

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

**ORDINANCE 2026-15**

**ADOPTING AN ORDINANCE TO DISSOLVE THE RECREATION  
COMMISSION AND SET FORTH THE RECREATION DEPARTMENT  
WITHIN THE TOWNSHIP OF BERKELEY HEIGHTS**

**WHEREAS**, it is the desire of the Mayor and Township Council for the Township of Berkeley Heights to provide for the recreational needs of all citizens of the Township; and

**WHEREAS**, the Governing Body has in the past entrusted that important task to the Board of Recreation Commissioners pursuant N.J.S.A. 40:12-1; and

**WHEREAS**, the Governing Body believes that this structure should be modernized and that these responsibilities could be more efficiently handled if absorbed by the Township within a Recreation Department; and

**WHEREAS**, the Governing Body instead chooses to establish a Recreation Advisory Committee, to continue to act in an advisory capacity in regards to recreational programs spearheaded by the Township; and

**WHEREAS**, the power to abolish the Board of Recreation Commissioners is derived pursuant to the Revised Statutes of the State of New Jersey, and as affirmed by Bd. of Recreation Comm'rs v. Rutherford, 166 N.J. Super. 476 (App. Div. 1979).

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council that:

**SECTION I.** Section 2.12.010, "Principal Components," of Chapter 2.12, "Administrative Organization," of the Township Code shall be amended as follows:

The Township's government and operations shall be organized into not more than six departments, and other offices and statutory agencies and independent boards to promote the maximum efficiency and effectiveness in this government which has executive and legislative branches defined in the N.J.S.A. 40:69A-149.8. The Township's departments shall be organized as follows:

- A. Department of Finance;
- B. Department of Public Works;
- C. Department of Wastewater Treatment;
- D. Department of Public Safety;
- E. **Department of Recreation**; and
- F. Non-Departmental Entities and Officers.
  1. Office of the Township Administrator;
  2. Township Clerk;
  3. Township Attorney, Municipal Prosecutor, and Public Defender;
  4. Office of the Tax Assessor;
  5. Municipal Court;
  6. Emergency Management Council;
  7. Planning Board;
  8. Zoning Board of Adjustment;

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9. Board of Health;
10. Library Board of Trustees;
- ~~11. Affordable Housing Board;~~
- ~~12. Board of Recreation Commissioners;~~
- ~~13. Municipal Alliance Committee;~~
- ~~14. Communications Committee;~~
15. Office of Social Services;
16. Environmental Commission;
17. Fire Department;
18. Township Engineer;
19. Construction Code Official; and
20. Zoning Officer.

**SECTION II.** Section 2.72.010, "Affordable Housing Board," of Chapter 2.72, "Non-Departmental Boards and Commissions Generally," of the Township Code shall be repealed and reserved in its entirety.

**SECTION III.** Section 2.72.080, "Board of Recreation Commissioners," of Chapter 2.72, "Non-Departmental Boards and Commissions Generally," of the Township Code shall be repealed and reserved in its entirety.

**SECTION IV.** Chapter 2.85, "Municipal Alliance Committee," of the Township Code shall be repealed and reserved in its entirety.

**SECTION V.** Chapter 2.76, "Board of Recreation Commissioners," of the Township Code shall be repealed in its entirety and replaced as follows:

**Chapter 2.76 – DEPARTMENT OF RECREATION**

**2.76.010 – Purpose**

**The purpose of this Chapter is to efficiently conduct the affairs of the municipality, and particularly to maintain a system of recreation programs designed to amuse, entertain and improve the physical fitness and to bring into closer harmony and relationship the Berkeley Heights community by establishing the Department of Recreation.**

**2.76.020 – Establishment of the Department of Recreation**

**There shall be a Department of Recreation, the head of which shall be the Recreation Administrator. Under the supervision of the Recreation Administrator, the Department shall:**

- A. Administer the Township's athletic and recreational programs and activities for residents;**
- B. Administer and operate the municipality's community centers, social centers and recreational functions and activities relating thereto;**

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- C. Sponsor and administer cultural activities in cooperation with other public and private agencies and organizations;
- D. Use and operate public school property upon the approval and agreement of the Board of Education, to the extent that such property may be adaptable and available for recreational programs and purposes of the Department;
- E. Promote and direct a year-round program of leisure and wellness activities for children, youth and adults of the Township; stimulate the constructive use of leisure time of residents of the Township; and work toward the optimum coordination and development of public and private recreational facilities.

2.76.030 – Department Personnel

- A. Recreation Administrator. The Mayor shall appoint a Recreation Administrator with the advice and consent of the Council, who shall administer the operations of the Recreation Department. The Recreation Administrator shall perform those duties and exercise those responsibilities set forth below and in this Chapter. The Recreation Administrator shall have at least a four-year degree from a college or university. The Recreation Administrator shall take any courses as directed by the Township Administration as necessary to increase their proficiency in any required skills, which shall be paid for by the Township. The duties of the Recreation Administrator include, but are not limited to:
  - 1. Oversee all personnel and volunteers within the Recreation Department.
  - 2. Prepare and manage the yearly capital and operating budget of the Department, in collaboration with the Director of Recreation Programming.
  - 3. In consultation with the Director of Recreation Programming and Recreation Committee, conduct studies of all activities and operations within the Recreation Department and make recommendations to the Township Administrator for any changes for the purpose of increasing efficiency, economy and effectiveness.
  - 4. In collaboration with the Township Administrator, apply for various grants to help offset Recreational programming and infrastructure costs, oversee the appropriate expenditure of grant funds, and submit and ~~and~~ all grant reports and paperwork required for reimbursement.
  - 5. Collaborate with the Director of Recreation Programming and Recreation Committee to maximize Recreation Trust monies, and expand programming choices appropriate to meet the needs of the community.
  - 6. Develop department short- and long-term goals, and prepare reports on facility operations, attendance, and program effectiveness that are in line with the Recreation Master Plan.

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7. The Recreation Administrator, in consultation with the Township Administrator may hire, as it deems necessary and appropriate, adequate personnel to manage and carry out the duties and responsibilities delegated to the Department by the Township Council. The employees of the Department shall be organized and assigned as the Recreation Administrator deems appropriate with the approval of the Township Administrator.
- B. Director of Recreation Programming. The Mayor shall appoint a Director of Recreation Programming with the advice and consent of the Council, who shall report to the Recreation Administrator and assist in the operations of the Department as described herein. The Director shall perform those duties and exercise those responsibilities set forth below and in this Chapter. The Director shall report directly to the Recreation Administrator and shall be compensated at the rate established in the salary ordinance. The Director shall have either a Bachelor of Arts degree in the field of recreation, sports management, or a similar field, or otherwise have sufficient experience in the field. The Director shall take any courses as directed by the Recreation Administrator as necessary to increase their proficiency in any required skills, which shall be paid for by the Township. Duties include, but are not limited to:
1. Develop year-long programming for residents of all ages.
  2. Work with the Recreation Administrator on annual departmental budget.
  3. Work with the Recreation Administrator to oversee all facets of large recreation related projects-including making sure permits and inspection are obtained as needed.
  4. Collaborate with the Recreation Administrator and Recreation Committee to maximize Recreation Trust monies, and expand programming choices appropriate to meet the needs of the community.
  5. Manage maintenance of Township parks, in conjunction with Department of Public Works Recreation staff.
  6. Oversee all local projects, including but not limited to Eagle Scout projects, in or on municipal parks, including ensuring the appropriate permits are obtained for all structures erected on Township park property.
  7. Oversee scheduling and planning of Township summer concerts, holiday festivities, annual Memorial Day parade, and other Township celebrations as deemed appropriate.
  8. Oversee the operations of any/all Township recreation summer camps.
  9. Oversee the advertisement of Department activities and events through all mediums, including print, electronic newsletters and social media.

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10. Attend Township Council meetings to present updates and collaborate with outside organizations to maximize resources as needed.

2.76.040 – Recreation Department Operations

The responsibilities and duties within the Recreation Department shall be defined as follows:

- A. The Recreation Department shall be responsible for maintaining, improving and controlling the use of the following:
1. All public playing fields within and owned by the Township, including grass areas and children’s playgrounds and grassed areas in the immediate proximity and normally frequented by playing field users or spectators;
  2. All public tennis, pickleball, and basketball courts constructed and operated by the Township;
  3. All appurtenances, sheds, restrooms, outbuildings, fences, bleachers, lights, parking areas, water fountains, etc., associated with the items listed in subsections (A)(1) and (2) above; and
  4. The Recreation Department facilities, playrooms, outdoor play spaces, etc. building and grounds.
- B. As to any recreation space on property owned by the Berkeley Heights Board of Education, the Recreation Department shall coordinate as needed with the Board of Education Administration to assure that the playing fields are maintained and kept in a playable condition, and as required by any agreement between the Township and the Board of Education.
- C. The Recreation Department will be responsible for maintenance and storage of equipment utilized in meeting the Department’s responsibilities.
- D. The Recreation Department also shall develop rules and regulations to assist with the management of recreational facilities and programs.
- E. The Department shall be responsible for developing programming, sports leagues, and community events/activities for all members of our community, from toddlers to senior citizens. The Department, in consultation with the Administration and Recreation Committee, shall regularly review programming and activities to determine value to the community and make recommendations for new programs, activities and community events.

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2.76.050 – Power to Make Rules

The Township Administration shall have full control over all parks, playgrounds and recreation places acquired or leased by the Township and may adopt suitable rules and regulations for the use thereof and the conduct of all persons while on or using the same, and any person who shall violate any of such rules and regulations shall be subject to the penalty provisions contained in Chapter 1.08 of this Code.

2.76.060 – Restricted Programs

The Recreation Department may arrange and provide for the giving of exhibitions, plays, concerts, games and contests, and may use and employ such playgrounds or recreation places for the purpose of giving thereon exhibitions, plays, concerts, games and contests. The Recreation Department may charge and collect a reasonable admission fee during such times from all spectators over the age of twelve years. Any fee charged herein shall be reduced by 25% for military veterans and/or their immediate families (i.e., spouse or children). The special areas and facilities in which such programming is held may require special maintenance, the use of which is restricted to relatively few people in order to assist in the meeting off the operating costs. Any and all admission fees or related charges collected shall be paid over to the Chief Financial Officer of the Township.

2.76.070 – Finances and Expenditures

The Recreation Department may expend such sums as may be appropriated and made available by the Township Council for the use of the Department, which shall include but not be limited by the Recreation Trust Fund. Sums may also be collected by the Department as provided in Section 2.76.080 of this Chapter. All disbursements shall be made by the Chief Financial Officer of the Township in the same manner as the expenditure of other municipal funds.

Annually and upon request by the Administrator, the Recreation Administrator or their designee shall submit to the Administrator and Chief Financial Officer a proposed budget for the following calendar year, showing in detail proposed expenditures and any existing or anticipated sources of funds, as well as the amount requested to be appropriated by the Township Council for use of the Department during the following calendar year.

2.76.080 – Service Charges

The Recreation Department may charge and collect a reasonable service charge for certain recreational facilities such as fields, pavilions, etc. They may also charge reasonable fees to participate in Recreation Department activities. Any service charge charged herein shall be reduced by 25% for military veterans and/or their immediate families (i.e., spouse or children). All service charges collected shall be paid over to the Chief Financial Officer of the Township.

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2.76.090 – Dissolution of the Recreation Commission

The previously established Recreation Commission of the Township of Berkeley Heights is hereby deemed eliminated and dissolved, and all offices and membership in same which have been created are hereby revoked and dissolved. Any authority or power any person, or persons, had or was otherwise authorized by the existence of the Recreation Commission is hereby revoked. All contracts to which the Recreation Commission is or was a party shall be assigned to the Township. All funds held by the Recreation Commission, barring any legal limitations, shall be immediately turned over by the Recreation Commission to the Chief Financial Officer of the Township, and the Chief Financial Officer shall place such funds in the Recreation Trust Fund of the Township, to the extent not already in that Fund, and shall only be used for Recreation Department programming, infrastructure upgrades, or similar uses.

2.76.100 – Recreation Committee

- A. The Recreation Committee is hereby created pursuant to N.J.S.A. 40:81-13. It shall consist of six members of the public plus a Council member. Members shall serve without compensation and shall be appointed by the Mayor, with the advice and consent of Council. The Council member shall be appointed annually. As to all other members, three persons shall be appointed initially for a one-year term; two persons shall be appointed for a two-year term; and two persons shall be appointed for a three-year term. All annual appointments thereafter shall be for a three-year term, except for the Council member appointment, which shall be annually. In the event of a vacancy, the Mayor shall be entitled to appoint a person to fill the vacancy for the unexpired term.
- B. The Committee may hold regular and special meetings and may make and amend rules and regulations concerning the conduct thereof. The Committee shall serve in an advisory capacity in matters touching on or concerning the Recreation Department and its facilities and programs. The Committee may make recommendations to the Recreation Administrator concerning or touching upon the operation and administration of the Recreation Department. Such recommendations, after study by him or her, shall be approved or disapproved by the Recreation Administrator. If the Recreation Administrator approves such recommendations or any part thereof, the Committee shall be notified of this approval. The Recreation Administrator and Director of Recreation Programming shall carry into effect the approved recommendations.
- C. The Committee shall advise the Recreation Department on matters relating to the following: the renovation and maintenance of facilities including parks, playgrounds, athletic fields, Township recreation programs and special events, and grants.
- D. The Committee shall act as the liaison between the Union County Parks & Recreation departments, the Board of Education, local sports organizations and the

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Recreation Department for scheduling of athletic fields.

- E. The Committee shall submit annually to Governor Livingston High School any required paperwork to award the Tom Barton Memorial Scholarship, so long as funds for this Scholarship remain under the purview of the Recreation Committee. The Board shall receive and review all scholarship applications and determine recipient(s), and promptly notify the Mayor of said recipient.

**SECTION VI.** Section 2.94.080, "Powers and Duties," of Chapter 2.94, "Downtown Beautification and Review Committee" of the Township Code shall be amended as follows:

- E. To work with local merchants, associations, and the Township Recreation **Department** to sponsor activities and events in the Township's downtown area.

**SECTION VII.** Section 2.139.010, "Purpose," of Chapter 2.139, "Complete and Green Streets Committee" of the Township Code shall be amended as follows:

The purpose of this Chapter is to create the Complete and Green Streets Committee to make streets safe for all people using all modes of transportation and encourage travel on foot, by bicycle and by public transit in the Berkeley Heights community.

The Complete and Green Streets Committee will provide the Berkeley Heights community with technical assistance, educational resources, and support to implement road safety programs and initiatives. The Committee will work with existing state and regional experts to develop these programs and initiatives. The Committee will also liaise with Berkeley Heights organizations, including but not limited to Mayor's Wellness Committee, Senior Affairs Committee, Recreation **Department**, BHPS administration and Board of Education, and the Police Department to assist as needed in serving the Berkeley Heights community, including youth and older adults.

The Complete and Green Streets Committee will assist the Township in obtaining grants related to pedestrians and road safety, such as Safe Routes to School, Safe Streets to Transit, Safe Streets and Roads for All, AARP Community Grants, and North Jersey Transportation Planning Authority ("NJTPA") projects.

**SECTION VIII.** Section 9.12.100, "Trespassing Upon Township Lands," of Chapter 9.12, "Offenses Against Property" of the Township Code shall be amended as follows:

- A. It is unlawful for any person to enter upon the parcels of land and/or enter into the buildings listed below without proper permission or authority from the Township to do so or other lawful purpose:
1. Any Township **or public** building or facility during hours other than those posed or set forth for public use and entry ~~including specifically the wastewater treatment facility, any associated pumping station, town hall, the community center, the engineering office, the recreation department building or garages, the department of public works garage and salt dome or the free public library;~~

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2. Those parcels of land upon which any of those facilities set forth in the preceding subparagraph are located or Lot 7.01 in Block 301 on the Township Tax Maps;
3. Any other Township-owned lands **that** have been posted against entry pursuant to this Chapter or a resolution adopted by the Council.

**SECTION IX.** Chapter 12.04, “Public Parks and Recreation Areas” of the Township Code shall be amended to replace all instances of the phrase “Recreation Commission” with the phrase “Recreation Department.”

**SECTION X.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION XI.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION XII.** This Ordinance shall take effect after passage and publication in the manner provided by law.

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Angie Devanney, Mayor

Introduction						Councilperson	Final Adoption					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
						<b>John Foster</b>						
						<b>Margaret Illis</b>						
						<b>Bill Machado</b>						
						<b>Alvaro Medeiros</b>						
						<b>Andrew Moran</b>						
						<b>Susan Poage</b>						
Introduced:  June 30, 2026						I hereby certify the above ordinance was adopted by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption:  June 21, 2026												
						_____ Angela Lazzari, Township Clerk						