

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD APRIL 2, 2019**

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**CALL TO ORDER**

At 7:01 p.m. Mayor Devanney called the meeting to order.

The Deputy Township Clerk stated that 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:

Mr. Bavoso  
Mrs. Kingsley  
Mr. Medeiros  
Mrs. Poage  
Mr. Yellin  
Mayor Devanney

The following Council members were absent:

Mr. Couto

Also present were:

Township Attorney: Kraig Dowd  
Township Administrator: Liza Viana  
Deputy Township Clerk: Angela Lazzari

**FLAG SALUTE**

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

**CONFERENCE SESSION**

**Recreation Commission**

Mr. Barton and Ms. Varnerin presented on behalf of the Recreation Commission. They provided a recap of 2018 accomplishments and discussed their goals and initiatives for 2019.

Council provided feedback and asked questions. There was a brief discussion.

*Mr. Couto arrived.*

**Downtown Beautification Committee**

Ms. Lloyd presented on behalf of the Downtown Beautification Committee. She reviewed some of their accomplishments from 2018 and their initiatives for 2019.

Council provided their feedback and asked questions. There was a brief discussion.

## **TOWNSHIP COUNCIL REPORTS**

**Mr. Bavoso** reported on the following topics:

- Communication Committee

**Mr. Couto** reported on the following topics:

- Art for the Park Event
- Tax Relief for the Seniors and Veterans
- Governor Livingston Marching Band Basket Raffle

**Mrs. Kingsley** reported on the following topics:

- Safe Routes to School Grant
- Walk to School Survey
- Sustainable Berkeley Heights Take the Pledge
- BH Walks Event
- Volunteering for SAGE
- New Providence VFW Book Collection

**Mr. Medeiros** reported on the following topics:

- Environmental Commission
- Recycling
- Memorial Day Parade

**Mrs. Poage** reported on the following topics:

- Planning Board

**Mr. Yellin** reported on the following topics:

- Veterans Memorial Park Committee
- Communications Committee

## **ADMINISTRATION REPORTS**

**Mayor Devanney** discussed the following topics:

- Electronics Recycling
- Chipping Program
- Commuter Parking
- County Fingerprinting Event
- Woodruff School Junior Achievement Event
- Union County Women's History Event
- Read Across America
- Recent Fire in Berkeley Heights
- International Autism Awareness Day
- Master Plan
- Municipal Aid Grant

**Ms. Viana** provided updates on:

- Redevelopment Projects
- Bulk Pickup
- Public Works
- Construction
- Engineering
- Wastewater Treatment
- Recreation
- Zoning

Approval of Township Council and Administration Reports

Mover: Mr. Yellin  
Seconder: Mrs. Kingsley  
Ayes: Mr. Bavoso, 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 – November 20, 2018**

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

*Result: Approved*

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE:**

**Public Hearing and Final Adoption of Ordinance Introduced on March 19, 2019.**

Mr. Medeiros presented and read:

**An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending Title 2 of *The Code of the Township of Berkeley Heights* ("Administration and Personnel") at Section 2.28.010, and Supplementing said Title 2 to include a new section, Section 2.28.030 ("Purchasing Agent").** “

EXPLANATORY STATEMENT: This Ordinance creates the position of Purchasing Agent in the Township of Berkeley Heights.

Opening of the Public Hearing on Ordinance as read

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

Absent: None

Mr. Maciejewski of 40 Ralph Place addressed an item other than the Ordinance and was asked to come back during the appropriate time.

Closing of the Public Hearing on Ordinance as read

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

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

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

***Result: Adopted***

#### **HEARING ON AGENDA ITEMS ONLY**

Opening of the Hearing on Agenda Items Only

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

Ms. Croneberger of 42 Hamilton Terrace expressed her disappointment with the state of the Littell-Lord house. She spoke in depth about the issues with the house. Council and Mayor responded and there was a lengthy discussion on the topic.

Mr. Foregger of 14 Dorset Road referenced Agenda item # 4 and asked several questions about the approval of expenditures, funds not spent, and what is meant by the phrase ‘dedication by rider’. Mr. Dowd responded and a brief discussion followed. Ms. Poulos provided additional clarification.

Mr. Foregger referenced Agenda item # 6 asking how the expenditures compare to the funds in the account. Mrs. Kingsley responded.

Mr. Foregger referenced Agenda item #9 and asked about the services that would be provided by a financial advisor. Mayor Devanney and Ms. Poulos responded.

Mr. Foregger asked for clarification on what is covered in the contract addendum in Agenda item # 13. Mr. Dowd responded. Mr. Foregger then asked about the exhibits in the developer’s agreement. Mr.

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Yellin and Ms. Viana responded. Mr. Foregger commented on his confusion over the exhibits referenced in these documents.

Mr. Maciejewski of 40 Ralph Place referenced Agenda item # 3 asking for an explanation of that resolution. Mayor Devanney responded.

Mr. Maciejewski referenced Agenda item # 13 and asked about the billing submitted by Harbor Consultants. Mayor Devanney and Ms. Viana responded.

Mr. Maciejewski referenced Agenda item # 14 and asked for clarification on the purpose. Mayor Devanney responded.

Mr. Sincaglia of 22 Robbins Ave asked if we have had a resolution similar to the one in Agenda item # 3 in the past. Mr. Yellin and Mayor Devanney responded. Mr. Sincaglia asked if we have an hourly rate for each firm. The Mayor responded.

Mr. Sincaglia asked why the change in the resolution. Mayor Devanney responded and a brief discussion followed.

Mr. Sincaglia asked about the fees for the Financial Advisor services and the need for those services when we have bond counsel. Mayor Devanney and Mrs. Kingsley replied and provided clarification.

Mr. Sincaglia questioned the need for a roll call to open and close the hearing portions of the meeting. Mayor Devanney and Mr. Dowd responded and a discussion followed.

Mr. Foregger came back to the podium and shared his views on the financial planning services.

Mr. Scorzafava of 356 Timber Drive referenced his qualifications in financial planning and offered his resources to the Township.

Mr. Scorzafava raised his concern with Agenda item # 12. Mayor Devanney clarified the purpose and intent of that resolution. A brief discussion followed.

Mr. Scorzafava referenced Agenda item # 3 and asked about the timing and need for this resolution. Mayor Devanney replied.

Mr. Foregger questioned the benefits of raising the bid threshold in Agenda item # 12. Ms. Poulos responded.

Mr. Sincaglia explained the benefits of raising the bid threshold based on his experiences.

**Closing of the Hearing on Agenda Items Only**

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

**APPROVAL OF RESOLUTIONS**

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1. Resolution approving Bill List dated April 2, 2019 in the amount of \$938,688.65.

Approval of Resolution

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

***Result: Approved***

2. Resolution amending the 2019 temporary appropriations.

Mr. Yellin asked Ms. Poulos to explain the purpose of this resolution. Ms. Poulos responded.

Approval of Resolution

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

***Result: Approved***

3. Resolution qualifying a list of firms to provide Special Conflict Attorney services as needed to the Township.

Approval of Resolution

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

***Result: Approved***

4. Resolution requesting approval to establish a dedicated trust by rider for the Berkeley Heights Beautification Committee.

Mr. Yellin proposed that the resolution be amended to include the word "Downtown". All agreed.

Approval of Resolution (*as amended*)

Mover: Mr. Yellin  
Seconder: Mr. Medeiros

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

***Result: Approved***

5. Resolution authorizing an agreement with Brown & Brown Metro, LLC for Employee Benefit Broker services. (AMENDING RESOLUTION 12-2019).

Approval of Resolution

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

***Result: Approved***

6. Resolution authorizing expenditures by the Berkeley Heights Beautification Committee.

Council agreed to amend the resolution to include the word “Downtown”.

Approval of Resolution (*as amended*)

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

***Result: Approved***

7. Resolution appointing Fire Inspectors to the Berkeley Heights Volunteer Fire Department.

Approval of Resolution

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

***Result: Approved***

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8. Resolution supporting the 2019 UDrive. UText. Upay. Distracted driving crackdown from April 1- 21, 2019.

Approval of Resolution

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

***Result: Approved***

9. Resolution appointing NW Financial Group, LLC as Financial Advisor for the Township of Berkeley heights for the term to expire on December 31, 2019.

Approval of Resolution

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

***Result: Approved***

10. Resolution authorizing the application for the “Staffing for Adequate Fire and Emergency Response (Safer)” grant for the Berkeley Heights Volunteer Fire Department.

Approval of Resolution

Mover: Mr. Yellin  
Secunder: Mr. Medeiros  
Ayes: Mr. Bavoso, 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 Treatment Works approval application to the NJDEP for Berkeley Developers, LLC (Woodcrest at Berkeley Heights, 100 Locust Avenue).

Approval of Resolution

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



Absent: None

***Result: Approved***

12. Resolution authorizing the increase of the Township's bid threshold for award of public contracts from \$17,500 to \$40,000.

Approval of Resolution

Mover: Mr. Couto

Seconder: Mr. Medeiros

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

Nays: None

Abstain: None

Absent: None

***Result: Approved***

13. Resolution amending Harbor Consultants Inc. contract to reflect a modified scope of services and to add an additional profession title of site civil engineering services in connection with the Municipal Complex project as well as affordable housing planning services in connection with certain redevelopment projects and planning board matters.

Approval of Resolution

Mover: Mrs. Kingsley

Seconder: Mr. Medeiros

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

Nays: None

Abstain: None

Absent: None

***Result: Approved***

14. Resolution designating a Redeveloper and authorizing the execution of a Developer's Agreement for the property known as Block 702, Lot 13 commonly known as 450 Springfield Avenue.

Mr. Couto noted that this makes no change to the Affordable Housing Agreement. All agreed.

Approval of Resolution

Mover: Mr. Medeiros

Seconder: Mrs. Poage

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

Nays: None

Abstain: None

Absent: None

***Result: Approved***

15. Resolution approving expenditures by the Berkeley Heights Environmental Commission.

Approval of Resolution

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

***Result: Approved***

16. Resolution authorizing the grant application for the 2019 UDrive.UText.UPay distracted driving crackdown.

Approval of Resolution

Mover: Mr. Yellin  
Secunder: Mrs. Kingsley  
Ayes: Mr. Bavoso, 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.

**17. Consent Agenda Resolutions (a-d)**

- a. Resolution authorizing a refund of the first quarter 2019 tax overpayment to Thomas & Denise Hrynkiewicz in the amount of \$3,273.03.
- b. Resolution approving the Wharton Institute for the Performing Arts, Berkeley Heights Mother's Day 5k on Sunday, May 12, 2019.
- c. Resolution approving the annual 5k Charity Road Race & Fitness Walk on Sunday, September 15, 2019.
- d. Resolution authorizing a refund of fourth quarter 2018 taxes to Kenneth J. and Eleanor Mathews, 83 Cambridge Drive in an amount of \$250.00.

Approval of Consent Agenda Resolutions #17 a-d

Mover: Mr. Bavoso  
Secunder: Mrs. Kingsley

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Ayes: Mr. Bavoso, 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 April 23, 2019.**

The Clerk presented and read:

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending and Supplementing Title 2 of *The Code of the Township of Berkeley Heights* ("Administration and Personnel") to include a new chapter, Chapter 2.92, entitled “Grants Committee” Which Committee Shall Consist of Township Volunteers to Research Grant Opportunities and Support the Township Administration in the Application and Submission of Grants.”**

Mrs. Poage spoke briefly about the ordinance.

Mrs. Kingsley noted the value of the ordinance and recommended that the number of persons for each role be removed to provide flexibility in the ordinance. A lengthy discussion followed between Councilmembers. Mayor Devaney proposed a change in wording to meet that flexibility.

That the Ordinance as read by the Township Clerk be offered on first reading, that April 23, 2019 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News

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

***Result: Approved***

**CITIZENS HEARING**

Opening of the Citizens Hearing

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

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Mr. Maciejewski asked about the choice of NW Financial as financial services provider. Mayor Devanney responded and Mr. Maciejewski suggested Council review their background.

Mr. Maciejewski asked if the previously raised conflict of interest issue has been resolved and asked if council members were satisfied with the resolution. Council members responded and there was a brief exchange.

Mr. Maciejewski asked if the Shared Services Agreement for DPW Director is going to be renegotiated. Mr. Dowd responded.

Mr. Maciejewski asked if there is an intent to open the committee meetings to the public. Mayor Devanney, Mr. Bavoso and Mrs. Kingsley responded and a discussion followed.

Mr. Scorzafava voiced his support for the reduced speed limit proposal of the Downtown Beautification Committee. He also expressed his support for the many committee volunteers and noted that it is understandable that they wouldn't want to be videotaped. He complimented the Downtown Beautification Committee and the Home Run Derby and offered to volunteer for the efforts of the historic committee at Littell-Lord house. He also complimented Mr. Couto on the Boxcar idea and for his presence throughout the Township.

Mr. Scorzafava raised a concern about the council meetings becoming too political and asked that these meetings stay on agenda.

Mr. Scorzafava asked that the drains on Timber Drive be lowered soon because of the water/drainage issues.

Mr. Scorzafava commented to Mr. Medeiros about the stop sign on Timber Drive. Mr. Bavoso responded and there was a brief discussion on the topic.

Mr. Foregger shared his support for the DPW fixing street signs and asked what is included in that effort. Ms. Viana responded and there was a brief discussion.

Mr. D'Aquila of 85 Whitney Drive spoke in support of NW financial based on his experience with them. He then asked about guidelines associated with the increase in the public bidding threshold. Ms. Poulos responded.

Ms. Chen of 6 Deep Dale Drive noted that as a member of the Union County Transportation Advisory Board there are many resources available regarding traffic studies that could help in the effort to lower the speed limit on Springfield and to offering bike/jogging paths. She offered to share that information with both the Recreation Commission and Downtown Beautification Committee to assist in their efforts.

Ms. Bakos suggested that when the agenda packet is so large (as at tonight's) meeting, we supply just the agenda portion without the backup to save paper. There was a brief discussion on the topic.

Closing of the Citizens Hearing

Mover: Mr. Couto

Seconder: Mr. Yellin

Ayes: Mr. Bavoso, 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 - Shared Service County of Union - Certified Public Works Manager
2. Attorney Client Privilege/Contract Negotiations - County of Union/Salt Dome
3. Attorney Client Privilege/Contract Negotiations – Church of the Little Flower – Use and Occupancy Agreement

Move to go into Executive Session

**(9:58 p.m.)**

Mover: Mr. Medeiros

Seconder: Mr. Couto

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

Nays: None

Abstain: None

Absent: None

\*Mrs. Kingsley voted YES to items #1 and #2, but ABSTAINED from item #3.

\*\* Mr. Yellin voted YES to item #3, but ABSTAINED from items #1 and #2.

The Mayor reminded all that they would be coming out of Executive Session, only to adjourn.

**ADJOURNMENT**

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

**(10:45 p.m.)**

**Approved: July 9, 2019**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk



