pollution and loss of tree species, with the result that this is and will be continuing deterioration of conditions affecting the health or safety or general welfare of the inhabitants of the township or other municipalities or the property of any such inhabitants or governmental entities.

(Ord. 11-08 § 4 (part); Ord. 30-04 § 1 (part))

12.16.030 Purpose.

An ordinance to establish requirements for tree removal and replacement in Berkeley Heights Township to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare. This ordinance is further intended to:

- A. Encourage the preservation of the tree canopy in the township through the planting and preservation of mature shade trees at regular intervals along all streets and roads within the township.
- B. Encourage proper maintenance of all trees, whether on private or public property.
- C. Discourage, reduce, and eliminate the indiscriminate, uncontrolled, and excessive destruction or removal of trees to prevent or reduce drainage problems, soil erosion, increased dust and noise pollution, decreased carbon dioxide absorption and loss of tree species.
- D. Foster community support for the local urban forestry program and encourage good tree management on privately-owned properties
 1. To be in compliance with Chapter 15.28 "Flood Damage Prevention" with reference to Sections 15.28.250B & 15.28.280B.1 (Riparian Zone tree removal).
 2. To be aligned with the township's Community Forestry Management Plan, especially the maintenance of tree canopy, and N.J. Shade Tree and Community Forestry Assistance Act.

(Ord. 11-08 § 4 (part); Ord. 30-04 § 1 (part)) NEW TEXT

12.16.040 Definitions.

As used herein, the following terms shall have the meanings set forth:

"Alter" – to act by attaching signs, fences, ropes or wires to trees. The term "alter" does not include normal seasonal trimming, shaping, thinning, or pruning of a tree necessary to its health and growth. Also see "Tree removal".

"Application"- A form provided by the tree inspector and completed by the responsible party, requesting the destruction or removal of a tree or trees.

"Arborist, Consulting" - a qualified arborist who is not associated with a tree service company.

"Arborist, Qualified" - an ISA certified arborist or NJ licensed tree expert.

"Building project" - any project requiring issuance of a building or zoning permit or requiring engineering approval.

"Critical Root Radius (CRR)" – the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x 1.5' = 9'.

"DBH (Diameter at Breast Height)" – the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division

"Destruction"- see "Tree removal".

"Excessive" - going beyond the usual or necessary.

"Hardship" – an exemption granted to property owners due to personal and/or financial circumstances for application fees and/or replacement requirements, requests will be handled on a case-by-case basis.

"Hazard Tree" – a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. The tree inspector determines if the criteria apply, and will approve or deny the tree permit application. In case of a dispute, the tree inspector may require a consulting arborist to submit a written evaluation. A tree is considered a hazard which:

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, etc.);
5. Is determined to be a threat to public health, safety, and/or welfare by a consultant arborist or Licensed Tree Expert (LTE); or
6. Storm damaged tree.

"Indiscriminate"- lacking in judgment, lacking careful choice or expert advice from a qualified arborist.

"Maintenance, tree" - The act of proactively and regularly pruning trees, treating or removing diseased and/or dead trees, and planting new trees on public property.

"Planting strip" – the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

"Property" - all private lots within the township, whether developed, undeveloped, subdivided, or otherwise without exception.

"Protective barrier" – a barrier constructed to protect the CRR or trunk of a tree from damage during construction or from equipment or soil or material deposits.

"Right-of-way" – that land dedicated to public use for road purposes whether improved with a cart way. Generally, the travelled way is in the center of the road right-of-way. The official tax map of the township shall be used to determine the width of the road right-of-way. To determine if a tree is located within a township right-of-way, the width of the paved street is subtracted from the street right-of-way width; the remainder is divided by two; the result is used to measure to the tree in question. If the distance is at or beyond the center of the tree, it is a township tree. All evergreen trees located in a street right-of-way are considered private trees and are not the responsibility of the township.

"Street Tree" – a tree planted in the sidewalk planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, and pedestrian refuges.

"Tree" -- a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground. For the purposes of tree destruction or removal requiring a permit, a deciduous tree shall be 2.5" DBH (for street trees) or 6" DBH or greater (for private trees); a flowering tree shall be 2" DBH or greater, and an evergreen shall be 8 feet in height or greater. If a tree has multiple trunks, the DBH shall apply to the addition of all trunks at 4 and one-half feet.

"Tree Caliper" – the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

"Tree, dead" - having no leaves or needles and no signs of life, to be determined by the tree inspector, or qualified arborist through on-site inspection or other means.

"Tree, flowering" - small ornamental deciduous grown for display of aesthetic features including flowers and fruit. Examples: cherry, dogwood, redbud, serviceberry, apple.

"Tree, evergreen" - conifer tree, which usually has leaves or needles throughout the year. Examples: pine, hemlock, spruce, cedar, holly. Note: arborvitae, Leyland cypress and similar evergreen plants installed to act as screening purposes shall not count or be given credit towards evergreen replacement trees required to be installed as a result of evergreen tree destruction. Such evergreen screening shall count as shrubs toward tree replacement.

“Tree inspector” -- ... shall be a qualified person as determined by the Council and participate in training skills and accreditation programs each year as required by the New Jersey Forest Service Urban and Community Forestry Program. The tree inspector’s responsibilities include directing municipal tree care operations, such as planting, maintenance, and removal. The tree inspector shall collaborate with the Environmental Commission and shall have the authority and responsibility to enforce the provisions of this chapter under the general supervision of the township administrator. The tree inspector is an official of the township appointed by the council, for a term of three years commencing January 1st and expiring December 31st of the ensuing third year and until their successor is appointed and qualifies. The tree inspector shall possess qualifications as a forester, landscaper, tree surgeon or arborist, or shall be a similarly qualified person as determined by the council, and shall take continuing courses each year as recommended by the New Jersey forest service community forestry program and who has New Jersey community forestry training.

“Tree, private” - a tree located on private property or lands not under fee simple ownership of the municipality or other government ownership or not in a road right-of-way.

“Tree removal” – to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

“Tree removal permit” - a permit issued by the township tree inspector upon submission of a Tree Removal Permit Application, payment of applicable permit fees and expiring within six months of issue date. Permit extension can be requested for an additional six months.

“Tree replacement” - tree as defined herein required to be planted due to tree destruction.

“Tree Replacement Cost” — the average of the "bid" costs for all types of trees purchased by Berkeley Heights Township in its most recent planting program as provided by the tree inspector or Environmental Commission. This will be available on the NAME OF TREE LIST

“Tree, township”- Tree located within the municipal street or road right-of-way or on municipal fee simple owned lands.

“Uncontrolled” - not controlled or regulated.

(Ord. 11-08 § 4 (part); Ord. 3-08 § 1; Ord. 30-04 § 1 (part)) NEW TEXT

12.16.100 Regulated Activities.

The provisions of this article shall apply to trees on all property within the township.

Any person, including a professional tree service or other person or entity planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Permit Application to the tree inspector prior to the destruction or removal of any tree. No tree shall be removed until the Tree Removal Permit Application has been reviewed and the permit issued. The tree inspector will review the application, including any request for exemptions, section 12.16.300 Exemptions. The application may be denied when the proposed tree removal is indiscriminate or excessive, will contribute to the loss of tree canopy or will cause or contribute to drainage problems, soil erosion, increased dust, loss of tree species, or a deterioration of conditions affecting the health or safety of general welfare of the inhabitants of the township. Environmentally sensitive land, such as riparian zones, wetlands, and flood zones, shall apply as a determining factor for denial.

Routine annual pruning to maintain the health of a tree or drastic pruning in response to damage from adverse weather conditions shall not be considered as substantially altering the tree.

- A. No person shall remove, injure, break, deface, poison, or damage any tree located upon any township-owned land, easements, right-of-way, or privately owned lands without first receiving a Tree Removal Permit or unless such action is specifically exempted by the provisions of this chapter.
- B. The removal of trees shall be governed by the following:
 1. Tree removal contractors shall comply with all applicable and relevant tree management guidelines, including without limitation the New Jersey Board of Tree Experts, NJBTE, American National Standard A300 Part 5 Management practices "Trees and Development A Technical Guide to Preservation of Trees During Land Development" by Matheny and Clark, "Protection and Care of Urban Forest" (NJDEP Division of Parks and Forestry), "Evaluation of Hazard Trees in Urban Areas" (Matheny and Clark), "Urban Tree Risk Management" (USDA Forest Service), all as may be changed or supplemented from time to time.
 2. In an emergency, a fallen, dead or diseased tree may be removed immediately in accordance with section 12.16.210.
 3. Trees approved for removal on any one lot shall be replaced in accordance with a tree replacement plan and the tree replacement table herein 12.16.120.
 4. The tree inspector may perform an on-site inspection or require additional documentation before approving a tree removal permit.
 5. All contiguously owned lots from an applicant may be treated as one property or campus relative to tree removal and replacement.

12.16.110 Application Process and Fees.

A Tree Removal Permit application can be found online on the township website or at the tree inspector's office in the municipal building.

Within ten (10) business days after the submission of an application for a permit, the tree inspector shall review the application, inspect the site and either grant or deny the permit or extend the review period for an additional five (5) business days. If no action is taken by the tree inspector within the review period, the applicant may apply directly to the township administrator, who will render a decision within ten (10) business days.

The applicant shall pay an application fee as follows:

- A. \$25 each tree for up to three (3) trees in a calendar year
\$75 each tree for four (4) to ten (10) trees in a calendar year
\$250 each tree for more than ten (10) trees removed in a calendar year
- B. Exemption waivers, including hazard trees and emergency removals, are detailed in section 12.16.200 Exemptions, and may be requested with Tree Removal Permit application.
- C. A tree removal permit is valid for six months from the date of issue.
- D. Two-thirds of the permit fees collected shall be deposited to the Tree Trust Fund, and one-third shall be deposited to the Township general fund.

(Ord. 30-04 § 1 (part)) NEW TEXT

12.16.120 Tree Replacement Requirements.

Any person who removes one or more street tree(s) with a DBH of 2.5" or more, or any deciduous tree having a DBH of 6" or more, unless exempt under Section 12.16.200, shall be subject to the requirements of the Tree Replacement Requirements Table below.

A. Replacement tree(s) shall:

- 1. Be replaced in kind (for example deciduous trees replaced with deciduous trees) with a tree that meets the Tree Replacement criteria in the tables below;
- 2. Comply with the NJ Urban & Community Forestry Program Reforestation, Tree Planting and Maintenance Plan Guidelines and conform to American National Standards Institute ANSI 260.01 (published by the American Horticultural Association) for species and installation;
- 3. Be chosen from the township list of recommended trees, prepared by the Environmental Commission. The list is available on the township website <https://www.berkeleyheights.gov/385/Trees>. At least half of the plants shall be native;
- 4. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
- 5. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

6. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

B. Tree Replacement Table

| Category | DBH of Existing Deciduous Tree Removal | Number of Trees | Number of Replacement Deciduous Trees (at 2 ½" to 3" Caliper) per Tree Removed |
|----------|--|-----------------|--|
| 1 | DBH of 2.5" (for street trees) or greater than 6 and less than 12.99 inches DBH; | 1 | 1 |
| | | 2 or more | 2 |
| 2 | Greater than 13 and less than 22.99 inches DBH | 1 | 1 |
| | | 2 or more | 3 |
| 3 | Greater than 23 and less than 32.99 inches DBH | 1 | 2 |
| | | 2 or more | 4 |
| 4 | Greater than 33 inches DBH | 1 | 2 |
| | | 2 or more | 5 |

| Category | DBH of Existing Flowering Tree Removal | Number of Replacement Flowering Trees (at 1.5 inches) per Tree Removed | |
|----------|--|--|---|
| 1 | Greater than 2 inches DBH | 1 or more | 1 |

| Category | Height of Existing Evergreen Tree Removed | Number of Replacement Evergreen Trees (6' in height) per Tree Removed |
|----------|---|---|
| 1 | 8 feet up to 12 feet | 1 |
| 2 | 12 feet up to 30 feet | 2 |
| 3 | Greater than 30 feet | 3 |

12.16.130 Replacement Alternatives.

If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

- A. Plant replacement trees in a separate area(s) approved by the municipality.
- B. Pay into Tree Trust Fund an amount equal to the number of replacements determined by the table in section 12.16.120 B.
 - 1. First three trees in a calendar year: \$400 per tree or the annual tree replacement cost, whichever is lesser.
 - 2. Each additional tree in a calendar year will be at the annual tree replacement cost.
- C. Tree replacement cost will be published with the township list of recommended trees, prepared by the Environmental Commission. The list is available on the township website <https://www.berkeleyheights.gov/385/Trees>.

(Ord. 30-04 § 1 (part))

12.16.140 Building Permits, Board of Adjustment or Planning Board Applications

Any applicant who will also be applying for a building permit or an application to the Board of Adjustment or Planning Board, shall be governed by the following:

- A. No building permit shall be issued for any construction without the review by the tree inspector. If trees are to be removed, the responsible party shall apply for a tree removal permit.
- B. The applicant shall include an appropriate plan, which shows all proposed tree removals in relation to the survey stakes marking all building foundations, dwellings, garages, driveways, structures, recreation areas, or any other areas of a site involving potential tree removal. The tree inspector will review the condition and species of the trees; and confirm that the applicant has taken all action necessary to formulate recommendations to save the maximum number of trees, which shall be forwarded to the environmental commission, township engineer, building inspector, planning board (in the case of subdivision and site plans), and has issued approval.
- C. Only those trees minimally necessary to permit the construction of buildings, structures, streets, driveways, infrastructure, and other authorized improvements shall be removed, except in the case of hazardous situations, hazard trees, or as otherwise approved by the tree inspector. Existing vegetation shall be preserved to the greatest extent feasible during the construction pursuant to an approved application.
- D. Prior to any site disturbance, and subsequent to any formal approval by the Planning Board or Board of Adjustment, the applicant shall stake out the location(s) of the proposed building(s) and any other improvements, which might require tree removal. The applicant shall also mark the trees to be saved with yellow, stretch vinyl tape placed at eye level. The tree inspector has the authority to make minor adjustments (not including the relocation of any structures) in order to save significant trees. The tree inspector, and a representative of the Township environmental commission in an advisory capacity, have the option to inspect the site. The applicant will prepare a written summary of trees to be saved (number, location, size, variety, and any other relevant information).

E. No trees shall be planted in the Township right-of-ways unless approved by the tree inspector or Environmental Commission. Neither evergreen trees nor shrubs shall be planted in the right-of-ways.

(Ord. 3-08 § 3; Ord. 30-04 § 1 (part))

12.16.141 Protective barriers.

No materials, machinery or temporary soil deposits shall be placed or driven or pushed or pulled over the CRR of any tree located on any premises for which a building permit was issued for construction thereon. In any area where construction equipment will be used, the builder shall protect the trees by erecting a protective barrier around the area defined CRR. Such a barrier shall be approved by the tree inspector and be sufficient to protect the CRR or trunk of a tree from damage. When the CRR extends to within twelve (12) feet of a building or extends over driveways, recreational areas or parking areas, the following shall apply:

- A. The position of the protective barrier may be moved to allow a working area of twelve (12) feet from the base of the building.
- B. Materials, machinery, or temporary soil deposits may be placed within twelve (12) feet of the building.
- C. In the proximity of any impermeable surface, protective barriers may be placed upon the border of driveways, recreational areas, and parking areas.
- D. Materials, machinery, or temporary soil deposits may be placed within the CRR upon impermeable surfaces.

(Ord. 30-04 § 1 (part))

12.16.161 Tree Trust Fund

The Tree Trust Fund is an account established by the Township and dedicated by rider under N.J.S.A. 40A:5-29. The Environmental Commission holds and manages the account for the benefit of the residents of Berkeley Heights. A portion of the permit fees and Tree replacement payments per table 12.16.120 collected shall be deposited to the Tree Trust Fund to plant and care for trees, but not to remove trees on public property.

(Ord. 3-08 § 4; Ord. 30-04 § 1 (part))

12.16.170 Trees planted in the Township right-of-way.

- A. Trees planted in the Township right-of-way should be on the approved list of street trees. The list can be obtained from the tree inspector or township clerk. Under no condition shall evergreen trees be planted in a street right of way.
- B. No landscaping may be performed that will prevent or impede the planting of street trees every thirty (30) feet within and along the right-of-way.

(Ord. 30-04 § 1 (part))

12.16.160 Permit Denials and Appeals.

Tree removal permit applications will be reviewed by the tree inspector and the applicant will be informed in writing of the decision. The tree inspector may, in the process of considering the application, visit the property and request additional information from the applicant.

12.16.162 Appeals.

If the tree inspector denies the application for a tree permit, an applicant shall have the right, within seven business days from the decision of the tree inspector to appeal. Upon receiving documentation from a consulting arborist provided by the responsible party, a tree removal permit denied by the tree inspector will be re-evaluated. Further denial may be appealed to the Township Administrator.

(Ord. 11-08 § 4 (part); Ord. 30-04 § 1 (part))

12.16.160 Public Utilities.

Any public utility that maintains overhead wires, underground pipes or conduits shall review plans for pruning and/or tree removal at least two weeks prior to the commencement of work with the tree inspector and representatives of the Environmental Commission (in an advisory capacity) and obtain written permission from the tree inspector to proceed. Utilities may undertake emergency tree work to restore electrical, telephone, cable TV or other wire services without prior advance notice. In such an event, the utility shall notify the tree inspector and environmental commission of said work within three business days of the commencement.

(Ord. 30-04 § 1 (part))

12.16.200 Exemptions.

All persons shall comply with the application fees and tree replacement requirements outlined in this chapter, except in the cases detailed below. The applicant may request an exemption with proper justification, in writing, to the tree inspector. Proper justification is defined as photographs or statements from a NJ licensed tree expert as per NJ Statute 45:15C-11 or arborist. If an exemption is not granted, the applicant can appeal to the township administrator. When an exemption is granted, the applicant will be notified in writing of the provisions of the exemption.

- A. Any person who removes one (1) tree per quarter-acre that fall into categories 1, 2, or 3 of the tree replacement requirements table within a five-year period. The number of trees removed is a rolling count across a five-year period. For example, if 2 trees from category 1 one a half-acre lot are removed in July 2023, the 'count' resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.
- B. Hazard trees may be removed with no fee or replacement, tree permit issuance is required.
- C. Tree farms in active operation, nurseries, fruit orchards, and garden centers.
- D. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality.

-
- E. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
 - F. Removed in accordance with a management plan approved by the New Jersey Department of Environmental Protection and approved by the Environmental Commission and tree inspector.
 - G. Listed as invasive exotic with no fee or replacement. A list of invasive species shall be maintained by the tree inspector's office and be available on the township website.
 - H. Hardship exemption may be requested by a resident if the above exemption categories do not apply.

12.16.210 Emergency removals.

Within five business days following an emergency requiring the removal of a tree, written notice shall be given to the tree inspector by the property owner, supported by sufficient evidence, such as photos, police incident report, or such evidence deemed acceptable by the tree inspector, demonstrating the need for the emergency removal, in form and content satisfactory to the tree inspector. An approved emergency removal is exempt from fees and replacement requirements.

12.16.300 Enforcement.

The requirements of this chapter shall be enforced by the tree inspector or an authorized representative of the township administration.

In the event the fines, fees, or any part thereof, are unpaid, they may be transferred to the tax department for collection and become a lien upon the property and shall be included in the next tax bill rendered to the property owner thereof and shall be collected in the same manner as other taxes against the property.

The tree inspector shall have the authority to enter onto any property in the township to issue a stop work order to any person in violation of this ordinance.

The tree inspector shall not be obligated by this ordinance to physically inspect the replacement of every tree required under section 12.16.160. Written attestation (may be of an affidavit) of replacement may be used in lieu of physical inspection. Such attestation shall be subject to confirmation at the township's discretion.

(Ord. 30-04 § 1 (part))

12.16.310 Presumptions.

In any prosecution for failure to secure a permit prior to tree destruction or removal the following shall apply:

- A. The diameter of the stump of a removed tree shall be presumed to be the diameter of the removed tree at a point four and one-half feet (DBH) above the ground.
- B. If the stump of a removed tree has been removed or destroyed, it shall be presumed that the tree exceeded the minimum standards requiring a permit to be secured and be counted as the maximum size tree according to the tree replacement table, if so needed.
- C. If a tree replacement plan would have been required, it is presumed the trees removed are equal to the largest tree replacement number for the type of tree removed (deciduous, evergreen or flowering tree).
- D. For measuring the location of a street tree, it is assumed the paved street or traveled way is usually located in the center of the road right-of-way.

(Ord. 30-04 § 1 (part))

12.16.320 Violations and penalties.

- A. Any person violating or causing to be violated any of the provisions this chapter shall be subject to a fine of not more than one thousand dollars (\$1,000.00) and shall replace each tree destroyed or removed in violation of this chapter with another tree of the same category per Section 12.16.160. Each tree destroyed or removed in violation of this chapter shall be considered a separate offense. Failure to secure a permit prior to removal or destruction shall be a violation of this chapter.
- B. No person, firm or corporation shall interfere with any person acting under the authority of the mayor and council while engaged in planting, mulching, pruning, or removing any tree, shrub or plant in any street, right-of-way or public place within the township. Any person, firm or corporation who shall purposefully damage, harm or alter any tree in a manner that threatens to diminish the vigor of the tree, shall be subject to the penalties outlined for unlawful tree removal in this ordinance.

(Ord. 3-84 § 3; Ord. 30-04 § 1 (part))

12.16.321 -Severability:

If any provision of this ordinance is declared invalid by a final non-appealable decision of a court of competent jurisdiction, such decision shall not affect the validity of any other provision of this ordinance.

(Ord. 30-04 § 1 (part))

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS CHAPTER 8.68.400 ENTITLED "PERMIT FOR KEEPING OF CERTAIN ANIMALS"

WHEREAS, the Township of Berkeley Heights Municipal Court recently requested to place the above-referenced ordinance in the Administrative Office of the Courts ATS/ACS Table of Violations (Table); and

WHEREAS, the Township received correspondence dated November 29, 2023 from New Jersey Administrative Office of the Courts advising of preemption concerns related to certain provisions of the Code; and

WHEREAS, the Township Council, Administration and Attorney have reviewed that correspondence and determined to amend the Code to remove those points of concern; and

WHEREAS, N.J.S.A. 23:4-50 prohibits the keeping of wild birds, but explicitly excludes chickens, so the Chapter will be amended to recognize wild birds as a preempted subject but continue to prohibit the keeping of chickens and other similar fowl; and

WHEREAS, N.J.S.A. 23:4-63.3 prohibits any person from possessing any live indigenous animal, exotic animal, or potentially dangerous indigenous animal or exotic animal. This excludes domesticated animals and farm livestock, so the Code will be amended to recognize exotic animals and the like as a preempted subject but continue to regulate farm livestock and domesticated animals; and

WHEREAS, N.J.A.C. 7:25-5.22 under the New Jersey Department of Environmental Protection, Division of Fish and Wildlife, regulates the killing/taking/hunting any wild mammal or bird unless it is "open season" for that particular bird/mammal, in Title 7, Section 25 of the New Jersey Administrative Code; and

WHEREAS, it is not the intent of these amendments to weaken the ordinance on any of these issues, but merely to recognize where State preemption may exist and remove those topics that are already covered and preempted by State law

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Berkeley Heights, County of Union, and State of New Jersey, that Chapter 8.68 is hereby amended as follows additions are written **thusly** and deletions are written **thusly**):

SECTION I.

Chapter 8.68, Section 8.68.400 shall be amended as follows:

8.68.400 Permit for keeping of certain animals.

- A. No horses, cows, goats, chickens, poultry swine, livestock, fowl, wild or exotic animals animal that is typically found in a farm setting, including but not limited to horses or any other animal belonging to the equine family, a cow, sheep, pig, goat or any other animal commonly referred to as "livestock," fowl such as any feathered vertebrate animal including, but not limited to, chickens, turkeys, ducks, hens, cocks, pheasants, pigeons or any other animal commonly referred to as "barnyard fowl," or other non-domesticated animal shall be kept within the corporate limits of the township, nor shall more than five dogs and/or cats be kept within the township, without first obtaining a permit from the board of health by presenting a statement with an application for the permit. If approved, the permit shall be issued by the board of health for one year for a fee of fifty dollars (\$50.00).
- B. The following information must be submitted to the board of health:
1. The consistency and acceptability to local zoning regulations regarding property use;
 2. Naming the kind and number of animals or fowl the permit is to cover;
 3. The location of the premises where such animal or fowl will be kept;
 4. Plot plan of the premises and structures provided for the care and maintenance of the animals or fowl;
 5. A list and plan of all abutting properties and those within two hundred fifty (250) feet by type and relationship to that of the petitioner;
 6. A plan for containment of fecal matter and food, water supply and methods of waste control and disposal;
 7. A signed statement by the petitioner indicating the permit may be revoked or the animals or fowl removed, through termination of the permit at any time for good cause by the board of health, if a public health nuisance, as declared by the board of health is caused by the animals;
 8. A complete statement of plan and intent, as set forth in the application, presented by the petitioner to the owners of all abutting properties and those within two hundred fifty (250) feet. The owners of abutting properties must be given notice and an opportunity to declare their objection to the issuance of a permit at a public meeting to be scheduled by the board of health;
 9. The holder of a permit shall comply with all state, county, and local laws, ordinances and regulations;
 10. A copy of the required New Jersey Department of Environmental Protection permit for wild and exotic animals where applicable;
 11. Any such other information as the board may require. (Ord. dated 12/15/03 (part))

C. The keeping of wild animals is prohibited by N.J.S.A. 23:4-50 and 63.3. This Chapter is not intended to, and shall not be read to, conflict with those State statutes.

D. Nothing in this section is intended, and shall not be read, to conflict with the State Statutes or regulations; rather, this section is intended to supplement the State Statute. For example, N.J.S.A. 4:22-17 prohibits a wide variety of animal cruelty. Where possible, conduct should be penalized under the appropriate State statute or regulation.

SECTION II.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV.

All Township of Berkeley Heights ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION V.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: _____

Adopted: _____

Angie Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY
HEIGHTS CHAPTER 8.68.400 ENTITLED "PERMIT FOR KEEPING OF
CERTAIN ANIMALS"**

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 **January 18, 2024** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **February 6, 2024** 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**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO CREATE A NEW CHAPTER, CHAPTER 2.87 ENTITLED "THE BERKELEY HEIGHTS VETERANS AFFAIRS COMMITTEE"

WHEREAS, The Berkeley Heights Veterans Affairs Committee (VAC) is a voluntary advisory committee; and

WHEREAS, the mission of the VAC is to advocate for present and past Veterans of the Township of Berkeley Heights as well as to promote and highlight the service, dedication, and sacrifices that Veterans have made for their community and for the nation; and

WHEREAS, the vision of this Committee is to Educate, Empower and Engage our veterans as best we can and to be a valuable resource in helping them improve their quality of life; to create community awareness of the historical significance of Veterans and their contributions.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Berkeley Heights, County of Union, and State of New Jersey, a new Chapter, 2.87 is hereby created to add the following:

Chapter 2.87- Berkeley Heights Veterans Affairs Committee

SECTION I. Establishment and purpose.

- A. There is created in the township the Berkeley Heights Veterans Affairs Committee (VAC).
- B. The purpose and mission of the VAC is to advocate for present and past Veterans of the Township of Berkeley Heights as well as to promote and highlight the service, dedication, and sacrifices that Veterans have made for their community and for the nation.
- C. The vision of this Committee is to Educate, Empower and Engage our veterans as best we can and to be a valuable resource in helping them improve their quality of life; to create community awareness of the historical significance of Veterans and their contributions.

SECTION II. Appointments; term of office

- A. The VAC shall consist of nine (9) members, consisting of the Mayor, a member of Township Council and at least (3) three veterans of the armed forces. Other than the Mayor, all appointments shall be appointed by the Mayor with advice and consent of Council.
- B. Five (5) of the initial members shall serve for terms of three years. Three (3) of the initial members shall serve for a terms of two years. One (1) of the initial members shall serve for a term of one (1) year. Subsequent appointments after the initial term shall serve for staggered terms of three (3) years.
- C. Any vacancies shall be filled by appointment of the Mayor with advice and consent of the Township Council for the remainder of the term.

SECTION III.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION V.

All Township of Berkeley Heights ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION VI.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: _____

Adopted: _____

Angie Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY
HEIGHTS TO CREATE A NEW CHAPTER, CHAPTER 2.87 ENTITLED “THE
BERKELEY HEIGHTS VETERANS AFFAIRS COMMITTEE”**

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 **January 18, 2024** and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on **February 6, 2024** 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**

Agenda Item # |

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

RESOLUTION

BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 2/6/2024, in the amount of \$1,399,242.30, 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 6th day of February, 2024.

ATTEST:

Ana Minkoff
Township Clerk

#2

Resolution of Support from the Township of Berkeley Heights Authorizing the Sustainable Jersey Grant Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township is participating in the Sustainable Jersey Program; and

WHEREAS, the current Township Natural Resources Inventory was created in 2010 and the Township has undergone considerable changes since 2010; and

WHEREAS, the Natural Resources Inventory is part of the municipal master plan and an important tool for the governing body, the Environmental Commission, open space decisions, the Planning Board and Zoning Board of Adjustment.

WHEREAS, the Environmental Commission desires to apply for a Sustainable Jersey \$20,000 grant to cover the costs of hiring a consultant to revise and update the Natural Resources Inventory;

THEREFORE, BE IT RESOLVED, that the Township Council of Berkeley Heights, State of New Jersey, authorizes the Environmental Commission to apply for the aforementioned Sustainable Jersey Grant.

APPROVED this 6th day of February, 2024.

ATTEST:

Ana Minkoff
Township Clerk

#3

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

**RESOLUTION AUTHORIZING THE APPLICATION TO THE FY2024
COMMUNITY ENERGY PLAN GRANT PROGRAM OF THE NEW JERSEY
BOARD OF PUBLIC UTILITIES**

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 Community Energy Plan Grant (“CEPG”) program for municipalities from the New Jersey Board of Public Utilities (BPU) in the amount of \$10,000 for energy conservation planning; and

WHEREAS, the money will be used to create a plan that identifies opportunities for energy resiliency, renewable energy and energy efficiency within the Township; and

WHEREAS this “plan” will serve as the basis for an energy implementation program in the near future for the Township; and

WHEREAS, *New Jersey’s Energy Master Plan: Pathway to 2050 (EMP)*, established that community-level action is necessary to achieve the state’s goal of 100% clean energy by 2050; and

WHEREAS, this CEPG grant program does not require a Township match.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Berkeley Heights does hereby authorize the Township Administrator and the Berkeley Heights Environmental Commission 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 CEPG grant agreement and approves the execution of the grant agreement.

APPROVED this 6th day of February, 2024.

ATTEST:

**Ana Minkoff
Township Clerk**

#4

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF BERKELEY HEIGHTS SUPPORTING THE SAFE ROUTES TO SCHOOL PROGRAM

WHEREAS, there is a need to promote the health and safety of our children; and

WHEREAS, nearly one out of three children (31%) ages 10-17 are overweight or obese in New Jersey and New Jersey has the second highest rate of obesity (17.9%) for low-income children ages 2-5; and

WHEREAS, lack of physical activity has had a significant impact on children's health and well-being, resulting in higher rates of obesity, diabetes, heart disease, and other related health concerns compared to 30 years ago; and

WHEREAS, driving children to school by private vehicle and idling in the school vicinity contributes to traffic congestion and air pollution near the school; and

WHEREAS, air pollution near schools can have adverse effects on student health, including decreased lung development, allergies and asthma, as well as on the local environment; and

WHEREAS, Congress has designated federal funding to develop the National Safe Routes to School Program to address these challenges; and

WHEREAS, bicycling and walking to school can have a positive mental and physical impact on the health of children and youth, and helps them arrive at school ready to learn; and

WHEREAS, providing safer routes to and from schools aims to decrease pedestrian and bicycling related injuries, not just for students but for the entire community; and

WHEREAS, the Safe Routes to School program uses education, encouragement, infrastructure and enforcement strategies to help make walking and bicycling to school safer and more attractive to children; and

WHEREAS, a successful Safe Routes to School program involves schools, school boards, citizens and local government to collaborate to enable and encourage children, including those with disabilities, to walk and bicycle to school safely; now, therefore, be it

BE IT THEREFORE RESOLVED, that the Township Council of the Township of Berkeley Heights supports the Safe Routes to School program and are proponents of developing and maintaining safe ways to walk and bicycle to school.

APPROVED this 6th day of February, 2024.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION AUTHORIZING A GREEN ACRES APPLICATION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides grants and/or loans to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Berkeley Heights– Recreation Commission desires to further the public interest by obtaining funding in the amount of \$363,750, in the form of a \$363,750 matching grant and, if available, a \$0.00 loan, from the State to fund the following project(s): *Columbia Park All-Inclusive Playground Improvements* at a cost of \$485,000;

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Carolyn George, or the successor to the office of Associate Recreation Director is hereby authorized to:
 - a. make application for such a loan and/or such a grant,
 - b. provide additional application information and furnish such documents as may be required, and
 - c. act as the authorized correspondent of the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$121,250;
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

CERTIFICATION

I, Ana Minkoff, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township of Berkeley Heights at a meeting held on the 6th day of February, 2024.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 6th day of February, 2024.

Ana Minkoff, Township Clerk

Certification of Availability of Funds

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.1 et seq., and any other applicable requirement, I, Juan Uribe Chief Finance Officer of the Township of Berkeley Heights have ascertained that, upon adoption of this resolution, there will be available, sufficient and uncommitted appropriations to execute a contract, in an amount not to exceed from the following account, \$121,250.00 from Trust code R-18-44-401-066 subject to the approval of the 2024 budget.

Juan Uribe - Chief Financial Officer

#6

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

**A RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT TO
WINNING STRATEGIES WASHINGTON – HOBOKEN STRATEGY GROUP, INC.**

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional services to develop and execute a comprehensive government affairs strategy to advocate and advance funding requests for Berkeley Height’s priorities through the annual appropriations process and the biennial WRDA reauthorization process; and

WHEREAS, Winning Strategies Washington – Hoboken Strategy Group, Inc. submitted a proposal dated January 10, 2024, to provide the needed services in an amount not to exceed \$132,000.00; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Berkeley Heights that the Mayor of the Township of Berkeley Heights are hereby authorized to enter into an agreement with Winning Strategies- Hoboken Strategy Group, Inc., in an amount not to exceed \$132,000.00, pursuant to a proposal dated March 6, 2023. This contract is awarded without competitive bids as a “professional services contract” in accordance with N.J.S.A. 40A:11-5 (1)(a)(I) of the Local Public Contract Law and pursuant to an Unfair 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 FURHTER RESOLVED, that the Chief Financial Officer has issued a Certificate of Available Funds which is incorporated herein by reference, for an amount not to exceed \$132,000.00.

Approved this 6th day of February, 2024.

ATTEST:

Ana Minkoff, Township Clerk

Certification of Availability of Funds

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:30-5.1 et seq., and any other applicable requirement, I, Juan Uribe Chief Finance Officer of the Township of Berkeley Heights have ascertained that, upon adoption of this resolution, there will be available, sufficient and uncommitted appropriations to execute a contract with Winning Strategies Washington – Hoboken Strategy Group, Inc., in an amount not to exceed from the following account, \$132,000.00 from 4-01-20-701-028 subject to the approval of the 2024 budget.

Juan Uribe - Chief Financial Officer



H S G HOBOKEN STRATEGY GROUP, INC.

January 10, 2024

The Honorable Angie Devanney
Mayor
Township of Berkeley Heights
29 Park Avenue
Berkeley Heights, NJ 07922

Dear Mayor Devanney:

Thank you again for working with Winning Strategies Washington and Hoboken Strategy Group (WSW/HSG) as we assist the Township of Berkeley Heights to advocate before the New Jersey Congressional Delegation to secure federal funding for its priority initiatives related to sewer and stormwater improvements.

We are pleased to have worked closely with the Township in 2023 to make a compelling case before the Township's Representative and Senators in Washington which has led to the inclusion of \$2 million in federal funding included in the FY24 Interior-Environment Appropriations legislation that has been passed by the House of Representatives and that is pending final negotiations between the House and Senate in the weeks ahead. We are also pleased to have facilitated a site visit by Rep. Tom Kean, Jr. to Berkeley Heights so that he was able to see firsthand the areas in need of improvement and the urgency for federal support of this project. Locally, our team was able to engage the New Jersey Department of Environmental Protection (NJDEP) to coordinate efforts with Berkeley Heights, New Providence and Summit in advancing the Upper Passaic River flood risk mitigation efforts through the United States Army Corps of Engineers (USACE) New York District. Our team also engaged the Governor's Office in responding to the US Environmental Protection Agency- Region 2's request for a certification of compliance with the Brooks Act to advance the West Side Drainage project.

As requested, we are sharing a proposal with you below to continue to represent the Township in Washington to advance a robust federal agenda and secure federal resources to address sewer and stormwater upgrades that affect the property and quality of life for so many residents.

As you know, WSW and HSG have been affiliated for more than twenty years and we have extensive experience in successfully developing, implementing and managing large and complex government relations strategies for local governments in New Jersey. Our principals specialize in water and road infrastructure and appropriations issues, and have a keen sense of what works best in terms of engaging Members of Congress – especially those from New Jersey – to

accomplish a client's goals. No two firms in the nation have more experience working with the New Jersey Congressional Delegation or understand the state's political landscapes better than WSW and HSG. We would be privileged to continue to represent the Township in the year ahead as it continues to advocate aggressively and appropriately for the funding it needs to advance the sewer and stormwater upgrades it is pursuing.

Thank you again for your consideration of WSW/HSG and we would welcome the opportunity to be of assistance to you.

Sincerely,



Michael Merola
Managing Partner



Kay LiCausi
President & CEO

Proposed Services and Next Steps

WSW will work with the Township to develop and execute a comprehensive government affairs strategy to advocate and advance funding requests for Berkeley Heights' priorities through the annual appropriations process, including the final negotiations on the FY24 Appropriations bills where \$2 million for the Township is pending as well as development of a robust request for funding for submission in the House of Representatives and Senate in the upcoming FY25 Appropriations process. We are also pleased to explore how the upcoming re-write of the Water Resources Development Act (WRDA) may be able to help advance the Township's priorities, including engagement of the U.S. Army Corps of Engineers (USACE) as appropriate.

Federal Appropriations Overview and Plan of Action

From our recent experience with the new Community Project Funding/Congressionally Directed Spending (earmark) process advocating directly on behalf of the Township as well as our previous and ongoing work securing earmarks for our clients, we have a strong understanding of what strategies work best in gaining the interest and support of Members of Congress and the House and Senate Appropriations Committees.

In support of this effort, WSW/HSG will work collaboratively with the Township to update all information on the sewer and stormwater infrastructure needs since the project was proposed in FY24, to prepare all required materials on Berkeley Heights' behalf, and engage directly with Members of Congress and the House and Senate Appropriations Committees in support of the request. Specifically, in support of the Township's potential FY25 appropriation request, we would provide the following services:

- Evaluate and update your needs on the proposed project and work with the Township and its leadership on how best to advance it before Congressman Tom Kean, Jr., and Senators Cory Booker and Bob Menendez.
- Assist in drafting white papers and other briefing materials in support of the Township's appropriations request.
- Complete any forms required by Congressman Kean and the Senators, as well as House and Senate Appropriations Subcommittee forms, in support of the Township's request.
- Provide introductions, schedule and attend meetings between the leadership of the Township in Washington, DC with appropriate Members of Congress, Senators, and their staff to discuss the proposed project and make the most compelling case for the FY25 funding request.
- Provide ongoing advice, counsel, advocacy, and status reports relative to the request and the broader appropriations process as it proceeds.
- Arrange for elected officials and other key decision makers to attend briefings and meetings in Berkeley Heights regarding the water initiatives you are implementing and other public policy issues of interest to the Township.

Water Resources Act Reauthorization and Plan of Action

The WRDA Reauthorization is a legislative process in the Congress that establishes water resources development policy for the U.S. Army Corps of Engineers. Reauthorization involves a two-year cycle of work, with Congress expected to draft the reauthorization of WRDA in 2024. As we learned in 2023 through outreach to USACE and NJDEP, USACE and NJDEP are proceeding with a USACE General Investigation Feasibility Study on flooding that includes the

areas of concern in Berkeley Heights, which is already authorized under current law. As such, USACE has been asked by NJDEP to begin the evaluation and analysis needed to address the flood risk in Berkeley Heights, New Providence, and Summit. WSW will monitor the work of USACE on the study with an eye toward expediting it or otherwise accelerating the process through ongoing engagement or through the WRDA legislation as it is written. In support of this effort, we would provide the same types of services to the Township that we would provide to secure funding in the FY25 Appropriations process.

In these efforts, as always, WSW/HSG will be hands-on, efficient, service-oriented and most importantly, driven by quantifiable results and measurable success. We have made it a top priority to ensure that principals of the firm manage every aspect of our work on behalf of a particular client and do so in a timely, effective and responsive manner. WSW/HSG have the staff and capacity to handle the Township's federal agenda and will be careful to ensure that the scope of the work is well within our abilities to deliver the highest level of service and results.

Proposed Terms

Considering the activities discussed above, both in terms of involvement by our principals and staff as well as the level of effort necessary to pursue both appropriations and WRDA funding, our fee would be \$11,000 a month for twelve months.

In addition to the monthly retainer, Berkeley Heights would reimburse certain limited expenses directly attributable to work performed under this agreement, including travel outside of the DC metro area. The agreement may be terminated by either party upon 60 days' written notice.

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

RESOLUTION

IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, in meeting assembled, that the following be appointed to the Grants Committee.

GRANTS COMMITTEE

Rich Lander - term expires 12/31/2025

APPROVED this 6th day of February, 2024.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, in meeting assembled, that the following be appointed to the Downtown Beautification Committee.

DOWNTOWN BEAUTIFICATION COMMITTEE

**Dana Campbell – term expires December 31, 2026
Kunal Sharma – term expires December 31, 2026**

APPROVED this 6th day of February, 2024.

ATTEST:

Ana Minkoff
Township Clerk

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

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
DAVID SHAPIRO FOR TAX ASSESSOR INSPECTIONS**

WHEREAS, the Township of Berkeley Heights is in need of contracting for professional services to provide Tax Assessor Inspections; and

WHEREAS, David Shapiro has provided proposal dated January 15, 2024, with various rates for Assessor inspections, total amount not to exceed \$10,000; 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 David Shapiro for Tax Assessor inspections, at a fee not to exceed \$10,000.00. 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 \$10,000.00

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

APPROVED this 6th day of February, 2024.

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, \$10,000 in Account # 4-01-20-710-028, and that these funds have not been certified as available for any other pending contract, subject to approval of the 2024 budget.

Juan Uribe, Chief Financial Officer

Agenda Item

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

RESOLUTION

WHEREAS, the Tax Collector has advised that there was an overpayment of a portion of 2024 property taxes for property known as Block# 601, Lot# 3.05 also known as 75 Grandview Avenue, which requires a refund in the amount of \$4,752.07; and,

NOW, THEREFORE BE IT RESOLVED that the Treasurer is authorized to refund the overpayment of the first quarter 2024 taxes in the amount of \$4,752.07, to 70 Grandview Avenue.

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

APPROVED this 6th day of February, 2024.

Attest:

**Ana Minkoff
Township Clerk**

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

RESOLUTION

WHEREAS, the property located at 450 Springfield Avenue, was required to post a Performance Bond. The Township Engineer has recommended by letter dated January 17, 2024, that the Performance Bond posted in 2019 for the amount of \$89,211.00, may now be released. The Applicant is required to post a two (2) year Maintenance Bond in the amount of 15% of the total estimated cost of public improvements, privately owned buffer landscaping and stormwater management improvements, equaling \$18,348.39, upon construction completion and municipal acceptance of the project.

NOW, THEREFORE BE IT RESOLVED, by the Township Council, Township of Berkeley Heights, County of Union, that it hereby authorizes the release of the Performance Bond posted in 2019 for the amount of \$89,211.00, conditioned upon concurrence of all applicable departments of the Township and the payment of all outstanding fees, including escrow charges.

BE IT FURTHER RESOLVED, that a copy of this Resolution is to be forwarded to the Township Engineer.

APPROVED this 6th day of February, 2024.

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, Michael Tomich 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 **Michael Tomich**, 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 6th day of February, 2024.

ATTEST:

Ana Minkoff
Township Clerk

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

RESOLUTION

IT IS HEREBY RESOLVED by the Township Council of the Township of Berkeley Heights, Union County, New Jersey, that **Nicholas Domingos**, is hereby appointed to the Active roster of the Berkeley Heights Volunteer Fire Department effective on February 6, 2024.

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

APPROVED this 6th day of February, 2024.

ATTEST:

Ana Minkoff
Township Clerk

AN ORDINANCE REPEALING CHAPTERS 2.95 OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS

WHEREAS, the Township of Berkeley Heights desires to repeal the entirety of Chapter 2.95 entitled “Memorial Park Renewal Committee”; and

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Berkeley Heights, County of Union, and State of New Jersey, that:

SECTION 1.

Chapter 2.95 of the municipal code of the Township of Berkeley Heights entitled “Memorial Park Renewal Committee” shall be repealed in its entirety. The chapter shall remain “Reserved” in the Code for future use.

SECTION II.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV.

All Township of Berkeley Heights ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION V.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: _____

Adopted: _____

Angie Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS, CHAPTER 2.90 ENTITLED "THE HISTORIC PRESERVATION COMMITTEE"

WHEREAS, the Historic Preservation Committee is an advisory committee consisting of at least five members and no more than nine members; and

WHEREAS, the Mayor and Township Council wish to increase the members from at least five members to no more than twelve members.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Berkeley Heights, County of Union, and State of New Jersey, that Chapter 2.90 entitled "The Historic Preservation Committee" is hereby amended as follows:

SECTION I. Chapter 2.90.020- Membership and Qualifications

The Historic Preservation Committee shall consist of at least five members and no more than ~~nine~~ **twelve** members: One member of the governing body, and at least four volunteer(s); members shall serve without compensation. All members should have a strong appreciation for history, a firm commitment to preserving and sustaining that history for future generations; and a willingness to work cooperatively to ensure successful preservation efforts. The volunteer members shall be residents of, or owners of businesses located within, the Township, and shall have proficiency in at least one of the following areas, or equivalent experience:

A. Researcher: Identifies and researches properties of historic value within the Township, both current and potential. Helps accumulate information about these properties for use by the Committee. Works with the Township's Grants Committee or other entities to identify potential outside sources of funding for preservation efforts. Assists in maintaining database, and upon request of the Township, provides any information within the database for use by the Township on historic preservation matters.

B. Copy Editor/Writer: Uses available information to assist in creating narratives, descriptions, and similar documents for public and private use. Ensures that all written material issued by the Committee is accurate, understandable, fit for purpose, and free of error, omission and inconsistency. Works with the Township's Grants Committee to write and edit grant applications.

C. Fundraising Expert: Leads efforts to organize events and activities to help raise money, as permitted by law, for preservation and rehabilitation efforts. Works with

other Township representatives, committees and volunteers to coordinate various events.

D. Project Manager: Helps lead rehabilitation and restoration efforts; identifies potential vendors/contractors for work; solicits quotes as needed from potential vendors/contractors for work; is involved with the grant application process as needed; helps identify and keep track of project timelines, ensuring projects stay on task and on budget; coordinates restoration and rehabilitation projects with vendors/contractors, pertinent Township officials/department heads, and other necessary organizations/entities.

Prospective volunteers seeking membership on the Historic Preservation Committee shall formally apply using the Township's volunteer application process. Successful candidates for appointment should demonstrate an ability to not only perform the functions of a position (or positions) set forth hereinabove, but also possess one or more of the following qualifications:

- Commitment to the mission, objective, and goals of the Committee.
- Ability and willingness to discuss and share information of interest with regard to historic sites within the Township, including with the public.
- Proficiency with computer programs/platforms such as search engines, Google Drive, Excel, and Microsoft Word.
- Ability to research, analyze, write, and use creative thinking skills.
- Strong organizational skills.
- Strong communication skills.
- Commitment to civil discourse.
- Strong project management skills.

E. Township Council Representative: One representative shall be a current Township Council Member who shall assist the Committee and serve as a liaison to the Township Council.

SECTION II.

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III.

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV.

All Township of Berkeley Heights ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION V.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: _____

Adopted: _____

Angie Devanney, Mayor

ATTEST:

Ana Minkoff, Township Clerk