

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD APRIL 11, 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
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

Child Abuse Prevention Month

Mayor Devanney read a proclamation making April Child Prevention Month.

HEARING ON AGENDA ITEMS ONLY

Discussion:

Mrs. Kingsley inquired and commented on conference sessions. Mrs. Minkoff and Mr. Fisher responded. Discussion followed.

Opening of the Hearing on Agenda Items Only

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

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

Mr. Carrellas of 35 Sycamore Avenue spoke to ordinance number 3.

Closing of the Hearing on Agenda Items Only

Mover: Mr. Couto
Seconded: Mr. Foster
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 April 11, 2023, in the amount of \$1,496,759.65.

Approval of Resolution

Mover: Mr. Donnelly
Seconded: 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 awarding a bid to Ciffelli & Sons, for Improvements to Kline Place and Fickler Place, in an amount not to exceed \$523,099.

Discussion:

Mr. Foster questioned going out to bid versus using the state. Mayor Devaney responded.

Approval of Resolution

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

3. Resolution awarding a contract to Regional Industries, for the Residential Clean-up program in the amount not to exceed \$154,000.

Approval of Resolution

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

4. Resolution authorizing purchase contract with Koch Holdings, Inc. for Police vehicles.

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Approval of Resolution

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
Result: *Approved*

5. Resolution proclaiming April 28, 2023, as Arbor Day in the Township.

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*

6. Resolution authorizing the award of a professional services contract to David Shapiro for Tax Assessor Inspections in the amount not to exceed \$10,000.

Approval of Resolution

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

7. Resolution awarding a professional services contract to PS&S for Engineering services, preliminary/final design and bidding services, for enclosed waste gas flare project, in an amount not to exceed \$127,500.

Approval of Resolution

Mover: Mr. Donnelly
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.

8. Consent Agenda Resolutions (a-d)

- a. Resolution authorizing the release of a cash bond, for the property located at 14 Hastings Road, in the amount of \$2,000.
- b. Resolution authorizing the release of a cash bond in the amount of \$3,000, for the property located at 299 Garfield Street.
- c. Resolution authorizing the redemption of a Tax Sale Certificate, in the amount of \$6,895.74, for the property located at 63 Park Edge.
- d. Resolution authorizing the redemption of a Tax Sale Certificate, in the amount of \$47,022.68, for the property located at 82 Delmore Lane.

Approval of Consent Agenda Resolutions #8 a-d

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

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption Scheduled for March 21, 2023.

The Clerk presented and read:

PULLED

- 1. ORDINANCE REAPPROPRIATING \$22,742.50 FROM THE CAPITAL IMPROVEMENT FUND NOT NEEDED FOR ITS ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR THE INSTALLATION OF A GENERATOR AT THE RESCUE SQUAD IN AND BY THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY.**

That the Ordinance as read by the Township Clerk be offered on first reading and that April 25, 2023 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Discussion:

Mr. Foster commented on funds approved for the sewer plant versus the allocation of funds for this ordinance. Discussion followed.

Motion to Table:

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

Result: Approved

PULLED

- 2. AN ORDINANCE AMENDING CHAPTER 10.36 SECTION 10.36.010 ENTITLED “PARKING RESTRICTIONS” IN THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS.**

That the Ordinance as read by the Township Clerk be offered on first reading and that April 25, 2023 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

Motion to Table:

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

PULLED

- 3. CREATING CHAPTER 10.48.120 TO BE ENTITLED “INTERNET SAFE EXCHANGE ZONE” TO CREATE A PARKING SPACE AT THE TOWNSHIP OF BERKELEY HEIGHTS MUNICIPAL PARKING LOT FOR INTERNET-BASED TRANSACTIONS.**

Motion to Table:

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

- 4. AN ORDINANCE BY THE TOWNSHIP COUNCIL OF BERKELEY HEIGHTS AMENDING THE CODE OF ORDINANCES TO REPEAL CHAPTER 15.28 AND TO ADOPT A NEW CHAPTER 15.28; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

That the Ordinance as read by the Township Clerk be offered on first reading and that April 25, 2023 be set as the date of Public Hearing and that the Township Clerk is directed to advertise same in the Courier News

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

Mrs. Poage commented on and congratulated Ms. Viana on her nomination for the administrative state award.

Mr. Carrellas of 35 Sycamore asked a question pertaining to adopt-a-drain. Mrs. Poage responded.

Ms. Minkoff read a statement submitted by Mr. Lister of 49 Summit Avenue

“In February Alvaro Mederios sent the Township Clerk the latest revision of the proposed tree ordinance along with a summary of changes and requested that the documents be shared with the Township Council. Please advise what is the status of the tree ordinance.” Mrs. Kingsley responded. Discussion followed.

Mr. Machado of 67 Berkshire Drive commented on lamp post lights being out. Mrs. Kingsly responded.

Closing of the Citizens Hearing

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

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EXECUTIVE SESSION

1. Attorney Client Privilege – Affordable Housing

Move to go into Executive Session

Mover: Mr. Foster

Seconder: Mrs. Poage

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

Nays: None

Abstain: None

Absent: None

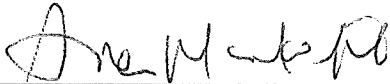
Mayor Devanney reminded all that they will be coming out of Executive Session only to adjourn.

ADJOURNMENT

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

(8:24 p.m.)

Approved: May 9, 2023



**Ana Minkoff
Township Clerk**