

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD APRIL 23, 2019**

---

**CALL TO ORDER**

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

The 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  
Mr. Couto  
Mrs. Kingsley  
Mr. Medeiros  
Mrs. Poage  
Mr. Yellin  
Mayor Devanney

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.

**CONFERENCE SESSION**

**Connell**

The Connell Company presented their concept plan for the Connell property.

**TOWNSHIP COUNCIL REPORTS**

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

- Communication Committee

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

- Recreation Commission Survey
- Census of 2020
- Downtown Beautification Committee Walks
- Recycling
- Bicycle Helmet Requirement
- Parking Task Force

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

- Downtown Beautification Committee
- Safe Routes to School Program and Grant Application
- Safe Streets to Transit Grant Award
- Transportation Alternatives Grant Application

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

- Environmental Commission
- Recycling Task Force
- Mayor’s Wellness Campaign
- Berkeley Heights Business & Civic Association

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

- Literacy Project
- PBA Fishing Derby
- Community Garden
- Meals on Wheels
- Planning Board

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

- Communications Committee
- Littell-Lord Restoration
- Environmental Cleanup Event
- PAL Fishing Derby

#### **ADMINISTRATION REPORTS**

**Mayor Devanney** discussed the following topics:

- Mayor and Council Breakfast with Business & Civic Association
- 90<sup>th</sup> Birthday Event at Chimney Rock
- Recycling Task Force
- Safe Streets to Transit Grant Award
- Budget Challenges

**Ms. Viana** provided updates from the following departments:

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

Approval of Township Council and Administration Reports

Mover: Mr. Yellin

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*

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

**Public Hearing and Final Adoption of Ordinance Introduced on April 2, 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.”**

Opening of the Public Hearing on Ordinance as read by the Township Clerk

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

*No voices were heard.*

Closing of the Public Hearing on Ordinance as read by the Township Clerk

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

Mrs. Poage discussed the roles being sought for the new committee.

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

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: Adopted*

**HEARING ON AGENDA ITEMS ONLY**

Opening of the Hearing on Agenda Items Only

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

Mr. Foregger of 14 Dorset Road referenced Agenda item #3 and asked how the money will be used. Chief DiPasquale responded.

Mr. Foregger referenced the introduction of the Cap Bank ordinance and asked Council to explain in specific detail how his health, safety and welfare will be effected if this increase is not approved. Mayor Devanney and Mrs. Kingsley responded. There was a brief discussion.

Mr. Foregger asked when the budget will be made public. Mrs. Minkoff responded. Mr. Foregger asked if the budget comes in under the cap. Mrs. Poulos responded. There was a discussion that followed between Mr. Foregger, the CFO and Council on the need and reason for the Cap Bank.

Mr. Ronner of 49 Debbie Place spoke in depth in opposition to the Shared Service Agreement for a DPW Director. He spoke about the town's need for a full-time DPW Director, citing his reasons.

Closing of the Hearing on Agenda Items Only

Mover: Mrs. Poage  
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**

1. Resolution approving Bill List dated April 23, 2019 in the amount of \$964,842.17.

Approval of Resolution

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***

2. Resolution authorizing the application for the 2019 ANJEC Open Spaces Grant.

Mr. Yellin noted his recusal.

Approval of Resolution

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

***Result: Approved***

3. Resolution authorizing the application for the 2019 Click It or Ticket Grant.

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***

4. Resolution appointing Linda Palumbo as Board of Health Secretary.

Approval of Resolution

Mover: Mr. Yellin  
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***

5. Resolution authorizing the amended Department of Public Works Shared Service Agreement.

Mr. Yellin noted his recusal.

Approval of Resolution

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

***Result: Approved***

**Township Council Minutes  
Public Meeting – April 23, 2019**

6. Resolution authorizing a block party at the top of Twin Falls Road on Saturday June 1<sup>st</sup>, with a rain date of June 2<sup>nd</sup>, from 5:00 – 10:00 p.m.

Approval of Resolution

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

***Result: Approved***

7. Resolution authorizing the sale of surplus personal property no longer needed for public use on an online auction website (www.GovDeals.com).

***(THIS RESOLUTION WAS PULLED FROM THE AGENDA)***

8. Resolution finding the proposed redevelopment project for the property known as Block 502, Lots 1, 2, 4 & 5 on the tax map consistent with the redevelopment plan and redevelopment agreement in accordance with section 7.2.A of the redevelopment plan.

Mr. Couto asked for clarification on the conformity letter. Mr. Hughes provided clarification.

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***

**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.

**9. Consent Agenda Resolutions (a-e)**

- a. Resolution authorizing the Tax Collector to refund the following 2019 tax overpayment:

1. Francis X. and Janet P. Nuwer	74 Glenside Road	\$391.63
2. Irwin and Bette Ostroff	3 Lackawanna Boulevard	\$550.00
3. Edith A. Vispoli	80 Dogwood Lane	\$397.25
4. J Henry and Linda K. Bystrak	1 Ghost Pony Road	\$820.25
5. Robert Damiano and Anne M. Damiano	282 Garfield Street	\$206.76
6. Susan Anne Lawson	223 Chaucer Drive	\$399.92
7. H Neil Carlson	21 Canterbury Lane	\$174.96
8. Susan McLaughlan	11 Helen Way	\$75.66
9. Letterio A. and Mary Lynne Scarfone	538 Plainfield Avenue	\$382.46

**Township Council Minutes  
Public Meeting – April 23, 2019**

10. Jenntyng and Fanny Chern	17 Berkeley Square	\$259.84
11. John M and Carol Ann Memminger	280 Mountain Avenue	\$372.04
12. Kathleen Puzzella	18 Deep Dale Dr	\$425.95

- b. Resolution authorizing the redemption of Tax Sale Certificate #18-00001, for the property located at 13 Cottage Court, in the amount of \$12,413.30.
- c. Resolution authorizing a release of a Performance Bond in the amount of \$2,000.00, for work performed at 24 Rogers Place, Block 1714 Lot 21, Account #S-17-48-594-428.
- d. Resolution authorizing a release of a Performance Bond in the amount of \$2,000.00, for work performed at 159 Emerson Lane, Block 3003 Lot 801, Account #S-17-47-782-825.
- e. Resolution proclaiming April 26, 2019 as Arbor Day in the Township of Berkeley Heights.

Approval of Consent Agenda Resolutions #9 a-e

Mover: Mr. Bavoso  
Second: Mrs. Kingsley  
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 a contract with Regional Industries, 800 E. Grand Street, Elizabeth, for the Residential Clean-Up in the amount not to exceed \$132,000.00.

Approval of Resolution

Mover: Mrs. Kingsley  
Second: Mr. Yellin  
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 May 7, 2019.**

The Clerk presented and read:

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Entry Into and Execution of a Lease Agreement with the County of Union for the Shared Use of the Township’s Salt Dome Facility.”**

Mr. Yellin noted his recusal.

**Township Council Minutes  
Public Meeting – April 23, 2019**

That the Ordinance as read by the Township Clerk be offered on first reading, that May 7, 2019 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News

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

***Result: Approved***

**Public Hearing and Final Adoption scheduled for May 29, 2019.**

The Clerk presented and read:

**“CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL  
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.”**

That the Ordinance as read by the Township Clerk be offered on first reading, that May 29, 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. Medeiros  
Ayes: Mr. Bavoso, Mr. Couto, Mr. Medeiros, Mrs. Poage and Mr. Yellin  
Nays: Mrs. Kingsley  
Abstain: None  
Absent: None

***Result: Approved***

**INTRODUCTION OF 2019 MUNICIPAL BUDGET**

**Approval of 2019 Municipal Budget for introduction and establishing May 29, 2019 as date of public hearing and final adoption.**

Mayor Devanney provided explanation for the May 29<sup>th</sup> date of adoption.

Mr. Couto explained his reasoning for voting against the budget, noting that he believed the budget should include the money for a full-time DPW director. Council had a very lengthy discussion on the topic.

Approval of Introduction of 2019 Municipal Budget and establishing May 29, 2019 as the date of the public hearing and final adoption

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



**CITIZENS HEARING**

Opening of the Citizens Hearing

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

Mr. Foregger asked if the property on 110 Roosevelt has been sold yet. Ms. Viana responded.

Ms. Bakos announced that the new voting machines will be available for trial at the library.

Mr. Lestrangle of 43 Prospect Hill Road, Cuddebackville, NY spoke about the issue of organ harvesting in China. He provided materials on the subject to Council in an effort to raise awareness on the issue.

Closing of the Citizens Hearing

Mover: Mr. Yellin  
Seconder: Mrs. Poage  
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 – Mast Construction

Move to go into Executive Session

**(9:29 p.m.)**

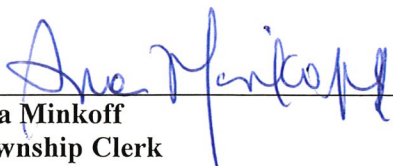
Mover: Mr. Medeiros  
Seconder: Mr. Yellin  
Ayes: Mr. Bavoso, Mr. Couto, Mrs. Kingsley, Mr. Medeiros, Mrs. Poage and Mr. Yellin  
Nays: None  
Abstain: None  
Absent: None

**ADJOURNMENT**

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

**(10:01 p.m.)**

**Approved: July 9, 2019**

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

