

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD March 21, 2023**

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 forwarding a copy to the Courier News, Star Ledger and posting on the Township website, at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting was contained on a list of meetings set by resolution dated January 4, 2023. This meeting will not substantially go past 10:30 p.m.

ROLL CALL

The following Council members were present:

Manuel Couto
Paul Donnelly
John Foster
Jeanne Kingsley (via Zoom)
Susan Poage
Jeff Varnerin
Angie D. Devanney, Mayor

Also present were:

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

FLAG SALUTE

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

PROCLAMATION

Governor Livingston Hockey Team

The Governor Livingston High School Hockey team was honored for winning the 2023 Hockey State Championship on March 6th at the Prudential Center.

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON MARCH 7, 2023.

The Clerk presented and read:

**“AN ORDINANCE CREATING SECTION 15.4.021 OF THE MUNICIPAL CODE
TITLED “EXPEDITED INSPECTIONS”.**

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

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

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

No voices were heard.

Closing of the Hearing on Agenda Items Only

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

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated March 21, 2023, in the amount of \$351,313.99.

Approval of Resolution

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

Result: Approved

2. Resolution authorizing a professional service contract to Winning Strategies Washington – Hoboken Strategy Group, Inc., to assist the township to develop and execute a comprehensive government affairs strategy, to advocate and advance funding requests for the township’s priorities, through the annual appropriations process, and the biennial WRDA reauthorization process, in an amount not to exceed \$120,000.

Approval of Resolution

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

Result: Approved

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3. Resolution authorizing a professional service contract to Arcari & Iovino to assist with the Berkeley Heights Municipal Complex, and remaining punch list items, in an amount not to exceed \$15,000.

Approval of Resolution

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

4. Resolution authorizing a professional service contract to Mast Construction Services Inc., to assist with Claims Consulting Services for the Municipal Complex, in an amount not to exceed \$15,000.

Discussion:

Mr. Varnerin had a question regarding Pay 2 Play. Mr. Fisher responded. Resolution reread with addition of "Pending review of compliance with our Pay 2 Play Ordinance."

Approval of Resolution

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

5. Resolution authorizing an emergency temporary appropriation in the amount of \$599,605.12.

Approval of Resolution

Mover: Mr. Couto
Seconder: Mr. Foster
Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin
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.

6. Consent Agenda Resolutions (a-g)

- a. Resolution authorizing a tax overpayment in the amount of \$2,666.85, for the property located at 280 Mountain Avenue.
- b. Resolution authorizing a tax overpayment in the amount of \$944.78, for the property located at 182 Plainfield Avenue
- c. Resolution authorizing an tax overpayment in the amount of \$2,813.44, for the property located at 6 Maple Avenue.
- d. Resolution authorizing a tax overpayment in the amount of \$53,484.77, for the property located at 100-200 Locust Avenue
- e. Resolution authorizing a tax overpayment in the amount of \$1,580.47, for the property located at Sherman Avenue
- f. Resolution authorizing the redemption of a tax sale certificate, for 82 Delmore Avenue, in the amount of \$47,022.68.
- g. Resolution authorizing a block party on Holly Glen Lane South, on June 10, 2023, between the hours of 3:00 p.m. to 8:00 p.m.

Approval of Consent Agenda Resolutions #6 a-g

Mover: Mr. Donnelly

Secunder: Mrs. Poage

Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin

Nays: None

Abstain: None

Absent: None

Result: *Approved*

ADDITION

- 7. Resolution authorizing the Application of the 2023 Union County Infrastructure and Municipal Aid grant, in the amount of \$140,000, with a 50% match, for miscellaneous drainage projects.

Approval of Resolution

Mover: Mr. Foster

Secunder: Mr. Varnerin

Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin

Nays: None

Abstain: None

Absent: None

Result: *Approved*

TOWNSHIP COUNCIL REPORTS

Council members provided Council Reports and Committee updates.

ADMINISTRATION REPORTS

Mayor Devanney provided the Mayor's Report.

Ms. Viana provided the Administrator's Report

Approval of Township Council and Administration Reports

Mover: Mrs. Kingsley

Seconder: Mr. Foster

Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin

Nays: None

Abstain: None

Absent: None

Result: *Approved*

CITIZENS HEARING

Opening of the Citizens Hearing

Mover: Mrs. Poage

Seconder: Mr. Foster

Ayes: Mr. Couto, Mr. Donnelly, Mr. Foster, Mrs. Kingsley, Mrs. Poage, Mr. Varnerin

Nays: None

Abstain: None

Absent: None

Ms. Akiri of 146 Robbins Ave had questions on resolution 2, resolution 5, deadlines for proposed budget and when will it be made available to the public. Mayor Devanney responded.

Ms. Illis of 102 Twin Falls Rd had questions on resolution 4, Littel Lord construction plans, update on the new Union County park, disc golf, and policy on personal cell phone use. Mayor Devanney and Mr. Fisher responded.

Ms. Imbalzano of 215 Killarney Dr had a question on municipal code and expedited inspections. Mayor Devanney and Mr. Cuoto responded.

Ms. Akiri of 146 Robbins Ave had questions on prior residents questions. Mayor Devanney and Mr. Fisher responded.

Ms. Illis of 102 Twin Falls Rd had a question on the rescue squad and Summit Health emergency services. Mayor Devanney responded and discussion followed.

Ms. Akiri of 146 Robbins Ave had a question regarding the Nokia property and redevelopment. Mayor Devanney responded.

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Closing of the Citizens Hearing

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

EXECUTIVE SESSION

- 1. Attorney Client Privilege/Contract Negotiations – Municipal Complex**
- 2. Attorney Client Privilege – Wastewater Treatment Plant**

Move to go into Executive Session

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

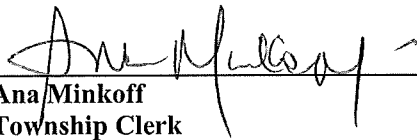
Mayor Devanney reminded all that they will be coming out of Executive Session only to adjourn.

ADJOURNMENT

Moved by Mr. Couto to adjourn and all were in favor.

(9:41 p.m.)

Approved: April 25, 2023



Ana Minkoff
Township Clerk

2-2023

**AN ORDINANCE CREATING SECTION 15.4.021 OF THE MUNICIPAL CODE TITLED
"EXPEDITED INSPECTIONS"**

WHEREAS, it is in the interests of the residents of the Township of Berkeley Heights to update the Construction Fee ordinance;

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

Section I. Creating Section 15.4.021 of the Municipal Code titled "Expedited Inspections"

Section 15.4.021 titled "Expedited inspections" is hereby created as follows:

Expedited Inspections

- (1) Any person or entity may apply for an inspection of a particular project or site on a day and time convenient to that person or entity. Any such application shall be made, in writing, to the Construction Department on a form to be provided by the Construction Official for such purpose. The Construction Official shall make the necessary arrangements with licensed subcode officials to make the inspection on the day and time requested. If the Construction Official is unable to arrange for the inspection as requested, he or she shall notify the applicant requesting the inspection as soon as possible after the request is made.
- (2) Any person or entity applying for an inspection pursuant to (1) hereinabove shall, in addition to any other fees payable pursuant to this chapter, pay to the Construction Department a fee of \$150 for the first two hours or portion thereof that the inspector is on site making such inspection. For each additional hour, or portion thereof, after the first two hours, the applicant shall pay a fee of \$75. The applicant shall deposit \$150 with the Construction Department at the time the application is made. If an inspection exceeds two hours, the applicant shall be billed for the additional time. Any such bill shall be due and payable immediately upon receipt.

Section II. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be

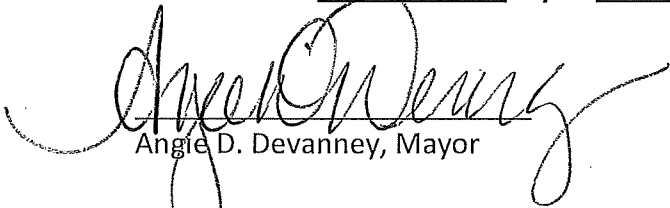
unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section III. Effective Date:

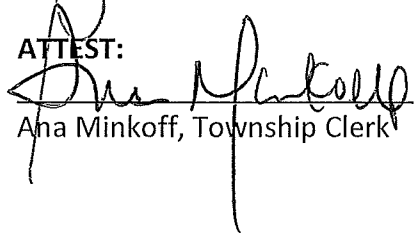
This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

INTRODUCED the 7th day of March, 2023.

ADOPTED the 21st day of March, 2023


Angie D. Devanney, Mayor

ATTEST:


Ana Minkoff, Township Clerk

**NOTICE OF
INTRODUCTION**

Ordinance -2023

**AN ORDINANCE CREATING SECTION 15.4.021 OF THE MUNICIPAL CODE
TITLED "EXPEDITED INSPECTIONS"**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on March 7, 2023 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on March 21, 2023 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**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
COUTO	✓			<input type="checkbox"/>
DONNELLY	✓			✓
FOSTER				✓
KINGSLEY	✓			
POAGE	✓			
VARNERIN	✓			
TIE:				
MAYOR DEVANNEY				

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

NOTICE OF FINAL ADOPTION

Ordinance -2023

**AN ORDINANCE CREATING SECTION 15.4.021 OF THE MUNICIPAL CODE
TITLED "EXPEDITED INSPECTIONS"**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above-entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on March 21, 2023.

**Ana Minkoff,
Township Clerk
Township of Berkeley Heights**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
COUTO	✓			<input type="checkbox"/>
DONNELLY	✓			
FOSTER	✓			
KINGSLEY	✓			
POAGE	✓			
VARNERIN	✓			
TIE:				
MAYOR DEVANNEY				