

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD MAY 7, 2019**

CALL TO ORDER

At 7:05 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
Mrs. Poage
Mr. Yellin
Mayor Devanney

The following Council members were absent:

Mr. Medeiros

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.

Mayor Devanney read a statement written by Mr. Young regarding his daughter, Annie, who passed away this week. The Mayor asked everyone to observe a moment of silence in remembrance of Anne Young.

PROCLAMATION

Chestnut Tree and Fire Department

The Mayor read a Proclamation which publically recognized Chief Anthony Padovano and the members of the Berkeley Heights Fire and Police Departments, and Kevin Sullivan and his staff at Chestnut Tree Experts for their support and compassion in resolving the "cat in a tree call".

National Nursing Home Week

The Mayor read a Proclamation which publically recognized Autumn Lake Healthcare of Berkeley Heights and proclaimed May 12-18, 2019 as Nursing Home week.

CONFERENCE SESSION

Mast Construction Update

Mayor Devanney confirmed that this has been postponed until the next meeting.

Fire Department Presentation

Mr. Uanis and Mr. Schaumberg of the Berkeley Heights Fire Department shared a presentation outlining the department's proposed incentive plan to help with their retention. There was a discussion following the presentation.

Mayor Devanney called Mr. DeMassi to the podium and noted that he will be replacing Judge Bogosian, who has retired. Mr. DeMassi introduced himself and said a brief thank you.

New Voting Machines Presentation

Ms. Dirado, the administrator of the Union County Board of Elections, spoke about the new voting machines which will be rolled out throughout the county. She had a new machine on hand and demonstrated how to use it. There was a brief discussion following the demonstration.

TOWNSHIP COUNCIL REPORTS

Mr. Bavoso reported on the following topics:

- Communications Committee

Mr. Couto reported on the following topics:

- Free Market Town-wide Garage Sale
- Mother's Day Run
- Art for the Park Event
- Voter Registration Deadline
- Census Meeting

Mrs. Kingsley reported on the following topics:

- Downtown Beautification Committee

Mrs. Poage reported on the following topics:

- Planning Board Training

Mrs. Poage also noted the events she recently attended as well as those she plans to attend.

Mr. Yellin reported on the following topics:

- Veterans Memorial Committee
- Littel-Lord Farmstead
- Volunteer Responder Incentive Protective Act

Mr. Yellin also noted the upcoming events he will attend.

ADMINISTRATION REPORTS

Mayor Devanney discussed the following topics:

- Vegan Fest
- Concerns with NJ Transit Gladstone Line
- Director/Senior Staff Meeting
- Community Day at Mary Kay McMillin
- Recycling Task Force Survey
- Berkeley Heights Senior Club Meeting

Mayor Devanney also highlighted the events she recently attended.

Ms. Viana provided updates from the following departments:

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

Ms. Viana also spoke about the upcoming census.

Approval of Township Council and Administration Reports

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

Result: Approved

APPROVAL OF MINUTES

Approval of Minutes - **Public Meeting – December 4, 2018**

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

Result: Approved

Approval of Minutes - **Public Meeting – December 18, 2018**

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

Abstain: Mr. Yellin
Absent: Mr. Medeiros

Result: Approved

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE:

Public Hearing and Final Adoption of Ordinance Introduced on April 23, 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.

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

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

Mr. D’Aquila of 85 Whitney Drive asked if the agreement contains a clause regarding payment obligation in the event the County were to cancel. Mr. Dowd responded.

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

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

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

Result: Adopted

HEARING ON AGENDA ITEMS ONLY

Opening of the Hearing on Agenda Items Only

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

Mr. Sincaglia of 22 Robbins Avenue referenced Agenda item #5 and asked for clarification on the location of the property. Mrs. Kingsley responded. Mr. Sincaglia asked that going forward when Block and Lot are referenced we also include the location of a property. Mayor Devanney responded.

Closing of the Hearing on Agenda Items Only

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

APPROVAL OF RESOLUTIONS

1. Resolution approving Bill List dated May 7, 2019 in the amount of \$319,790.51.

Approval of Resolution

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

Result: Approved

2. Resolution appointing John De Massi to the position of Municipal Judge of the Township of Berkeley Heights, for an unexpired three-year term of May 6, 2019 through December 31, 2020.

Approval of Resolution

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

Result: Approved

3. Resolution approving the Mayor's Special Task Force on Commuter Parking & Access Task Force.

**Township Council Minutes
Public Meeting – May 7, 2019**

Mrs. Kingsley spoke briefly about the resolution noting that they will be looking for members to join the task force. Ms. Viana and Mayor Devanney explained how residents can apply.

Approval of Resolution

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

Result: Approved

4. Resolution authorizing amending the 2019 temporary appropriations.

Approval of Resolution

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

Result: Approved

5. Resolution authorizing the Planning board to undertake an investigation to determine whether Block 702, Lot 18 within the Township constitutes a non-condemnation area in need of redevelopment.

Approval of Resolution

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

Result: Approved

6. Resolution approving the expansion of the Plenary Retail Consumption License #2001-36-014-001, Connell Hospitality LLC, premises, located at 250 Connell Drive.

(THIS RESOLUTION WAS PULLED FROM THE AGENDA)

7. Resolution authorizing incremental payments to Epic management, Inc. as redeveloper of Block 608, Lots 1 and 4, and Block 504, Lots 5 and 6, including portions of the Columbus Avenue right-of-way and the Berkeley Avenue right-of-way (municipal complex project) for its share of project cost savings under the redevelopment agreement.

Mrs. Kingsley provided a brief explanation of the resolution.

Approval of Resolution

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

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-c)

- a. Resolution authorizing the Tax Collector to refund the following 2019 tax overpayment:
 1. Corologic Centralized Refunds 59 Park Avenue \$1,866.07
 2. Corologic Centralized Refunds 149 Cornell Avenue \$511.25
 3. Glen Ver Spill, Jr. 215 Garfield Street \$1,916.26
- b. Resolution appointing Aidan Pidane to the Junior Fire Division of the Berkeley Heights Volunteer Fire Department.
- c. Resolution appointing Christopher Zheng to the Junior Fire Division of the Berkeley Heights Volunteer Fire Department.

Approval of Consent Agenda Resolutions #8 a-c

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

Result: Approved

Mayor Devanney and Council noted the change in the meeting dates. Mayor Devanney provided an explanation for the change in the date.

CITIZENS HEARING

Opening of the Citizens Hearing

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

**Township Council Minutes
Public Meeting – May 7, 2019**

Mr. Faecher of 107 Emerson Lane spoke in depth and at length raising concerns about the Connell presentation and proposed changes for their property. He asked Council to take these concerns into account when they review the Connell proposal and negotiate in the best interest of the Township. He specifically cited considerations, including the current tax appeal under way, impacts of the current liquor license proposal, impact on the next round of affordable housing, and the impact on services such as the fire department.

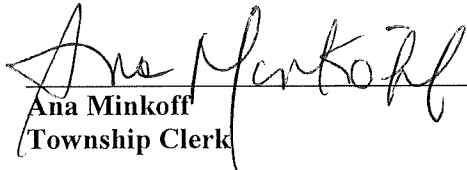
Closing of the Citizens Hearing

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

ADJOURNMENT

Moved by Mr. Couto to adjourn and all were in favor.
(8:40 p.m.)

Approved: July 23, 2019



Ana Minkoff
Township Clerk