

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD JANUARY 21, 2020**

CALL TO ORDER

At 7:00 p.m. the Mayor called the meeting to order and the Township Clerk stated adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to this meeting, all in accordance with the Open Public Meetings Act.

ROLL CALL

The following Council members were present:

Gentiana Brahimaj
Manuel Couto
Jeanne Kingsley
Alvaro Medeiros
Susan Poage
Stephen Yellin
Angie D. Devanney, Mayor

Also present were:

Township Attorney: Kraig Dowd
Township Administrator: Liza Viana
Township Clerk: Ana Minkoff

FLAG SALUTE

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

PROCLAMATION

The Mayor read a Proclamation which formally recognized and publicly thanked Mrs. Lloyd for her many years of volunteerism and dedicated service to the Downtown Beautification Committee and the Township.

Mrs. Lloyd accepted the proclamation accompanied by her family.

TOWNSHIP COUNCIL REPORTS

Mrs. Brahimaj reported on the following topics:

- Fire Department Dinner
- MLK Day at Autumn Lake
- Communications Committee

Mr. Couto reported on the following topics:

- Fire Department Dinner
- Diversity Council / Day of Service at Autumn Lake
- Census

- PBA Casino Night
- Sophie’s Soldiers & Silver Lining Foundation

Mrs. Kingsley reported on the following topics:

- Commuter Parking Taskforce
- Downtown Beautification Committee
- Safe Routes to School
- Sophie’s Soldiers & Silver Lining Foundation
- Bottling Stations

Mr. Medeiros reported on the following topics:

- Plastic Ban Ordinance
- Renewable Government Aggregation Ordinance
- Chinese New Year Festival

Mrs. Poage reported on the following topics:

- Berkeley Heights Public Library Foundation
- Diversity Council MLK Event
- Grants Committee
- Planning Board

Mr. Yellin reported on the following topics:

- Historic Preservation Committee
- Plastic Bag Collection (Trex Program)

Mr. Yellin also noted the events he recently attended.

ADMINISTRATION REPORTS

Mayor Devanney discussed the following topics:

- Recycling
- Fire Department Dinner
- Diversity Council Day of Service at Autumn Lakes
- Senior Advisory Board
- Economic Development Committee
- Public Safety / First Responders

Ms. Viana provided updates from the following departments:

- Public Works
- Construction
- Engineering
- Wastewater Treatment
- Recreation
- Zoning

Approval of Township Council and Administration Reports

Mover: Mrs. Kingsley

Seconder: Mr. Yellin

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

Nays: None
Abstain: None
Absent: None

Result: Approved

APPROVAL OF MINUTES

Approval of Minutes:

Public Meeting – October 29, 2019

Executive Session Minutes – March 5, 2019, March 19, 2019 April 2, 2019 and April 23, 2019

Mover: Mrs. Poage

Secunder: Mr. Medeiros

Ayes: Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin*

Nays: None

Abstain: Mrs. Brahimaj

Absent: None

* Mr. Yellin abstained from the vote on Executive Session Minutes from March 5, 2019, March 19, 2019, and April 2, 2019.

Result: Approved

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

Mover: Mrs. Brahimaj

Secunder: Mrs. Kingsley

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin

Nays: None

Abstain: None

Absent: None

Mr. Foregger of 14 Dorset Road spoke in reference to the proposed ordinance on plastic bags. He asked about the exceptions noted to seek clarification. There was a discussion that followed, and Mr. Foregger expressed his opposition to the ordinance.

Mr. Foregger asked about the hiring of a zoning officer. Mayor Devaney and Council responded and there was a brief discussion that followed.

Ms. Levine of the Great Swamp Watershed Association spoke about the microplastic concern and showed her support of the plastic ban ordinance.

Ms. Diamond, a member of the Environmental Commission, spoke in depth about the microplastic issue and the proposed ordinance showing her support and reasoning for the ordinance.

Mr. Sincaglia of 22 Robbins Avenue spoke at length in opposition to the proposed plastic bag ordinance. He provided feedback on the inclusion of plastic straws.

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Ms. Illis of 102 Twin Falls spoke in support of the proposed plastic bag ordinance. She also provided her feedback on the inclusion of plastic straws.

Mr. Foregger spoke again regarding the proposed plastic ban ordinance. He cited reasons why he is opposed to the ordinance. Mr. Yellin responded, and a discussion followed.

Ms. Diamond spoke again in support of the proposed ordinance. She addressed the questions/issues cited by others.

Ms. Levine spoke about the scientific studies regarding microplastics and again expressed her support for the proposed ordinance.

Mr. Kane of 46 Sycamore Avenue asked about the fees set in the proposed plastic bag ordinance. Mr. Medeiros responded and there was a brief discussion.

Mr. Leister of 49 Summit Avenue, Chair of the Environmental Commission, expressed his support for the proposed plastic bag ordinance.

Closing of the Hearing on Agenda Items Only

Mover: Mrs. Brahimaj
Seconder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

APPROVAL OF RESOLUTIONS

1. Resolution authorizing the Mayors Special Task Force on Recycling.
(Amending Resolution #91-2019)

Mrs. Kingsley asked about adding a line regarding the availability of minutes. Council discussed and all were in agreement. The resolution was amended.

Approval of *Amended* Resolution

Mover: Mr. Yellin
Seconder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved (as Amended)

2. Resolution authorizing the Interlocal Agreement for Animal Control Services with the township of Millburn.

Approval of Resolution

Mover: Mrs. Kingsley

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Secunder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

3. Resolution authorizing the execution of Service Agreements with AXA Equitable Life Insurance Company and Lincoln Retirement Services, LLC, to provide additional plan offerings within the Township's Deferred Compensation Program.

Mr. Medeiros provided a brief explanation for the resolution.

Approval of Resolution

Mover: Mr. Medeiros
Secunder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

4. Resolution authorizing transfer of current fund Appropriation Reserves.

Approval of Resolution

Mover: Mrs. Poage
Secunder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

5. Resolution authorizing purchase of certain goods and services through the use of State, County and Regional Cooperative purchasing for the year 2020.

Approval of Resolution

Mover: Mrs. Poage
Secunder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros and Mrs. Poage
Nays: None
Abstain: Mr. Yellin
Absent: None

Result: Approved

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6. Resolution authorizing a Length of Service Award Program Deferred Compensation Plan for eligible volunteer members of the Berkeley Heights Volunteer Rescue Squad, and selects Lincoln National Life Insurance Company and its agent, Lincoln Financial Group, as the provider of such plan.

Approval of Resolution

Mover: Mrs. Brahimaj
Seconder: Mr. Medeiros
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

7. Resolution authorizing a Shared Service Agreement with the Borough of Madison for the provision of IT services.

Mayor Devanney asked for confirmation of the duration of the agreement. Mrs. Viana responded.

Approval of Resolution

Mover: Mr. Couto
Seconder: Mrs. Poage
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

8. Resolution authorizing a Shared Service Agreement with the County of Union for a Certified Public Works Manager, Joseph A. Graziano, Sr.
(PULLED)

9. Resolution authorizing an Extension Deposit Agreement with New Jersey American Water Company, Inc. to cover the installation of the water main and related appurtenances and services.

Approval of Resolution

Mover: Mrs. Kingsley
Seconder: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

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Result: Approved

10. Resolution appointing Kathy Danneberg, to the Grants Committee, for a term to expire on December 31, 2021.

Approval of Resolution

Mover: Mrs. Poage
Seconders: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

11. Resolution authorizing submission of a strategic plan for the Municipal Alliance grant for fiscal year July 1, 2020 – June 30, 2021.

Approval of Resolution

Mover: Mrs. Brahimaj
Seconders: Mr. Couto
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

12. Resolution authorizing sale of Surplus property no longer needed for public use.

Mr. Couto asked for clarification on the items included. A brief discussion followed.

Approval of Resolution

Mover: Mr. Yellin
Seconders: Mrs. Poage
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

13. Resolution approving Bill List dated January 21, 2020, in the amount of \$3,844,173.81.

Mr. Medeiros provided some explanation for the amount of the bill list.

Approval of Resolution

Mover: Mr. Couto
Seconder: Mr. Yellin
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

14. Consent Agenda Resolutions (a-e)

- a. Resolution authorizing the Tax Sale Certificate #19-00001, to C & E Tax Lien Fund 1, in the amount of \$6,412.69, for the property located at 108 Bolton Boulevard.
- b. Resolution removing Andrew Ippolito, 47 Rogers Place, from the active roster of the Berkeley Heights Fire Department.
- c. Resolution removing Paul Imbimbo Jr., 90 Station Street, from the active roster of the Berkeley Heights Fire Department.
- d. Resolution endorsing the “Blue Light Permit” for Dominique Salazar, a member of the Berkeley Heights Rescue Squad.
- e. Resolution authorizing a release of a performance bond in the amount of \$2,000.00 to A.J. Perri, for work performed at 334 Park Avenue.

Approval of Consent Agenda Resolutions # 14 a-e

Mover: Mrs. Poage
Seconder: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Result: Approved

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption Scheduled for February 4, 2020.

The Clerk presented and read:

1. “AN ORDINANCE TO AMEND CHAPTER 10.48 MUNICIPAL PARKING LOTS, SECTION 10.48.050 FEES AND PROCEDURES OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS.”

Explanation: This Ordinance amends the fees for parking in the municipal parking lot

That the Ordinance as read by the Township Clerk be offered on first reading and that February 4, 2020 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mrs. Kingsley
Second: Mrs. Poage
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

Public Hearing and Final Adoption Scheduled for February 4, 2020.

The Clerk presented and read:

2. “An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 8 of The Code of the Township of Berkeley Heights (“HEALTH AND SAFETY”) to include a new chapter, Chapter 8.62, entitled “DISPOSABLE PLASTICS.”

EXPLANATORY STATEMENT: This Ordinance amends the Township Code to add provisions regulating the use of disposable plastics (single-use plastic bags, single-use plastic beverage straws, and expanded polystyrene containers) by retail establishments within the Township of Berkeley Heights.

Mr. Dowd, Township Attorney, read aloud a statement which has been added to the proposed Ordinance.

That the Ordinance as read by the Township Clerk, *and Amended by the Township Attorney*, be offered on first reading and that February 4, 2020 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Mover: Mr. Medeiros
Second: Mr. Yellin
Ayes: Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: Mrs. Brahimaj
Abstain: None
Absent: None

CITIZENS HEARING

Opening of the Citizens Hearing

Mover: Mr. Yellin
Second: Mrs. Kingsley
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None

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Abstain: None
Absent: None

Mr. Mondelli of 243 Washington Street asked about the Shared Service with the County of Union for the Salt Dome, seeking information on the costs and savings. Mayor Devanney responded and there was a brief discussion on the topic.

Mr. Mondelli asked about the Township's employee policies. Mayor Devanney responded.

Mr. Pratt of 45 Park Avenue shared information about the YMCA gym closing and the childcare remaining open until January 31st.

Mr. Palladino of 21 Tussel Lane in Scotch Plains, and a member of the Berkeley Heights Historic Society read a letter to the mayor and Council regarding the application for a grant for the preservation of the Littel Lord Farmstead. He submitted the letter to the Clerk.

Mr. Quinlan of 86 Orion Road asked for an update on the repair of the culvert. Ms. Viana responded.

Mr. Mondelli asked about the new scrap metal policy. Mayor Devanney responded. There was a brief discussion between Mr. Mondelli, Mayor Devanney and Ms. Viana.

Mr. Yellin shared his appreciation for Mr. Palladino and his coming forward on behalf of the Historical Society.

Closing of the Citizens Hearing

Mover: Mr. Yellin
Seconder: Mr. Medeiros
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin
Nays: None
Abstain: None
Absent: None

EXECUTIVE SESSION –

1. Attorney-Client Privilege – Contract Negotiations-Waste Water Treatment
2. Attorney-Client Privilege – Contract Negotiations- Mill Creek/ Chemtrade
3. Attorney-Client Privilege – Contract Negotiations- Berkeley Florist
4. Attorney-Client Privilege – Contract Negotiations-Stratton House
5. Attorney-Client Privilege – Contract Negotiations- Connell Zoning
6. Attorney-Client Privilege – Contract Negotiations- Tax Appeals
7. Attorney-Client Privilege – Contract Negotiations- Watchung Sewer
8. Attorney-Client Privilege - Municipal Complex

Move to go into Executive Session
(8:45 pm)

Mover: Mr. Medeiros
Seconder: Mrs. Poage
Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros and Mrs. Poage
Nays: None
Abstain: Mr. Yellin

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Absent: None

Move to come out of Executive Session

(10:45 pm)

Mover: Mr. Medeiros

Seconder: Mrs. Poage

Ayes: Mrs. Brahimaj, Mr. Couto, Mrs. Kingsley, Mr. Medeiros and Mrs. Poage

Nays: None

Abstain: Mr. Yellin

Absent: None

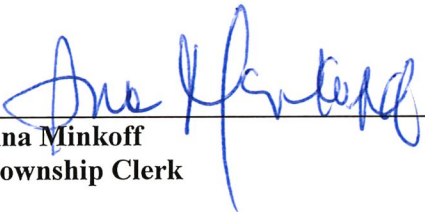
Mayor Devanney reminded all that they will be coming out of Executive Session only to adjourn.

ADJOURNMENT

Moved by Mrs. Brahimaj to adjourn and all were in favor.

(10:46 p.m.)

Approved: May 12, 2020



Ana Minkoff
Township Clerk

